

# Illawarra Regional Environmental Plan No 1 (1986 EPI 11)

[1986-11]



New South Wales

## Status Information

### Currency of version

Historical version for 16 June 2010 to 6 January 2011 (accessed 19 December 2024 at 16:15)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Does not include amendments by**  
[Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2010 No 119](#) (not commenced — to commence on 7.1.2011)
- **Deemed SEPP**  
From 1 July 2009 this plan is taken to be a State environmental planning policy (see clause 120 of Schedule 6 to the [Environmental Planning and Assessment Act 1979](#)).

### 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 29 November 2010

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New South Wales

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# Illawarra Regional Environmental Plan No 1 (1986 EPI 11)



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Illawarra Regional Environmental Plan No 1*.

### 2 Commencement

This plan shall take effect on and from the day that is 28 days after the date on which this plan is published in the Gazette.

### 3 Aims, objectives etc

The aim of this plan is to maximise the opportunities for the people of the region and the State to meet their individual and community economic and social needs with particular reference to the way in which these needs are related to the allocation, availability, accessibility and management of the region's land resources having regard to the objectives specified in Parts 2-16, by:

- (a) identifying regional planning issues and provisions applicable or potentially applicable:
  - (i) to actual development which may be carried out on land within the region, and
  - (ii) to the overall planning of the region consistent with the policies for draft local environmental plan preparation specified in Part 2-16,
- (b) advising Government, public authorities and other persons in determining the way in which they may:
  - (i) manage their land resources,
  - (ii) exercise their functions,
  - (iii) order their priorities and allocation of their funds in relation to the planning of the region, having regard to the principles specified in Parts 2-16, and
- (c) establishing parameters and controls relating to development, particularly as they

relate to the environmental quality and social well-being of residents of the region.

#### 4 Region to which plan applies

This plan applies to the land, declared to be a region by the Minister under section 4 (6) of the Act, being all land within the Cities of Shellharbour, Shoalhaven and Wollongong and the Municipality of Kiama. This plan does not apply to the land to which the *Jervis Bay Regional Environmental Plan 1996* applies.

#### 5 Relationship to other environmental planning instruments

- (1) In the event of any inconsistency between this plan and any other environmental planning instrument, other than a State environmental planning policy, the provisions of this plan shall, to the extent of the inconsistency, prevail.
- (2) Except as provided by clause 129, nothing in this plan shall be read or construed as authorizing the carrying out of any development that is prohibited in accordance with a provision in any other environmental planning instrument applying to the land.

#### 6 Definitions

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

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

**region** means land within the Wollongong Plain Subregion, the Shoalhaven Subregion and the Tablelands Subregion.

**subregion** means the Wollongong Plain Subregion, the Shoalhaven Subregion or the Tablelands Subregion.

**Shoalhaven Subregion** means the land within the City of Shoalhaven.

**Tablelands Subregion** means the land within the Shire of Wingecarribee.

**Wollongong Plains Subregion** means the land within the City of Wollongong, the Municipality of Shellharbour and the Municipality of Kiama.

**the map** means sheets 1-17 of the map marked “*Illawarra Regional Environmental Plan No 1*” the original of which is deposited in the office of the Department and a copy of which is deposited in the office of each consent authority as amended by the maps so deposited and marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 14)—Sheet 2,*



*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 126)—Sheet 2.*

## **7 Model Provisions**

- (1) Clauses 4 and 6 of the *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan.
- (2) For the purposes of subclause (1), a reference in clause 4 of the *Environmental Planning and Assessment Model Provisions 1980* to a local environmental plan shall be read and construed as a reference to a regional environmental plan.

## **8 Consent authority**

In this plan, the consent authority is, in respect of:

- (a) land within the City of Shoalhaven—the Shoalhaven City Council,
- (b) land within the City of Wollongong—the Wollongong City Council,
- (c) land within the Municipality of Kiama—the Kiama Municipal Council,
- (d) land within the Municipality of Shellharbour—the Shellharbour Municipal Council, and
- (e) land within the Shire of Wingecarribee—the Wingecarribee Shire Council.

## **9 Preparation of draft local environmental plans**

A consent authority shall, in the preparation of a draft local environmental plan, give effect, in so far as is possible, to the objectives, policies and principles specified in Parts 2-16.

## **10 Consultation with a public authority**

Where a provision of this plan requires that a consent authority consult with a public authority before determining a development application, the consent authority may determine the application if the public authority has not responded within a period of 28 days after receipt by it of notice of such an application.

# **Part 2 Provisions relating to rural lands**

## **Division 1 Objectives relating to rural lands**

### **11 Objectives**

The objectives relating to rural lands are:

- (a) to retain the productive capacity of prime crop and pasture lands,
- (b) to protect valuable natural environments, as identified on sheets 1-10, 14, 15 and 17 of the map,

- (c) to provide for wildlife movement between major protected wildlife habitats,
- (d) to effectively manage the development of rural lands having regard to flood potential, bushfire risks, salinisation, soil degradation, erosion and weed infestation,
- (e) to allow for the development of small rural holdings in appropriate locations,
- (f) to prevent uneconomic demand for State Government services,
- (g) to allow for future urban expansion,
- (h) to retain the scenic attributes of rural areas, and
- (i) to provide for developments which by virtue of their character require siting away from urban areas.

## **Division 2 Development applications—rural lands**

### **12, 13 (Repealed)**

### **14 Land supporting rainforest vegetation species**

- (1) This clause applies to land identified on the map as land supporting rainforest vegetation species and to adjacent land, other than land in the control of the National Parks and Wildlife Service or the Forestry Commission.
- (2) A person shall not carry out development for the purposes of forestry on land to which this clause applies without the consent of the consent authority.
- (3) (Repealed)
- (4) A person shall not clear vegetation or remove trees on land to which this clause applies without the consent of the consent authority.
- (5) The consent authority shall not grant consent as referred to in subclause (4) unless it is satisfied that the clearing or tree removal will not have any detrimental effect on the rainforest or rainforest species, or any detrimental effect can be justified by other factors.
- (6) The consent authority must not grant development consent to an application to carry out development on land to which this clause applies unless it is satisfied that:
  - (a) the development will not have a detrimental effect on the rainforest or rainforest species (such as further loss and fragmentation of rainforest species) and will not cause habitat degradation as a consequence of weed infestation, altered hydrological conditions or inappropriate fire regimes, or
  - (b) any effect referred to in paragraph (a) can be justified by other factors.

## **15 Wildlife corridors**

- (1) The consent authority shall not grant consent to the carrying out of development having the effect of bridging, obstructing or otherwise affecting waterways on land shown on the map as a wildlife corridor unless it is satisfied that reasonable opportunities for wildlife movement will be maintained.
- (2) The consent authority must not grant development consent to an application to carry out development on land shown on the map as a wildlife corridor that, in the opinion of the consent authority, will involve significant tree felling or vegetation clearance unless it is satisfied that:
  - (a) the development will be so managed as to not have any long-term detrimental impact on opportunities for wildlife movement, or
  - (b) the development is designed to enhance the retention and augmentation of vegetation native to the area.
- (3) Subclause (2) does not apply to land zoned for urban purposes.

## **Division 3 Draft local environmental plans—rural lands**

### **16 (Repealed)**

### **17 Wildlife corridors**

A draft local environmental plan applying to land shown on the map as wildlife corridor shall not alter the provisions in existing planning instruments applying to the land if, in the opinion of the Director, such new provisions would jeopardise the function of the corridor.

### **18 Valuable natural environments**

A draft local environmental plan applying to land shown on the map as land with landscape or environmental attributes shall be prepared having regard to recommendations contained in the *Illawarra Region Landscape and Environmental Study* published by the Department of Environment and Planning in August 1981.

### **19, 20 (Repealed)**

### **21 Small rural holdings**

- (1) A draft local environmental plan may make provision for small rural holdings, being holdings of less than 40 hectares which are not necessarily to be used for agricultural purposes, provided it does not apply to land identified on the map as:
  - (a) land of prime crop and pasture potential,
  - (b) land supporting rainforest vegetation species,

- (c) wildlife corridor,
- (d) land containing extractive materials,
- (e) land potentially suitable for urban use,
- (f) service corridor,
- (g) airport buffer area,
- (h) escarpment area,

or its effect on such land is of relatively minor significance, or is demonstrated not to be inconsistent with the objectives for that land.

- (2) A draft local environmental plan to provide for small rural holdings shall be prepared only after the consent authority has considered:
  - (a) demand,
  - (b) accessibility,
  - (c) proximity to urban centres,
  - (d) provision of services,
  - (e) bushfire risk, and
  - (f) land capability.
- (3) Subclause (1) does not apply to the land shown edged heavy black (other than the land bounded by a black line edged by a broken line) on Sheet 1 of the map marked "*Illawarra Regional Environmental Plan No 2—Jamberoo Valley*", the original of which is deposited in the office of the Department, copies of which are deposited in the offices of the Councils of the Municipalities of Kiama and Shellharbour.

## **22-26 (Repealed)**

## **27 Multiple occupancy of farms**

- (1) Notwithstanding clause 24, a draft local environmental plan may make provision for multiple occupancy of farms for occupation by people wishing to pursue a communal life style in accordance with the following principles:
  - (a) holdings to which multiple occupancy status is granted have a minimum area of 40 hectares,
  - (b) future subdivision of any holding granted multiple occupancy status is prohibited as long as it retains that status,

- (c) any applicant for multiple occupancy status on a holding made up of more than one parcel, portion or part portion shall at the time of application also make application for consolidation of title,
  - (d) any holding subject to an application for multiple occupancy status must be owned in its entirety in common by at least two-thirds of all adults residing on the land or be otherwise owned on behalf of those persons,
  - (e) approval for multiple occupancy status shall only be granted to those communities on which existing or proposed building densities do not exceed that reasonably required to house one person for each hectare of the holding in question,
  - (f) the likely impact on the environmental attributes of the land is considered,
  - (g) holdings granted multiple occupancy status are used only for permanent residential purposes and should not be used for hotel, motel, caravan park or any other type of holiday, tourist or weekend residential accommodation, and
  - (h) dwellings shall not be situated on prime crop and pasture land.
- (2) In this clause, **multiple occupancy** means development for the purpose of 2 or more dwellings.

## **28 Flood prone lands**

A draft local environmental plan to control development on rural land which has a history of flooding shall be prepared only after the consent authority has, where adequate information exists, identified lands subject to inundation, and considered the need to introduce development standards or other controls in order to ensure that the effects of any flooding or development will be minimal.

## **Division 4**

### **29-31 (Repealed)**

### **Part 3**

### **32-35 (Repealed)**

## **Part 4 Provisions relating to coal**

### **Division 1 Objectives relating to coal**

#### **36 Objectives**

The objectives relating to coal are:

- (a) to ensure that proposed development is assessed in relation to the feasibility of its rendering coal resources unavailable,

- (b) to eliminate haulage of coal on public roads as far as practicable in order to overcome conflict with other road users and the adverse environmental impact of such haulage, and
- (c) to provide guidelines for ensuring coal washery refuse emplacements are located and designed with minimum adverse environmental impact.

## **Division 2 Development applications—coal**

### **37 Coal mines**

The consent authority shall not grant development consent to a new coal mine, the expansion of an existing coal mine or other major coal industry unless it is satisfied that:

- (a) there is a proposed environmentally acceptable mode of transport associated with the development which is, or is capable of being, integrated into a comprehensive system for handling all coal movements within the region, and
- (b) if public road haulage is the only feasible mode of transport, it is restricted to the most environmentally acceptable route.

## **Division 3**

### **38 (Repealed)**

## **Division 4 Principles—coal**

### **39, 40 (Repealed)**

### **41 Coal washery refuse emplacements**

The location and design of coal washery refuse emplacements shall be determined after consideration of the following criteria:

- (a) the emplacement will be stable and will not create any problems of instability in the emplacement area or the underlying foundation material,
- (b) the emplacement will be so designed and managed as to prevent water pollution,
- (c) the coal washery refuse will be placed where it will ultimately blend with the existing landscape or will be placed behind tree screen barriers or berms so as to reduce the visual impact of the emplacement on surrounding areas,
- (d) the emplacement will be adequately compacted and sealed to prevent fire risk,
- (e) the site of the emplacement will be the subject of a progressive revegetation program using species indigenous to the region,
- (f) adequate dust control measures will be employed,

- (g) the manner of emplacement so as to allow future accessibility and resource recovery should there be a demand for the material has been considered,
- (h) the site is not adjacent to urban areas,
- (i) a system of transportation of the coal washery refuse will be utilised which will minimise potential conflicts with public road users and have a minimal adverse environmental impact, and
- (j) the site is the most suitable of a number of alternative sites and that disused quarries and joint user emplacement have been taken into consideration in the selection of the site.

**42 (Repealed)**

**Part 5 Provisions relating to energy**

**Division 1 Objectives relating to energy**

**43 Objectives**

The objectives relating to energy are:

- (a) to ensure that planning decisions take into account the need to safeguard energy resources for future use and to reduce or limit energy use in new development,
- (b) to facilitate, with respect to transport and power generation, a reduction from dependence on petroleum to greater dependence on coal resources, and
- (c) to ensure that planning decisions are made having regard to the need to provide electricity generating and transmission facilities to satisfy present and future needs for electrical energy.

**Division 2 Principles relating to energy**

**44, 45 (Repealed)**

**46 Use of renewable energy resources**

The responsible authorities should, where practicable, facilitate the use of renewable energy resources in new development.

**47 Use of methane gas as energy source**

The use of methane gas as an energy source should be considered in all planning decisions relating to coal industry in the region.

**Part 6**

**48-57 (Repealed)**

## **Part 7 Provisions relating to living areas**

### **Division 1 Objectives relating to living areas**

#### **58 Objectives**

The objectives relating to living areas are:

- (a) to ensure that urban expansion is orderly and efficient having regard to the constraints of the natural environment and that sufficient land is available to prevent price rises resulting from scarcity of land,
- (b) to ensure that new residential land or land for higher density development is only developed where there are adequate utility and community services available or there is a commitment from the relevant authorities or developer to provide those services,
- (c) to provide for a range of lot sizes, dwelling types and tenure forms to cater for varying household needs in all local government areas,
- (d) to ensure that residential development does not take place on hazard-prone lands, and
- (e) to minimise bush fire risks to urban development.

### **Division 2 Development applications—living areas**

#### **59 (Repealed)**

### **Division 3 Draft local environmental plans—living areas**

#### **60 (Repealed)**

#### **61 Extension of villages and small settlements**

Planning for the extension of villages and small settlements should have regard to the following criteria:

- (a) whether at least 50 per cent of the optimum residential development of the existing area zoned for that purpose has been developed,
- (b) whether the type of development proposed cannot be provided in existing larger urban centres,
- (c) whether an assessment of the physical proximity of the area to other small settlements and their capacity to absorb similar development has been made,
- (d) whether preference should be given to the expansion of areas which have been the subject of past subdivision on which development for dwelling-houses is not permitted,



- (e) whether the proximity of the area to subregional urban resources has been considered,
- (f) whether an assessment has been made of the desirability of establishing new small settlements as an alternative to expansion of existing small settlement, and
- (g) whether the need to preserve the character of existing small settlement has been determined.

**62-68 (Repealed)**

**Division 4 Principles—living areas**

**69-71 (Repealed)**

**72 Underground utility services**

The consent authority is encouraged to require undergrounding of all utility services in new residential subdivisions, wherever appropriate and practical.

**73 (Repealed)**

**Part 8 Provisions relating to commercial centres**

**Division 1 Objectives relating to commercial centres**

**74 Objectives**

The objectives relating to commercial centres are:

- (a) to ensure that commercial service centres are developed to suit the convenience of consumers and to optimise private and public investment, and
- (b) to promote shopping and pedestrian amenity in all commercial centres.

**Division 2**

**75 (Repealed)**

**Division 3 Principles—commercial centres**

**76-78 (Repealed)**

**79 Residential uses in business zones**

The consent authority should consider permitting residential uses in mixed development in business zones, above commercial property.

**Parts 9-11**

**80-100 (Repealed)**

## **Part 12 Provisions relating to the escarpment**

### **Division 1 Objective relating to the escarpment**

#### **101 Objective**

The objective relating to the escarpment is to protect the natural environmental and scenic amenity of land shown on the map as escarpment area, while promoting its use for recreational purposes and accommodating the needs of the coal industry.

### **Division 2 Development applications—the escarpment**

#### **102 Escarpment area**

In deciding whether to grant consent to a development application to carry out development of any land shown on the map as escarpment area the consent authority shall:

- (a) consider the visual impact of the proposed development when viewed from a public place, and take such measures that will, in its opinion, minimise any visual impact,
- (b) (Repealed)
- (c) be satisfied that the development will not be subject to slip hazard.

### **Division 3**

#### **103, 104 (Repealed)**

## **Part 13 Provisions relating to coastal lands, wetlands and other water bodies**

### **Division 1 Objectives relating to coastal lands, wetlands and other water bodies**

#### **105 Objectives**

The objectives relating to coastal lands, wetlands and other water bodies are:

- (a) to protect beach systems and conserve their scenic, recreation and natural values,
- (b) to maintain and improve public access to waterways, lakes and the sea front, and
- (c) to protect the productive ecosystems and natural habitats of the region's estuaries, wetlands, lakes and lagoons and their scenic attributes.

### **Division 2 Development applications—coastal lands, wetlands and**

## **other water bodies**

### **106 (Repealed)**

### **107 Development generally**

In deciding whether to grant consent to a development application to carry out development on land adjacent to, or in close proximity to, a lake, lagoon, river or the coast, the consent authority shall take into consideration the need to facilitate public access to the waterfront by requiring dedication of appropriate land, for open space purposes.

### **108 Lake Illawarra Catchment Area**

In deciding whether to grant consent to any application to carry out development of land shown on the map as the Lake Illawarra Catchment Area which in its opinion may have a potential adverse impact on the lake, the consent authority shall:

- (a) consult with the council of any other local government area whose area is partly or wholly within the Lake Illawarra Catchment Area, and
- (b) take into consideration the effect of the proposed development on the water quality and ecology of Lake Illawarra and the need to prevent excessive sedimentation of the lake.

### **109, 110 (Repealed)**

## **Division 3**

### **111-113 (Repealed)**

## **Division 4 Principles—coastal lands, wetlands, and other water bodies**

### **114-116 (Repealed)**

### **117 Lake Illawarra**

- (1) Adequate facilities should be established for monitoring the water quality, especially as it may be affected by industrial fallout, of Lake Illawarra.
- (2) The responsible authorities should, where possible, progressively extend the public ownership of the lake foreshores.

## **Part 14**

### **118-123 (Repealed)**

## **Part 15 Provisions relating to environmental heritage**

### **Division 1 Objectives relating to environmental heritage**

#### **124 Objectives**

The objectives relating to environmental heritage are:

- (a) to encourage the conservation of the environmental heritage of the region, and
- (b) to control the demolition and renovation of items identified by this plan as items of the environmental heritage of the region.

### **Division 2 Development applications—environmental heritage**

#### **125 Definitions**

In this part:

**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.

**item of the environmental heritage** means a building, work, relic, or place of historic, scientific, cultural, social, architectural, archaeological, natural or aesthetic significance described in Schedule 1.

**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.

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

- (a) the making of structural changes to the 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.

#### **126 Conservation of items of the environmental heritage**

- (1) A person shall not, in respect of a building, work, or relic or place that is an item of the environmental heritage:
  - (a) demolish, renovate or extend that building or work,
  - (b) damage or despoil that relic or place or any part of that relic or place,
  - (c) excavate any land for the purpose of exposing or removing that relic,
  - (d) erect a building on the land on which that building, work or relic is situated or the land which comprises the place, or

(e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,

except with the consent of the consent authority.

(2) The consent authority 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 local government area in which the item is situated,

(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 and its site,

(c) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting 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 consent authority shall not grant consent pursuant to subclause (1) 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 these 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.

### **127 Advertising of heritage applications**

(1) Subject to subclause (2), the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:

(a) the demolition of a building or work that is an item of the environmental heritage, and

(b) the use of a building or land referred to in clause 129 (1) for a purpose which, but for that clause, would be prohibited under this plan,

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

- (2) Subclause (1) does not apply to the partial demolition of a building or work where, in the opinion of the consent authority, the partial demolition is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the local government area in which the item is situated.

### **128 Development in the vicinity of an item of the environmental heritage**

The consent authority 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 effect which the carrying out of that development would have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of the environmental heritage and its setting.

### **129 Conservation incentives relating to heritage items**

- (1) Nothing in this plan or any local environmental planning instrument or deemed local environmental plan prevents the consent authority from granting consent to the use for any purpose of a building that is an item of the environmental heritage or of the land on which that building is erected where the consent authority is satisfied that:
- (a) the use would have little or no adverse effect on the amenity of the area, and
  - (b) conservation of the building depends on the consent authority granting consent in pursuance of this subclause.
- (2) The consent authority, when considering an application to erect a building on land upon which there is a building which is an item of the environmental heritage, may exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item of the environmental heritage:
- (a) for the purposes of determining the floor space ratio, and
  - (b) for the purposes of determining the number of parking spaces to be provided on the site,
- but only if the consent authority is satisfied that the conservation of the building depends upon the consent authority granting consent in pursuance of this subclause.

## **Division 3**

### **130 (Repealed)**

## **Division 4 Principles—environmental heritage**

### **131 Illawarra Region Aboriginal Resources Study**

The consent authority and determining authorities shall have regard to the findings and recommendations of the *Illawarra Region Aboriginal Resources Study* published by the Department of Environment and Planning in 1980 when considering development

proposals or activities for the region.

## **Part 16**

### **132-137 (Repealed)**

## **Part 17 Provisions relating to high rise buildings**

### **138 Objectives relating to high rise buildings**

The objectives relating to high rise buildings are:

- (a) to enhance the amenity and design quality of the Wollongong urban centre and of buildings within that centre, and
- (b) to preserve the landscape quality of coastal and foreshore land by encouraging the erection of buildings which are designed in harmony with that landscape.

### **139 Development applications—high rise buildings**

- (1) In this clause, unless the context or subject-matter otherwise indicates or requires:

***ground level*** means natural ground level.

***height***, in relation to a building which has ceilings, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

- (1A) This clause applies to all land in the Wollongong Plain subregion and the Shoalhaven subregion, other than land to which [Wollongong City Centre Local Environmental Plan 2007](#) applies.
- (2) The consent authority must not consent to a development application to erect a building or to alter an existing building by increasing its height, where the building after erection or alteration will have a height of more than 11 metres, without the concurrence of the Director.
- (3) In deciding whether to grant concurrence to a development application in respect of development referred to in subclause (2), the Director shall take into consideration:
  - (a) the height, scale, bulk and density of the proposed building,
  - (b) the external appearance and materials used on the exterior of the proposed building,
  - (c) the relationship of the proposed building to the streetscape or landscape,
  - (d) the effect of the proposed building on public amenity, including pedestrian amenity,

- (e) the effect of the proposed building on wind patterns and wind velocity in public places,
- (f) the effect of the proposed building on overshadowing of public places,
- (g) the effect of the proposed building on views from public places,
- (h) the effect of the proposed building on any item of the environmental heritage in the vicinity, and
- (i) the effect of reflections from the exterior of the proposed building on roads, public places and buildings in the vicinity.

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

(Clause 125)

### **Wollongong Plain Subregion**

Lawrence Hargrave Memorial Park, Otford Drive, Stanwell Park.

Otford Tunnel, Otford.

Railway viaduct, Stanwell Park.

Hill Crest, Railway Crescent, Stanwell Park.

Metropolitan Colliery, Helensburgh:

Power Pylon

Shaft No 1 head frame

Shaft No 2 fan evase

No 4 tunnel (Illawarra Railway)

No 5 tunnel (Illawarra Railway)

Coalcliff Colliery, Coalcliff—entrance portal in cliff.

South Clifton Colliery, Scarborough—power house.

Wyewurk, 3 Craig Street, Thirroul.

Bulli Colliery, Bulli:

Shaft No 1 excluding fan c. 1948 from Nebo

Shaft No 2 original shaft sinking head frame with winding equipment

Old Bulli pit top (portal) 150 ft above present opening

Old Bulli furnace shaft

Site of former Bulli Jetty, including remains of jetty, Sandon Point, Bulli.

Bulli Family Hotel, corner of Stokes Lane and Princes Highway, Bulli.

Former Court House and Police Sergeant's Residence between Farrell and Hopetoun Streets, Princes Highway, Bulli.



Former hotel, 202 Princes Highway, Bulli.

South Bulli Colliery, Russell Vale:

Main portal (S. W. Tunnel 1887)

1918 portal for ventilation

Signal box

Old washery (1960)

Concrete base for ball mill at pit top

Bellambi Creek Dam (to Collins No 1 and No 2 and on to power house) or Charlesworth's Dam

Former mines office.

Corrimal Colliery, Tarrawanna:

Corrimal No 1 Shaft surface structures.

Head frame (No 1)

Winding equipment (No 1)

Ventilating fan (No 1)

Corrimal No 2 Shaft, excluding fans

Corrimal No 2 fan structure

Corrimal incline:

Line of old incline

Line of later incline

Haulage breaking system.

Corrimal Power House.

Corrimal No 2 winding wheel, Corrimal Park, Corrimal.

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

Court House, Market Street, Wollongong.

St Francis Xavier's Church, Harbour Street, Wollongong.

Belmore Basin and Lighthouse, Wollongong.

Drill Hall, Cliff Road, Wollongong.

Signal Hill Fortifications, Flagstaff Point, south of Wollongong Harbour.

Museum, 11 Market Street, Wollongong.

Little Milton, 31-33 Smith Street, Wollongong.

Principal's Residence, 53 Smith Street, Wollongong.

Wollongong Public School, 55 Smith Street, Wollongong.

National Mutual Life Association, corner Keira and Market Streets, Wollongong.

Regent Theatre, Keira Street, Wollongong.

Wye Lodge, 61–63 Smith Street, Wollongong.

Mount Keira Demonstration School.

Gun emplacement, bounded by Harold and Bridge Streets and Pine Crescent, Coniston.

Wollongong Hospital, Hickman House, corner Crown Street and New Dapto Road, Wollongong.

Wollongong Hospital Nurses Home, corner Loftus and Darling Streets, Wollongong.

Glennifer Brae, corner Robsons Road and Murphy's Avenue, Gwynneville.

Therry's House, 30 Bukari Street, West Wollongong.

Mount Kembla:

Soldiers' and Miners' Memorial Church and

Cemetery including Mine Disaster Memorial.

Cemetery, Windy Gully.

"Miners Club Room" and terrace of miners' cottages, Windy Gully.

Public School and Principal's Residence, Cordeaux Road.

Former St Clements Roman Catholic Church,

Cordeaux Road.

General Store, Cordeaux Road.

General Store, Kembla Heights.

Mine managers' house, Harry Graham Drive.

Mount Kembla Hotel, Cordeaux Road.

Newton Park, Kembla Grange.

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

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

Cleveland, Cleveland Road, Dapto.

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

Marshall Mount and creamery, Marshall Mount Road, West Dapto.

Yallah Bush, being lot 5, part lot 1, D.P. 24143, and lot 1 and part lot 2, D.P. 540838, Parish of Calderwood, County of Camden, Marshall Mount Road, Yallah.

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

All Saints Anglican Church, Albion Park.

St Andrews Presbyterian Church, Albion Park.

The Hill, Dunsters Lane, Albion Park.

Former Peterborough School and Principal's Residence, Swamp Road, Dunmore.

Dunmore House, Princes Highway, Dunmore.

Bombo Headland quarry geological site, Bombo, Kiama.

Hartwell House and coachhouse, Farmer Street, Kiama.

Infants School, Kiama, corner Minnamurra and Shoalhaven Streets, Kiama.

Scots Presbyterian Church including the surrounding land and Norfolk Island Pines, Shoalhaven Street, Kiama.

Terrace houses, 24–40 Collins Street, Kiama.

Cottages 42–44 Collins Street, Kiama.

Masonic Temple, former Temperance Hall, 46 Collins Street, Kiama.

Cottages Nos 3, 3a, 2, 4, 6, 8 and 10 Collins Lane, Kiama.

Manning Street group, Kiama, including:

Kiama veterinary service (formerly C.B.C. Bank).

Westpac Bank (former Bank of N.S.W.).

Uniting Church, front lawn and pine trees.

Grand Hotel.

A.N.Z. Bank including stables, rear garden and fences.

Council chambers and pine tree at rear.

Post Office grounds and pine trees.

Kiama government building group, corner Manning and Terralong Streets, Kiama, including:

Post Office and outbuildings.

Courthouse, grounds and trees.

Police Station.

The Police Station Residence.

Mount Vernon, 64–66 Bong Bong Street, Kiama.

Blow Hole Point, Kiama, includes Kiama Lighthouse, Kiama Ice Factory, Kiama Wharf.

Terralong Street Quarry, Kiama.

Cottage, 38 Bong Bong Street, Kiama.

Cottage, 43 Bong Bong Street, Kiama.

Anglican Christ Church, Kiama.

Public School, Churchill Street, Jamberoo.

Culwalla, on Main Road, 2 kilometres east of Jamberoo.

Minnamurra House, Minnamurra Lane, Jamberoo.

Terragong House and home paddock, Jamberoo.

Site of Woodstock Saw Mill, Piggery, Cooperage and Butter Factory, Robertson Road, Jamberoo.

Dry stone walls, Jamberoo, Dunmore and Foxground areas, Kiama.

Anglican Church of the Resurrection, Jamberoo.

St Stephen's Presbyterian Church, Allowrie Street, Jamberoo.

St Matthew's Roman Catholic Church, Jamberoo.

Remains of Steam Flour Mill, Bush Bank, Princes Highway, south Kiama.

Alne Bank, including stone barn, Rose Valley, Gerringong.

Renfrew Park, Princes Highway, Gerringong.

Black Head, Gerroa, palaeontological site.

Commercial Hotel, lot 20, Allowrie Street, Jamberoo.

Fredericks Store, No 19 Allowrie Street, Jamberoo.

Uniting Church Hall and Cemetery, lot 48, Jamberoo.  
Church of England Cemetery, Tate's Hill, Jamberoo (off Wyalla Road).  
O'Mara's Grave, Roman Catholic Burial Ground, Jamberoo Mountain Road, M.R. 264, Jamberoo.  
Kelly's Cottage, Minnamurra Falls Road, Jamberoo.  
Park Mount, Jerrara Road, Jamberoo.  
Jamberoo Dairy Factory, Factory Lane, off Jamberoo Road, Jamberoo.  
Antique Shop (former E.S. & A. Bank), 26 Allowrie Street, Jamberoo.  
"Colewood", Mountain Road, Druewalla, Jamberoo.  
Former Wesleyan Parsonage, lot F, Macquarie Street, Jamberoo.  
Kinross Cemetery, off Minnamurra Lane, Jamberoo.  
Gundarimba, cnr Minnamurra Lane and Allowrie Street, Jamberoo.  
Roman Catholic Church Graveyard, Chappel Street, Jamberoo.

### **Shoalhaven Subregion**

Barrengarry House Barrengarry.  
Former Barrengarry Public School and Principal's Residence Barrengarry.  
Bank and Post Office group, corner Prince Alfred and Queen Streets, Berry, including Post Office, former A.N.Z. Bank and the C.B.C. Bank.  
David Berry Hospital, Berry.  
Public School, Victoria Street, Berry.  
Wilson Memorial Drinking Fountain, corner Alexandra and Victoria Streets, Berry.  
St Luke's Anglican Church, Princes Street, Berry.  
St Luke's Anglican Rectory, Princes Street, Berry.  
Pulman Street group, Berry, including:  
    Residence, former Wilson's store and Broughton  
    Creek Hospital; Curate's cottage, Lynstowe;  
    former Berry Estate cottage, 20 Pulman Street;  
    Cottage, 19 Pulman Street.

Former James Wilson Store, 97 Queen Street, Berry.  
Coolangatta Estate, Shoalhaven Heads Road, including the buildings, the remains of the original homestead, David Berry monument, the family cemetery and curtilage.  
Anglican Church of the Good Shepherd, Kangaroo Valley.  
Former Courthouse, Shoalhaven Road, Kangaroo Valley.  
Rectory, Kangaroo Valley.  
Public School, Kangaroo Valley.  
Hampden Bridge, Kangaroo Valley.  
Hampden Villa, 110 Berry Street, Nowra.  
Mechanics Institute and School of Arts, Berry Street, Nowra.  
Old Nowra Bridge, Princes Highway, across Shoalhaven River.  
Plunkett Street Conservation Area, between Kinghorn and Berry Streets, including Courthouse, Police Sergeant's Residence, former Police Station, Public School and Principal's Residence, Nowra.  
Meroogal House, servant's wing and stables, 35 West Street, Nowra.  
St Andrews Presbyterian Church, Nowra.  
Bundanoon and surrounding landscape on Shoalhaven River 16 km above Nowra Bridge.

Wogamia House, Wogamia, via Yalwal Road.  
Terara House, Terara.  
Public School, Terara.  
Two storey house, now Inverness, Southern Road, Terara.  
Principal's Residence, Greenwell Point Road, Pyree.  
Principal's Residence, Cambewarra.  
Point Perpendicular lighthouse group, including the lighthouse, generator annex, three residences and ancillary structures, Point Perpendicular.  
Ulladulla Lighthouse, Warden Head, Ulladulla.  
Courthouse, Princes Highway, Milton.  
National Australia Bank (former C.B.C. Bank), Princes Highway, Milton.  
Town Hall, Milton.  
Former Methodist Church, Croobyar Road, Milton.  
Kirmington, near Kendall Dale, west of Princes Highway, Yatteyattah.  
Uniting Church, Former Congregational Church, Milton.  
Applegarth, Wilford's Road (via Croobyar Road), Milton.  
Pickering's Old Store group, including Pickering's Old Store residence, Princes Highway, corner Wason Street, Milton.  
Danes Bank Cottage, off Evans Lane via Woodstock Road, Milton.  
Kendall Dale, Princes Highway, Milton.  
Mount Airlie, Woodstock Road, Milton.  
Whoppidally, Princes Highway, Milton.

### **Tablelands Subregion**

Forest Lodge, Hume Highway, Aylmerton.  
Christ Church, including churchyard and cemetery, corner Church Road and Bowral Moss Vale Road, Bong Bong.  
The Briars, Bowral Moss Vale Road, Bong Bong.  
Mount Gibraltar Quarry, Bowral.  
Courthouse, including fence, corner Bendooley and Wingecarribee Streets, Bowral.  
Bendooley Street Conservation Area, properties fronting both sides of Bendooley Street and the properties in the streets at both ends, opposite the ends of Bendooley Street, Bowral.  
St Judes Anglican Church Group, Bendooley Street, Bowral, including inter alia Bowral Public School; St Andrews Church and Hall; Court House including Fence; Town Hall; No 12 Stafford Cottage; Library/Memorial Hall; No 28 Residence, Uniting Church Former Methodist Church; St. Judes Anglican Church Group including Rectory, Church Hall, Lych Gate, Cemetery; No 42 Eldon Cottage.  
Town Hall, Bendooley Street, Bowral.  
Commonwealth Bank, Bong Bong and Wingecarribee Streets, Bowral.  
Grey Leaves, Eridge Park Road, Bowral.  
Milton Park and grounds, Hordens Road, 5 kilometres along Kangaloon Road, east of Bowral.  
Wingecarribee, Kirkham Road, Bowral.  
Earlsbrae, 15 Queen Street, Bowral.  
Retford Park, Old South Road, Bowral.  
The Rift, Carlisle Street, Bowral.  
Lynthorpe, 17 Gladstone Road, Bowral.  
Bidura, 145 Merrigang Street, Bowral.  
Iverbucks, Moss Vale Road, Bowral.

Cottage, 20 Glebe Street, Bowral.  
Wintersloe, 45 Links Road, Bowral.  
Glen Ridge, corner Shepherd and Albert Streets, Bowral.  
Cottage, 23 Shepherd Street, Bowral.  
Original Gibraltar "Gib" Tunnel, Bowral.  
Mount Hamilton, Hamilton Street, Bowral.  
Laural House, 47 Merrigang Street, Bowral.  
House, 54 Station Street, Bowral.  
House, 89 Shepherd Street, Bowral.  
Railway Station, Bowral, including north bound platform, south bound platform, passengers' overbridge and railway cottages.  
Robertson Park, Kirklands Road, Glenquarry via Bowral.  
Eridge Lodge, Eridge Park Road, Burradoo.  
Hartzer Park formerly Eridge Park, including manager's residence, Burradoo (excluding modern additions).  
Angelwood, including original garden, excluding modern additions, Yean Street, Burradoo.  
San Michele, formerly Bibury, Burradoo Road, Burradoo.  
Chevalier College, formerly Riversdale House, Moss Vale Road, Burradoo (excluding modern additions).  
Braemar Lodge, Hume Highway south of Braemar Avenue, Braemar.  
Kamilaroi, with outbuildings, Braemar.  
National Australia Bank, formerly C.B.C. Bank and newsagency group, comprising C.B.C. Bank and newsagency, Hume Highway, Mittagong.  
Marist Brothers Centre, Bong Bong Road, Mittagong.  
Oaklands, formerly Fitzroy Inn with outbuildings remains, garden and driveway, oak trees and stone walls, formerly Oak Grange School for Boys, 26 Ferguson Crescent, Mittagong.  
Former Mittagong Shire Council Building, corner Hume Highway and Bowral Road, Mittagong.  
St Stephen's Church of England, Hume Highway, Mittagong.  
Two-storey building, 107 Hume Highway, Mittagong.  
Poplars Restaurant, formerly Prince Albert Inn, Hume Highway, Braemar.  
Renwick Child Welfare House, Mittagong.  
West Wing, Frensham School, Range Road, Mittagong.  
Mittagong Station, up platform and building, Railway Parade, Mittagong.  
Former Mittagong Stationmaster's House, Railway Parade, Mittagong.  
The Maltings (including Manager's Residence) bounded by Southey, Colo and Ferguson Streets, Mittagong.  
Former Mittagong Police Station, Mittagong.  
Post Office, Mittagong.  
Picton-Mittagong Loopline, including railway museum at Thirlmere.  
Moss Vale Station, platform and building.  
Moss Vale railway staff residence, formerly Sutton Forest stationmaster's residence, Moss Vale.  
Browley and outbuildings, Oldbury Road, Moss Vale.  
Oldbury, Oldbury Road, Moss Vale.  
Whitley, including outbuildings, entrance gate and garden, Oldbury Road, Moss Vale.  
Bonheur, formerly Cotmore, Oldbury Road, Moss Vale.  
Highfield, including Highfield Lodge, gates and picket fence, Oldbury Road, Moss Vale.  
Throsby Park group, Robertson Road, Moss Vale including Throsby Cottage and former stables, Gundagai Cottage (originally Acacia Cottage).  
Tudor House Preparatory School, formerly Hamilton House, Moss Vale.

Woodside and garden, north of Tudor House, Illawarra Highway, Moss Vale.  
Cottage, 598 Argyle Street, Moss Vale.  
Argyle House (excluding porches), Argyle Street, Moss Vale.  
Courthouse, Argyle Street, Moss Vale.  
Former Council Chambers, Argyle Street, Moss Vale.  
Former School of Arts, Argyle Street, Moss Vale.  
National Australia Bank, former C.B.C. Bank, Argyle Street, Moss Vale.  
Mount St. Mary Dominican Convent and Chapel, Main Street, Moss Vale.  
Pavilion, Leighton Gardens, Argyle Street, Moss Vale.  
St John's Anglican Church, corner Waite and Browley Streets, Moss Vale.  
Public School, Browley Street, Moss Vale.  
Comfort Hill, Hume Highway, Sutton Forest, including outbuildings, trees, stone walls and pond.  
Black Horse Farm, Hume Highway south of the crossroads, Sutton Forest.  
Eling Grange, formerly Eling Forest, including stone cottage, Hume Highway, Sutton Forest.  
Bindagundra, Illawarra Highway, Sutton Forest.  
Newbury, Illawarra Highway, Sutton Forest.  
Golden Valley, formerly Golden Vale, Golden Vale Road, Sutton Forest.  
Mt Valdimah, formerly Shrublands, Golden Vale Road, Sutton Forest.  
Rotherwood Gate Lodge, Illawarra Highway, Sutton Forest.  
Rotherwood, Illawarra Highway, Sutton Forest.  
Clover Hill, formerly Hawthorn, Illawarra Highway, Sutton Forest.  
Rosedale, Illawarra Highway, Sutton Forest.  
Summerlees, Illawarra Highway, Sutton Forest.  
Hillview, formerly Prospect, Illawarra Highway, Sutton Forest.  
St. Patricks Roman Catholic Church including cemetery, Illawarra Highway, Sutton Forest.  
The Pines, Illawarra Highway, Sutton Forest.  
Former Post Office, Illawarra Highway, Sutton Forest.  
All Saints Anglican Church, including cemetery and gates, Illawarra Highway, Sutton Forest.  
Sutton Farm, formerly Winston and Sutton Inn, Illawarra Highway, Sutton Forest.  
Cottage, known as "Charlie Grey's Cottage", Conflict Street off Exeter Road, Sutton Forest.  
Boscobel, Bundanoon Road, Sutton Forest.  
Montrose, Bundanoon Road, Sutton Forest.  
Eccelston Park, formerly Wombat Farm, Canyonleigh Road, Sutton Forest.  
Barnsley's General Store and Barnsley's Everything Store, corner Bundanoon Road and Illawarra Highway, Sutton Forest.  
Vine Lodge with outbuildings, Sutton Forest Road, Exeter.  
Joadja kerosene shale oil mining and refining areas, 30 kilometres west of Mittagong on the Joadja Road.  
Police Station and former Courthouse, Robertson.  
Mt Jellore.