

# Wollongong Local Environmental Plan No 38 (1984 EPI 107)

[1984-107]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 10 December 2004

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New South Wales

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# Wollongong Local Environmental Plan No 38 (1984 EPI 107)



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Wollongong Local Environmental Plan No 38*.

### 2 Land to which plan applies

- (1) Except as provided by subclause (2), this plan applies to land within the City of Wollongong, as shown on the map, with boundaries as indicated on the map.
- (2) This plan does not apply to land shown uncoloured, edged heavy black and marked “Deferred” on the map, being land excluded from the operation of this plan pursuant to section 68 (5) of the Act.
- (3) This plan does not apply to land to which *City of Wollongong Local Environmental Plan 1990* applies.

### 3 Relationship to other environmental planning instruments

This plan repeals the environmental planning instruments referred to in clause 4.

### 4 Repeal of previous environmental planning instruments

The following environmental planning instruments are repealed:

- (a) the *Illawarra Planning Scheme Ordinance*, to the extent to which that Ordinance applies to the land to which this plan applies,
- (b) such other deemed environmental planning instruments and other local environmental plans as immediately before the appointed day applied to the land to which this plan applies, but only to the extent to which those instruments and plans applied to that land.

### 5 Arrangement

This plan is divided as follows:

Part 1—Preliminary—cll 1-9.

Part 2—General restrictions on development of land—cll 10, 11.

Part 3—Special provisions—cll 12-37.

Schedules.

## 6 Aims, objectives and strategy

- (1) The aim of this plan is to provide a framework for land use management in the City of Wollongong to achieve the following objectives:
  - (a) to protect the environment from degradation and despoliation by protecting environmentally sensitive areas from development, and minimizing adverse impacts of urban development on both the built and natural environment,
  - (b) to protect and improve the quality of life and the social well-being and amenity of local residents, and
  - (c) to encourage economic diversification and growth of the business and industrial base to increase employment.
- (2) The strategy whereby this plan aims to achieve the objectives referred to in subclause (1) is:
  - (a) to control development generally in relation to the various zones depicted on the map, and
  - (b) to control particular types of development, and development in particular zones, by means of the development standards contained in this plan.
- (3) (Repealed)

## 7 Interpretation

- (1) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:

**appointed day** means the day on and from which this plan takes effect.

**caravan park** means a place used for the accommodation of caravans or other movable dwellings, within the meaning of section 288A of the [Local Government Act 1919](#).

**Community centre** means a building or place used to provide facilities comprising or relating to any one or more of the following, namely, rest rooms, meeting rooms, indoor recreation, social functions, childminding, cultural activities and any other like purpose.

**Cottage Industry** means an activity carried out under the following circumstances:

- (a) the activity is carried out within a dwelling or the curtilage of a dwelling occupied by the person carrying on the activity or on land adjoining the land occupied by that person,
- (b) activity does not occupy a floor space exceeding 50 square metres,
- (c) the activity causes minimal interference to the amenity of the neighbourhood by reason of the emission of noise, vibration or waste products of any kind, including liquid and gaseous waste,
- (d) the activity is generally in character with the scale and ambience of other activities within the neighbourhood,
- (e) any goods offered for sale have been either produced as a result of carrying out the activity or relate directly to the activity,
- (f) there are never more than three people employed in carrying out the activity who do not live in the dwelling within which the activity is carried out.

**council** means the Council of the City of Wollongong.

**demolition**, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of that building or work, in whole or in part.

**existing holding** means a parcel of land, whether comprising one or more lots or portions, existing in one ownership:

- (a) in the case of land within a water catchment area—as at 6 September 1974, or
- (b) in any other case—as at 30 April 1971.

**floor space ratio**, in relation to a building, means the ratio of the gross floor area of the building to the site area of the allotment on which the building is or is proposed to be erected.

**heavy industry** means an industry other than an extractive industry, home industry, light industry, offensive or hazardous industry or rural industry.

**holiday cabin** means a dwelling-house used for the provision of holiday accommodation only, being one of a group of dwelling-houses erected on an allotment of land, or allotments of land, in the same ownership.

**home employment** means an occupation which is carried on in a dwelling, or within the curtilage of a dwelling-house or residential flat building, by the permanent residents of the dwelling and which does not involve:

- (a) the employment on the premises of persons other than those residents,

- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited to indicate the name and occupation of those residents).

**item of the environmental heritage** means a building, work, relic or place which is:

- (a) described in Schedule 1, and
- (b) situated on land shown edged blue on the map and with the letter “H” superimposed thereon,

and includes a building, work, relic or place:

- (c) which is described in a resolution made by the council pursuant to clause 30, and
- (d) the location of which is marked on a map in accordance with that clause.

**large dwelling** means a dwelling, the gross floor area of which exceeds 90 square metres.

**leisure area** means a building or place used for the purpose of a picnic ground, walking trail, camping ground or information centre, whether used for the purpose of gain or not, but does not include a showground, playing field, racecourse, swimming pool, bowling green, golf course, caravan park or a building or place elsewhere specifically defined in this subclause.

**light industrial retail outlet** means a shop:

- (a) which is used in conjunction with a light industry or warehouse, and
- (b) which is situated in the building in which the light industry or warehouse is located, and
- (c) which has a retail area the gross floor area of which does not exceed:
  - (i) 40 per cent of the gross floor area occupied by the shop and the light industry or warehouse in conjunction with which the shop is used, or
  - (ii) 250 square metres,whichever is the lesser, and
- (d) in which are sold only such goods as have been assembled, manufactured or warehoused on the land on which the shop is situated.



**medium dwelling** means a dwelling, the gross floor area of which exceeds 60 square metres but does not exceed 90 square metres.

**motor showroom** means a building or place used for the display or sale of motor vehicles, caravans, boats or trailers, whether or not motor vehicle accessories, caravan accessories, boat accessories or trailer accessories are sold or displayed therein or thereon.

**multi-purpose building** means a building containing both dwellings and commercial premises or shops the prime purpose of which is to cater for tourists.

**professional consulting rooms** means a room or a number of rooms forming either the whole of or part of, or attached to or within the curtilage of, a dwelling house or residential flat building and used by not more than 3 legally qualified medical practitioners or by not more than 3 dentists within the meaning of the [Dentists Act 1934](#), or by not more than 3 health care professionals, who practise therein the profession of medicine, dentistry or health care, respectively, and, if more than one, practise in partnership, and who employ not more than 3 employees in connection with that practice.

**recreation area** means a children's playground, an area used for sporting activities or sporting facilities, an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community or an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes, but does not include racecourses and showgrounds.

**relic** means any deposit, object or material evidence relating to the settlement of land to which this plan applies, including Aboriginal habitation, prior to 1 January 1900, or prior to such other date as may be determined by resolution of the council.

**renovation**, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair, or the painting, plastering or other decoration, of the outside of the building or work.

**small dwelling** means a dwelling, the gross floor area of which does not exceed 60 square metres.

**stable** means a building used for the purpose of accommodating horses or other similar quadrupeds.

**the map** means the series of maps marked "Wollongong Local Environmental Plan No

38", as amended by the maps marked as follows:

*Wollongong Local Environmental Plan No 45*

*Wollongong Local Environmental Plan No 48*

*Wollongong Local Environmental Plan No 52*

*Wollongong Local Environmental Plan No 53*

*Wollongong Local Environmental Plan No 55*

*Wollongong Local Environmental Plan No 56*

*Wollongong Local Environmental Plan No 57*

*Wollongong Local Environmental Plan No 58*

*Wollongong Local Environmental Plan No 59*

*Wollongong Local Environmental Plan No 60*

*Wollongong Local Environmental Plan No 61*

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*Wollongong Local Environmental Plan No 180*

*Wollongong Local Environmental Plan No 181*

*Wollongong Local Environmental Plan No 182*

*Wollongong Local Environmental Plan No 183*

*Wollongong Local Environmental Plan (Sheets 1-6) 188*

**utility installation** means a building or work used by a public utility undertaking or a building or work used by a public or private communication undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

- (2) In this plan, except in so far as the context or subject-matter otherwise indicates or requires, a reference:
- (a) to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
  - (b) to a building or place elsewhere specifically defined in subclause (1) includes a reference to a building or place specifically defined in clause 4 (1) of the [Environmental Planning and Assessment Model Provisions 1980](#),
  - (c) to a map is a reference to a map deposited in the office of the council, and
  - (d) to land within a zone specified in clause 10 is a reference to land shown on the map in the manner indicated in that clause as the means of identifying land of the zone so specified.

## **8 Adoption of model provisions**

- (1) The [Environmental Planning and Assessment Model Provisions 1980](#) (the definitions of

**home occupation, map, motor showroom, professional consulting rooms** and **utility installations** in clause 4 (1), and clauses 25, 30, 33, 35 (c) and 36, excepted) are adopted for the purposes of this plan.

- (2) A reference in the definitions of **commercial premises, recreation establishment** and **shop** in clause 4 (1) of the *Environmental Planning and Assessment Model Provisions 1980*, to clause 4 of those provisions shall be construed as including a reference to clause 7 (1) of this plan.

## 9 Consent authority

The council shall be the consent authority for the purposes of this plan.

## Part 2 General restrictions on development of land

### 10 Zones indicated on the map

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 1 (a) (Rural “A” Zone)—coloured light brown.

Zone No 1 (b) (Rural “B” Zone)—coloured light brown with black edging and lettered 1 (b).

Zone No 1 (f) (Rural (Forest) Zone)—coloured light brown with black edging and lettered 1 (f).

Zone No 2 (a) (Residential “A” Zone)—coloured light scarlet.

Zone No 2 (b) (Residential “B” Zone)—coloured light scarlet with black edging and lettered 2 (b).

Zone No 2 (c) (Residential “C” (High Density) Zone)—coloured light scarlet with black edging and lettered 2 (c).

Zone No 2 (d) (Residential “D” (Special) Zone)—coloured light scarlet with black edging and lettered 2 (d).

Zone No 2 (e) (Residential “E” (Living Area) Zone)—coloured light scarlet with black edging and lettered 2 (e).

Zone No 2 (f) (Village Zone)—coloured light scarlet with black edging and lettered V.

Zone No 3 (a) (General Business Zone)—coloured light blue.

Zone No 3 (b) (Peripheral Business Zone)—coloured light blue with black edging and lettered 3 (b).

Zone No 3 (c) (Regional Business Zone)—coloured light blue with black edging and lettered 3 (c).

Zone No 3 (d) (Neighbourhood Business Zone)—coloured dark blue.

Zone No 4 (a) (Light Industrial Zone)—coloured purple.

Zone No 4 (b) (Heavy Industrial Zone)—coloured purple with black edging and lettered 4 (b).

Zone No 4 (c) (Extractive Industrial Zone)—coloured purple with black edging and lettered 4 (c).

Zone No 4 (d) (Offensive or Hazardous Industrial Zone)—coloured purple with black edging and lettered 4 (d).

Zone No 5 (a) (Special Uses Zone)—coloured yellow.

Zone No 5 (b) (Special Uses Zone)—coloured blue-purple.

Zone No 6 (a) (Open Space—Recreation Zone)—coloured dark green.

Zone No 6 (b) (Open Space—Private Recreation Zone)—coloured dark green with yellow edging.

Zone No 6 (c) (Open Space—Tourism Zone)—coloured dark green with black edging and lettered 6 (c).

Zone No 7 (a) (Environmental Protection (Wetland) Zone)—coloured orange with heavy black edging and lettered 7 (a).

Zone No 7 (c) (Environmental Protection (Water Catchment) Zone)—coloured orange with black edging and lettered 7 (c).

Zone No 7 (d) (Environmental Protection (Scenic) Zone)—coloured orange with black edging and lettered 7 (d).

Zone No 7 (e) (Environmental Protection (Escarpment) Zone)—coloured orange with black edging and lettered 7 (e).

Zone No 7 (f) (Environmental Protection (Foreshore Protection) Zone)—coloured orange with black edging and lettered 7 (f).

Zone No 7 (g) (Environmental Protection (Living Area) Zone)—coloured orange with black edging and lettered 7 (g).

Zone No 7 (h) (Environmental Protection (Hacking River) Zone)—coloured orange with black edging and lettered 7 (h).

Zone No 8 (a) (National Parks and Nature Reserves Zone)—uncoloured with dark green edging.

Zone No 8 (b) (State Recreation Areas Zone)—uncoloured with dark green edging and lettered 8 (b).

Zone No 9 (a) (Special Uses Reservation Zone)—coloured yellow with green edging.

Zone No 9 (b) (Arterial Roads Reservation Zone)—coloured by red and white bands between broken black lines or by red and white bands between a firm black line and a broken black line.

Zone No 9 (c) (Local Roads Reservation Zone)—coloured grey between broken black lines or grey between a firm black line and a broken black line.

Zone No 9 (d) (Open Space Reservation Zone)—coloured light green.

#### **10A Zone objectives and development control table**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
  - (a) development may be carried out without development consent,
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

#### **Zone No 1 (a) (Rural “A” Zone)**

##### **1 Objectives of zone**

The objectives are:

- (a) to provide a rural atmosphere on the outskirts of the city and to act as a reservoir from which land suitable for urban development can be drawn



to cater for natural urban growth, and

- (b) to allow agricultural pursuits which are not likely to:
  - (i) inhibit or prejudice the present environmental quality or future development potential of the land, and
  - (ii) lead to a demand for further public services or render them more difficult or expensive to provide once urban development takes place.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

## **4 Prohibited**

Boarding-houses; bulk stores; car repair stations; commercial premises; industries (other than extractive industries, home industries or rural industries); motor showrooms; professional consulting rooms; residential flat buildings; service stations; shops; units for aged persons; warehouses.

## **Zone No 1 (b) (Rural “B” Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to provide a rural atmosphere on the outskirts of the city and to act as a reservoir from which land suitable for urban development can be drawn to cater for natural urban growth,
- (b) to allow agricultural pursuits which are not likely to:
  - (i) inhibit or prejudice the present environmental quality or future development potential of the land, or
  - (ii) lead to a demand for further public services or render them more difficult or expensive to provide once urban development takes place, and
- (c) to prevent the establishment of traffic generating development along arterial roads.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

## **4 Prohibited**

Boarding-houses; bulk stores; caravan parks; car repair stations; clubs; commercial premises; drive-in theatres; gas holders; general stores; generating works; helipads; heliports; holiday cabins; hospitals; hotels; industries (other than extractive industries or home industries); junk yards; liquid fuel depots; motels; motor showrooms; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation facilities; refreshment rooms; residential flat buildings; roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; units for aged persons; warehouses.

### **Zone No 1 (f) (Rural (Forest) Zone)**

#### **1 Objectives of zone**

The objectives are to provide for forestry activity and certain other compatible land uses to be carried out with the consent of the council.

#### **2 Without development consent**

Forestry.

#### **3 Only with development consent**

Leisure areas; roads; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

### **Zone No 2 (a) (Residential "A" Zone)**

## **1 Objectives of zone**

The objectives are:

- (a) to provide land primarily for detached housing with private gardens in an environment free from commercial and other unsympathetic activities and buildings, and
- (b) to allow some diversity of housing type at densities comparable to those of detached housing.

## **2 Without development consent**

Dwelling-houses.

## **3 Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

## **4 Prohibited**

Advertising structures; boarding-houses; bulk stores; car repair stations; caravan parks; clubs; commercial premises; drive-in theatres; gas holders; general stores; generating works; helipads; heliports; holiday cabins; hotels; industries; institutions; junk yards; leisure areas; liquid fuel depots; mines; motels; motor showrooms; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation areas; recreation establishments; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.

## **Zone No 2 (b) (Residential “B” Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to cater for a wide range of housing types essentially domestic in scale and character, and
- (b) to allow for increases in residential density and for urban consolidation in appropriate locations.

## **2 Without development consent**

Dwelling-houses.

## **3 Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

## **4 Prohibited**

Advertising structures; bulk stores; car repair stations; clubs; commercial premises; drive-in theatres; gas holders; generating works; helipads; heliports; hotels; industries (other than home industries); institutions; junk yards; leisure areas; liquid fuel depots; mines; motor showrooms; places of assembly; public buildings; recreation areas; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.

### **Zone No 2 (c) (Residential “C” (High Density) Zone)**

#### **1 Objectives of zone**

The objective is to allow for high density residential development close to the regional centre.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

#### **4 Prohibited**

Advertising structures; bulk stores; car repair stations; caravan parks; clubs; commercial premises; gas holders; generating works; helipads; heliports; holiday cabins; hotels; industries; institutions; junk yards; leisure areas; liquid fuel depots; mines; motor showrooms; places of assembly; public buildings; recreation areas; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stables; stock and sale yards; taverns; timber yards; tourist facilities (other than

motels); transport terminals; warehouses.

## **Zone No 2 (d) (Residential “D” (Special) Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to provide opportunities for the development of small scale business and other activities operated in conjunction with dwellings, and
- (b) to allow the transition of areas from residential to other uses whilst protecting the amenity of the neighbouring inhabitants.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

### **4 Prohibited**

Advertising structures; commercial premises (other than those having a gross floor area not exceeding 25 square metres); drive-in theatres; gas holders; generating works; helipads; heliports; hospitals; industries (other than home industries or light industries specified in Schedule 3); institutions; junk yards; leisure areas; liquid fuel depots; mines; recreation areas; road transport terminals; roadside stalls; sawmills; shops (other than those specified in Schedule 2, those which are light industrial retail outlets or those having a gross floor area not exceeding 25 square metres); stock and sale yards.

## **Zone No 2 (e) (Residential “E” (Living Area) Zone)**

### **1 Objectives of zone**

The objective is to allow new residential estates to be developed taking full advantage of changing demand for different kinds of housing and other activities.

### **2 Without development consent**

Dwelling-houses.

### **3 Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

### **4 Prohibited**

Advertising structures; bulk stores; car repair stations; caravan parks; commercial premises (other than those specified in Schedule 4); drive-in theatres; gas holders; generating works; helipads; heliports; holiday cabins; industries (other than home industries or light industries specified in Schedule 3); institutions; junk yards; liquid fuel depots; mines; motor showrooms; roadside stalls; sawmills; shops (other than those specified in Schedule 5); stock and sale yards; timber yards; transport terminals (other than bus stations); warehouses.

## **Zone No 2 (f) (Village Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to preserve the small scale and generally residential character of distinct village areas, and
- (b) to allow for some non-residential uses where these are compatible with neighbouring land uses whilst protecting the amenity of neighbouring inhabitants.

### **2 Without development consent**

Dwelling-houses.

### **3 Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

### **4 Prohibited**

Advertising structures; bulk stores; drive-in theatres; helipads; heliports; industries (other than home industries or light industries); institutions; junk yards; liquid fuel depots; mines; mineral sand mines; motor showrooms;

sawmills; stock and sale yards; timber yards; transport terminals; warehouses.

### **Zone No 3 (a) (General Business Zone)**

#### **1 Objectives of zone**

The objectives are to focus and consolidate retail and business development in accessible locations.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

#### **4 Prohibited**

Boarding-houses; bulk stores; caravan parks; drive-in theatres; gas holders; generating works; helipads; heliports; holiday cabins; hospitals; industries (other than home industries or light industries specified in Schedule 3); institutions; junk yards; liquid fuel depots; mines; roadside stalls; sawmills; stables; stock and sale yards; transport terminals (other than bus stations).

### **Zone No 3 (b) (Peripheral Business Zone)**

#### **1 Objectives of zone**

The objective is to allow for land intensive business, excluding convenience establishments, to locate close to, or peripherally to, general business.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

#### **4 Prohibited**

Boarding-houses; gas holders; general stores; generating works; helipads; heliports; hospitals; industries (other than home industries or light industries); institutions; liquid fuel depots; roadside stalls; sawmills; shops (other than those specified in Schedule 2 or 6); stock and sale yards.

### **Zone No 3 (c) (Regional Business Zone)**

#### **1 Objectives of zone**

The objective is to promote the growth of the Wollongong Central Business District as the regional centre.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

#### **4 Prohibited**

Agriculture; boarding-houses; bulk stores; caravan parks; drive-in theatres; gas holders; generating works; helipads; heliports; holiday cabins; hospitals; industries (other than home industries or light industries specified in Schedule 3); institutions; junk yards; liquid fuel depots; mines; motor showrooms; roadside stalls; sawmills; stables; stock and sale yards; timber yards; transport terminals (other than bus stations); warehouses.

### **Zone No 3 (d) (Neighbourhood Business Zone)**

#### **1 Objectives of zone**

The objectives are to allow for businesses and neighbourhood activities which serve the local community and are limited in scale.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

#### **4 Prohibited**

Boarding-houses; bulk stores; caravan parks; drive-in theatres; gas holders; generating works; helipads, heliports; holiday cabins; hospitals; industries (other than home industries or industries specified in Schedule 3); institutions; junk yards; liquid fuel depots; mines; motor showrooms; roadside stalls; sawmills; stables; stock and sale yards; timber yards;



transport terminals (other than bus stations); warehouses.

## **Zone No 4 (a) (Light Industrial Zone)**

### **1 Objectives of zone**

The objective is to cater for a wide range of manufacturing and service activities which will not have a detrimental effect on the amenity of nearby residents.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

### **4 Prohibited**

Boarding-houses; caravan parks; clubs; commercial premises; dwellings (other than those used in conjunction with industry and situated on the land on which the industry is located); educational establishments; gas holders; generating works; helipads; heliports; holiday cabins; hospitals; hotels; industries (other than home industries or light industries); institutions; mines; motels; motor showrooms; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation establishments; refreshment rooms; roadside stalls; sawmills; shops (other than those specified in Schedule 2); taverns; tourist facilities.

## **Zone No 4 (b) (Heavy Industrial Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to provide suitable areas for those industrial enterprises which should be kept well away from residential neighbourhoods, and
- (b) to make the best use of public utilities and infrastructure required by substantial enterprises.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

### **4 Prohibited**

Boarding-houses; caravan parks; clubs; commercial premises; dwellings (other than those used in conjunction with industry and situated on the land on which the industry is located); educational establishments; heliports; holiday cabins; hospitals; hotels; institutions; motels; motor showrooms; offensive or hazardous industries; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation areas; recreation establishments; recreation facilities; refreshment rooms; roadside stalls; shops (other than those specified in Schedule 2); stock and sale yards; taverns; tourist facilities.

## **Zone No 4 (c) (Extractive Industrial Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to manage the extractive resources of the city in a co-ordinated manner so as to meet community needs while ensuring that adverse impacts on the environment and the community are minimal, and
- (b) to ensure that development proposals for land containing extractive resources are assessed in relation to the potential problem of rendering those resources unavailable.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Advertising structures; agriculture; drainage; extractive industries; forestry; landfill; mines; roads; stables; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

## **Zone No 4 (d) (Offensive or Hazardous Industrial Zone)**

### **1 Objectives of zone**

The objective is to provide suitable areas for those industrial enterprises of a noxious or hazardous nature which should be kept well away from residential neighbourhoods.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Advertising structures; drainage; liquid fuel depots; offensive or hazardous industries; roads; utility installations.

### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

## **Zone No 5 (a) (Special Uses Zone)**

### **1 Objectives of zone**

The objective is to cater for the provision of community and public facilities and services.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

The particular purpose indicated by black lettering on the map; purposes ancillary or incidental to such a purpose; drainage; roads; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

## **Zone No 5 (b) (Special Uses Zone)**

**1 Objectives of zone**

The objective is to maintain land for railway purposes.

**2 Without development consent**

Nil.

**3 Only with development consent**

Car parking; drainage; open space; railways; roads; utility installations (other than gas holders or generating works).

**4 Prohibited**

Any purposes other than a purpose for which development may be carried out only with development consent.

**Zone No 6 (a) (Open Space—Recreational Zone)**

**1 Objectives of zone**

The objectives are:

- (a) to identify area where recreation facilities for the general use of the community for active and passive recreation are provided, and
- (b) to cater for the development of a wide range of facilities of benefit to neighbourhood communities.

**2 Without development consent**

Public parks and reserves.

**3 Only with development consent**

Advertising structures; agriculture; caravan parks; child care centres; clubs; community centres; drainage; drillgrounds; forestry; golf courses; holiday cabins; leisure areas; playgrounds; racecourses; recreation areas; recreation facilities; refreshment rooms; roads; showgrounds; sports areas; surf life saving clubs; swimming pools; utility installations (other than gas holders or generating works).

**4 Prohibited**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be

carried out only with development consent.

## **Zone No 6 (b) (Open Space—Private Recreation Zone)**

### **1 Objectives of zone**

The objective is to identify areas where private recreation facilities are and may be developed.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Advertising structures; agriculture; bowling greens; caravan parks; clubs; drainage; dwellings used in conjunction with a purpose for which development consent is required and situated on the land on which development for that purpose is carried out; golf courses; holiday cabins; leisure areas; racecourses; recreation areas; recreation establishments; recreation facilities; roads; stables; training tracks; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

## **Zone No 6 (c) (Open Space—Tourism Zone)**

### **1 Objectives of zone**

The objective is to identify areas and encourage tourist oriented development in designated tourism precincts.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Advertising structures; agriculture; boarding-houses; bus stations; car parking; caravan parks; child care centres; clubs; commercial premises specified in Schedule 7 (contained within a multi-purpose building); community centres; drainage; dwellings (contained within a multi-purpose building); educational establishments (excluding schools, colleges, technical

colleges or academies); holiday cabins; home employment; hotels; leisure areas; motels; places of assembly; recreation areas; recreation facilities; refreshment rooms; residential flat buildings; retail plant nurseries; roads; service stations; shops specified in Schedule 7 (contained within a multi-purpose building); stables; taverns; tourist facilities; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

### **Zone No 7 (a) (Environmental Protection (Wetland) Zone)**

#### **1 Objectives of zone**

The objective is to protect environmentally important lands possessing special aesthetic, ecological or conservational value.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Agriculture (other than animal breeding, boarding or training establishments, buildings used in conjunction with agriculture, feed-lots or stables); utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

### **Zone No 7 (c) (Environmental Protection (Water Catchment) Zone)**

#### **1 Objectives of zone**

The objective is to identify and protect land forming part of the catchment areas of the city water supply.

#### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose associated with the protection and provision of stored water supplies; any purpose ordinarily incidental to or subsidiary to such purposes; agriculture; drainage; dwelling-houses; extractive industries; forestry; home employment; mines; open space; roads; stables; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

## **Zone No 7 (d) (Environmental Protection (Scenic) Zone)**

### **1 Objectives of zone**

The objectives are to identify and protect areas regarded as having special scenic qualities of the environment which enhance the visual amenity.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Agriculture; animal breeding; boarding or training establishments; buildings used in conjunction with agriculture; caravan parks; coal mines (and any purpose ordinarily incidental or subsidiary to coal mining); dams; drainage; dwelling-houses; feed-lots; holiday cabins; home employment; leisure areas; roads; stables; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

## **Zone No 7 (e) (Environmental Protection (Escarpment) Zone)**

### **1 Objectives of zone**

The objectives are to identify and protect the escarpment areas which enhance the visual amenity and possess special aesthetic or conservational value.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Agriculture (other than animal breeding, boarding or training establishments or feed-lots); buildings used in conjunction with agriculture; coal mines (and any purpose ordinarily incidental or subsidiary to coal mining); cottage industries; dams; drainage; dwelling-houses; home employment; leisure areas; roads; stables; utility installations (other than gas holders or generating works).

## **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

### **Zone No 7 (f) (Environmental Protection (Foreshore Protection) Zone)**

#### **1 Objectives of zone**

The objectives are to identify and protect the foreshore environment which enhances the visual amenity and possesses ecological or conservational value.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Agriculture (other than animal breeding, boarding or training establishments, buildings used in conjunction with agriculture, feed-lots or stables); dams; drainage; leisure areas; roads; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

### **Zone No 7 (g) (Environmental Protection (Living Area) Zone)**



### **1 Objectives of zone**

The objective is to cater for residential development in selected areas possessing special environmental qualities or which may be affected by environmental hazards.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose for which development is prohibited.

### **4 Prohibited**

Advertising structures; boarding-houses; bulk stores; car repair stations; caravan parks; clubs; commercial premises; general stores; generating works; helipads; heliports; holiday cabins; hotels; industries (other than home industries or cottage industries); institutions; junk yards; leisure areas; liquid fuel depots; mines; mineral sand mines; motels; motor showrooms; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation areas; recreation establishments; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; rural worker's dwellings; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.

## **Zone No 7 (h) (Environmental Protection (Hacking River) Zone)**

### **1 Objectives of zone**

The objectives are to identify and protect the conservation value of the relatively pristine tributaries of the Hacking River Catchment, and thereby safeguard the natural qualities of the area to complement the Royal National Park.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Agriculture (other than animal breeding, boarding or training establishments or feed lots); buildings used in conjunction with agriculture; caravan parks; coal mining (and any purpose ordinarily incidental or subsidiary to coal

mining); dams; drainage; dwelling-houses; holiday cabins; home employment; leisure areas; roads; stables; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

### **Zone No 8 (a) (National Parks and Nature Reserves Zone)**

#### **1 Objectives of zone**

The objectives are to preserve and manage national parks and nature reserves for conservational and recreational purposes.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any purpose authorized under the [National Parks and Wildlife Act 1974](#); any purpose ordinarily incidental to or subsidiary to such a purpose.

#### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

### **Zone No 8 (b) (State Recreation Areas Zone)**

#### **1 Objectives of zone**

The objectives are to preserve and manage State recreation areas for conservation and recreational purposes.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Coal mining (and any purpose ordinarily incidental or subsidiary to coal mining); any purpose authorised under the [National Parks and Wildlife Act 1974](#).

#### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

### **Zone No 9 (a) (Special Uses Reservation Zone)**

#### **1 Objectives of zone**

The objectives are:

- (a) to ensure that land required for future essential services and community purposes is clearly designated,
- (b) to provide for the acquisition of land within the zone,
- (c) to permit the development of land within the zone where it is not immediately required, and
- (d) to allow the continued use of land within the zone until it is required.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

The particular purpose indicated by black lettering on the map; any purpose ordinarily incidental or subsidiary to such a purpose; drainage; open space; roads; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose for which development may be carried out only with development consent.

### **Zone No 9 (b) (Arterial Roads Reservation Zone)**

#### **1 Objectives of zone**

The objectives are:

- (a) to ensure that land required for future arterial roads is clearly designated,
- (b) to provide for the acquisition of land within the zone,
- (c) to permit the development of land within the zone where it is not

immediately required, and

(d) to allow the continued use of land within the zone until it is required.

**2 Without development consent**

Arterial roads; widening of existing arterial roads.

**3 Only with development consent**

Drainage; utility installations (other than gas holders or generating works).

**4 Prohibited**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

**Zone No 9 (c) (Local Roads Reservation Zone)**

**1 Objectives of zone**

The objectives are:

(a) to ensure that land required for future local roads is clearly designated,

(b) to provide for the acquisition of land within the zone,

(c) to permit the development of land within the zone where it is not immediately required, and

(d) to allow the continued use of land within the zone until it is required.

**2 Without development consent**

Local roads; widening of existing local roads.

**3 Only with development consent**

Drainage; utility installations (other than gas holders or generating works).

**4 Prohibited**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

**Zone No 9 (d) (Open Space Reservation Zone)**

## **1 Objectives of zone**

The objectives are:

- (a) to ensure that land required for future open space is clearly designated,
- (b) to provide for the acquisition of land within the zone,
- (c) to permit the development of land within the zone where it is not immediately required, and
- (d) to allow the continued use of land within the zone until it is required.

## **2 Without development consent**

Public parks and reserves.

## **3 Only with development consent**

Advertising structures; agriculture; caravan parks; child care centres; clubs; community centres; drainage; drillgrounds; forestry; golf courses; holiday cabins; leisure areas; playgrounds; racecourses; recreation areas; recreation facilities; refreshment rooms; roads; showgrounds; sports areas; surf life saving clubs; swimming pools; utility installations (other than gas holders or generating works).

## **4 Prohibited**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

## **11 Additional development in various zones**

Notwithstanding clause 10A, a person may, with the consent of the council, carry out development on land referred to in Column 1 of Schedule 8 for a purpose specified in Column 2 shown opposite that land, subject to any requirements specified in Column 3 shown opposite that land being met.

## **Part 3 Special provisions**

### **12 Subdivision**

Except as otherwise provided by this plan, subdivision of land to which this plan applies may be carried out only with development consent.

**13 Subdivision of land within Zone No 1 (a), 1 (b), 7 (a), 7 (c), 7 (d), 7 (e) or 7 (h)**

- (1) The Council shall not consent to the subdivision of land within Zone No 1 (a) or 1 (b) unless each allotment of land to be created by the subdivision will have an area of not less than 40 hectares.
- (2) The Council shall not consent to the subdivision of land within Zone No 7 (a), 7 (c), 7 (d), 7 (e) or 7 (h) unless each allotment of land to be created by the subdivision has an existing dwelling-house upon it.
- (3) Notwithstanding subclauses (1) and (2), the Council may consent to the subdivision of land within the Zone No 1 (a), 1 (b), 7 (a), 7 (c), 7 (d), 7 (e) or 7 (h) so as to create an allotment with an area of less than 40 hectares, or an allotment upon which there is no existing dwelling-house, if the Council is satisfied that the allotment is intended to be used for a purpose (other than agriculture or a dwelling-house) for which it may be used without or only with the consent of the Council under this plan.

**14 Dwelling-houses in Zone No 1 (a), 1 (b), 7 (c), 7 (d), 7 (e) or 7 (h)**

- (1) The Council shall only consent to the erection of a dwelling-house on an allotment within Zone No 1 (a), 1 (b), 7 (c), 7 (d), 7 (e) or 7 (h) if the allotment:
  - (a) is an existing holding:
    - (i) which has an area of not less than 10 hectares, and
    - (ii) upon which no dwelling-house is situated,
  - (b) is an allotment:
    - (i) which was created after 30 April 1971, and
    - (ii) which has an area of not less than 20 hectares, or
  - (c) is an allotment which was created after the appointed day:
    - (i) by a subdivision approved by the Council not more than 2 years before that day, or
    - (ii) by a subdivision carried out in accordance with this plan,and if the Council is satisfied that:
  - (d) adequate vehicular access will be provided to the site of the proposed dwelling-house or dwelling,
  - (e) the erection of the proposed dwelling-house, or the creation of the proposed dwelling, on the allotment will not constitute ribbon development along an arterial or main road, and

(f) the proposed dwelling-house or dwelling will be provided with an adequate water supply.

(2) Notwithstanding subclause (1), the Council may consent to the erection, on an allotment of land within Zone No 1 (a) or 1 (b):

(a) of a second or subsequent dwelling-house, where one or more dwelling-houses is or are situated on that allotment, or

(b) of 2 or more dwelling-houses, where no dwelling-house is situated on that allotment,

if it is satisfied that the proposed dwelling-house or dwelling-houses will be occupied by the owner of the allotment or by persons employed by that owner for the purpose of carrying on agriculture on that allotment, or on land adjoining that allotment.

(3) Notwithstanding subclause (1), the Council may consent to the creation of a dwelling in accordance with clause 15 of the *Environmental Planning and Assessment Model Provisions 1980* on an allotment within Zone No 1 (a), 1 (b), 7 (c), 7 (d), 7 (e) or 7 (h).

(4) The Council may, as a condition of its consent to the erection of a dwelling-house on an allotment of land within Zone No 1 (a), 1 (b), 7 (a), 7 (c), 7 (e) or 7 (h), require the owner of that allotment to consolidate the allotment with any other adjacent allotment owned by him or her.

## 15 Residential density control

The council shall not consent to the carrying out of development for the purposes of a dwelling-house or a residential flat building on a site within a zone specified in Column 1 of the Table to this clause unless the site area is not less than the sum of the areas calculated by multiplying the number of small, medium and large dwellings contained in the building by the areas specified in relation to those dwellings opposite that zone in Columns 2, 3 and 4 of that Table, respectively.

### Table

Column 1	Column 2	Column 3	Column 4
Zone	Area in respect of small dwellings (in square metres)	Area in respect of medium dwellings (in square metres)	Area in respect of large dwellings (in square metres)
2 (b)	100	160	210
2 (c)	45	60	80
2 (d)	100	160	210
2 (e)	100	160	210

## 16 Floor space ratios

A person shall not, upon an allotment of land within a zone specified in Column 1 of the Table to this clause, erect a building with a floor space ratio that exceeds the ratio specified opposite that zone in Column 2 of that Table.

### Table

<b>Column 1</b>	<b>Column 2</b>
<b>Zone</b>	<b>Ratio</b>
2 (a)	0.6:1
2 (b)	0.65:1
2 (c)	1.45:1
2 (d)	0.6:1
2 (e)	0.6:1
2 (f)	0.6:1
3 (a)	1.5:1
3 (b)	0.5:1
3 (c)	3.5:1
3 (d)	0.75:1
6 (c)	1.5:1

## 17 Dwellings in Zone No 2 (a), 2 (b), 2 (e), 2 (f), 3 (a), 3 (b), 3 (c), 3 (d) or 6 (c)

- (1) A person shall not erect a second or subsequent dwelling-house on an allotment of land within Zone No 2 (a), 2 (b), 2 (e) or 2 (f) on which 1 or more dwelling-houses are situated except with development consent.
- (2) The council shall not consent to the carrying out of development for the purposes of a dwelling in Zone No 3 (a), 3 (b), 3 (c), 3 (d) or 6 (c) unless:
  - (a) where there is, or is to be, only 1 dwelling contained in the building concerned—that dwelling is situated behind or above commercial premises or a shop, or
  - (b) where there is, or is to be, more than 1 dwelling contained in the building concerned—those dwellings are situated above commercial premises or a shop.

## 18 Development in Zone No 2 (d)

- (1) Except as provided in subclause (2), the council shall not consent to the carrying out



of development on an allotment of land within Zone No 2 (d) for a purpose, other than a dwelling-house or a residential flat building, permissible pursuant to clause 10A, unless there is a dwelling-house or a dwelling erected on, or proposed to be erected on the allotment of land.

(2) The council may disregard subclause (1) where:

- (a) the allotment of land shares no common property boundary with an allotment on which there is erected a dwelling-house or a residential flat building, and
- (b) it is satisfied that the amenity of local residents will not be adversely affected by the carrying out of the proposed development.

### **19 Site coverage on industrial land**

(1) This clause applies to land within Zone No 4 (a), 4 (b), 4 (c), or 4 (d).

(2) A person shall not, on an allotment of land to which this clause applies, erect a building which occupies more than 70 per cent of the site area of the allotment.

### **19A Development in Zones Nos 6 (a) and 9 (d)**

The council shall not consent to the carrying out of development on land within Zone No 6 (a) or 9 (d), being land owned or controlled by the council, unless consideration has been given to:

- (a) the need for the proposed development on the land,
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

### **20 Development in Zone No 7 (c)**

(1) The council shall not grant consent for a purpose permissible pursuant to clause 10A in Zone No 7 (c) except with the concurrence of the Metropolitan Water Sewerage and Drainage Board.

(2) In deciding whether concurrence as referred to in subclause (1) should be granted, the Metropolitan Water Sewerage and Drainage Board shall take into consideration the likelihood of waters in the water catchment area concerned being polluted as a result of the carrying out of the proposed development.

### **21 Set-backs in Zone No 1 (a), 1 (b), 7 (a), 7 (c), 7 (d), 7 (e) or 7 (h)**

A person shall not, on land within Zone No 1 (a), 1 (b), 7 (a), 7 (c), 7 (d), 7 (e) or 7 (h):

- (a) erect a building, or

- (b) carry out development for the purposes of any industry,  
closer than 20 metres to the nearest alignment of an arterial road or main road.

## **22 Land clearing**

A person shall not carry out land clearing on land within Zone No 1 (a), 1 (b), 7 (a), 7 (c), 7 (d), 7 (e), 7 (f), 7 (g) or 7 (h) except with development consent.

## **23 Buildings on land in Zone No 9 (d)**

A person shall not erect any building or carry out any work upon an allotment of land within Zone No 9 (d) except with development consent.

## **24 Community use of educational establishments**

Notwithstanding any other provision of this plan, a person may, with development consent, carry out development for any community purpose (including development for the purposes of a meeting room, public hall, public library or recreation facility), whether for the purpose of gain or not, upon an allotment of land upon which development for the purposes of an educational establishment is carried out.

## **25 Extractive industries**

The council shall not consent to the carrying out of development for the purposes of an extractive industry on any land unless it is satisfied that adequate provision has been made for the rehabilitation of that land and, where development for those purposes is carried out on adjoining land by the applicant for that consent, for the rehabilitation of the adjoining land.

## **26 Liquid fuel depots**

- (1) The council shall not consent to the carrying out of development for the purposes of a liquid fuel depot having an above-ground storage capacity of more than 500 kilolitres except with the concurrence of:
  - (a) the Minister for the time being administering the *Dangerous Goods Act 1975*, and
  - (b) where any part of the land upon which the development is proposed to be carried out is situated below the mean high water mark—the Minister for the time being administering the *Maritime Services Act 1935*.
- (2) In deciding whether concurrence as referred to in subclause (1) should be granted:
  - (a) the Minister for the time being administering the *Dangerous Goods Act 1975*, shall take into consideration the effect of the proposed development upon the safety of persons and premises in the vicinity of the land on which the development is proposed to be carried out, and

- (b) the Minister for the time being administering the *Maritime Services Act 1935*, shall take into consideration the effect of the proposed development upon the safety of shipping and harbour-side activities in the vicinity of that land.

#### **26A Ports within Zone No 5 (a)**

The word “PORT”, where appearing on the map in relation to land within Zone No 5 (a), indicates that development may be carried out on that land, as referred to in clause 10 (b), for any one or more of the following purposes:

- (a) the loading of goods onto ships and the unloading of goods from ships,
- (b) the storage of goods that are mainly to be loaded onto ships or that have been mainly unloaded from ships,
- (c) industry that produces mainly goods to be loaded onto ships or that uses mainly goods that have been unloaded from ships,
- (d) any other purpose that is ancillary to or compatible with any of the purposes referred to in paragraph (a), (b) or (c).

#### **27 Caravan parks**

The council shall not consent to the carrying out of development for the purposes of a caravan park on an allotment of land unless:

- (a) the allotment has:
  - (i) an area of not less than 2 hectares,
  - (ii) a landscaped area of not less than 10 per cent of the site area of the allotment, and
  - (iii) where the allotment has frontage to an arterial road or main road—frontage to that road of not less than 200 metres, and
- (b) each caravan site on the allotment has an area of not less than 100 square metres.

#### **28 Advertising structures**

- (1) Notwithstanding clause 10A, a person may erect an advertising structure with the consent of the council:
  - (a) in the case of land within Zone No 1 (a) or 1 (b)—only if the advertising structure is used for displaying an advertisement indicating a purpose for which the land may be lawfully used, or for indicating the location of tourist facilities or places of scientific, historic or scenic interest,
  - (b) in the case of an advertising structure erected on land within Zone No 3 (a), 3 (b), 3 (c), 3 (d), 4 (a), 4 (b), 4 (c) or 4 (d)—whether or not the advertising structure

exhibits an advertisement related to the use of the land on which it is situated, or

- (c) in the case of any other zone where an advertising structure is permissible with the consent of the council, only if the advertising structure is used for the purpose of displaying an advertisement indicating a purpose for which the land may be lawfully used,

subject to the council being satisfied that the advertising structure will not interfere with the amenity of the area, or pose a hazard to passing vehicular traffic.

- (2) Notwithstanding clause 10A, and subclause (1), a local authority may erect an advertising structure, with the consent of the council, on land other than land within Zone No 1 (a) or 1 (b), if the advertising structure indicates the location of tourist facilities or places of scientific, historic or scenic interest and the council is satisfied that the advertising structure will not interfere with the amenity of the area, or pose a hazard to passing vehicular traffic.

## **29 Services**

The council shall not consent to the carrying out of development on any land to which this plan applies unless:

- (a) a water supply, and facilities for the removal or disposal of sewage and facilities for drainage are available to that land, or
- (b) arrangements satisfactory to the Metropolitan Water Sewerage and Drainage Board have been made for the provision of that supply and those facilities.

## **30 Other items of the environmental heritage adopted by the council**

- (1) The council may, by resolution, adopt a schedule of buildings, works, relics or places which in the opinion of the council is a list of items of the environmental heritage.
- (2) Each item included in the schedule adopted under subclause (1) shall be clearly described in the resolution and its location marked on a plan, and a copy of both the resolution and the plan shall be available at the office of the council for inspection by the public during the office hours of the council.
- (3) Before adopting a schedule referred to in subclause (1) the council shall give notice of the proposal to adopt the schedule and of the items to be included in that schedule:
- (a) in a newspaper circulating throughout the area, and
- (b) to each person who appears to the council to be an owner or occupier of land upon which an item included in the schedule is situated.
- (4) The council shall, forthwith after adopting a schedule of items under subclause (1):
- (a) cause notice of the adoption of the schedule to be published in a newspaper

circulating throughout the area, and

- (b) give notice in writing of the adoption of the schedule to each person who appears to the council to be an owner or occupier of land upon which an item included in the schedule is situated.

### **31 Items of the environmental heritage: conservation**

- (1) A person shall not, in respect of a building, work, relic or place that is an item of the environmental heritage:
  - (a) demolish or renovate the building or work,
  - (b) damage or despoil the relic or place, or any part of the relic or place,
  - (c) excavate any land for the purpose of exposing or removing the relic, or
  - (d) carry out any development upon the land on which the building, work or relic is situated or upon the land which comprises that place,except with the consent of the council.
- (2) The council shall not grant consent pursuant to subclause (1) in respect of an item of the environmental heritage unless it has made an assessment of:
  - (a) the significance of the item as an item of the environmental heritage of the City of Wollongong,
  - (b) the extent to which the carrying out of development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item or its site,
  - (c) whether any stylistic or horticultural features of the item or its site should be retained, and
  - (d) whether the item constitutes a danger to the users or occupiers of that item or to the public.
- (3) The council shall not grant consent pursuant to subclause (1) in relation to the renovation of a building that is an item of the environmental heritage, unless it has made an assessment of:
  - (a) the colour, texture, style, size and type of finish of any materials to be used on the exterior of the building and the effect which the use of those materials will have on the appearance of the exterior of the building and of any other building in its vicinity,
  - (b) the style, size, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development, and

- (c) the pitch and form of the roof, if any.

### **32 Development near items of the environmental heritage**

The council shall not consent to the carrying out of development in the vicinity of an item of the environmental heritage unless it has made an assessment of the extent to which the carrying out of development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item or its site.

### **33 Development incentives relating to items of the environmental heritage**

- (1) The council may, when considering an application to erect a building on an allotment of land on which is situated a building which is an item of the environmental heritage, exclude from its calculations of the gross floor area of the buildings erected and to be erected on the allotment the gross floor area of the building which is an item of the environmental heritage:

- (a) for the purpose of determining the floor space ratio in respect of the allotment, and
- (b) for the purpose of determining the number of parking spaces to be provided on the site,

but only if, in the opinion of the council, that action will achieve the conservation and enhancement of the item.

- (2) Nothing in this plan prevents the council from granting consent to the use for any purpose of a building which is an item of the environmental heritage or of the land on which that building is situated where the council is satisfied that:
  - (a) the use would have little or no adverse effect on the amenity of the area, and
  - (b) conservation of the item depends on the council granting consent in pursuance of this clause.

### **34 Advertisement of certain applications**

- (1) The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
  - (a) development carried out on land within Zone No 2 (e) for any purpose other than that of a dwelling-house,
  - (b) development for the purposes of a residential flat building,
  - (c) the demolition of a building or work that is an item of the environmental heritage, and

(d) the use of a building or land referred to in clause 33 (2) for a purpose which, but for clause 33, would be prohibited under this plan,

in the same manner as those provisions apply to and in respect of designated development.

- (2) For the purposes of subclause (1), section 84 (4) of the Act shall be construed as if the reference therein to an environmental impact statement were omitted.
- (3) Subclause (1) (c) does not apply to the partial demolition of a building or work where, in the opinion of the council, the partial demolition is of a minor nature and does not adversely affect the significance of the building or work as an item of the environmental heritage.

### **35 Contributions etc under section 94 of the Act**

As a consequence of the carrying out of development in accordance with this plan (as in force at the time the development is carried out), this plan identifies a likely increased demand for public amenities and public services (as specified in Schedule 9) and stipulates that dedication or a contribution under section 94 (1) of the Act, or both, may be required as a condition of any consent to that development.

### **36 Acquisition of land within Zone No 9 (a), 9 (b), 9 (c) or 9 (d)**

- (1) The owner of land within Zone No 9 (a), 9 (b), 9 (c), or 9 (d) may, by notice in writing, require:
  - (a) in the case of land within Zone No 9 (a), 9 (c) or 9 (d)—the council or the public authority for which the land has been reserved, and
  - (b) in the case of land within Zone No 9 (b)—The Commissioner for Main Roads, to acquire the land.
- (2) On receipt of a notice referred to in subclause (1), the council, public authority or the Commissioner, as the case may be, shall acquire the land.
- (3) Notwithstanding clause 10A, land which is within a zone referred to in subclause (1) may be developed for any purpose with the consent of the council.
- (4) The council shall not grant consent as referred to in subclause (3) to the development of land to be acquired by a public authority under subclause (2) other than itself unless it obtains the concurrence of the public authority which is to acquire that land.
- (5) The council may, in granting consent in accordance with subclauses (3) and (4), apply conditions requiring:
  - (a) the removal of the building or work for which it has granted consent,

- (b) the reinstatement of the land or removal of any waste materials or refuse, or
- (c) compliance with any condition requested by the public authority in granting its concurrence,

with or without the payment of compensation by the council.

- (6) In considering whether to grant concurrence under subclause (4), the public authority concerned shall take into consideration:
  - (a) the effect of the proposed development on the costs of acquisition, and
  - (b) the imminence of acquisition.

### **37 Suspension of certain laws etc**

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act:
  - (a) section 314 (1) (c) of, and Schedule 7 to, the *Local Government Act 1919*, and
  - (b) the operation of any agreement, covenant or instrument (except any agreement, covenant or instrument made by the council or to which the council is a party) which purports to impose restrictions on the carrying out of development on land to which this plan applies,to the extent necessary to serve that purpose, shall not apply to any such development.
- (2) Pursuant to section 28 of the Act, before the making of this plan:
  - (a) the Governor approved of subclause (1), and
  - (b) the Minister for Local Government concurred in writing in the recommendation for the approval of the Governor of subclause (1) (a).

## **Schedule 1 Items of the environmental heritage**

(Clause 7 (1))

### **Stanwell Park**

Hill Crest, Railway Crescent, Stanwell Park.

### **Bulli**

Bulli Family Hotel, cnr Stokes Lane and Princes Highway, Bulli.

### **Mt Keira**

Mount Keira Demonstration School.



Mount Kembla Mine Disaster Memorial (in the grounds of the Soldiers' and Miners' Memorial Church, Cordeaux Road, Mt Kembla).

### **Wollongong**

St Michael's Cathedral, Market and Church Streets, Wollongong.

Belmore Basin and Lighthouse, Wollongong.

Little Milton, 31-33 Smith Street, Wollongong.

Drill Hall, Cliff Road, Wollongong.

Wye Lodge, 61-63 Smith Street, Wollongong.

Museum, 11 Market Street, Wollongong.

Court House, Market Street, Wollongong.

Rodger Therry House, 30 Bukari Street, Wollongong.

### **Dapto**

Horsley (including outbuildings, garden and curtilage), Bong Bong Road, West Dapto.

Marshall Mount (including barn), Marshall Mount Road, West Dapto.

Osborne Memorial Anglican Church of St Luke (including old church), Prince Edward Drive, Dapto.

Avondale (homestead and garden setting), Avondale Road, West Dapto.

Penrose (formerly Penrose Villa—including outbuildings, garden and curtilage), Princes Highway, Dapto.

## **Schedule 2 Shops**

(Clause 10A)

Confectionery shops.

Delicatessens.

Milk bars.

Newsagencies.

Take-away food shops.

## **Schedule 3 Light industries**

(Clause 10A)

Boot and shoe repairs.

Bread, cake and pastry manufacture.

Carpentry and joinery.

Dental mechanics.

Dressmaking and garment manufacture.

Drycleaning, dye processing and laundering.

Electrical home appliance repairs.

Electrician's industries.  
Instrument repairs.  
Insulation contractors' industries.  
Locksmithing.  
Office machine and equipment repairs.  
Painting.  
Photographic studio and film developing industries.  
Plumbing.  
Printing.  
Radio and television mechanic's industries.  
Saddlery and leathersgoods manufacture.  
Sheltered workshop industries.  
Signwriting.  
Tailoring.  
Tool sharpening and grinding.  
Upholstery.  
Any other light industry of a like kind.

#### **Schedule 4 Commercial premises**

(Clause 10A)

Banks.  
Building society offices.  
Finance company offices.  
Insurance offices.  
Post offices.  
Professional chambers.  
Real estate offices.  
Totalizator Agency Board offices.  
Travel agencies.  
Any other commercial premises of a like kind.

#### **Schedule 5 Shops**

(Clause 10A)

Beauty salons.  
Bread, cake and pastry shops.  
Butchers' shops.  
Chemists' shops.  
Clothing shops.  
Confectionery shops.  
Delicatessens.  
Drapery shops.  
Dry cleaning shops.  
Fish shops.  
Florists' shops.  
Footwear shops.  
Fruit and vegetable shops.

Furniture shops.  
Gift shops.  
Grocery shops.  
Hairdressing salons.  
Hardware shops.  
Health foods shops.  
Laundrettes.  
Milk bars.  
Musical instruments shops.  
Newsagencies.  
Optical goods shops.  
Pet shops.  
Photographic shops.  
Sporting equipment shops.  
Take-away food shops.  
Tobacconists' shops.  
Travel goods shops.  
Wine and spirit merchants' shops.  
Any other shops of a like kind.

### **Schedule 6 Shops in Zone No 3 (b)**

(Clause 10A)

Shops, showrooms, etc, used for the sale of:

Air conditioning and refrigeration equipment and parts.  
Boat and marine supplies and equipment.  
Builders' supplies and equipment.  
Furniture and floor coverings.  
Home decorating fixtures.  
Industrial or agricultural equipment and machinery.  
Landscaping supplies.  
Medical and surgical supplies and equipment.  
Office equipment and supplies.  
Swimming pools and outdoor recreational equipment.  
Any other shop of a like kind to the above.

### **Schedule 7 Commercial premises and shops in Zone No 6 (c)**

(Clause 10A)

Shops or commercial premises listed in this Schedule, forming part of a multi-purpose building, having

a total gross floor area of not greater than 50 per cent of the site area or 500 square metres, whichever is the lesser:

Bank and building society agencies.

Beauty salons.

Book and card shops.

Ceramics, crafts, glass or pottery shops.

Chemists' shops.

Dry cleaning agencies.

Florists' shops.

Gift shops.

Hairdressing salons.

Laundrettes.

Newsagencies.

Photographic shops.

Post office or postal agencies.

Souvenir shops.

Tobacconists' shops.

Travel agencies.

Travel goods shops.

Tourist information centres.

Wine and spirit merchants shops.

Any other shop or commercial premises that the council is satisfied will primarily cater for tourists.

## **Schedule 8 Additional development in various zones**

(Clause 11)

### **Column 1**

Portions 74, 76 and 160 and lots 2 and 3, DP 250566, Princes Highway, Darkes Forest.

### **Column 2**

Golf Resort

### **Column 3**

The concurrence of the Department and the Metropolitan Water Sewerage and Drainage Board to the development being obtained by the council prior to granting consent.

<p>Lot 2, DP 541421, Plateau Road, Stanwell Tops.</p>	<p>33 dwellings under Strata Title on 32 × 0.4 hectare lots and 1 × 6.4 hectares lot.</p>	<p>Arrangements satisfactory to the Metropolitan Water Sewerage and Drainage Board having been made for the provision of a water supply to the land.</p>
<p>Lot 1, DP 540338, Kanahooka Road, Dapto.</p>	<p>4 dwelling-houses each on a separate allotment of land.</p>	
<p>Lots 1 and 2, DP 393350 and lot 10, DP 23883, Albert Street, Corrimal.</p>	<p>Motel</p>	
<p>Part lot 381, DP 36684 Cummins Street, Unanderra, as shown edged heavy black on the map marked "<i>Wollongong Local Environmental Plan No 51</i>" deposited in the office of the council.</p>	<p>Child care centre; community centre (being a building or place used to provide facilities comprising or relating to any one or more of the following, namely, rest rooms, meeting rooms, indoor recreation, social functions, child minding, cultural activities, and any other like purpose).</p>	
<p>Part Lot 102, DP 573267, Short Street, Corrimal, as shown edged heavy black on the map marked "<i>Wollongong Local Environmental Plan No 49</i>".</p>	<p>Child care centre; community centre (being a building or place used to provide facilities for or ancillary to rest rooms, community meeting rooms, indoor recreation, social functions, child minding, cultural activities, or any other like purpose).</p>	
<p>Part of unnumbered lot in DP 388474, Rothery Street, as shown edged heavy black on the map marked "<i>Wollongong Local Environmental Plan No 50</i>" deposited in the office of the council.</p>	<p>Child care centre; community centre (being a building or place used to provide facilities comprising or relating to any one or more of the following, namely, rest rooms, meeting rooms, indoor recreation, social functions, child minding, cultural activities, and any other like purpose).</p>	
<p>Land in the vicinity of Northcliffe Drive and the Princes Highway, Kembla Grange, as shown edged heavy black on the map marked "<i>Wollongong Local Environmental Plan No 55</i>".</p>	<p>One motel; refreshment rooms; stable hand quarters; taverns.</p>	

Lots 1-4, DP 225021, Rixons Pass Road, Russell Vale, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 69</i> ".	Coal washery refuse emplacement area.	
Part portion 333 in the vicinity of Lawrence Hargrave Drive, Helensburgh, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 62</i> ".	Concrete batching plant.	
Part of an unnumbered lot, Mount Ousley Road, Mount Ousley, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 83</i> ".	Educational establishment (being a building used as a school college, technical college, academy, lecture hall, gallery or museum, but not including a building used wholly or principally as an institution or childcare centre).	
Part of lot 1, DP 737087 Pharlap Avenue, Kembla Grange, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 103</i> ".	Commercial premises, shops and industries which are ancillary to equestrian activities (eg veterinary surgeries, saddleries, farriers, produce stores).	
All land comprising the Illawarra Escarpment State Recreation Area.	Holiday cabins.	Development to be in accordance with the provisions of the Illawarra Escarpment State Recreation Area Plan of Management under the <a href="#">National Parks and Wildlife Act 1974</a> .
Part lot 2, DP 604541, and part lot 2 DP 585049, north of Brokers Road, Balgownie, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 119</i> ".	Tourist Mine and ancillary facilities (including tourist accommodation and a restaurant and convention centre).	
Lots 77-79, DP 10927 King Street, Warrawong.	Hospital.	
Lots 4 and 5, DP 29329, Princes Highway, Russell Vale, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 129</i> ".	Joint Coal Board offices and ancillary development.	
Lot 34, DP 561012, Mt Brown Road, Dapto, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 128</i> ".	Masonic lodge, temple and associated facilities.	

Lot 15, TCC 3774, corner of Lawrence Hargrave Drive and Old Coast Road, Stanwell Park, as shown edged heavy black on the map marked "*Wollongong Local Environmental Plan No 134*".

Tea rooms and craft shop.

Lot 1, DP 371098, and lot 72, DP 730911, Morrison Avenue, Wombarra, as shown edged heavy black on the map marked "*Wollongong Local Environmental Plan No 145*".

Subdivision for the purpose of boundary adjustment.

Lot 1, DP 235692, Northcliffe Drive, Kembla Grange, as shown edged heavy black on the map marked "*Wollongong Local Environmental Plan No 146*".

Television station.

Lot 1, DP 719865, Squires Way, Fairy Meadow, as shown edged heavy black on the map marked "*Wollongong Local Environmental Plan No 152*".

Hotel/convention centre and business and technology complex.

Lot 1, DP 62538, and lots 2, 3 and 4, DP 72257, corner Stewart and Kembla Streets, Wollongong, as shown edged heavy black on the map marked "*Wollongong Local Environmental Plan No 156*".

Community centres; places of assembly; refreshment rooms.

Lot 2, DP 517460, Yallah Road, Yallah, as shown edged heavy black on the map marked "*Wollongong Local Environmental Plan No 147*".

Light engineering works, mini-mix concrete batching plant and associated facilities.

Part Portions 90 and 91, south of Rixons Pass Road, Russell Vale, as shown edged heavy black on the map marked "*Wollongong Local Environmental Plan No 154*".

Creation of 3 lots and erection of one dwelling on each of 2 of the lots created; golf course; coal-wash emplacement area.

So much of the land bounded by Beatson, Glebe, Beach and Corrimal Streets, Wollongong, as is shown edged heavy black on map marked "*Wollongong Local Environmental Plan No 144*".

Motor showroom.

Lot 1, DP 62538 and Lots 2, 3 and 4, DP 72257, corner of Stewart and Kembla Streets, Wollongong, as shown edged heavy black on the map marked <i>Wollongong Local Environmental Plan No 163</i> .	Licensed premises, being premises in respect of which a licence of any kind is either proposed to be sought, or has been issued, under the <i>Liquor Act 1982</i> authorising the sale of liquor on or from those premises.
Lots 2 and 3, DP 701213, Kanahooka Road, Dapto, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 149</i> ".	15 dwelling-houses each on a separate parcel of land having a minimum area of 4000 square metres.
Part Portion 90 and Part Portion 108, Kemblawarra as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No</i> "	Sand mining
Lot 7, DP 255721, Investigator Drive, Unanderra, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 176</i> ".	Place of public worship.
Part of lots 5 and 6, DP 717741, Princes Highway, Yallah, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 180</i> ".	Tourist-related light industries.
Lots 2 and 3, DP 701213, Kanahooka Road, Dapto, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 186</i> ".	Recreational retirement village for up to 179 units, and museum. Development consent shall not be granted after the expiration of 1 year from the day on which <i>Wollongong Local Environmental Plan No 186</i> takes effect.
Lot 1, DP 630475, Bong Bong Road, West Dapto, as shown edged heavy black on the map marked " <i>Wollongong Local Environmental Plan No 185</i> ".	The excision of an additional lot from the land and erection of a dwelling on that lot.
Lot 2, DP 506516, Darkes Forest Road, Darkes Forest.	Second dwelling.

## Schedule 9 Public amenities and public services

(Clause 35)

Stormwater drainage; construction and landscaping of stormwater and other drainage structures, including drainage swales, retention basins, inlet/outlet systems, culverts and piping systems.

Local Open Space.

Embellishment of Local Open Space.



Community facilities; child care centres, community meeting rooms and youth centres.  
Serviced residential land for community facilities.  
Public car parking and landscaping areas in business and industrial centres, construction and embellishment of public car parks and landscaped areas.  
Traffic management systems.