

Wollongong Local Environmental Plan 2009 (2010 EPI 76)

[2010-76]



New South Wales

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Provisions in force

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

About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

Notes—

- **Does not include amendments by**
[State Environmental Planning Policy Amendment \(Estimated Development Cost\) 2023 \(523\)](#) (not commenced — to commence on 4.3.2024)

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](#).

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Wollongong Local Environmental Plan 2009 (2010 EPI 76)



New South Wales

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Wollongong Local Environmental Plan 2009*.

1.1AA Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

1.1A (Repealed)

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Wollongong in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to provide a framework for land use management,
 - (b) to encourage economic and business development to increase employment opportunities,
 - (c) to encourage a range of housing choices consistent with the capacity of the land,
 - (d) to improve the quality of life and the social well-being and amenity of residents, business operators, workers and visitors,
 - (e) to conserve and enhance remnant terrestrial, aquatic and riparian habitats, native vegetation and fauna species,
 - (f) to conserve and enhance heritage,

(g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure,

(h) to ensure that significant landscapes are conserved, including the Illawarra Escarpment, Lake Illawarra, the drinking water catchment and the coastline.

1.3 Land to which Plan applies

(1) This Plan applies to the land identified on the [Land Application Map](#).

(1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” on the [Land Application Map](#).

1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.7 Maps

(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—

(a) approved by the local plan-making authority when the map is adopted, and

(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.

(1AA) (Repealed)

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note—

The maps adopted by this Plan are to be made available on the NSW Planning Portal. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

1.8 Repeal of planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note—

The following local environmental plans are repealed under this provision—

- (a) *Illawarra Planning Scheme Ordinance*,
 - (b) *Wollongong City Centre Local Environmental Plan 2007*,
 - (c) *Wollongong Local Environmental Plan (West Dapto) 2010*.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1.8A Savings provision relating to development applications

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not finally been determined before that commencement, the application must be determined as if this Plan had not commenced.
- (2) A development application made (but not finally determined) before the commencement of *Wollongong Local Environmental Plan 2009 (Amendment No 19)* is to be determined as if that Plan had not been made.

1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—
 - (2A) *State Environmental Planning Policy No 71—Coastal Protection* does not apply to land within the Wollongong city centre.

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

- (2) This clause does not apply—
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act, or
 - (h) to any land vested in the Lake Illawarra Authority under the *Lake Illawarra Authority Act 1987*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows—

Rural Zones

RU1 Primary Production

RU2 Rural Landscape

RU4 Primary Production Small Lots

Residential Zones

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

R5 Large Lot Residential

Employment Zones

E1 Local Centre

E2 Commercial Centre

E3 Productivity Support

E4 General Industrial

E5 Heavy Industrial

Mixed Use Zones

MU1 Mixed Use

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Conservation Zones

C1 National Parks and Nature Reserves

C2 Environmental Conservation

C3 Environmental Management

C4 Environmental Living

Waterway Zones

W1 Natural Waterways

W2 Recreational Waterways

W3 Working Waterways

W4 Working Waterfront

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone—
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes—

- 1** Schedule 1 sets out additional permitted uses for particular land.
- 2** Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3** Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4** Clause 2.6 requires consent for subdivision of land.
- 5** Part 5 contains other provisions which require consent for particular development.

2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) In deciding whether to grant development consent, the consent authority—
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

- (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
- (a) with development consent, or
 - (b) if the Schedule so provides—without development consent,
- in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes—

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.6A, 2.6B (Repealed)

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Note—

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
 - (a) a constructed canal, or other waterway or waterbody, that—
 - (i) is inundated by surface water or groundwater movement, or
 - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
 - (b) the erection of a dwelling, and

(c) one or both of the following—

- (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
- (ii) excavation to create a waterway.

(3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—

- (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
- (b) limited to the minimum reasonable size and capacity.

(4) In this clause—

flood planning area has the same meaning as in clause 5.21.

Land Use Table

Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

[State Environmental Planning Policy \(Resources and Energy\) 2021](#), Chapter 2

[State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Industry and Employment\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Primary Production\) 2021](#), Chapter 2

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Building identification signs; Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Business identification signs; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Forestry; Intensive livestock agriculture; Intensive plant agriculture; Open cut mining; Roads; Roadside stalls

4 Prohibited

Any development not specified in item 2 or 3

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage the retention, management or restoration of native vegetation.

2 Permitted without consent

Extensive agriculture; Home occupations; Roadside stalls

3 Permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Crematoria; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Hospitals; Places of public worship; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Rural

supplies; Secondary dwellings; Signage; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Extensive Agriculture; Farm buildings; Farm stay accommodation; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Plant nurseries; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boat launching ramps; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture;

Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any other development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.

- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for high density residential development in close proximity to the Wollongong city centre and other commercial centres.

2 Permitted without consent

Home occupations

3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Exhibition homes; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Seniors housing; Serviced apartments; Shop top housing; Signage

4 Prohibited

Any other development not specified in item 2 or 3

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Exhibition homes; Farm buildings; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Roadside stalls; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage development that is consistent with the centre's position in the centres hierarchy.
- To encourage development that has a high level of accessibility and amenity and prioritises pedestrians.
- To ensure new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

2 Permitted without consent

Building identification signs; Business identification signs; Home occupations

3 Permitted with consent

Advertising structures; Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Exhibition homes; Function centres; Home-based child care; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Serviced apartments; Sex services premises; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Commercial Centre

1 Objectives of zone

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To encourage development that is consistent with the centre's position in the centres hierarchy.

- To strengthen the role of the Wollongong city centre as the business, retail and cultural centre of the Illawarra region.

2 Permitted without consent

Building identification signs; Business identification signs; Home occupations

3 Permitted with consent

Advertising structures; Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Exhibition homes; Function centres; Helipads; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone E3 Productivity Support

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.

- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To allow some diversity of activities that will not significantly detract from the operation of existing or proposed development or the amenity enjoyed by nearby residents, or have an adverse impact on the efficient operation of the surrounding road system.

2 Permitted without consent

Building identification signs; Business identification signs; Home occupations

3 Permitted with consent

Advertising structures; Animal boarding or training establishments; Boat building and repair facilities; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Entertainment facilities; Environmental facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Home businesses; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roads; Rural supplies; Service stations; Sex services premises; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.

- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To allow some diversity of activities that will not significantly detract from the operation of existing or proposed development or the amenity enjoyed by nearby residents, or have an adverse impact on the efficient operation of the surrounding road system.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertising structures; Agricultural produce industries; Animal boarding or training establishments; Boat building and repair facilities; Community facilities; Crematoria; Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Mortuaries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Roads; Self-storage units; Service stations; Sex services premises; Take away food and drink premises; Tank-based aquaculture; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone E5 Heavy Industrial

1 Objectives of zone

- To provide areas for industries that need to be separated from other land uses.

- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertising structures; Boat building and repair facilities; Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Offensive storage establishments; Oyster aquaculture; Recreation areas; Roads; Rural industries; Service stations; Storage premises; Take away food and drink premises; Tank-based aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone MU1 Mixed Use

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To support adjacent and nearby commercial centres and minimise adverse

impacts on the viability of the centres.

- To encourage development that is compatible with the centre's position in the centres hierarchy.

2 Permitted without consent

Building identification signs; Business identification signs; Home occupations

3 Permitted with consent

Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Function centres; Home businesses; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertising structures; Aquaculture; Centre-based child care facilities; Community facilities; Information and education facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To provide for key transport corridors.

2 Permitted without consent

Building identification signs

3 Permitted with consent

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; Advertising structures; Business identification signs; Centre-based child care facilities; Community facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone SP3 Tourist

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertising structures; Amusement centres; Aquaculture; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Entertainment facilities; Food and drink premises; Function centres; Information and education facilities; Kiosks; Marinas; Markets; Moorings pens; Moorings; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Tourist and visitor accommodation; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink

premises; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Function centres; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone C1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the [National Parks and Wildlife Act 1974](#) or that is acquired under Part 11 of that Act.
- To enable uses authorised under the [National Parks and Wildlife Act 1974](#).
- To identify land that is to be reserved under the [National Parks and Wildlife](#)

[Act 1974](#) and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the [National Parks and Wildlife Act 1974](#)

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone C2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To retain and enhance the visual and scenic qualities of the Illawarra Escarpment.
- To maintain the quality of the water supply for Sydney and the Illawarra by protecting land forming part of the Sydney Drinking Water Catchment under [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 6, to enable the management and appropriate use of the land by Water NSW.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environment protection works; Extensive agriculture; Oyster aquaculture; Recreation areas

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors

housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone C3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Secondary dwellings; Tank-based aquaculture

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Building identification signs; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Business identification signs; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Secondary dwellings; Tank-based aquaculture

4 Prohibited

Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Environmental facilities; Environmental protection works; Moorings pens; Moorings; Recreation areas; Water recreation structures

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.

- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.
- To provide for the sustainable and viable economic use of Lake Illawarra and other waterways.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Restaurants or cafes; Take away food and drink premises; Water recreation structures

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W3 Working Waterways

1 Objectives of zone

- To enable the efficient movement and operation of commercial shipping, water-based transport and maritime industries.
- To promote the equitable use of waterways, including appropriate recreational uses.
- To minimise impacts on ecological values arising from the active use of waterways.
- To provide for sustainable fishing industries.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works;

Marinas; Moorings; Moorings pens; Port facilities; Water recreation structures; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone W4 Working Waterfront

1 Objectives of zone

- To retain and encourage industrial and maritime activities on foreshores.
- To identify sites for maritime purposes and for activities requiring direct foreshore access.
- To ensure that development does not have an adverse impact on the environment and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.
- To encourage development that is compatible with the characteristics of Wollongong Harbour and Belmore Basin.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Charter and tourism boating facilities; Food and drink premises; Information and education facilities; Jetties; Kiosks; Light industries; Marinas; Markets; Mooring pens; Roads; Signage

4 Prohibited

Any development not specified in item 2 or 3

Part 3 Exempt and complying development

3.1 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.

- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development—
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (e) (Repealed)
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if—
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (4A) (Repealed)
- (5) To be exempt development, the development must—
 - (a) be installed in accordance with the manufacturer’s specifications, if applicable, and
 - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

Note—

See [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2 and the [Local Land Services Act 2013](#), Part 5A.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

- (1) The objective of this clause is to identify development as complying development.

- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—
- (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,
- is complying development.

Note—

See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must—
- (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (4A) To be complying development, the development must not be carried out on any of the following land—
- (a) land within 100 metres of Lake Illawarra,
 - (b) land shown on the [Acid Sulfate Soils Map](#) as being in class 1 or 2,
 - (c) land to which clause 7.8 (Illawarra Escarpment area conservation) applies,
 - (d) land in the Sydney Drinking Water Catchment under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6,
 - (e) land within Zone RU1, C2, C3, W1 or W2,
 - (f) land with a slope of 18 degrees or greater.
- (4B) (Repealed)
- (5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause—

environmentally sensitive area for exempt or complying development means any of the following—

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*,
- (ja) land identified as containing an endangered ecological community under the *Fisheries Management Act 1994* or the *Threatened Species Conservation Act 1995*,
- (jb) land to which clause 7.3 (Flood planning area) applies,
- (jc) land to which clause 7.8 (Illawarra Escarpment area conservation) applies.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

- (a) to control the density of subdivision in accordance with the character of the

location, site constraints and available services, facilities and infrastructure,

(b) to ensure lots are of a sufficient size and shape to accommodate development.

- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
- (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
- (b) by any kind of subdivision under the [Community Land Development Act 2021](#).
- (4A) In calculating the area of any lot resulting from a subdivision of land, if the lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included.
- (4B) This clause does not apply in relation to the subdivision of land for the purpose of erecting an attached dwelling or a semi-detached dwelling in a residential zone.
- (4C) This clause does not apply in relation to the subdivision of land in a residential zone on which there is an existing dual occupancy or multi dwelling housing.

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows—
- (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) of land in any of the following zones—
- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 2021](#)) is not to be less than the minimum size

shown on the [Lot Size Map](#) in relation to that land.

(4) This clause applies despite clause 4.1.

4.1A Minimum lots sizes for certain split zones

(1) The objectives of this clause are as follows—

- (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
- (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.

(2) This clause applies to each lot (an **original lot**) that contains—

- (a) land in a residential, employment or mixed use zone, Zone C4 Environmental Living or Zone W4 Working Waterfront, and
- (b) land in a rural zone or Zone C2 Environmental Conservation or Zone C3 Environmental Management.

(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if—

- (a) one of the resulting lots will contain—
 - (i) land in a residential, employment or mixed use zone or Zone W4 Working Waterfront, that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
 - (ii) all of the land in a rural zone, Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot, and
- (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

4.1B Lot averaging subdivision in Zone RU2, Zone C3 or Zone C4

(1) The objective of this clause is to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the environmental values of the land by encouraging buildings to be appropriately sited.

(2) This clause applies to the following land in the Yallah-Marshall Mount Precinct shown on the [Urban Release Area Map](#)—

- (a) land within the following zones—
 - (i) Zone RU2 Rural Landscape,
 - (ii) Zone C3 Environmental Management,

- (iii) Zone C4 Environmental Living,
 - (b) Lot 5, DP 24143, being 297 Marshall Mount Road, Marshall Mount.
- (3) Despite clauses 4.1 and 4.1AA, development consent may be granted to the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the *Community Land Development Act 1989*) to create lots of any size if—
 - (a) the consent authority is satisfied that the land to be subdivided is proposed to be used for the purpose of residential accommodation, and
 - (b) the total number of lots resulting from the subdivision will not exceed the number of lots that could be created by a subdivision of the same land under clause 4.1 (3) or 4.1AA (3), and
 - (c) the consent authority is satisfied that the development retains, and is complementary to, the environmental attributes of the land and its surrounds, and
 - (d) in the case of Lot 5, DP 24143—an existing dwelling house will be located on each lot resulting from the subdivision.
- (4) Despite any other provision of this Plan, development consent must not be granted to the subdivision of a lot created under this clause unless the consent authority is satisfied that—
 - (a) the lots resulting from the subdivision will not be used for the purpose of residential accommodation, and
 - (b) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (baa) Zone RU3 Forestry,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

Note—

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

Note—

This Plan does not include Zone RU6.

4.2A Erection of dwelling houses on land in certain rural and conservation zones

- (1) This clause applies to land in the following zones—
 - Zone RU1 Primary Production,
 - Zone RU2 Rural Landscape,
 - Zone C3 Environmental Management.
- (2) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is—
 - (a) a lot created in accordance with clause 4.1, or
 - (b) a lot created before this Plan commenced that met the minimum lot size specified to permit the erection of a dwelling house under *Wollongong Local Environmental Plan 1990* in effect immediately before that commencement, or
 - (c) a lot created before this Plan commenced that is at least the minimum lot size specified for that lot by the [Lot Size Map](#), or
 - (d) land that will be a lot in a subdivisions for which development consent was granted or approval under Part 3A of the Act was given before this Plan commenced and on which the erection of a dwelling house would have been permissible immediately before that commencement, or
 - (e) an existing holding with an area of not less than 10 hectares, or
 - (f) a lot that was created after 30 April 1971 but before 23 February 1984 and which has an area of not less than 20 hectares, or
 - (g) a lot that was created on or after 23 February 1984 but before the

commencement of this Plan and which has an area of not less than 40 hectares, or

- (h) a lot that was created before the commencement of this Plan, but only if the subdivision requirements for the land, or number of dwelling houses to be erected on the land, were specified in Schedule 2 to the *Wollongong Local Environmental Plan 1990* immediately before that commencement.

Note—

A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

- (3) Land ceases to be an existing holding for the purposes of subclause (2) (e), if an application for development consent referred to in subclause (2) is not made in relation to that land before 31 December 2012.
- (4) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if—
- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
- (b) the land would have been a lot or a holding referred to in subclause (2) had it not been affected by—
- (i) a minor realignment of its boundaries that did not create an additional lot, or
- (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (5) In determining whether to grant consent for the erection of a dwelling house, the consent authority must consider the extent to which the development is likely to affect the environmental and ecological conservation of the land with respect to the extent of clearing required for the development, including any clearing required for the provision of infrastructure, access and any asset protection zone identified for the land in a bush fire risk management plan in force under the *Rural Fires Act 1997*.
- (6) In this clause—
- existing holding** means all adjoining land, even if separated by a road or railway, held in the same ownership—
- (a) on 30 April 1971, and
- (b) at the time of lodging a development application for the erection of a dwelling house under this clause,
- and includes any other land adjoining that land acquired by the owner since 30 April 1971.

Note—

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

4.2B Strata title subdivision in certain rural and conservation zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies under a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that land.

Note—

Part 6 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) provides that the strata subdivision of a building in certain circumstances is specified complying development.

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
 - (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
 - (b) to permit building heights that encourage high quality urban form,
 - (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
 - (a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
 - (b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle

and pedestrian traffic the development will generate,

(c) to ensure buildings are compatible with the bulk and scale of the locality.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

4.4A Floor space ratio—Wollongong city centre

(1) This clause applies to land within the Wollongong city centre.

(2) Despite clause 4.4, the maximum floor space ratio for a building on land within a zone specified in Column 1 of the Table to this subclause, on land with a site area and street frontage specified opposite that zone in Column 2 of the Table, is—

(a) the amount specified opposite that zone in Column 3 of the Table, if the building is used only for residential purposes, or

(b) the amount specified opposite that zone in Column 4 of the Table, if the building is used only for purposes other than residential purposes.

Table

Column 1	Column 2	Column 3	Column 4
Zone E2 Commercial Centre	Site area of any size and no street frontage equal to or greater than 20 metres	1.5:1	1.5:1
	Site area less than 800 square metres and a street frontage equal to or greater than 20 metres	2:1	3.5:1
	Site area equal to or greater than 800 square metres and less than 2000 square metres and a street frontage equal to or greater than 20 metres	As set out in subclause (3)	As set out in subclause (3)
	Site area equal to or greater than 2000 square metres and a street frontage equal to or greater than 20 metres	3.5:1	6:1

Zone MU1 Mixed Use	Site area of any size and no street frontage equal to or greater than 20 metres	1.5:1	1.5:1
	Site area of any size and a street frontage equal to or greater than 20 metres	2.5:1	3.5:1
Zone E3 Productivity Support	Site area of any size and no street frontage equal to or greater than 20 metres	1.5:1	1.5:1
	Site area of any size and a street frontage equal to or greater than 20 metres	2.5:1	3:1
Zone SP1 Special Activities	Site area of any size and a street frontage of any size	1.5:1	3:1

(3) For land within Zone E2 Commercial Centre with a site area equal to or greater than 800 square metres and less than 2,000 square metres and a street frontage equal to or greater than 20 metres, the maximum floor space ratio for any building on that site is—

(a)

—if the building is used only for residential purposes, or

(b)

—if the building is used only for purposes other than residential purposes,

where—

X is

.

(4) The maximum floor space ratio for a building on land within Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support or Zone MU1 Mixed Use, that is to be used for a mixture of residential purposes and other purposes, is—

where—

NR is the percentage of the floor space of the building used for purposes other than residential purposes.

NRFSR is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for purposes other than residential purposes.

R is the percentage of the floor space of the building used for residential purposes.

RFSR is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for residential purposes.

Note—

The following gives an example of how a maximum floor space ratio is to be calculated for a building on land, having a site area equal to or greater than 2,000 square metres and a street frontage equal to or greater than 20 metres, that is within Zone E2 Commercial Centre, 30 per cent of which is to be used for purposes other than residential purposes and 70 per cent of which is to be used for residential purposes—

4.25:1 is the maximum floor space ratio.

(5) For a building on land within Zone SP1 Special Activities that is to be used for the purposes of hospitals, medical centres or other like uses or a combination of such uses, the maximum floor space ratio is 3:1.

(6) In this clause—

residential purposes, in relation to the use of a building, means using the building for the purposes of residential accommodation or serviced apartments or a combination of such uses.

4.5 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this clause are as follows—

(a) to define **floor space ratio**,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—
- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
 - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)-(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

- (4) **Exclusions from site area** The following land must be excluded from the site area—
- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
 - (b) community land or a public place (except as provided by subclause (7)).
- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted

lot.

(10) **Covenants affect consolidated sites** If—

- (a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, ***public place*** has the same meaning as it has in the [Local Government Act 1993](#).

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

- (a) the consent authority is satisfied that—

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (caa) clause 5.5,

(ca) clause 4.2A, 6.1 or 8.3.

(8A) (Repealed)

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (**the owner-initiated acquisition provisions**).

Note—

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked “Local open space”	Council
Zone RE1 Public Recreation and marked “Regional open space”	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked “Classified road”	Transport for NSW
Zone C1 National Parks and Nature Reserves and marked “National Park”	Minister administering the National Parks and Wildlife Act 1974
Zone C2 Environmental Conservation and marked “Local open space”	Council
Zone C2 Environmental Conservation and marked “Local road”	Council
Zone R2 Low Density Residential and marked “Local road”	Council
Zone R2 Low Density Residential and marked “Classified road”	Transport for NSW

Zone E1 Local Centre and marked “Local road”	Council
Zone E2 Commercial Centre and marked “Local road”	Council
Zone MU1 Mixed Use and marked “Classified road”	Transport for NSW
Zone SP2 Infrastructure and marked “Educational establishment”	Minister for Education and Training
Zone SP2 Infrastructure and marked “Local road”	Council
Zone RU2 Rural Landscape and marked “Local road”	Council

Note—

If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#)).

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.1A Development on land intended to be acquired for a public purpose

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the [Land Reservation Acquisition Map](#) and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of the Table.

Column 1	Column 2
Land	Development
Zone R2 Low Density Residential and marked “Local road”	Earthworks; Public utility undertakings; Roads
Zone E2 Commercial Centre and marked “Local road”	Earthworks; Public utility undertakings; Roads
Zone SP2 Infrastructure and marked “Classified road”	Earthworks; Public utility undertakings; Roads

Zone SP2 Infrastructure and marked “Local road”	Earthworks; Public utility undertakings; Roads
Zone SP2 Infrastructure and marked “Educational establishment”	Earthworks; Public utility undertakings
Zone RE1 Public Recreation and marked “Local open space”	Earthworks; Public utility undertakings; Recreation areas

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

Note—

Under the [Local Government Act 1993](#), “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the [Local Government Act 1993](#). Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (4) The public land described in Part 1 of Schedule 4—
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the [Crown Land Management Act 2016](#)).

Note—

In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to—
 - (a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
 - (a1) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Rural Small Holdings, Zone SP1 Special Activities or Zone SP2 Infrastructure, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to

guests must consist of no more than 3 bedrooms.

Note—

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- (3A) **Home occupations** If development for the purposes of a home occupation is permitted under this Plan, the carrying on of the occupation must not involve the use of more than 30 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
 - (a) 67% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 30 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 30 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 67% of the total floor area of the principal dwelling.

(10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

- (a) 67% of the gross floor area of the industry, or
 - (b) 400 square metres,
- whichever is the lesser.

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
 - (i) 60 square metres,
 - (ii) 67% of the total floor area of the principal dwelling, and
- (b) the distance between the secondary dwelling and the principal dwelling must not exceed 50 metres.

5.6 Architectural roof features

- (1) The objectives of this clause are as follows—
 - (a) to provide a built skyline that does not adversely impact on the natural landscape, view corridors or surrounding land, and
 - (b) to specify what part of a building may exceed the height limits.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
 - (a) the architectural roof feature—
 - (i) comprises a decorative element on the uppermost portion of a building, and

- (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.7 Development below mean high water mark

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
 - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject

to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Dwelling house or secondary dwelling affected by natural disaster

[Not adopted]

5.9AA (Repealed)

5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Wollongong,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to

result in a relic being discovered, exposed, moved, damaged or destroyed,

- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development—
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
 - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note—

The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.

- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

[Not applicable]

5.14 Siding Spring Observatory—maintaining dark sky

[Not adopted]

5.15 Defence communications facility

[Not adopted]

5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

[Not applicable]

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations

[Not applicable]

5.18 Intensive livestock agriculture

- (1) The objectives of this clause are—

- (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
- (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.

- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.

- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—

- (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
- (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
- (c) the potential for the pollution of surface water and ground water,

- (d) the potential for the degradation of soils,
 - (e) the measures proposed to mitigate any potential adverse impacts,
 - (f) the suitability of the site in the circumstances,
 - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
 - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
- (a) the development is of a type specified in subclause (5), and
 - (b) the consent authority is satisfied that the development will not be located—
 - (i) in an environmentally sensitive area, or
 - (ii) within 100 metres of a natural watercourse, or
 - (iii) in a drinking water catchment, or
 - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
 - (v) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
 - (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5km of a poultry farm used for breeding poultry, or
 - (B) within 1km of a poultry farm not used for breeding poultry, or
 - (vii) for a pig farm—within 3km of another pig farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
 - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
 - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,

- (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
 - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
 - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

environmentally sensitive area has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

residential zone means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E3 Productivity Support, Zone MU1 Mixed Use, Zone C3 Environmental Management or Zone C4 Environmental Living.

5.19 Pond-based, tank-based and oyster aquaculture

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
 - (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—
- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
 - (b) in the case of—
 - (i) pond-based aquaculture in Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot

Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and

- (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
 - (iii) tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
 - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
 - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application**
In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
 - (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**
Development for the purpose of oyster aquaculture may be carried out without development consent—

- (a) on land that is wholly within a priority oyster aquaculture area, or
- (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) **Definitions** In this clause—

aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

extensive aquaculture has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

5.20 Standards that cannot be used to refuse consent—playing and performing music

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
 - (a) the playing or performance of music, including the following—
 - (i) the genre of music played or performed, or
 - (ii) whether the music played or performed is live or amplified, or
 - (iii) whether the music played or performed is original music, or
 - (iv) the number of musicians or live entertainment acts playing or performing, or
 - (v) the type of instruments played,
 - (b) whether dancing occurs,
 - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
 - (d) the direction in which a stage for players or performers faces,
 - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed

premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

(3) In this clause—

licensed premises has the same meaning as in the *Liquor Act 2007*.

5.21 Flood planning

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,

- (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the *Floodplain Development Manual*.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

5.22 Special flood considerations

[Not adopted]

5.23 Public bushland

[Not adopted]

5.24 Farm stay accommodation

[Not adopted]

5.25 Farm gate premises

[Not adopted]

Part 6 Urban release areas

6.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban

release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(3) Subclause (2) does not apply to—

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).

6.2 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following—
 - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of passive and active recreational areas,

- (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development—
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

6.2A Subdivision of land in West Dapto Release Area

- (1) The size of any lot resulting from any subdivision of land in the Darkes Road South West Precinct may be less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land if the lot complies with clauses 5.3.7 and 6.3.9 of Chapter D16 (West Dapto Release Area) of *Wollongong Development Control Plan 2009*.

- (2) In this clause—

Darkes Road South West Precinct means the following land at Kembla Grange—

- (a) Lot 3, DP 1008723, Darkes Road,
- (b) 105 Darkes Road, being Lot 202, DP 1192033,
- (c) 109 Darkes Road, being Lot 1, DP 795839,
- (d) 141 Darkes Road, being Lot 1, DP 770451,

(e) Lot 111, DP 718106, West Dapto Road,

(f) Lot 4, DP 1008723, West Dapto Road.

6.3 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

Part 7 Local provisions—general

7.1 Public utility infrastructure

- (1) The objective of this clause is to ensure that sufficient infrastructure is available to service development.
- (2) Development consent must not be granted for development on land unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (4) In this clause—

public utility infrastructure includes infrastructure for any of the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

7.2 Natural resource sensitivity—biodiversity

- (1) The objective of this clause is to protect, maintain or improve the diversity and condition of the native vegetation and habitat, including—
 - (a) protecting biological diversity of native flora and fauna, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the recovery of threatened species, communities, populations and their habitats.
- (2) This clause applies to land that is identified as “Natural resource sensitivity—biodiversity” on the [Natural Resource Sensitivity—Biodiversity Map](#).
- (3) Development consent must not be granted for development on land to which this

clause applies unless the consent authority has considered the impact of the development on—

- (a) native terrestrial flora and fauna and its habitat, and
- (b) native aquatic flora and fauna and its habitat, and
- (c) the ecological role of the land, waterways, riparian land or wetland, and
- (d) threatened species, communities, populations and their habitats.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—

- (a) the development is designed, sited and managed to avoid potential adverse environmental impact, or
- (b) if a potential adverse environmental impact cannot be avoided, the development—
 - (i) is designed and sited so as to have minimum adverse environmental impact, and
 - (ii) incorporates effective measures so as to have minimal adverse environmental impact, and
 - (iii) mitigates any residual adverse environmental impact through the restoration of any existing disturbed or modified area on the site.

(5) This clause does not apply to or in respect of—

- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the [Native Vegetation Act 2003](#) or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the [Native Vegetation Act 2003](#)) that is authorised by a development consent under the provisions of the [Native Vegetation Conservation Act 1997](#) as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserves under the [Forestry Act 1916](#), or
- (d) action required or authorised to be done by or under the [Electricity Supply Act 1995](#), the [Roads Act 1993](#) or the [Surveying Act 2002](#), or
- (e) plants declared to be noxious weeds under the [Noxious Weeds Act 1993](#).

7.3 (Repealed)

7.4 Riparian lands

- (1) The objective of this clause is to ensure that development does not adversely impact upon riparian lands.
- (2) This clause applies to land shown as “riparian land” on the [Riparian Land Map](#).
- (3) Despite any other provision of this Plan, development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the impact of the proposed development on the land and any opportunities for rehabilitation of aquatic and riparian vegetation and habitat on that land.

7.5 Acid Sulfate Soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the [Acid Sulfate Soils Map](#) as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—

- (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan is not required for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if—
- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or
 - (b) the works are not likely to lower the watertable.

7.6 Earthworks

- (1) The objectives of this clause are as follows—
- (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land,
 - (b) to allow earth works of a minor nature without separate development consent.
- (2) Development consent is required for earthworks, unless—
- (a) the work is exempt development under this Plan, or
 - (b) the consent authority is satisfied the work is of a minor nature.

- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or of the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material or the destination of any excavated material,
 - (f) the likelihood of disturbing Aboriginal objects or other relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

7.7 Foreshore building line

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and

- (c) the development will not cause environmental harm such as—
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
- (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.

7.8 Illawarra Escarpment area conservation

- (1) The objective of this clause is to provide specific controls to protect, conserve and enhance the Illawarra Escarpment.
- (2) This clause applies to land shown as being within the Illawarra Escarpment area on the [Illawarra Escarpment Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
 - (a) will be located so as to minimise any adverse impact on the natural features and environment of the Illawarra Escarpment, and
 - (b) will incorporate on the land, conservation and rehabilitation measures to enhance the Illawarra Escarpment.

7.9 Airspace operations

- (1) The objectives of this clause are as follows—
 - (a) to provide for the effective and ongoing operation of the Illawarra Regional Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
 - (b) to protect the community from undue risk from that operation.

- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—
 - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
 - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.
- (5) In this clause—

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the *Obstacle Limitation Surface Map* or the *Procedures for Air Navigation Services Operations Surface Map* for the Illawarra Regional Airport.

relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Illawarra Regional Airport.

7.10 Development in areas subject to airport noise

- (1) The objectives of this clause are to ensure that development in the vicinity of an airport site—
 - (a) has regard to the use of the site as an airport, and
 - (b) does not hinder or have any other adverse impact on the development or operation of the airport.
- (2) Development consent is required for the erection of a building for residential purposes, or for any other purpose involving regular human occupation, if the ANEF contour for the land on which the building is to be erected exceeds 20.
- (3) The following development is prohibited unless it meets the requirements of Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* with respect to interior noise levels—
 - (a) residential accommodation on land for which the ANEF contour exceeds 20,
 - (b) business premises, entertainment facilities, office premises, public administration

buildings, retail premises and tourist and visitor accommodation on land for which the ANEF contour exceeds 25.

(4) The following development is prohibited—

- (a) educational establishments, hospitals and places of public worship on land for which the ANEF contour exceeds 20,
- (b) residential accommodation on land for which the ANEF contour exceeds 25,
- (c) business premises, entertainment facilities, office premises, public administration buildings, retail premises and tourist and visitor accommodation on land for which the ANEF contour exceeds 30.

(5) In this clause—

ANEF contour means a noise exposure contour shown as an ANEF contour on a plan of the Illawarra Regional Airport or surrounding land prepared by the relevant Commonwealth body or the private lessor of that Airport, a copy of which is available for inspection by the public during office hours in the office of the Council.

7.11 Location of restricted premises and sex services premises

- (1) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of restricted premises or sex services premises if the premises will be located on land that adjoins, or is separated by a road only from, land—
 - (a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
 - (b) used for the purposes of a centre-based child care facility, a community facility, an educational establishment or a place of public worship.
- (2) In deciding whether to grant development consent for the purpose of restricted premises or sex services premises, the consent authority must consider the impact the proposed development would have on children likely to regularly frequent land that adjoins, or is in view of, the proposed development.

7.12 Serviced apartments

- (1) The objective of this clause is to prevent substandard residential building design occurring by way of converted serviced apartment development.
- (2) Development consent must not be granted for the strata subdivision of a building that is being, or has been, used as serviced apartments unless the consent authority is satisfied that, if the development were a residential flat building—
 - (a) the design quality principles set out in Schedule 1 to [State Environmental Planning](#)

Policy No 65—Design Quality of Residential Apartment Development would be achieved,

- (b) the design principles of the Apartment Design Guide (within the meaning of that Policy) would be achieved.

7.13 Certain land within employment or mixed use zones

- (1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.
- (2) This clause applies to land in Zone E1 Local Centre, Zone E2 Commercial Centre or Zone MU1 Mixed Use, but does not apply to land to which clause 7.19 applies.
- (3) Development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building—
 - (a) will not be used for the purpose of residential accommodation, and
 - (b) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.

7.14 Minimum site width

- (1) Development consent must not be granted for development for the purposes of multi dwelling housing unless the site area on which the development is to be carried out has a dimension of at least 18 metres.
- (2) Development consent must not be granted for development for the purposes of a residential flat building unless the site area on which the development is to be carried out has a dimension of at least 24 metres.

7.15 Wollongong innovation campus

- (1) The objectives of this clause are as follows—
 - (a) to permit the establishment of a research and development campus that includes a hotel, student and campus related residential accommodation and necessary support services and facilities,
 - (b) to provide an area where enterprises that carry out research and development as an integral part of their operations can be located,
 - (c) to promote collaborative research and development between users of the land to which this clause applies and the University of Wollongong and other enterprises in the Illawarra region,
 - (d) to promote links between the University of Wollongong's research activities and

the initiatives of the business community,

- (e) to ensure that the development of the site is undertaken in a manner that demonstrates design of a high quality with respect to the context of the site, scale, built form and density of the development, resources, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics,
 - (f) to ensure that development of the site is in harmony with the coastal and foreshore landscape,
 - (g) to permit the provision of university related facilities including student and campus related residential accommodation and support services, incidental or ancillary to research and development activities.
- (2) This clause applies to land shown as being within the Wollongong innovation campus on the [Wollongong Innovation Campus Map](#).
 - (3) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that the subdivision is for the purpose only of defining the boundaries of lots that are to be the subject of leases.
 - (4) Development consent must not be granted to development for the purposes of building on land to which this clause applies if the gross floor area of the building would be greater than 135,000 square metres.

7.16 Tallawarra Power Station buffer area

- (1) This clause applies to land shown hatched on the [Tallawarra Power Station Buffer Area Map](#).
- (2) Development consent must not be granted to development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that adequate measures have been, or will be in place, to minimise the adverse impact on persons using the building from noise and odour produced by the Tallawarra Power Station.

7.17 (Repealed)

7.18 Design excellence in Wollongong city centre and at key sites

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) This clause applies to development on any of the following land involving the construction of a new building or external alterations to an existing building—
 - (a) land within the Wollongong city centre,
 - (b) land shown edged heavy black and distinctively coloured on the [Key Sites Map](#) (a

key site).

- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the [Sun Plane Protection Map](#),
 - (e) how the proposed development addresses the following matters—
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) impact on, and any proposed improvements to, the public domain.
- (5) Development consent must not be granted to the following development to which this clause applies unless a design review panel has reviewed the design of the proposed development—

- (a) development in respect of a building that is, or will be, greater than 35 metres in height,
- (b) development having a capital value of more than \$1,000,000 on a key site,
- (c) development for which the applicant has chosen to have such a review.

(6) In this clause—

design review panel means a panel of 2 or more persons established by the consent authority for the purposes of this clause.

7.19 Active street frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in the following zones—
 - (a) Zone E1 Local Centre,
 - (b) Zone E2 Commercial Centre,
 - (c) Zone MU1 Mixed Use.
 - (d) (Repealed)
- (2) This clause applies to land identified as “Active street frontages” on the [Active Street Frontages Map](#).
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
 - (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) vehicular access.
- (5) For the purposes of this clause, a building has an ***active street frontage*** if—
 - (a) all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises, and
 - (b) its street frontage enables direct visual and physical contact between the street and the interior of the building.

Note—

Clearly defined entrances, windows and shop fronts are elements of a building facade that contribute to an active street frontage.

7.20 Overshadowing of Heritage Plaza, Central Park and Southern Park

- (1) The objective of this clause is to protect public open space in Heritage Plaza, Central Park and Southern Park from overshadowing.
- (2) This clause applies to the following land at Railway Street, Corrimal—
 - (a) Lot 1, DP 795791,
 - (b) Lot 5, DP 749492.
- (3) Development consent must not be granted for development on land to which this clause applies if the development will result in overshadowing of the land identified as “Heritage Plaza”, “Central Park” and “Southern Park” on the [Overshadowing Map](#) between 11am and 2pm on 21 June.
- (4) Subclause (3) does not apply to overshadowing caused by the following structures shown on the [Overshadowing Map](#)—
 - (a) C1 North Stack,
 - (b) C1 Brick Chimney Stack,
 - (c) C1 Fine Coal Bin.

7.21 Restoration or repair of heritage structures at former Corrimal Coke Works

- (1) This clause applies to Lot 1, DP 795791, Railway Street, Corrimal.
- (2) Despite clauses 4.3 and 7.20, development for the purposes of restoring, repairing, reconstructing or rebuilding the following structures shown on the [Overshadowing Map](#) is permitted with development consent—
 - (a) C1 North Stack,
 - (b) C1 Brick Chimney Stack,
 - (c) C1 Fine Coal Bin.
- (3) The maximum building height for the structures is as follows—
 - (a) C1 North Stack—37m,
 - (b) C1 Brick Chimney Stack—29m,
 - (c) C1 Fine Coal Bin—25m.

(4) In this clause—

rebuilding a structure means rebuilding in a way that evokes the original structure by representing key shapes or features.

7.22 Development in local centres

(1) The objectives of this clause are as follows—

(a) to ensure the scale and function of development in local centres are appropriate for the location,

(b) to ensure development in local centres is compatible with the desired future character and amenity of surrounding residential areas.

(2) This clause applies to land in Zone E1 Local Centre or Zone E2 Commercial Centre.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—

(a) the impact of the development on—

(i) the amenity of surrounding residential areas, and

(ii) the desired future character of the local centre, and

(b) whether the development is consistent with the hierarchy of centres.

7.23 Drive-through food and drink premises

(1) The objective of this clause is to prohibit drive-through food and drink premises in certain locations to—

(a) avoid ribbon development and traffic congestion, and

(b) ensure the safety of commuters.

(2) This clause applies to land identified as “Area A” on the [Key Sites Map](#).

(3) Development consent must not be granted to development for the purposes of food and drink premises that include a drive-through service on land to which this clause applies.

(4) In this clause—

drive-through service means a service enabling customers to purchase food or drink from the food and drink premises while seated in a motor vehicle at the point of purchase.

Part 8 Local provisions—Wollongong city centre

8.1 Objectives for development in Wollongong city centre

The objectives of this Part and (in so far as it relates to the Wollongong city centre) clause 7.18 are as follows—

- (a) to promote the economic revitalisation of the Wollongong city centre,
- (b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,
- (c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,
- (d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,
- (e) to facilitate the development of building design excellence appropriate to a regional city,
- (f) to promote housing choice and housing affordability,
- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,
- (h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.

8.2 Wollongong city centre—land to which Part applies

- (1) This Part applies to land within the Wollongong city centre.
- (2) A provision in this Part prevails over any other provision of this Plan to the extent of any inconsistency.

8.3 Sun plane protection

- (1) The objective of this clause is to protect specified public open space from excessive overshadowing by restricting the height of buildings.
- (2) This clause applies to land coloured yellow on the [Sun Plane Protection Map](#).
- (3) Development on land to which this clause applies is prohibited if the development results in any part of a building projecting above a sun access control set out in this clause.

- (4) **MacCabe Park** The sun access control for any point on land shown coloured yellow on the [Sun Plane Protection Map](#) and marked “MacCabe Park—Burelli Street” is—
- (a) 32 metres above the point, or
 - (b) if the point is within 26.4 metres of the boundary of Burelli Street—
metres above the point,
- where **D** is the shortest distance in metres between the point and the boundary of Burelli Street.
- (5) The sun access control for any point on land shown coloured yellow on the [Sun Plane Protection Map](#) and marked “MacCabe Park—Keira Street” is—
- (a) 24 metres above the point, or
 - (b) if the point is within 4.4 metres of the boundary of Keira Street—
metres above the point,
- where **D** is the shortest distance in metres between the point and the boundary of Keira Street.
- (6) **Civic Square** The sun access control for any point on land shown coloured yellow on the [Sun Plane Protection Map](#) and marked “Civic Square” is—
- (a) 32 metres above the point, or
 - (b) if the point is within 30.6 metres of the boundary of Crown Street—
metres above the point,
- where **D** is the shortest distance in metres between the point and the boundary of Crown Street.
- (7) **Pioneer Park** The sun access control for any point on land shown coloured yellow on the [Sun Plane Protection Map](#) and marked “Pioneer Park” is—
- (a) 24 metres above the point, or
 - (b) if the point is within 19 metres of the boundary of Pioneer Park—
metres above the point,
- where **D** is the shortest distance in metres between the point and the boundary of Pioneer Park.
- (8) **Market Square** The sun access control for any point on land shown coloured yellow on the [Sun Plane Protection Map](#) and marked “Market Square—North” is—
- (a) 16 metres above the point, or
 - (b) if the point is within 10.6 metres of the northern boundary of Market Place—

metres above the point,

where **D** is the shortest distance in metres between the point and the northern boundary of Market Place.

(9) The sun access control for any point on land shown coloured yellow on the [Sun Plane Protection Map](#) and marked “Market Square—West” is—

(a) 16 metres above the point, or

(b) if the point is within 9.4 metres of the western boundary of Market Place—metres above the point,

where **D** is the shortest distance in metres between the point and the western boundary of Market Place.

(10) If a calculation for a sun access control for a point gives a figure of zero or less, the sun access control is taken to be at the same height as the point.

(11) A reference in this clause to a **point on land** means a point at ground level (existing) on the land.

(12) This clause does not apply to development if it is the refurbishment of a building.

8.4 Minimum building street frontage

(1) The objective of this clause is to ensure that buildings have a minimum width to provide for the efficient development of land and design of buildings.

(2) Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within Zone E2 Commercial Centre, Zone E3 Productivity Support or Zone MU1 Mixed Use.

(3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that it is not physically possible for the building to be erected with at least one street frontage of 20 metres or more.

8.5 (Repealed)

8.6 Building separation within Zone E2 Commercial Centre or Zone MU1 Mixed Use

(1) The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.

(2) Buildings on land within Zone E2 Commercial Centre or MU1 Mixed Use must be erected so that—

(a) there is no separation between neighbouring buildings up to the street frontage

height of the relevant building or up to 24 metres above ground level whichever is the lesser, and

- (b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and
- (c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.

(3) Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than—

- (a) 20 metres from any habitable part of a dwelling contained in any other building, and
- (b) 16 metres from any other part of any other building.

(4) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.

(5) In this clause—

street frontage height means the height of that part of a building that is built to the street alignment.

8.7 Shops in Zone MU1 Mixed Use

- (1) The objective of this clause is to limit the size of shops in Zone MU1 Mixed Use to ensure that land within Zone E2 Commercial Centre remains the principal retail area.
- (2) Development consent must not be granted for development for the purpose of a shop on land in Zone MU1 Mixed Use if the gross floor area of the shop is to be more than 400 square metres.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at Buttenshaw Drive, Austinmer

- (1) This clause applies to land at 99 Buttenshaw Drive, Austinmer, being Lot 7, DP 223280.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

2 Use of certain land at Lawrence Hargrave Drive, Clifton

- (1) This clause applies to land at Lawrence Hargrave Drive, Clifton, being Lot 100, DP 1118518.

- (2) Development for the purposes of hotel or motel accommodation, a pub and a restaurant or cafe is permitted with development consent.

3 Use of certain land at Jarvie Road, Cringila

- (1) This clause applies to land at Jarvie Road, Cringila, being Lot 2, DP 217590.
- (2) Development for the purposes of a resource recovery facility is permitted with development consent.

4 Use of certain land at O'Briens Road, Figtree

- (1) This clause applies to land at O'Briens Road, Figtree, being Lot 21, DP 939374.
- (2) Development for the purposes of the subdivision of the land into 2 lots, and the erection of one dwelling house on the lot within Zone C3 Environmental Management is permitted with development consent.

5 Use of certain land at Princes Highway, Figtree

- (1) This clause applies to land at 47 Princes Highway, Figtree, being land that was formerly Lot 11, DP 609167.

Note—

This land is shown on the map marked "*City of Wollongong Local Environmental Plan 1990 (Amendment No 154)*" deposited in the office of the Council.

- (2) Development for the purposes of a residential flat building is permitted with development consent.

6 Use of certain land at Macquarie Place, Haywards Bay

- (1) This clause applies to land at 1-22 Macquarie Place, Haywards Bay, being Lots 101-108, DP 1070495.
- (2) Development for the purposes of specialised retail premises, a service station and vehicle sales or hire premises is permitted with development consent.

7 Use of certain land at Paynes Road, Kembla Grange

- (1) This clause applies to land at Paynes Road, Kembla Grange, being Lot 223, DP 751278.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

8 (Repealed)

9 Use of certain land at 84A Princes Highway, Maddens Plains

- (1) This clause applies to land at 84A Princes Highway, Maddens Plains, being Lot A, DP

408911.

- (2) Development for the purposes of an educational establishment is permitted with development consent.

10 Use of certain land at North Marshall Mount Road, Marshall Mount

- (1) This clause applies to land at North Marshall Mount Road, Marshall Mount, being Lots 1-3, DP 852180.
- (2) Development for the purposes of the subdivision of the land into 6 lots, and the erection of a dwelling house on each lot is permitted with development consent.

11 Use of certain land at Kirkwood Place, Mount Kembla

- (1) This clause applies to land at 1 Kirkwood Place, Mount Kembla, being Lot 2, DP 206691.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

12 Use of certain land at Lawrence Hargrave Drive, Scarborough

- (1) This clause applies to land at Lawrence Hargrave Drive, Scarborough, being Lot 1, Section 4, DP 1659, Lot 1, DP 982323 and Lot 1, Section A, DP 2693.
- (2) Development for the purposes of hotel or motel accommodation, a pub and a restaurant or cafe is permitted with development consent.

13 Use of certain land at Hawthorn Street, Tarrawanna

- (1) This clause applies to land at Hawthorn Street, Tarrawanna, being Lot 2, DP 793302.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

14 Use of certain land at Princes Highway, Thirroul

- (1) This clause applies to land at 57 Princes Highway, Thirroul, being Lot 1, DP 998258.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

15 Use of certain land at Carr Street, Towradgi

- (1) This clause applies to land at 12 Carr Street, Towradgi, being Lot 6, DP 749492.
- (2) Development for the purposes of the subdivision of the land in Zone R2 Low Density Residential into 3 lots, and the erection of 2 single storey dwelling houses, is permitted with development consent.

16 Use of certain land at Central Road and Albert Street, Unanderra

- (1) This clause applies to land at 23A Central Road, Unanderra, being Lot 20, DP 774581 and land at 1 Albert Street, Unanderra, being Lot 21, DP 774581.
- (2) Development for the purposes of business premises is permitted with development consent.

17 Use of certain land at Lady Penrhyn Drive, Unanderra

- (1) This clause applies to land at 30–40 Lady Penrhyn Drive, Unanderra, being Lot 1, DP 815554.
- (2) Development for the purposes of a correctional centre is permitted with development consent.

18 Use of certain land at Crown Street, Wollongong

- (1) This clause applies to land at 9–11 Crown Street, Wollongong, being Lot 101, DP 872951 and Lots 1, 6 and 7, DP 1091530.
- (2) Development for the purposes of commercial premises, markets or shops is permitted with development consent, but only if the development is part of the entertainment centre complex.

19 Use of certain land at Crown Street and Harbour Street, Wollongong

- (1) This clause applies to land at Crown Street and Harbour Street, Wollongong, being Part Lot 143 and Part Lot 144, DP 786508 as shown edged heavy black on the map marked “City of Wollongong Local Environmental Plan 1990 Amendment No 2”.
- (2) Development for the purposes of office premises and retail premises is permitted with development consent.

20 Use of certain land at Ross Street, Wollongong

- (1) This clause applies to land at 1 Ross Street, Wollongong, being Lots 101–106, DP 1125366.
- (2) Development for the purposes of a hospital is permitted with development consent.

21 Use of certain land at Wollongong and North Wollongong

- (1) This clause applies to land at 1–82A Cliff Road and 2 Georges Place, Wollongong and 1–13 Bourke St, North Wollongong being Lots 1, 2 and 3, DP 17709; Part Lot 1, DP 434751; Lot 2, DP 1059775; Part Lot 2, DP 337677; Part Lot B, DP 367260; Lot 1, DP 883351; Lot 101, DP 1021913; Part Lot D, DP 155466; Lot 21, DP 1032058; Lot 22, DP 1047028; Lots 1 and 2, DP 534773; Lot 1, DP 629931; Lot 4, DP 546014; Lot 78, DP 1097836; Lot 7, DP 565904; Lot 1, DP 87310; Lot 30, DP 511757; Lot 1, DP 112803;

Lot 19, DP 550947; Lot 1, DP 603683; Lot 40, DP 1084880; Lot 1, DP 231198; Lot 2, DP 150830; Lot 1, DP 612629; Lot 1, DP 714625; Lot 3, DP 1106063; Lot 20, DP 607507; Lot 20, DP 607507 and Lot 19, DP 996430.

- (2) Development for the purposes of a restaurant or cafe is permitted with development consent, but only if the restaurant or cafe is located on the ground floor.
- (3) Development for the purposes of hotel or motel accommodation and serviced apartments is permitted with development consent.

22 Use of certain land at Princes Highway, Yallah

- (1) This clause applies to land at Princes Highway, Yallah, being Lot 1, DP 156657.
- (2) Development for the purposes of a place of public worship is permitted with development consent.

23 Use of certain land at Bong Bong Road, Huntley

- (1) This clause applies to land at Bong Bong Road, Huntley, being Lot 1, DP 618764.
- (2) Development for the purposes of a recreation facility (outdoor) for a shooting range is permitted with development consent.

24 Use of certain land at 54 Marshall Mount Road, Avondale

- (1) This clause applies to land at 54 Marshall Mount Road, Avondale, being Lot 4, DP 608205.
- (2) Development for the purpose of a camping ground is permitted with development consent, but only if the consent authority is satisfied that the development will not have a significant adverse environmental impact.

25 Use of certain land at Beaton Park, Gwynneville

- (1) This clause applies to land at 37 Foley Street, Gwynneville, being Lot 113, DP 788462, Lot 104, DP 594259 and Lot 401, DP 1128781.
- (2) Development for the purposes of a medical centre is permitted with development consent.
- (3) Development for the purposes of a health services facility is permitted with development consent if the development is limited to development for the purposes of a community health service facility.

26 Use of certain land at Beaton Park, Gwynneville

- (1) This clause applies to land at 37 Foley Street, Gwynneville, being Lot 113, DP 788462.
- (2) Development for the purposes of a registered club is permitted with development

consent.

27 Use of certain land at Murphys Avenue, Keiraville

- (1) This clause applies to land at Murphys Avenue, Keiraville, being Lot 3, DP 252694.
- (2) Development for the purposes of a function centre is permitted with development consent.

28 Use of certain land at Yenda Avenue, Bulli

- (1) This clause applies to Lot 105, DP 264639, 4 Yenda Avenue, Bulli.
- (2) Development for the purposes of centre-based child care facilities is permitted with development consent.

29 Use of certain land at Railway Street, Corrimal

- (1) This clause applies to land identified as “29” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
 - (a) business premises,
 - (b) neighbourhood shops with a maximum gross floor area of 150m²,
 - (c) food and drink premises with a maximum gross floor area of 250m²,
 - (d) neighbourhood supermarkets with a maximum gross floor area of 500m².
- (3) However, development consent must not be granted unless—
 - (a) the development is at ground level (existing), and
 - (b) the total gross floor area of the development does not exceed 2,000m².

30 Use of certain land north of Darkes Forest Road, Darkes Forest

- (1) This clause applies to part of Lot 86, DP 752054, 117 Darkes Forest Road, Darkes Forest, shown as “30” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of artisan food and drink industries is permitted with development consent.

31 Use of certain land south of Darkes Forest Road, Darkes Forest

- (1) This clause applies to part of Lot 86, DP 752054, 117 Darkes Forest Road, Darkes Forest, shown as “31” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of water recycling facilities is permitted with development consent.

32 Use of certain land at Flinders Street, North Wollongong

- (1) This clause applies to certain land at Flinders Street, North Wollongong identified as “32” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of serviced apartments is permitted with development consent.

33 Use of certain land in Zone E1

- (1) This clause applies to certain land in Zone E1 Local Centre identified as “33” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of residential flat buildings or self-storage units is permitted with development consent.

34 Use of certain land in Zone E3

- (1) This clause applies to certain land in Zone E3 Productivity Support identified as “34” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of shop top housing is permitted with development consent.

35 Use of certain land at Darkes Forest Road, Darkes Forest

- (1) This clause applies to the following land at Darkes Forest Road, Darkes Forest—
 - (a) Lot 56, DP 664571,
 - (b) Lot 66, DP 752054.
- (2) Development for the following purposes is permitted with development consent—
 - (a) farm experience premises,
 - (b) for Lot 66, DP 752054—farm gate premises.

Schedule 2 Exempt development

(Clause 3.1)

Note 1—

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2—

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners’ property rights and the common law still apply.

Advertisements—general requirements

- (1) Must be non-moving.
- (2) Must be at least 600mm from any public road.
- (3) Must be at least 2.6m above any public footpath.
- (4) Must relate to the lawful use of the building (except for temporary signs).
- (5) Must be within the boundary of the property to which it applies, unless in an employment or mixed use zone or Zone W4 Working Waterfront.
- (6) Must reflect the character and style of any building to which it is attached.
- (7) Must not be detrimental to the character and functioning of the building.
- (8) Must not be on walls facing or adjoining residential premises.
- (9) Must not be an “A” frame sign.
- (10) Must have the consent of the owner of the property on which the sign is located.

Advertisements—business identification signs for businesses other than brothels in Zone E1, E2, E3 or MU1

- (1) **Underawning sign** Sign attached to the underside of an awning other than a fascia or return end—
 - (a) must meet the general requirements for advertisements, and
 - (b) 1 sign per ground floor premises with street frontage, and
 - (c) maximum length—2.5m, and
 - (d) maximum height—0.5m, and
 - (e) must not be flashing.
- (2) **Projecting wall sign (excluding underawning signs)** Sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting more than 300mm—
 - (a) must meet the general requirements for advertisements, and
 - (b) 1 sign per premises or 1 per street frontage, whichever is the greater, and
 - (c) maximum projection—1.5m, and
 - (d) maximum area—1.5m², and

(e) must not be flashing.

(3) **Flush wall sign** Sign attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm—

(a) must meet the general requirements for advertisements, and

(b) maximum area—2.5m², and

(c) must not be flashing.

(4) **Top hamper sign** Sign attached to the transom of a doorway or display window of a building—

(a) must meet the general requirements for advertisements, and

(b) maximum area—2.5m², and

(c) must not be flashing.

(5) **Fascia signs** Sign attached to the fascia or return of the awning—

(a) must meet the general requirements for advertisements, and

(b) 1 sign per premises, and

(c) must not project above or below, or more than 300mm from, the fascia or return end of the awning to which it is attached, and

(d) must not be flashing.

Advertisements—business identification signs for businesses other than brothels in Zone E4, E5 or W4

(1) Must meet the general requirements for advertisements.

(2) 1 pole or pylon sign per premises (including any directory board for multiple occupancies).

(3) Maximum height—5m.

(4) Must be within 5m of any public entry point to the premises.

(5) Must not obstruct the sight line of vehicle or pedestrian traffic.

(6) For multiple occupancy premises, 1 additional business identification sign is permitted at the entrance to each occupied unit, maximum area—1.2m².

(7) For single occupancy premises, 1 additional business identification sign is permitted, maximum area—50m² or 1m² per 3m of street frontage, whichever is the lesser.

Advertisements—business identification signs in residential zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m².
- (4) If a pole or pylon sign, maximum height—2m.
- (5) Must not be illuminated or flashing.

Advertisements—business identification signs in rural zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m² (except if a pole or pylon sign).
- (4) If a pole or pylon sign, maximum area—2m² and maximum height—2m.
- (5) Must not be illuminated or flashing.

Advertisements—public notices displayed by public body giving information or direction about services provided

- (1) Must meet the general requirements for advertisements.
- (2) Maximum height—5m.
- (3) Maximum area—5m².
- (4) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (5) Must not be flashing.

Advertisements—real estate signs (advertising land development)

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—6m² for each 25 lots being advertised.

Advertisements—real estate signs (advertising premises or land for sale or rent) in employment or mixed use zones or Zone W4

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—4.5m².
- (3) Must be within the boundary of the advertised property.

(4) Must not be flashing.

(5) Must be removed within 14 days after the premises or land is sold or let.

Advertisements—real estate signs (advertising premises or land for sale or rent) in residential or rural zones

(1) Must meet the general requirements for advertisements.

(2) Maximum area—2.5m².

(3) Must not be flashing.

(4) Must be removed within 14 days after the premises or land is sold or let.

Advertisements—signs behind glass line of shop window in Zone E1, E2, E3, E4 or MU1 (other than in brothels)

(1) Must meet the general requirements for advertisements.

(2) Must not occupy more than 25% of the area of the window.

(3) Must not be flashing.

Advertisements—temporary signs for religious, cultural, social or recreational events

(1) Must meet the general requirements for advertisements.

(2) 1 per street frontage.

(3) Maximum area—1.5m² and maximum height—1.5m in residential and rural zones.

(4) Maximum area—3.5m² and maximum height—2m in employment and mixed use zones and Zone W4 Working Waterfront.

(5) Must not include commercial advertising apart from name of event sponsor.

(6) Must not be displayed earlier than 28 days before, or later than 14 days after, the event.

(7) Must not be used in relation to recurring events.

(8) Must not be flashing.

Advertisements—in site, but not visible from outside of site (other than in brothels)

Must meet the general requirements for advertisements.

Outdoor dining (associated with food and drink premises)

(1) Must be on community land, operational land or a Crown reserve.

- (2) Must be associated with an adjacent food and drink premises for which development consent has been granted.

Schedule 3 Complying development

(Clause 3.2)

Note—

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

Alterations and additions to industrial and warehouse buildings in Zone E4, E5 or W4

- (1) Must not be on lots that are adjacent to land in residential or recreation zones.
- (2) Must not involve change to the use of the premises.
- (3) Maximum additional floor area—1,000m² or 25% of existing floor area (whichever is the lesser).
- (4) Maximum floor space ratio—1:1.
- (5) Maximum height of any structure—8.5m.
- (6) Minimum setback for any structure—
 - (a) from an arterial road (or arterial road widening)—20m, or
 - (b) from a local road (or local road widening)—10m, or
 - (c) from other boundaries—5m.
- (7) Minimum setback for any paved area wider than 1.5m—
 - (a) from an arterial road (or arterial road widening)—5m, or
 - (b) from a local road (or local road widening)—5m, or
 - (c) from other boundaries—3.5m.
- (8) Must have at least 1 window opening, door opening or other wall variation of more than 50mm for every 20m of wall length facing the front boundary.
- (9) Earthworks must not extend more than—
 - (a) 900mm above ground level (existing), or
 - (b) 600mm below ground level (existing).

- (10) Any roof or surface drainage area must have a drainage system that—
 - (a) captures the roof or surface water, and
 - (b) discharges that water into the inter-allotment or street stormwater drainage system, and
 - (c) limits the rate of discharge into Council’s kerb and gutter to less than 20L per second without using on-site detention systems, and
 - (d) caters for a 1 in 20 year storm event and directs excess water over land to the street.
- (11) Must provide and maintain, adjacent to any street, a landscaped area with a minimum width of 5m that is designed by a suitably qualified landscape architect and that has mounding to a height of at least 600mm along the majority of any frontage to an arterial road.
- (12) Must ensure that there are in each landscaped area at least 3 trees (that grow to a mature height of over 5m), 6 shrubs (that grow to a mature height of over 1.5m) and 20 smaller plants.
- (13) Must provide a landscaped bay with a minimum width of 1.5m containing at least 1 tree, at the end of at least every 10 car parking spaces in the front setback.
- (14) Must provide at least 1 car parking space for every 40m² of gross floor area of any building used for the purpose of office premises and at least 1 car parking space for every 70m² of gross floor of any building used for any other purpose.
- (15) Must not reduce any vehicle loading area or remove any such area.
- (16) Must not change the location or number of driveway entries onto the property.
- (17) Driveways must—
 - (a) be at least 10m from any road intersection, and
 - (b) be no wider than 7m crossing any landscaped strip to the front street or a side street, and
 - (c) permit all vehicles to enter and exit the site in a forward direction.
- (18) Must locate garbage and storage areas behind the building line for each street frontage.

Dwelling houses in Zone R5 Large Lot Residential

- (1) Must be the construction of a dwelling house including any ancillary development related to that house (such as garages, awnings or swimming pools).

- (2) Must be entirely in Zone R5 Large Lot Residential.
- (3) The property must have a street frontage width of at least 20m and an area of at least 2,500m².
- (4) Maximum floor space ratio—0.1:1.
- (5) The setback from the front property boundary—
 - (a) to the front wall of the dwelling house closest to the street must be between 12m and 25m, and
 - (b) to any other front walls of the dwelling house that are over 2m wide must be between 4.5m and 8m.
- (6) Maximum width of the dwelling (not including ancillary components)—20m.
- (7) Maximum depth of the dwelling (not including ancillary components)—20m.
- (8) Minimum setback from the rear property boundary to the rear walls of the dwelling—12m.
- (9) Minimum setback from side property boundaries to the walls of the dwelling—5m.
- (10) Maximum height of any structure (other than a structure that is exempt development)—8.5m.
- (11) Maximum height of a single storey structure (other than a structure that is exempt development)—5m.
- (12) Maximum number of storeys—2.
- (13) Maximum height of the ground floor level—800mm above ground level (existing).
- (14) Maximum height of any raised platform (associated with a deck, retaining wall, fill or otherwise) behind the front setback—800mm but if within 3m of any property boundary—300mm.
- (15) Earthworks must not extend more than—
 - (a) 300mm above ground level (existing), or
 - (b) 500mm above ground level (existing) if retained behind an edge beam wall of the dwelling, or
 - (c) 500mm below ground level (existing).
- (16) Maximum depth of any second storey balcony—3m.
- (17) Any second storey balcony must be at least 10m from the rear property boundary.

- (18) Maximum height between a floor and the ceiling above—4.5m.
- (19) Minimum height between a floor in a habitable area and the ceiling above—2.4m.
- (20) Materials, colours and finishes must be visually compatible with those existing in the surrounding area.
- (21) Must provide and maintain, on the rear half of the property, private open space of at least 300m² with a minimum width of 6m.
- (22) Must provide and maintain, on the rear half of the property, a soft landscaped area of at least 100m² with a minimum width of 5m that has no hard paved surface other than garden edging, retaining structure or similar.
- (23) Must provide and maintain, on the front setback, a soft landscaped area of at least 15m² with a minimum width of 2.5m that has no hard paved surface other than garden edging, retaining structure or similar.
- (24) Must ensure that there are at least 3 trees (that grow to a mature height of over 5m and are not exempt trees), 6 shrubs (that grow to a mature height of over 1.5m) and 20 smaller plants.
- (25) Must provide and maintain at least 2 car parking spaces, 1 that is behind the building line and is at least 3m wide and 5.5m long (that must be covered) and 1 that is at least 2.5m wide and 5.5m long (that may be covered, but only if behind the building line).
- (26) Maximum width of any garage or carport (including walls)—7m (unless entirely behind the dwelling).
- (27) Any garage or carport must be set back at least 1m behind the front wall of the dwelling closest to the street.
- (28) Maximum width of driveways at the property boundary—6m.
- (29) Minimum distance of driveways from any road intersection—6m.
- (30) Driveways outside the property boundary must be constructed at right angles to the kerb and guttering and must be at least 500mm from any telegraph pole, street furniture or drainage structure.
- (31) Any covered outdoor area (including awnings, pergolas, gazebos, verandahs, entry foyers or similar) must be open for at least 50% of its perimeter between 1m and 2m above the inside floor level.
- (32) Any structure with a roof area of more than 10m² must have guttering and downpipes that capture the water from the roofed area and discharge that water—

- (a) into the inter-allotment or street stormwater drainage system, or
 - (b) into rainwater tanks that discharge any overflow into any such stormwater system.
- (33) Maximum area of any swimming pool or spa pool—50m².
- (34) Any swimming pool or spa pool—
- (a) must be behind the dwelling, and
 - (b) must be at least 1.2m from any side or rear property boundary, and
 - (c) must be at least 4m from the principal access point to the main living areas of the dwelling, and
 - (d) must be surrounded by a graded surface that diverts water away from the pool, buildings and neighbouring properties.
- (35) Maximum height of any coping or decking around a swimming pool or spa pool—900mm above ground level (natural) or if within 3m of any side or rear property boundary—400mm above ground level (natural).

Part 2 Complying development certificate conditions

Note—

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Corrimal	Lot 1, DP 214743, 10 Lyndon Street
Lake Heights	Lot 59, DP 28802, Ranchby Avenue
North Wollongong	Lot 2, DP 231004, Montague Street

Warrawong	Lot 36, DP 17853, Bruce Road
Warrawong	Drainage Reserve, DP 16083, Third Avenue North
Windang	Lot 102, DP 1005245, Windang Road (Lake Illawarra Foreshore)

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Bellambi	Part of Lot 202, DP 716326, Bott Drive, as shown edged heavy black and identified as "Operational Land" on Sheet 2 of the map marked " <i>Wollongong Local Environmental Plan 2009 (Amendment No 2) Reclassification Map</i> " deposited in the office of the Council	Nil
Bellambi	Lot 6, DP 39037, 26 Park Road	Nil
Berkeley	Part of Lot 192, DP 700165, Nolan Street, as shown edged heavy black and identified as "Operational Land" on Sheet 9 of the map marked " <i>Wollongong Local Environmental Plan 2009 (Amendment No 2) Reclassification Map</i> " deposited in the office of the Council	Nil
Bulli	Part of Lot 2, DP 772593 and part of Lot 3, DP 863277, Princes Highway, being part of the Bulli Showground, as shown edged heavy black and identified as "Operational Land" on Sheet 3 of the map marked " <i>Wollongong Local Environmental Plan 2009 (Amendment No 2) Reclassification Map</i> " deposited in the office of the Council	Nil
Bulli	Lot 16, DP 216777, Range Place	Easement for drainage (2185817) and easement for drainage (2185818) as noted on Certificate of Title Folio Identifier 16/216777

Dapto	Part of Lot 49, DP 24980, Avondale Road, as identified as operational land on the Land Reclassification (Part Lots) Map	Nil
Dapto	Lot 87, DP 32081, Baringa Place	Nil
Dapto	Part of Lot 1, DP 1005887, 253 Kanahooka Road, as shown edged heavy black and identified as "Operational Land" on Sheet 8 of the map marked " <i>Wollongong Local Environmental Plan 2009 (Amendment No 2) Reclassification Map</i> " deposited in the office of the Council	Nil
East Corrimal	Lot 31, DP 10422, 42 Thalassa Avenue	Nil
Fairy Meadow	Lot 23, DP 243092, 44 Rann Street	Nil
Figtree	Lot 4, DP 230541, Mountain View Crescent	Nil
Gwynneville	Lot 201 and part of Lot 207, DP 816857, Mercury Street, as shown edged heavy black and identified as "Operational Land" on Sheet 5 of the map marked " <i>Wollongong Local Environmental Plan 2009 (Amendment No 2) Reclassification Map</i> " deposited in the office of the Council	Nil
Keiraville	Part of Lot 1672, DP 877546, near Ashcroft Place, being a carpark at the University of Wollongong, as shown edged heavy black and identified as "Operational Land" on Sheet 1 of the map marked " <i>Wollongong Local Environmental Plan 2009 (Amendment No 1) Reclassification Map</i> " deposited in the office of the Council	Nil
Kembla Grange	Lot 1, DP 329804, Canterbury Road	Nil

Mount Keira	Part of Lot 81, DP 1153714, Keira Mine Road, as shown edged heavy black and identified as "Operational Land" on Sheet 7 of the map marked " <i>Wollongong Local Environmental Plan 2009 (Amendment No 2) Reclassification Map</i> " deposited in the office of the Council	Nil
Mount Keira	Part of Lot 1, DP 875991, Queen Elizabeth Drive, being part of Mount Keira Summit Park, as shown edged heavy black and identified as "Operational Land" on Sheet 4 of the map marked " <i>Wollongong Local Environmental Plan 2009 (Amendment No 2) Reclassification Map</i> " deposited in the office of the Council	Nil
Mount Ousley	Lot 5, DP 217372, 18 Stanbrook Avenue	Nil
Mount Pleasant	Lot 10, DP 39154, part of Brokers Road Reserve	Nil
North Wollongong	Part of Lot 1, DP 708558, Montague Street Reserve, as shown edged heavy black and identified as "Operational Land" on Sheet 6 of the map marked " <i>Wollongong Local Environmental Plan 2009 (Amendment No 2) Reclassification Map</i> " deposited in the office of the Council	Nil
Port Kembla	Lot 3, DP 231808, Darcy Road	Nil
Port Kembla	Lot 1, DP 723148, 85 Illawarra Street	Nil
Port Kembla	Lot 1, DP 728015, 96A Illawarra Street	Nil
Port Kembla	Lot 1, DP 347045, Shellharbour Road	Nil
Russell Vale	Lot 20, DP 245050, 3 Collaery Road	Nil
Spring Hill	Lot 6, DP 91802, Five Islands Road	Nil

Thirroul	Part of Lot 3, DP 204631, Station Street, as shown edged heavy black and identified as "Operational Land" on Sheet 1 of the map marked "Wollongong Local Environmental Plan 2009 (Amendment No 2) Reclassification Map" deposited in the office of the Council	Nil
Towradgi	Lot 505, DP 833242, Murranar Road	Nil
Warrawong	Part of Lot 1, DP 182649, part of Darcy Wentworth Park, as shown edged heavy black and identified as "Operational Land" on Sheet 2 of the map marked "Wollongong Local Environmental Plan 2009 (Amendment No 1) Reclassification Map" deposited in the office of the Council	Nil
Warrawong	Lot 1, DP 243820, Eyre Place	Nil
Windang	Lot 1, DP 610406, Windang Road (Lake Illawarra Foreshore)	Easement for drainage (D641261), easement for drainage (N303271) and easement for sewerage (R292848) as noted on Certificate of Title Folio Identifier 1/610406
Wollongong	Lot 6, Section C, DP 15742, Greenacre Road	Nil
Wollongong	Lot 14, Section B, DP 15742, Northcote Street	Nil
Wollongong	Lot 1, DP 1132396, Sperry Street	Nil
Wollongong	Part of Lot 102, DP 847615, Springhill Road, being a heliport and carpark, as shown edged heavy black and identified as "Operational Land" on Sheet 3 of the map marked "Wollongong Local Environmental Plan 2009 (Amendment No 1) Reclassification Map" deposited in the office of the Council	Nil
Woonona	Lot 3, DP 552827, Mitchell Road	Nil
Woonona	Lot 82, DP 562294, Mitchell Road	Nil
Woonona	Lot 2, DP 723137, Pioneer Drive	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item Name	Address	Property Description	Significance	Item No
Austinmer	House	1 Headland Avenue	Lot 2, DP 201973 "Braemar"	Local	6147
Austinmer	House "Brentwood"	55 Lawrence Hargrave Drive	Lot 73, DP 9233	Local	6510
Austinmer	Glastonbury Gardens	Toxteth Avenue	Lot 29, DP 7559; Lots 3 and 6, DP 12378; Lots A and C, DP 373660; Lot 1, DP 435733; Lot 2, DP 519285	Local	6153
Austinmer	Austinmer school residence	92-94 Lawrence Hargrave Drive	Lot 1, DP 119024	Local	6148
Austinmer	Norfolk Island pines	Lawrence Hargrave Drive, Austinmer Main Beach	Lot 1, DP 172287; Lot 7020, DP 1071551; Lot 3, DP 1110343	Local	6151
Austinmer	War memorial	Lawrence Hargrave Drive, Austinmer Main Beach	Lot 3, DP 1110343	Local	6511
Austinmer	Norfolk Island pines	North Austinmer Beach	Lots 96-100, DP 174418; Lot 1, DP 431661; Lot 7021, DP 1071551	Local	6152
Austinmer	Group of shops	34-40 Moore Street	Lot 18, Section C, DP 2111; Lot 2, DP 1073935 and Lot 1, DP 1073935	Local	6509
Austinmer	Uniting Church	48 Moore Street	Lots 11 and 12, Section C, DP 2111	Local	6507

Austinmer	Shop and house	57 Moore Street	Lot 6, Section A, DP 2111	Local	6508
Austinmer	"Workshop"	67-69 Moore Street	Lot 1, DP 301323; Lots 1 and 2, DP 1081245	Local	6149
Austinmer	Austinmer Railway Station	Lot 1 Railway Lands	Part of Lot 1, DP 1149493	State	6259
Austinmer	Site of Austinmer jetty*	North of Headland Avenue	Foreshore	Local	6485
Austinmer	House "The Outlook"	14 Oceana Parade	Lot 1, DP 231287	Local	61004
Austinmer	House "Cintra"	15 Wigram Road	Lot 18, DP 7559	Local	6150
Austinmer	Norfolk Island pines on former Headlands Hotel site	Yuruga Street	Lots 100 and 101, DP 1212173	Local	6504
Austinmer	Norfolk Island Pines	Yuruga Street (corner Headlands Avenue)	Lot 1, DP 519277; Lot 7024, DP 1060923; Lot 7302, DP 1149797	Local	61046
Avondale	House, ("Avondale Homestead")	301 Avondale Road	Lot 224, DP 789384	Local	5916
Avondale	House ("Mooreland")	384 Avondale Road	Part Lot 6, DP 3083	Local	5984
Avondale	House ("Linbrook")	84 South Avondale Road	Lot 9, DP 3083	Local	5982
Balgownie	Balgownie Community Centre	113 Balgownie Road	Lot 5, DP 1129933	Local	6215
Balgownie	Street front shop	135-137 Balgownie Road	Part Lot 2, DP 37904 and Part Lot 3, DP 584503	Local	6213
Balgownie	Balgownie Hotel	141-143 Balgownie Road	Lot 5, DP 872833	Local	61009
Balgownie	Balgownie Public School	Balgownie Road (Corner Chalmers Street)	Part Lot 1, DP 709601	Local	6214
Bellambi	Bellambi Hotel	5-7 Bellambi Lane	Lot 1, DP 657196	Local	6456
Bellambi	Bellambi Station Master's Residence	3 Brompton Road	Lot 2, DP 1193269	Local	6359

Bellambi	Bellambi Lake and Sandpit Point	Turner Esplanade	Lots 5 and 6, DP 240541; Lots 141 and 157, DP 247217; Lot 2, DP 615377; Lot 175, DP 726738; Part Lot 113, DP 751301; Lot 7011, DP 1057474; Lot 7017, DP 1057474; Lot 22, DP 1180717	Local	6204
Berkeley	Lake islands	Lake Illawarra (Hooka Island and Goosebury Island)	Lot 57, DP 751299 and Lot 35, DP 751299	Local	6112
Brownsville	Former Illawarra Lake Hotel	11 Prince Edward Drive	Lot B, DP 349026	Local	6321
Brownsville	St Luke's Church and Cemetery Complex (including Church Hall and Landscape)*	35 Prince Edward Drive	Lot 203, DP 1234890	Local	5915
Bulli	Norfolk Island pine beach front planting and row of phoenix palms	Bulli Beach, adjacent to Trinity Row and Park Road	Road reserve and foreshore reserve	Local	6192
Bulli	Bulli Colliery Rail Bridge and Alignment (Former)*	Bulli Colliery to rail bridge embankments	Lot 50, DP 1045297; Lots 52 and 53, DP 1201697	Local	6527
Bulli	Norfolk Island Pines Beach Front Planting	Bulli Point, Point Street	Lots 1-12, DP 7813; Lot 103, DP 7813 and Lot 1, DP 231244	Local	6191
Bulli	Site of "Sandon Cottage"*	Sandon Point, Point Street	Part of Lot 1, DP 231244	Local	6358
Bulli	Bulli General Cemetery*	Carrington Street	Lot 7309, DP 1144553	Local	6451
Bulli	Row of Federation Houses	87-101 Farrell Road	Lots 9-16, DP 6454	Local	6182
Bulli	Federation House	8 Fowler Street	Lot 2, DP 38367	Local	6180
Bulli	Victorian House	10 Fowler Street	Lot 1, DP 220111	Local	6181
Bulli	Bulli Railway Station	Lot 100 Park Road	Part of Lot 100, DP 1141139	State	6484

Bulli	Bulli Collieries—includes shaft No 1, shaft No 2 original shaft sinking head frame, old pit top, old furnace shaft and pit town remains*	Hobart Street	Lot 3, DP 255282; Lot 1, DP 430752; Lot 50, DP 1045297; Lot 2374, DP 1120421; Lot 3, DP 1185534	Local	5924
Bulli	House	28 Park Road	Lot 1, DP 780905	Local	6175
Bulli	St Joseph's Roman Catholic Church and former Convent	48-50 Park Road	Lot 1, DP 86818	Local	61078
Bulli	House	52 Park Road	Part Lot A, DP 164966	Local	6176
Bulli	Federation House, Former Anglican Rectory	54-56 Park Road	Lot 1002, DP 873075	Local	6177
Bulli	House	60 Park Road	Lot 3, DP 598485	Local	6179
Bulli	House	64 Park Road	Lot 1, DP 246899	Local	6178
Bulli	Memorial Obelisk	Lot 100 Park Road	Lot 100, DP 1141139	Local	61081
Bulli	St Augustine Anglican Church of Australia and cemetery*	66 Park Road	Lot 801, DP 774190	Local	6174
Bulli	Bulli Station Master's Residence	41 Park Road	Lot 1, DP 809643	Local	6500
Bulli	Methodist manse and church	191 Princes Highway	Lot 1, DP 779555 and Lot 1, DP 780740	Local	6355
Bulli	Miners' cottage	200 Princes Highway	Lot 1, DP 194397	Local	5973
Bulli	Denmark Hotel and stables	202 Princes Highway	Lot 1, DP 986139	Local	5927
Bulli	Former Joint Stock Bank	233 Princes Highway	Lot 1, DP 799054	Local	5985
Bulli	House	226 Princes Highway	Lot 1, DP 162072	Local	6445
Bulli	House	227 Princes Highway	Lot 4, DP 997530	Local	6446
Bulli	Victorian House	230 Princes Highway	Lot 2, DP 1130117	Local	6447
Bulli	Bulli post office	231 Princes Highway	Lot 1, DP 91869	Local	6173

Bulli	Bulli Family Hotel	240 Princes Highway	Lot 1, DP 66053	State	5902
Bulli	House	242 Princes Highway	Lot 2, DP 161605	Local	6185
Bulli	House	244 Princes Highway	Lot 21, DP 1016175	Local	6183
Bulli	House	312 Princes Highway	Lot 5, DP 6793	Local	6448
Bulli	Former ambulance station	322 Princes Highway	Lot 1, DP 981540	Local	6449
Bulli	Former Bulli Shire Council Chambers	328-330 Princes Highway	Lot A, DP 421249	Local	6184
Bulli	Former Sherbrooke Union Church	Princes Highway (in Grevillea Park)	Lot 1, DP 772593	Local	6450
Bulli	WWI Memorial	Princes Highway, (Slacky Flat Park)	Lot 33, DP 1182831	Local	6444
Bulli	Former Bulli Railway Guesthouse	8 Station Street	Lot 4, DP 1234087	Local	5987
Bulli	Old Mountain Road	North of Rixons Pass Road, Bulli Tops	Road reserve	Local	6517
Bulli	Boat sheds	Sandon Point	Lot 103, DP 7813	Local	6487
Cleveland	House ("Cleveland")	273 Cleveland Road	Lot 1, DP 194419	Local	5950
Clifton	Cottage	6 Clifton School Parade	Lot 5, DP 1175954	Local	6133
Clifton	Former School Residence	30 Clifton School Parade	Lot 216, DP 1252684	Local	6134
Clifton	Cliff vegetation and Moranga Park	Lot 11 Lawrence Hargrave Drive	Lot 11, DP 1137408	Local	6347
Clifton	School of Arts	338 Lawrence Hargrave Drive	Lot 1, DP 966733	Local	6132
Clifton	Imperial Hotel	317 Lawrence Hargrave Drive	Lot 100, DP 118518	Local	6135
Coalcliff	Coalcliff Colliery Shaft Mine and Coke Works*	280 Lawrence Hargrave Drive	Lot 1, DP 703488; Lot 58, DP 1097339; Lot 11, DP 1132791; Lot 13, DP 1137408; Railway Corridor	Local	6348

Coalcliff	Coalcliff Colliery jetty mine—including entrance portal*	East of Lawrence Hargrave Drive	Crown land	Local	5922
Coalcliff	Coalcliff Tunnel No 8*	Railway Tunnel, Illawarra Line	Railway Corridor	Local	6258
Coledale	Sawmill*	14-18 Morrison Avenue	Lot D, DP 373278	Local	6256
Coledale	Coledale Railway Station	Railway Street	Part of Lot 1, DP 1188983	Local	6350
Coledale	Norfolk Island pines	South Coledale Beach	Reserve 88873; Lot 1, DP 519277	Local	6144
Coledale	Norfolk Island Pines	Coledale Beach, Lawrence Hargrave Drive	Part Lot 11, DP 752054; Lot 1, DP 1204195; Lot 1, DP 1168311	Local	6143
Coniston	House	18 Bridge Street	Lot C, DP 350897	Local	6227
Coniston	Stand of Spotted Gum	Lot 4 Robertson Street	Lot 4, DP 838267	Local	6404
Corrimal	Ficus obliqua	Bloomfield Park, 10 Lydon Street	Lot 51, DP 12423; Lot 1, DP 214743; Lot 31, DP 1006012	Local	6465
Corrimal	Wilgendene	14 Jones Place	Lot 126, DP 544292	Local	6201
Corrimal	South Bulli Colliery*	Lot 1 and 7 Princes Highway	Lots 1 and 2, DP 5323; Lot 1, DP 77407; Lot 1, DP 534522; Lot 1, DP 652833; Lot 1, DP 976144; Lot 1, DP 86676; Lot 1, DP 1022945; Lot 1, DP 1046070; Lots 1-3, DP 1052074	Local	5928
Corrimal	Former Headmaster's Residence—Corrimal Public School	96-98 Princes Highway	Lot 1, DP 835462	Local	6462
Corrimal	Corrimal Hotel	264-268 Princes Highway	Lot 101, DP 1004200	Local	6464
Corrimal	Ziem's Shops and Outbuildings	328-330 Princes Highway	Lots 104 and 105, DP 1062386	Local	6463
Corrimal	Catholic Cemetery*	116 Princes Highway	Lot 1, DP 1037746	Local	6360

Corrimal	Phil Adams Park	Railway and Duff Parade	Lot 14, DP 586795	Local	6209
Corrimal	War Memorial	Corrimal Memorial Park, 92-96 Railway Street	Lot 1, DP 1140149	Local	6210
Corrimal	Former Corrimal Coke Works	27 Railway Street	Lot 126, DP 598190 and part of Lot 1, DP 795791	Local	6607
Corrimal	House and garden	45 Underwood Street	Lot 6, DP 501963	Local	6208
Corrimal	Corrimal Public School	100 Princes Highway	Lot 2, DP 835462	Local	6205
Dapto	Memorial wall, Dapto war memorial olympic swimming pool	Bangaroo Avenue	Lot 127, DP 242665	Local	61015
Dapto	Fairley's building (former)	1-11 Bong Bong Road	Lot 10, DP 1048264	Local	61021
Dapto	Military Bunker	Mt Brown Reserve, Bright Parade	Part Lot 4, DP 223746	Local	61016
Dapto	Crystal clothing factory (former)	14-16 Marshall Street	Lot 112, DP 1007288	Local	61023
Dapto	Hoop Pines	Part Lot 223 Paynes Road	Part Lot 223, DP 751278	Local	6328
Dapto	Bunya Pine	93-108 Princes Highway	Lot 1, DP 1050533	Local	61025
Dapto	Dapto Hotel	102-110 Princes Highway	Lot 1, DP 564523	Local	61022
Dapto	Bunya Pine (Uniting Church grounds)	126-128 Princes Highway	Lot B, DP 157162	Local	61026
Dapto	House	206 Princes Highway	Lot 121, DP 791202	Local	6336
Dapto	House	214 Princes Highway	Lot 1, DP 128686	Local	6337
Dapto	House	222 Princes Highway	Lot A, DP 161286	Local	6338
Dapto	House "Daisy Bank"	262-268 Princes Highway	Lot 1, DP 416929	Local	6436
Dapto	"Penrose" (formerly "Penrose Villa")	480 Princes Highway	Lot 2, DP 608205	Local	5917

Dapto	Dapto Railway Station	Station Street	Part of Lot 2, DP 856667	Local	6435
Dapto	Station Master's residence	1 Station Street	Lot 1, DP 856667	Local	6335
Dombarton	Railway Cutting—Unanderra/Moss Vale railway line	Lot 1, Reddalls Road	Lot 1, DP 185282	Local	6499
Dombarton	"Stream Hill" Homestead, barn, dairy and feed shed	231 Sheaffes Road	Lot 23, DP 790915	Local	6323
Dombarton	Hillside Farm	295 Sheaffes Road	Lot 1, DP 873109	Local	61045
Fairy Meadow	Balgownie Migrant Workers Hostel	Huts 201, 204 and 210, 9 Squires Way	Lot 2, DP 1172135	State	61075
Fairy Meadow	House	37 Ellengowan Crescent	Lot 2, DP 508798	Local	6218
Fairy Meadow	Former North Illawarra council chambers	182 Princes Highway	Lot 1, DP 79280	Local	61031
Fairy Meadow	Warrenda and curtilage	240–280 Princes Highway	Lot 101, DP 628238; Lot A, DP 157592 and Lots 6,7 and 9, DP 252601	Local	61072
Farmborough Heights	Moreton Bay fig	133 Farmborough Road	Lot 34, DP 19224	Local	6319
Farmborough Heights	House "Non Such" / "Farmborough"	351 Farmborough Road	Lot 1, DP 628538	Local	6318
Fernhill	Farrell Park	Douglas Road, Wallace Road and Ross Street	Lot 38, DP 35954	Local	6221
Fernhill	"Seacroft House"	457–459 Princes Highway	Lot 202, DP 804501	Local	6212
Figtree	Fig Tree	Figtree Villas, 69 O'Briens Road	Lot 124, DP 864159	Local	6293
Figtree	"Greenhills" and "Hillside" and Gardens	170–190 Princes Highway	Lots 104–111, DP 1132818	Local	6403
Gwynneville	Weatherboard House	31 Foley Street	Lot 12, DP 614895	Local	6245

Helensburgh	Metropolitan Colliery*	Lot 7304 Parkes Street	Lot 7304, DP 1142152	Local	5921
Helensburgh	Railway Tunnel (disused)*	Off Cawley Road	Lot 1, DP 248826; Lot 7, DP 1140314; Act No MP/Lease 35 and MP/Lease 41	Local	6345
Helensburgh	Helensburgh Cemetery*	Cemetery Road	Lot 7068, Crown DP 93064	Local	6123
Helensburgh	Cottage	12 Foster Street	Lot 100, DP 1129182	Local	6108
Helensburgh	Cottage	5 Hay Street	Lot 50, DP 1002294	Local	6118
Helensburgh	Cottage	15 Hay Street	Lot 1, DP 578720	Local	6121
Helensburgh	“Wildys”	16 Hay Street	Lot 23, DP 933864	Local	6120
Helensburgh	Residence, former post office	1 High Street	Lot 797, DP 752033	Local	6109
Helensburgh	Company houses	4-10 Junction Street	Lots 688 and 790-792, DP 752033	Local	6114
Helensburgh	Railway tunnels*	Lilyvale siding	Lot 1, DP 815356	Local	6482
Helensburgh	Helensburgh Public School and site of former School Residence*	Lukin Street and Fletcher Street	Part Lot 136, and Lot 761, DP 752033	Local	6111
Helensburgh	Postman’s track	Between Lukin Street and Railway	Road reserve	Local	6105
Helensburgh	Residence, former police station	72-74 Parkes Street	Lot 81, DP 806991	Local	6110
Helensburgh	Hanley’s Hotel	112 Parkes Street (Corner Walker Street)	Lot 1, DP 309398	Local	6115
Helensburgh	Post office	114 Parkes Street (Corner Walker Street)	Lot 2, DP 860357	Local	6116
Helensburgh	Garrawarra Hospital, including gates and gatehouse, administration building, kitchen blocks, kitchen and store block, staff cafeteria, nurses hostel and residential houses	9 Princes Highway	Lot 2, DP 840501; Lot 4, DP 851304	Local	6486

Helensburgh	Waterfall General (Garrawarra) Cemetery*	Princes Highway	Lots 3 and 4, DP 840501; Lot 7332, DP 1160404	Local	61028
Helensburgh	Interwar House and Land*	43-49 Princes Highway	Lots 713 and 911, DP 752033	Local	6505
Helensburgh	Cottage	20 Robertson Street	Lot 70, DP 749113	Local	6103
Helensburgh	Masonic Temple	1-1A Robertson Street	Lots 823 and 824, DP 752033	Local	6104
Helensburgh	Sri Venkateswara Temple	1 Temple Road	Lot 15, DP 255197	Local	6122
Helensburgh	Helensburgh Railway Station	Lot 9 Wilsons Creek Road	Part of Lot 9, DP 1129965	State	6343
Helensburgh	Railway Tunnel (disused), railway platform, railway tunnels*	Corner Tunnel Road and Old Station Road	Rail reserve and Lot 1, DP 248826; Lot 1, DP 815356; Lot 100, DP 839934; Lot 10, DP 1129965; Lot 7310, Crown DP 1152384	Local	6482
Helensburgh	Railway Cottage	3 Vera Street	Lot 1, DP 816623	Local	6107
Helensburgh	Railway station platform*	End of Tunnel Road	Lot 1, DP 248826	Local	6482
Helensburgh	House	35 Vera Street	Lot 6, DP 627608	Local	6106
Helensburgh	Railway tunnel (disused)*	End of Vera Street	Lot 1, DP 248826	Local	6482
Helensburgh	Helensburgh Park, Charles Harper Monument and Pines	4 Walker Street	Lot 7065, DP 1031042	Local	6124
Helensburgh	Police station and lock-up	2 Waratah Street (Corner Parkes Street)	Lot 995, DP 752033	Local	6117
Horsley	"Reed Park" entrance gates (former)	Bong Bong Road	Lot 101, DP 617745	Local	61018
Horsley	"Horsley" homestead, outbuildings and garden	61 Horsley Drive	Lot 2, DP 1018357	State	5913

Horsley	Former Tramway alignment*	Lot 834 Wholahan Avenue and Public Reserve 44 Mallion Avenue	Lot 228, DP 1165205; Lot 834, DP 1172488	Local	61069
Huntley	Huntley Colliery*	Lot 101 Avondale Road	Lot 101, DP 1247603	Local	7102
Huntley	Site of former "Waples" butchery*	Lot 1 Bong Bong Road	Lot 1, DP 810104	Local	61079
Huntley	Site of former "Swan" Homestead*	Lot 1 Bong Bong Road	Lot 1, DP 810104	Local	61082
Huntley	Bong Bong Pass*	End of Bong Bong Road	Road reserve	Local	61017
Huntley	Site of former Sunnyside Farm and Outbuildings*	360 Cleveland Road	Lot 2, DP 810104	Local	61080
Huntley	Trees (former site of "Benares")*	410 Cleveland Road	Lot 101, DP 856793	Local	5979
Huntley	Avondale Public School (former)	451 Cleveland Road	Lot 1, DP 1125364	Local	5981
Huntley	House ("Glen Avon")	456 Cleveland Road	Lot 18, DP 3083	Local	5980
Kanahooka	Smelter Rail Route*	Former alignment behind properties fronting Thirroul Road, Edgeworth Avenue and William Beach Road extending between Kanahooka Road, Field Street and Webb Park	Lots 1 and 3, DP 546902	Local	61044

Kanahooka	Former Dapto Smelter*	Kanahooka Road	Lots 10-33, 40-47, 49-53, 55, 57, 59-77 and 79-101, DP 1159882; Lots 240-241, DP 1185005; Lots 1-2, 1203058; Lots 1-2, DP 1203820; Lots 7-8, DP 1203821; Lots 5-6, DP 1203822; Lots 3-4, DP 1203823; Lots 9-10, DP 1203824; Lots 11-12, DP 1203826; Lots 1-2, DP 1218433; Lots 1-2, DP 1220152	Local	5953
Kanahooka	House "Rondanella"	23 Rondanella Drive	Lot 202, DP 1034062	Local	6430
Keiraville	Significant Trees in Reserve	Gipps Road Reserve, Shoobert Crescent	Lot 165, DP 203864	Local	6513
Keiraville	"Gleniffer Brae" and surrounding Sorenson Garden	Wollongong Botanic Garden, 48 Murphys Avenue	Lots 1-3, DP 252694	State	5940
Kembla Grange	Former "Barlyn" Homestead site, including gardens and dairy*	105 Darkes Road	Lot 202, DP 1192033	Local	6325
Kembla Grange	Newton Park and Gardens	451 Princes Highway	Lot 12, DP 1238073	Local	5949
Kembla Grange	World War II Cemetery	47 Reddalls Road	Lot 114, DP 771098; Lot 7002, DP 1055632	Local	5989
Kembla Grange	"Glengarry" homestead	107 Reddalls Road	Lot 53, DP 1022266	Local	6432
Kembla Grange	Slab Hut	303 Reddalls Road and adjoining road reserve	Lot 103, DP 840320 and Road reserve	Local	6433
Kembla Grange	"Glen Ayre" Homestead	167 Sheaffes Road	Lot 1, DP 71431	Local	6322
Kembla Grange	Group of Bunya Pines, Moreton Bay Figs and Hills Figs	Sheaffes Road (150m SE of bend in Paynes Road)	Lot 1, DP 588139	Local	6326

Kembla Grange	West Dapto Public School and Residence (former)	150 Sheaffes Road	Lot 1, DP 795173	Local	5975
Kembla Grange	“Stane Dyke” Homestead	17 Stane Dyke Road	Lot 1000, DP 1239565	Local	5976
Kembla Grange	Settler’s Cemetery	Reddalls Road	Lot 113, DP 771098	Local	6327
Kembla Grange	Kembla Grange Racecourse Railway Station	Corner of West Dapto Road and Princes Highway (on South Coast Rail Line)	Lot 44, DP 1189256	Local	61061
Kembla Grange	Moreton Bay Fig	West Dapto Road (on bend in West Dapto Road, northern end of property)	Lot 1, DP 588140	Local	6329
Kembla Grange	St John’s Catholic Cemetery	231 West Dapto Road	Lot 1, DP 1037747	Local	5974
Kembla Heights	Site of Pioneer Kerosene Works*	Between American Creek and Cordeaux Road	Lots 1 and 3, DP 1103781	Local	6411
Kembla Heights	Windy Gully Cemetery*	560 Cordeaux Road	Lot 3, DP 1103781	Local	5941
Kembla Heights	Row of Miners’ Cottages and Club Room	595 Cordeaux Road	Lot 1, DP 551243	Local	5942
Kembla Heights	Cottages and Edna Walling Garden Precinct*	353 Farmborough Road	Lot 17, DP 255285	State Nominated	6496
Kembla Heights	Pit Pony Stables, PK2 Mine Precinct*	353 Farmborough Road	Lot 17, DP 255285	State Nominated	6320
Kembla Heights	Former Post Office	Lot 3 Harry Graham Drive	Part of Lot 3, DP 1103666	Local	5946
Kembla Heights	House	Lot 1 Harry Graham Drive	Lot 1, DP 986723; Lot 21, DP 1190749; Lot 161, DP 1196124	Local	6410
Kembla Heights	Mt Kembla Colliery—including site of mine workings, portal, mine air shaft and pit pony stables*	Lot 1 Harry Graham Drive	Lot 22, DP 1076092; Lots 1 and 2, DP 1103666; Lot 21, Crown DP 1190749	Local	7105

Kembla Heights	Nebo Colliery*	Lots 1 and 3 Harry Graham Drive	Lots 1 and 3, DP 110366; Lot 1, DP 1103781	Local	7104
Kembla Heights	Mine Manager's Residence	East of Lot 1 Harry Graham Drive	Lot 1, DP 1103666	Local	5947
Koonawarra	Mt Brown Landscape Area	Koonawarra/Dapto	Lot 4, DP 223746; Lot 12, DP 233464; Lots 6, 7, 9, 10 and 11, DP 1147392; Lot 31, DP 1175058; Lots 50, 51 and 52, DP 1233938; Lot 141, DP 2239830	Local	6339
Lake Heights	Fig Tree	6-8 Grandview Parade	Lots 260 and 261, DP 15174	Local	61013
Lilyvale	Royal National Park Coastal Cabin Communities	Burning Palms, Royal National Park	Lot 101, DP 1193169	State	6483
Lilyvale	Royal National Park Coastal Cabin Communities	Era Beach, Royal National Park	Lot 101, DP 1193169	State	6483
Lilyvale	Royal National Park Coastal Cabin Communities	Little Garie Beach, Royal National Park	Lots 13 and 44, DP 752018	State	6483
Mangerton	"Audleigh"	9 Brownlee Street	Lot 20, DP 9196	Local	6362
Mangerton	Mangerton Park	25 Eastern Avenue to end of Eirene Avenue	Lot 226, DP 24688; Lots 42 and 43, DP 27316; Lot 5, DP 229828; Lot 2, DP 512389	Local	6280
Mangerton	Streetscape of Mature Blackbutts and Turpentine	Area around Reservoir Street, Norman Street, Meares Avenue and Eirene Avenue	Road reserve and Lot 14, DP 213805; Lot 1, DP 310077; Lot 2, DP 617042; Lot 1, DP 120714	Local	6469
Mangerton	Hoop pines	Woodlawn Avenue (near corner Payne Street)	Road reserve	Local	6461
Marshall Mount	Marshall Mount Progress Association Hall	450 Marshall Mount Road and part of 410 Marshall Mount Road	Lot 1, DP 396100; part of Lot 12, DP 790746	Local	61027

Marshall Mount	Former Marshall Mount School and master's residence	456 Marshall Mount Road	Lot 100, DP 712786	Local	5983
Mount Saint Thomas	Fort Drummond including Stand of Spotted Gum	1 Television Avenue	Lots 1 and 3, DP 208194	Local	6405
Mt Kembla	Mt Kembla (Julian's) Hall	4 Benjamin Road	Lot 2, DP 158694	Local	61011
Mt Kembla	Mt Kembla Hotel	274 Cordeaux Road	Lot 100, DP 717507	Local	5948
Mt Kembla	Anglican Church of Australia and cemetery*	301 Cordeaux Road	Lot 1, DP 600602	Local	5904
Mt Kembla	Stinson's cottage	310 Cordeaux Road	Lot 1, DP 855388	Local	6295
Mt Kembla	Post Office/Store	314 Cordeaux Road	Lots 1 and 3, DP 1216466	Local	5945
Mt Kembla	House	315 Cordeaux Road	Lot 1, DP 798046	Local	6297
Mt Kembla	House	321 Cordeaux Road	Lot 10, DP 1089218	Local	6298
Mt Kembla	Mt Kembla Public School and Headmaster's Residence	323-327 Cordeaux Road	Lots 1-4, DP 126784	Local	5943
Mt Kembla	Slow's cottage	336 Cordeaux Road	Lot 1, DP 196473	Local	6299
Mt Kembla	Former St Clement's Roman Catholic Church	356 Cordeaux Road	Lot 1, DP 230082	Local	5944
Mt Kembla	Cottage	2 Kirkwood Place	Lot 2, DP 606407	Local	6301
Mt Keira	Mt Keira Public School	255 Mt Keira Road	Lot 1, DP 308171; Lots 1 and 2, DP 782592	Local	5903
Mt Keira	Mt Keira Scout Camp	551 Mt Keira Road	Lot 1, DP 255281	State Nominated	6471
Mt Keira	Kemira Colliery*	Mt Keira Road	Lot 6, DP 255281; Lot 1, DP 852788; Lot 310, DP 1080848; Part of Lot 3100, DP 1137780; Lot 32, DP 1191463	Local	7101

Mt Ousley	Modernist House	31 Burling Avenue	Lot 22, DP 20427; Lot B, DP 415350	Local	6217
Mt Ousley	House	3 Sansey Avenue	Lot 9, DP 39416	Local	6219
Mt Ousley	House	18 Strone Avenue	Lot 42, DP 20427	Local	6216
Mt Pleasant	Mt Pleasant Colliery*	Parrish Avenue	Lot 2, DP 852788 and Lot 2, DP 870325	Local	7103
North Wollongong	Magnolia	42 Bourke Street (Corner of Virginia Street)	Lot 1, DP 526597	Local	6384
North Wollongong	North Beach kiosk and residence	Cliff Road—North Beach	Lot 70, DP 751299	State	61036
North Wollongong	North Beach pavilion	Cliff Road—North Beach	Lot 70, DP 751299	State	61033
North Wollongong	North Wollongong Hotel (formerly Bode's Hotel) and Group of Trees	3 Flinders Street	Lot 1, DP 654485	Local	6273
North Wollongong	North Beach Surf Club	Stuart Park, George Hanley Drive	Lot 3, DP 1136814	Local	61035
North Wollongong	Group of Norfolk Island Pines and Canary Island Palms	Stuart Park, George Hanley Drive	Lot 3, DP 1136814	Local	6283
North Wollongong	Victorian House	34 Porter Street	Lot 6, Section 1, DP 11656	Local	6470
North Wollongong	Seafield House and Graduation Works*	Puckey's Estate, Squires Way	Lot 9, DP 1163861	Local	61037
North Wollongong	Row of Canary Island date palms	View Street	Road reserve	Local	6515
Otford	Royal National Park Coastal Cabin Communities	Bulgo Beach, Lady Wakehurst Drive, Royal National Park	Lot 1, DP 56059; Lot 21 Crown DP 1193149	Local	6483
Otford	Semi-detached Houses	1, 3, 5 and 7 Lady Carrington Road	Lots 4-7, DP 817562	Local	6125
Otford	Former Pump Master's House	40 Lady Carrington Road	Lot 2, DP 817561	Local	61029
Otford	Former Station Master's House*	42 Lady Carrington Road	Lot 1, DP 817561	Local	61001
Otford	Residence, former post office	120 Otford Road	Lot 1, DP 748355	Local	6127

Otford	Former Headmaster's Residence	35 Station Road	Lots 1 and 2, DP 1193918	Local	6126
Otford	Otford Tunnel and Old Railway Alignment*	Between Stanwell Park/Otford on disused railway line	Lot 1, DP 668532; Lots 3 and 4, DP 1191773	State	6131
Port Kembla	Coomaditchie Lagoon and surrounds*	Cowper Street	Lot 1, DP 182391	Local	6424
Port Kembla	Battery Observation Post	25-29 Gallipoli Street	Lot 15, DP 1138179	Local	6594
Port Kembla	Remains of Original Ocean Baths*	MM Beach, Gloucester Boulevard	Lot 7008, Crown DP 1059827	Local	6477
Port Kembla	Hill 60, Fisherman's Beach, Boilers Point, Red Point and MM Beach*	Hill 60, Fisherman's Beach, Boilers Point and MM Beach	Lot 3, DP 86079; Lot 90, DP 200729; Lots 1 and 3, DP 531524; Lots 1 and 2, DP 614555; Lots 1 and 2, DP 706046; Lot 7048, DP 1052504; Lot 7008, DP 1059827; Lot 7009, DP 1059827; Lot 7049, DP 1061648; Lot 7050, DP 1061649; Reserve 71700; Reserve 73221	State	61043
Port Kembla	Saint Kliment Ohridski, Macedonian Orthodox Church	60-62 Keira Street	Lots 8 and 9, Section 3, DP 8703	Local	61012
Port Kembla	Bomb shelter*	59 Military Road	Lot 1, DP 1037234	Local	6478
Port Kembla	Former Fire Station	99 Military Road	Lot 1, DP 1224353	Local	6307
Port Kembla	St Stephen's Anglican Church of Australia, including Rectory and Hall	111 Military Road	Lots 34-36, DP 7804	Local	6305
Port Kembla	House and Shop	123 Military Road	Lot 28, Section 4, DP 7804	Local	6311
Port Kembla	Site of former Port Kembla Primary School*	Lot 1 Military Road	Lot 1, DP 811699	Local	6304

Port Kembla	Port Kembla Olympic Pool	Olympic Boulevard	Lot 2, DP 345786; Lot 51, DP 1047304	Local	6431
Port Kembla	Mural	10-14 Wentworth Street	Lot N, DP 409769	Local	5971
Port Kembla	Steel Works Hotel	21-25 Wentworth Street	Lot 101, DP 814680	Local	6420
Port Kembla	Former Commonwealth Bank	31-33 Wentworth Street	Lot 3, Section 6, DP 5868	Local	6308
Port Kembla	"Guinery's", Port Kembla Hotel	54-58 Wentworth Street	Lots 31 and 32, Section 2, DP 5868	Local	6421
Primbee	Vegetated hill and swamp*	Government Road (North of Korrongulla Swamp)	Lot 1, DP 773067	Local	6313
Primbee	Fig Tree	Reserve corner James Avenue and Korrongulla Crescent, Primbee (Ray Crump Oval)	Lots 159 and 160, DP 9753	Local	61014
Primbee	"Esperanza"	27 Jones Avenue	Lot 3, DP 516595	Local	6423
Russell Vale	Moreton Bay Fig	Russell Vale Golf Course, 618 Princes Highway	Lot 855, DP 1105102	Local	6211
Russell Vale	Group of Fig Trees	50 Terania Street	Road reserve and Lot 25, DP 23149	Local	6202
Scarborough	Scarborough Public School	371-381 Lawrence Hargrave Drive	Lots 18-29, Section 2, DP 2281	Local	6137
Scarborough	Scarborough Hotel	383 Lawrence Hargrave Drive	Lot 1, DP 982323 and Lot 1, Section 4, DP 1659	Local	6138
Scarborough	Police station	393-395 Lawrence Hargrave Drive	Lot 6, Section A, DP 2693	Local	6139
Scarborough	Former mine manager's residence	430 Lawrence Hargrave Drive	Lot 51, DP 1104365	Local	6140

Scarborough	Row of Miners' Cottages	438, 440, 442, 443, 444, 445, 449, 453 and 453A Lawrence Hargrave Drive	Lot 23, DP 740434; Lot 24, DP 740434; Lot 25, DP 740434; Lot 26, DP 740434; Lot 7, Section B, DP 2693; Lot B, DP 431274; Lot C, DP 431274; Lot 90, DP 835584 and Lot 91, DP 835584	Local	6351
Scarborough	Former Anglican church	464 Lawrence Hargrave Drive	Lot 16, Section C, DP 2693	Local	6506
Scarborough	Scarborough Railway Station	Lot 1 Railway Avenue	Part of Lot 1, DP 811416	State	6349
Stanwell Park	Oxford Tunnel and Old Railway Alignment*	Chellow Dene Avenue	Lot 35, DP 245198; Lot 1, DP 668532; Lot 216, DP 822230; Lot 90, DP 1091722; Lot 451, DP 1129219; Lot 5, DP 1191773; Chellow Dene Avenue Road Reserve	Local	6131
Stanwell Park	"Interbane"	8 Lawrence Hargrave Drive	Lot 100, DP 1012889	Local	6346
Stanwell Park	Wet sclerophyll forest	Old Coast Road, Park Parade, The Drive and Chellow Dene Avenue	Road reserve	Local	6503
Stanwell Park	"Hillcrest"	1A Railway Crescent	Lot 5800, DP 1132696	Local	5901
Stanwell Park	St George's Anglican Church	54 Stanwell Avenue	Lot 68, DP 5275	Local	61003
Stanwell Park	Railway Viaduct*	Stanwell Creek Gorge	Lot 11, DP 1132791	State	5920
Stanwell Park	"Seabreeze"	45 The Drive	Lot 200, DP 601637	Local	6129
Stanwell Park	House	57 The Drive	Lot 137, DP 5275	Local	6128

Stanwell Tops	Lawrence Hargrave Memorial Park	Bald Hill Lookout, Otford Road	Lots 230-236, DP 5858; Lot 1, DP 118841; Lot 1, DP 118842; Lot 1, DP 309491; Lot 243, DP 658560; Lot 244, DP 658561; Lot 245, DP 658562; Lot 246, DP 658563; Lot 247, DP 658564; Lot 248, DP 658565; Lots 237 and 238, DP 1155156; Lots 239 and 240, DP 1155165; Lot 1, DP 1180011; Lot 4, DP 1191773	Local	5918
Stanwell Tops	Former Garden of Peace	31 Stonehaven Road	Lot 1, DP 213038	Local	61002
Tarrawanna	House "The Ridge"	7-9 Hawthorn Street	Lot 34, DP 831285	Local	5986
Tarrawanna	Corrimal Colliery*	Lot 2 Hawthorn Street	Lot 2, DP 793302	Local	61046
Thirroul	Thirroul Baths precinct	Bath Street	Part Lot 405, DP 881119	Local	61030
Thirroul	Old Railway Barracks	5 Church Street	Lot 1, DP 1187295	Local	6498
Thirroul	Thirroul Beach Reserve	Cliff Parade	Part Lot 405, DP 881119; Lots 30-33, Section 3, DP 2185; Lot 1, DP 964636	Local	6171
Thirroul	House	10 Cliff Parade, Corner Spray Street	Lot 13, DP 5736	Local	6154
Thirroul	"Wyewurk"	3 Craig Street	Lot 2, Section 2, DP 5828	Local	5925
Thirroul	Massandra and Ballinderry	16-24 Fords Road	Lot 2, DP 618432; Lot 1, DP 656988; Lots 11 and 12, DP 1187593	Local	6353
Thirroul	Fig Tree (Ficus obliqua)	54 Fords Road, 3 and 5 Sylvan Way	Lot 1, DP 1141284; Lots 2 and 3, DP 855965	Local	6492
Thirroul	Fig Tree	32A-32B Hewitts Avenue	Lots 202 and 203, DP 1158352	Local	61005
Thirroul	House	1 Lachlan Street	Lot 7, DP 5961	Local	6164

Thirroul	Former Uniting church	2 Lachlan Street	Lot 5, DP 1103555	Local	6165
Thirroul	House	6 Lachlan Street	Lot B, DP 372549	Local	6168
Thirroul	House	10 Lachlan Street	Lot 63, DP 7588	Local	6169
Thirroul	House	227 Lawrence Hargrave Drive	Lot 3, Section I, DP 4882	Local	6163
Thirroul	House	229 Lawrence Hargrave Drive	Lot 2, Section I, DP 4882	Local	6166
Thirroul	Former Methodist church	256 Lawrence Hargrave Drive	Lot 12, Section A, DP 4882	Local	6161
Thirroul	Former Kings Theatre	264–270 Lawrence Hargrave Drive	Lot 101, DP 1126857	Local	6155
Thirroul	War Memorial WWI (adjacent to former RSL club)	Lawrence Hargrave Drive	Lot 107, DP 1156609	Local	6162
Thirroul	Small Leafed Fig	346, 352 and 354 Lawrence Hargrave Drive	Lots 3 and 5, DP 984203; and Lot 1, DP 1221078	Local	6172
Thirroul	House (former guest house)	6 Mary Street	Lot 19, Section I, DP 4882	Local	6434
Thirroul	House “Oceana”	36 Pass Avenue	Lot 67, DP 10972	Local	6159
Thirroul	House	42 Pass Avenue	Lot 70, DP 10972	Local	6158
Thirroul	House	73 Princes Highway	Lot 1, DP 203068	Local	6497
Thirroul	Thirroul Railway Station	Railway Parade	Part of Lot 107, DP 1156609	State	6352
Thirroul	Row of Federation Houses	2, 4 and 6 Raymond Road	Lot 301, DP 1041575	Local	6167
Thirroul	House and garden	58 Redman Avenue	Lot 21, DP 666897	Local	6439
Thirroul	Thirroul Public School	5 Roxburgh Avenue	Lot 100, DP 634133	Local	6160
Thirroul	House	11 Station Street	Lot 6, DP 5544	Local	6156
Thirroul	“Woodville”	22 Station Street	Lot 100, DP 812519	Local	6157
Thirroul	Group of fig and turpentine	12–14 Tasman Parade	Lot 3, DP 544605 and Lot 102, DP 547460	Local	6170
Unanderra	House “Nudjia”	83A Cummins Street	Lot 2, DP 1135561	Local	6426

Unanderra	Site of former "Berkeley House"*	23 Glastonbury Avenue and 191-195 Five Islands Road	Lot 401, DP 845805 and Lot 210, DP 811435	Local	6519
Unanderra	Berkeley Pioneer Cemetery*	Investigator Drive	Lot 1, DP 195869	Local	6429
Unanderra	Old Unanderra Public School, formerly Charcoal Public School	136 Princes Highway	Lot 100, DP 1186122	Local	6427
Unanderra	Former Unanderra Council Chambers and Hall	144 Princes Highway	Lot 1, DP 860110	Local	6317
Unanderra	Unanderra Station Master's Residence	Lot 1000 Princes Highway	Lot 1000, DP 1141456	Local	6428
West Wollongong	Former Roger Therry Residence "Keera Vale"	30 Bukari Street	Lot 1, DP 206947	Local	5912
West Wollongong	House	24-26 Mt Keira Road	Lot 5, DP 223847	Local	6472
West Wollongong	Moreton Bay Fig	55-59 Princes Highway	Lot 1, DP 839750	Local	6292
West Wollongong	Former Mt Keira Inn*	55-59 Princes Highway	Lot 1, DP 839750	Local	6408
Windang	Norfolk Island Pines	Perkins Beach, Fern Street	Lot 7015, DP 1029497	Local	6312
Wollongong	House	48 Atchison Street	Lot 10, DP 854381	Local	6222
Wollongong	House	50 Atchison Street	Lot 11, Section 1, DP 7285	Local	6223
Wollongong	"Carthona"	52 Atchison Street	Lot 12, Section 1, DP 7285	Local	6224
Wollongong	House	54 Atchison Street	Lot 131, DP 1027195	Local	6225
Wollongong	"Regentville"	56 Atchison Street	Lot 14, Section 1, DP 7285	Local	6361
Wollongong	Crane Pedestal	Belmore Basin—Wollongong Harbour Endeavour Drive	Lot 1, DP 633814	State	6399
Wollongong	California flats	7-9 Burelli Street	Lot 1, DP 202511	Local	6226

Wollongong	St Andrew's Presbyterian Church and hall	50 Burelli Street (Corner of Kembla Street)	Lot 1, DP 153372	Local	6228
Wollongong	Row of Hills Figs	Burelli Street	Road reserve between Kembla Street and Church Street	Local	6284
Wollongong	"The Lodge"	22 Campbell Street	Lot 15, DP 741727	Local	6229
Wollongong	"Devlin Cottage"	29 Campbell Street	Lot 9, DP 32545	Local	61073
Wollongong	Terrace houses	46-56 Campbell Street	Lots 1-6, DP 928978	Local	6365
Wollongong	Semi-detached house	67-69 Campbell Street	Lot 1, DP 595374	Local	6366
Wollongong	Victorian House	71A-75 Campbell Street	Lot 12, DP 884323	Local	6230
Wollongong	Wollongong Public School and Former Headmaster's Residence*	67A Church Street	Lot 1, DP 61915; Lots 1 and 2, DP 307856; Lot 1, DP 340380; Lots 1-7, DP 781988	Local	5935
Wollongong	Former Allowrie Terrace	69-71 Church Street	Lot 1, DP 126603 and Lot A, DP 163539	Local	6389
Wollongong	St Michael's Anglican Church of Australia including church hall, rectory and significant trees	74 Church Street	Lot 102, DP 1101956	State	5905
Wollongong	Canary Island Date Palms	84 Church Street—MacCabe Park	Part Lot 12, DP 524803 and Lot 1, DP 227811	Local	6587
Wollongong	Wollongong War Memorial and Frank Andrews Monument	84 Church Street—MacCabe Park	Part Lot 12, DP 524803	Local	6324
Wollongong	Battery Park, Cliff Road	Cliff Road	Lots 69 and 70, DP 751299	State	5934
Wollongong	Remains of Mt Keira Osborne Wallsend Tramway Bridge	Cliff Road—Osborne Park	Lot 12, DP 212648	State	6367

Wollongong	Railway Cuttings and Embankments	Cliff Road—Wollongong Foreshore from North Beach to Belmore Basin	Lot 70, DP 751299	State	6306
Wollongong	Archaeological site of the Wollongong Gaol*	84, 86 and 88 Cliff Road and 3, 5 and 7 Hector Street	Lots 5–10, DP 11509	Local	61094
Wollongong	Archaeological remains of the Cricketers Arms Hotel*	Corrimal Street (corner of Crown Street adjacent to 41 Crown Street)	Road Reserve	Local	61097
Wollongong	Alice Villa	117 Corrimal Street	Lot 101, DP 827740	Local	6234
Wollongong	Former Roman Catholic cemetery including Gravestones and Monument*	9–11 Crown Street— Andrew Lysaght Park	Lot 143, DP 786508; Lots 1–7, DP 1091530	Local	6383
Wollongong	Flats	10 Crown Street	Lot 90, DP 1024782	Local	6369
Wollongong	St Francis Xavier's Cathedral	24 Crown Street (fronting Harbour Street)	Lot 1, DP 86710	Local	5932
Wollongong	Comelli Bros Building	48–50 Crown Street	Lot 104, DP 841664	Local	6473
Wollongong	“Lisborne House”	68–70 Crown Street	Lot 1, DP 782764	Local	6236
Wollongong	Shops	72–76 Crown Street	Lot 1, DP 127333	Local	6237
Wollongong	Shop	87 Crown Street	Lot 12, Section 10, DP 759104	State	6238
Wollongong	Wollongong East post office	91 Crown Street	Lot 25, Section 10, DP 759104	State	6370
Wollongong	Norfolk Island Pine	93 Crown Street	Lot 1, DP 1161730	Local	6285
Wollongong	Wollongong Town Hall and Former Council Chambers (now Art Gallery)	93 Crown Street and 46 Burrelli Street	Lots 1–5, DP 1131686; Lot 1, DP 1161730	Local	6381
Wollongong	Commercial frontage	98–100 and 102 Crown Street	Part of Lot 1, DP 163231; part of Lot 1, DP 657047	Local	61106

Wollongong	Wesley Uniting Church	116 Crown Street	Lot 201, DP 731858	Local	6371
Wollongong	Kawarra Chambers building	118-124 Crown Street	Part of Lot 4, DP 83910	Local	61105
Wollongong	Bank Chambers	127-131 Crown Street	Part of Lots 1-3, DP 1070120	Local	61098
Wollongong	Royal Bank	133 Crown Street	Lot 2, DP 603751	Local	6239
Wollongong	Commercial frontage	135 and 137-139 Crown Street	Part of Lot 1, DP 603751; part of Lot 1, DP 546698	Local	61102
Wollongong	Shop known as 83 Church Street	149-161 Crown Street (part)	Lot 1, DP 1094311	Local	6232
Wollongong	Commercial frontage	179-181, 183-185 and 187-189 Crown Street	Part of Lot 1, DP 805952; part of Lot 1, DP 77246; part of Lot 1, DP 75289	Local	61103
Wollongong	Row of shops	230-264 Crown Street	Lots 1 and 2, DP 555270; Lots 2-5, DP 27990; Lots 10 and 11, DP 535757 and Lot A, DP 33437	Local	6240
Wollongong	Caldwell's building	280-282 Crown Street	Part of Lots 4 and 5, DP 29391	Local	61100
Wollongong	Former Marcus Clark Building	281-291 Crown Street	Lot 1, DP 927806; Lot 1, DP 1087986; Lot 1, DP 82673; Lot 1, DP 117019; Lot 1, DP 1198873	Local	6474
Wollongong	Former Crown Hotel	309 Crown Street	Lot 1, DP 807229	Local	6241
Wollongong	Tattersall's Hotel	329-333 Crown Street	Lot 1, DP 222491	Local	6242
Wollongong	Group of Fig Trees	348-352 Crown Street (grounds of Wollongong Hospital)	Lot 200, DP 1206575	Local	5939
Wollongong	Wollongong Hospital Nurses' Home	348-352 Crown Street (Wollongong Hospital Site)	Lot 200, DP 1206575	State	5939
Wollongong	House	366 Crown Street, Wollongong West	Lot B, DP 343680	Local	6243

Wollongong	Moreton Bay Fig	363–373 Crown Street	Lot 1, DP 201949; Lot 100, DP 1214547	Local	6290
Wollongong	Moreton Bay Fig	Beatson Park, Crown Street	Lots 1 and 2, DP 1115021	Local	6286
Wollongong	Former Berlei building	43–47 Denison Street	Part of Lots 32 and 33, Section 4, DP 1258	Local	61095
Wollongong	House “Hillside”	12 Edward Street	Lot 7, DP 15904	Local	6372
Wollongong	House	27 Edward Street	Lot C, DP 151122	Local	6244
Wollongong	Site of Coke Works, including remains of coke oven*	Endeavour Drive—Belmore Basin	Lot 1, DP 633814	State	6406
Wollongong	Stone Steps	Endeavour Drive—Belmore Basin—connecting Endeavour Drive to Wharf Area	Lot 1, DP 739591; Lot 1, DP 633814	State	6364
Wollongong	Harbour Steps	Endeavour Drive—Belmore Basin—north-eastern side	Lot 1, DP 739591; Lot 1, DP 633814	State	6418
Wollongong	Breakwater Light House	Endeavour Drive—End of Breakwater, Wollongong Harbour	Lot 1, DP 633814	State	5906
Wollongong	Flagstaff Hill Fort	Endeavour Drive—Flagstaff Hill	Lots 1 and 2, DP 222318	State	5933
Wollongong	Wollongong Head Lighthouse	Endeavour Drive—Flagstaff Hill	Lots 1 and 2, DP 222318	State	6375
Wollongong	Three Guns	Endeavour Drive—Flagstaff Hill	Lot 7041, DP 1066112	State	6376
Wollongong	Seawall*	Endeavour Drive, Flagstaff Point	Lot 7040, DP 1066112	State	6344
Wollongong	Ladies’ Baths	Endeavour Drive, south of Flagstaff Point	Lot 7024, DP 1072640	State	6373
Wollongong	Nuns’ Baths	Endeavour Drive, south of Pulpit Rock	Lot 7023, DP 1072640	State	6289

Wollongong	Former Coach House	10A-10B Flinders Street	Lots 101 and 102, DP 579564	Local	6274
Wollongong	Methodist cemetery	Fox Avenue	Lots 55 and 56, DP 751299	Local	6591
Wollongong	Row of Canary Island date palms	Gipps Street (between Corrimal Street and Church Street)	Road reserve	Local	6512
Wollongong	Trade School (TAFE)	38-46 Gladstone Avenue	Lot 1, DP 1011733	Local	6467
Wollongong	Row of bungalows	69-93 Gladstone Avenue	Lots 1-5, DP 16114; Lot 16, DP 1102983 and Lots 17-23, DP 15363	Local	6377
Wollongong	Old Wollongong Court House	1 Harbour Street (Corner of Cliff Road)	Lot 1, DP 47921	State	5908
Wollongong	Site of earliest court house and lock up*	3-9 Harbour Street	Lots 1-4, DP 11509	Local	6407
Wollongong	St Mary's Convent and secondary girls' school and chapel	15 Harbour Street	Lot 100, DP 861791	Local	6248
Wollongong	House	30 Harbour Street	Lot 1, DP 152385	Local	6272
Wollongong	Interwar House	32 Harbour Street	Lot 2, DP 152385	Local	6593
Wollongong	Archaeological site of the Queens Hotel*	36 Harbour Street	Lot 5, DP 16847; Lot 9, DP 712317	Local	61101
Wollongong	Interwar house	11 Hercules Street	Lot 20, Section 3, DP 1258	Local	61089
Wollongong	House	15 Jutland Avenue	Lot 81, DP 15363	Local	6379
Wollongong	"Esslemont"	23 Keira Street	Lot 10, DP 80424	Local	6250
Wollongong	House	60 Keira Street	Lot 1, DP 170298	Local	6251
Wollongong	House	62 Keira Street	Lot 1, DP 961439	Local	6252
Wollongong	Shops	122-130 Keira Street	Lot 22, DP 571656 and Lot 89, DP 613770	Local	6254
Wollongong	Victorian House	125-129 Keira Street	Lot B, DP 65920	Local	6253
Wollongong	Group of Interwar Shops	131-147 Keira Street	Lot 22, DP 538099; Lot 100, DP 1254677	Local	6255

Wollongong	Shop	149-153 Keira Street	Lot 704, DP 854202	Local	6266
Wollongong	Illawarra Hotel	160-164 Keira Street	Lot 1, DP 83618	Local	6380
Wollongong	National Mutual Life Assurance Building	163-169 Keira Street	Lot 101, DP 621251	Local	5936
Wollongong	Regent Theatre	197-199 Keira Street	Lot 1, DP 330961 and Lot 18, DP 6323	State	5937
Wollongong	Pioneer Rest Park*	Kembla Street—Pioneer Rest Park	Lot 7045, DP 1126831	Local	61038
Wollongong	House	13 Kembla Street	Lot 1, DP 153685	Local	6585
Wollongong	House	60 Kembla Street	Lot A, DP 387316	Local	6387
Wollongong	Small Leafed Figs	94 Kembla Street	Lot 101, DP 1198164 and Road Reserve	Local	6288
Wollongong	Avenue of Norfolk Island pines	Marine Drive	Road reserve	Local	6590
Wollongong	Three picnic shelters in WA Lang Park	W A Lang Park, Marine Drive	Lot 7047, Crown DP 1073466	Local	6269
Wollongong	Bandstand and Marble Plaque Commemorating Bass and Flinders' Landing	Market Square, Market Street	Lot 1, DP 1155373	Local	6271
Wollongong	Marlborough Court	4 Market Place	Lot 1, DP 1127347	Local	61088
Wollongong	Original Wollongong Telegraph and Post Office	11 Market Street	Lot 10, DP 1107297	State	5910
Wollongong	WWII Air raid shelter	11 Market Street	Lot 10, DP 1107297	Local	5910
Wollongong	Wollongong Congregational Church	33 Market Street	Lot 4, DP 1138830	Local	6390
Wollongong	Wollongong Courthouse Complex	43 Market Street	Lot 5, DP 1129967	Local	5911
Wollongong	Sandstone kerbing	Market Street (between Corrimal Street and Market Place)	Road reserve	Local	61039

Wollongong	Market Square	Bounded by Market Street, Market Place and Harbour Street	Lot 1, DP 1155373	Local	6386
Wollongong	Wollongong Railway Station Group	Lot 1 Railway Station Square	Part of Lot 1, DP 1001500	State	6382
Wollongong	Row of Canary Island date palms	Rawlinson Avenue	Road reserve	Local	6287
Wollongong	Row of workers' cottages	3-9 Robinson Street	Lots 3-6, DP 26476	Local	6391
Wollongong	Row of Canary Island date palms	4-40 Robinson Street (Garden Hill)	Road reserve	Local	6276
Wollongong	Row of California bungalows	10-16 Robinson Street	Lot 36, Section 2, DP 1258; Lot 370, DP 1124821; Lots 38 and 39, Section 2, DP 1258	Local	6514
Wollongong	Monument	1 Smith Street (Corner of Harbour Street)	Lot 1, DP 8441	Local	6378
Wollongong	House	26 Smith Street	Lots 1 and 2, DP 781162	Local	6278
Wollongong	Kingston house	27A Smith Street	Lot 3, DP 17682	Local	61091
Wollongong	Braemar flats	29 Smith Street	Lot 8, DP 502120	Local	61090
Wollongong	"Little Milton"	33 Smith Street	Lot 101, DP 591663	State	5907
Wollongong	"Wye Lodge" and Magnolia	63 Smith Street	Lot 1, DP 838292	Local	5909
Wollongong	School of Arts building	64 Smith Street	Lot 13, Section 17, DP 975398	Local	6392
Wollongong	House	65 Smith Street	Lot 1, DP 198642	Local	6393
Wollongong	House	67 Smith Street	Lot A, DP 345880	Local	6394
Wollongong	"Llanelly" Cottage	88 Smith Street	Lot 1, DP 1200134	Local	6395
Wollongong	Masonic Hall	88 Smith Street	Lot 1, DP 1200134	Local	6396
Wollongong	"Ken Elm"	90 Smith Street	Lot 1, DP 716876	Local	6397
Wollongong	Pious Society of St Charles Sacred Heart Church	28 Stewart Street	Part of Lot 126, DP 596582	Local	61104

Wollongong	Wollongong Cemetery, including Nicholle Vault	Swan Street	Lots 1-5 and 7-20, Section 38, DP 759104; Lot 7025, Crown DP 1026284; Lot 54, DP 751299 and closed road	Local	6282
Wombarra	Wombarra general cemetery*	Lawrence Hargrave Drive	Lot 7028, DP 1058309	Local	6142
Wombarra	"Aliummare"	129 Morrison Avenue	Lot 6, DP 1004625	Local	6141
Wongawilli	Moreton Bay Fig	Bankbook Park, Bankbook Drive	Lot 329, DP 1207443	Local	61020
Wongawilli	"Coral Vale" homestead, hayshed and outbuildings	Smiths Lane	Lot 2360, DP 1009483	Local	5978
Wongawilli	Coral Vale Kitchen Building (former)	56 Smiths Lane	Lot 309, DP 1203219	Local	61071
Wongawilli	Anglican Church (former)	57 Wongawilli Road	Lot 3, DP 18020	Local	61068
Wongawilli	Wongawilli Mine Manager's Cottage (former) and Tennis Court	63 Wongawilli Road	Part Lot 14, DP 255284	Local	61067
Wongawilli	Wongawilli Community Hall	82 Wongawilli Road	Lot 421, DP 1108957	Local	61062
Wongawilli	Wongawilli Colliery*	Lot 422-425 Wongawilli Road	Lot 3, DP 255284; Lots 422-425, DP 1123956	Local	7100
Woonona	Woonona Industrial Co-operative Society	20-22 Ball Street	Lot 1, DP 112101	Local	6194
Woonona	House	78 Campbell Street	Lot 100, DP 875552	Local	6457
Woonona	Woonona Public School	5A Gray Street	Lots 1-4, DP 795373	Local	6196
Woonona	House	6 High Street	Lot 81, DP 1057069	Local	6459
Woonona	Ivycliff	16 Mitchell Road	Lot 39, DP 6223	Local	61006
Woonona	Site of former "Biddulph Farm"*	Mt Ousley Road intersection with Rixons Pass Road	Lot 30, DP 751301	Local	61064

Woonona	Former Woonona Uniting Church	2-8 Popes Road	Lot 71, DP 1160947	Local	61007
Woonona	Former Bulli Police Station and Court House	329-331 Princes Highway	Lot 1, DP 199573	Local	5926
Woonona	Former Vista Theatre	335-339 Princes Highway	Lots 1-3, DP 196949	Local	61008
Woonona	Former Friendly Society Hall	353 Princes Highway	Lot B, DP 154486	Local	6452
Woonona	Former garage	355 Princes Highway	Lot 1, DP 799151	Local	6453
Woonona	Former bank	359 Princes Highway	Lot 2, DP 70560	Local	6454
Woonona	Commercial building	373-375 Princes Highway	Lot 10, DP 605782	Local	6455
Woonona	Woonona post office	430 Princes Highway	Lot 1, DP 541687	Local	6195
Woonona	Woonona Bulli School of Arts	479 Princes Highway	Lot 479, DP 1104915	Local	6502
Woonona	Federation House	511 Princes Highway	Lot 1, DP 1139658	Local	6198
Woonona	Pendlebury Rest Park	Corner Princes Highway and Gray Street	Lot 100, DP 1130698	Local	6199
Woonona	Rixons Pass Road—Landscape and Walls	Rixons Pass Road Reserve	Road reserve	Local	6518
Woonona	House	19 Russell Street	Lot B, DP 164727	Local	6189
Woonona	Federation House	22-24 York Road	Lot 1, DP 529997	Local	6458
Yallah	"Yallah" House	601 Princes Highway	Lot 1, DP 156657	Local	6437

Note—

"*" Indicates an archaeological site or a heritage site with an archaeological component.

Part 2 Heritage Conservation Areas

Column 1 Description	Column 2 Identification on Heritage Map	Column 3 Significance
Austinmer—Moore Street and The Grove	Marked with a red outline and red diagonal hatch	Local

Brownsville—Hore Street, Prince Edward Drive and Brownsville Avenue	Marked with a red outline and red diagonal hatch	Local
Bulli—commercial centre and railway, Princes Highway, Railway Street, Station Street, Park Road, Stokes Lane, Quilkey Place	Marked with a red outline and red diagonal hatch	Local
Garrawarra Hospital—Helensburgh, Princes Highway	Marked with a red outline and red diagonal hatch	Local
Illawarra Escarpment Landscape Area	Marked with a green outline and green vertical hatch	Local
Kembla Heights Mining Village—Harry Graham Drive and Soldiers Road	Marked with a red outline and red diagonal hatch	Local
Market Street—Wollongong, Market Street	Marked with a red outline and red diagonal hatch	Local
North Beach Precinct and Belmore Basin—Wollongong	Marked with a red outline and red diagonal hatch	State
Old Bulli—Princes Highway	Marked with a red outline and red diagonal hatch	Local

Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
 - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,

(b) land declared as a marine park under the *Marine Estate Management Act 2014*.

Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

Division 2 Operational requirements

2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

5 Outlets from culture ponds etc

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

6 Definition

In this Division—

intensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

7 Conservation exclusion zones

(1) Must not be carried out on the following land, except to the extent necessary to gain access to water—

(a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,

(b) vacant Crown land,

(c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

8 Flood liability

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

Division 2 Operational requirements

9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

11 Culture water

Must use freshwater.

Dictionary

(Clause 1.4)

Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may

be shown on the [Heritage Map](#), that is—

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Note—

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

Acid Sulfate Soils Map means the [Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map](#).

Active Street Frontages Map means the [Wollongong Local Environmental Plan 2009 Active Street Frontages Map](#).

Additional Permitted Uses Map means the [Wollongong Local Environmental Plan 2009 Additional Permitted Uses Map](#).

advertisement has the same meaning as in the Act.

Note—

The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note—

The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

Note—

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include

a livestock processing industry.

Note—

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

agriculture means any of the following—

- (aaa) agritourism,
- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note—

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note—

Agritourism is a type of **agriculture**—see the definition of that term in this Dictionary.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note—

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment

of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*. It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

Note—

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

archaeological site means a place that contains one or more relics.

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

Note—

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

attached dwelling means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Note—

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note—

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

battle-axe lot means a lot that has access to a road by an access laneway.

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note—

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.

Note—

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

biodiversity or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

Note—

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

boarding house means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

boat building and repair facility means any facility (including a building or other structure) used

primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

Note—

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

building has the same meaning as in the Act.

Note—

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or **height of building**) means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note—

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

bush fire hazard reduction work has the same meaning as in the [Rural Fires Act 1997](#).

Note—

The term is defined as follows—

bush fire hazard reduction work means—

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note—

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

business identification sign means a sign—

- (a) that indicates—
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note—

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note—

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

camping ground means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or

(b) farm stay accommodation.

canal estate development—see clause 2.9.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

catchment action plan has the same meaning as in the [Catchment Management Authorities Act 2003](#).

Note—

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note—

Cellar door premises are a type of **farm gate premises**—see the definition of that term in this Dictionary.

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or

- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note—

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

classified road has the same meaning as in the [Roads Act 1993](#).

Note—

The term is defined as follows—

classified road means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See [Roads Act 1993](#) for meanings of these terms.)

clearing native vegetation has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

clearing vegetation has the same meaning as in [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2.

coastal hazard has the same meaning as in the [Coastal Management Act 2016](#).

coastal lake means a body of water identified in *State Environmental Planning Policy (Resilience and Hazards) 2021*, Schedule 1.

coastal protection works has the same meaning as in the *Coastal Management Act 2016*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Management Act 2016*.

co-living housing means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note—

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

commercial farm means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the *Local Government Act 1993*, section 515, or
- (b) a primary production business within the meaning of the *Income Tax Assessment Act 1997* of the Commonwealth, or part of a primary production business, including a business that—
 - (i) was a primary production business, and
 - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the Wollongong City Council.

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

Note—

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note—

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note—

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

Note—

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item,

Aboriginal object or building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note—

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note—

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note—

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note—

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

early education and care facility means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,

- (b) home-based child care,
- (c) school-based child care.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

eco-tourist facility means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note—

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

educational establishment means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following—

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,

- (g) New South Wales Mines Rescue Brigade established under the [Coal Industry Act 2001](#),
- (h) an accredited rescue unit within the meaning of the [State Emergency and Rescue Management Act 1989](#).

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the [Water Management Act 2000](#).

Note—

The term is defined as follows—

estuary means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the [Water Management Act 2000](#)) to be an estuary,

but does not include anything declared by the regulations (under the [Water Management Act 2000](#)) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,

- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

Note—

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note—

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm experience premises means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
 - (i) horse riding,
 - (ii) farm tours,
 - (iii) functions or conferences,
 - (iv) farm field days.

Note—

Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a commercial farm, and
 - (ii) ancillary to the farm, and

- (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
 - (C) tastings or workshops,
 - (D) the provision of information or education related to the products, and

(b) includes cellar door premises.

Note—

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Note—

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

Note—

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

- (a) still photography, or

- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note—

The term is defined as follows—

Definition of “fish”

(1)

Fish means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

Fish includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

Fish also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

floodway area has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the New South Wales Government in 2005.

Note—

The term means those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with the naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the [Wollongong Local Environmental Plan 2009 Floor Space Ratio Map](#).

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note—

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

foreshore building line means the line shown as the foreshore building line on the [Foreshore Building Line Map](#).

Foreshore Building Line Map means the [Wollongong Local Environmental Plan 2009 Foreshore Building Line Map](#).

forestry means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note—

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

- (b) pets and pet supplies,
- (c) fresh produce.

Note—

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note—

General industries are a type of **industry**—see the definition of that term in this Dictionary.

goods repair and reuse premises means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note—

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement—
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any

earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a permanent group home or a transitional group home.

Note—

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home (permanent) or permanent group home means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Note—

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

group home (transitional) or transitional group home means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Note—

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note—

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note—

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note—

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note—

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,

- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note—

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

Height of Buildings Map means the [Wollongong Local Environmental Plan 2009 Height of Buildings Map](#).

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

Note—

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

heritage conservation area means an area of land of heritage significance—

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of—

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note—

An inventory of heritage items is also available at the office of the Council.

heritage management document means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the [Wollongong Local Environmental Plan 2009 Heritage Map](#).

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note—

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,

- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

home-based child care means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note 1—

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

Note 2—

Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note—

See clause 5.4 for controls relating to the floor area used for a home business.

home industry means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,

- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation or sex services premises.

Note—

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (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, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note—

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care

or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note—

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note—

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
 - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

Illawarra Escarpment Map means the [Wollongong Local Environmental Plan 2009 Illawarra Escarpment Map](#).

independent living unit means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

Note—

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note—

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note—

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note—

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

Key Sites Map means the [Wollongong Local Environmental Plan 2009 Key Sites Map](#).

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

Note—

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

Land Application Map means the [Wollongong Local Environmental Plan 2009 Land Application Map](#).

Land Reclassification (Part Lots) Map means the [Wollongong Local Environmental Plan 2009 Land Reclassification \(Part Lots\) Map](#).

Land Reservation Acquisition Map means the [Wollongong Local Environmental Plan 2009 Land Reservation Acquisition Map](#).

Land Zoning Map means the [Wollongong Local Environmental Plan 2009 Land Zoning Map](#).

landholding means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—
 - (i) contiguous, or
 - (ii) separated only by a road or watercourse.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note—

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Note—

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

liquid fuel depot means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note—

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of

animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note—

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Lot Size Map means the [Wollongong Local Environmental Plan 2009 Lot Size Map](#).

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

manufactured home has the same meaning as in the [Local Government Act 1993](#).

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note—

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note—

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

mining means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes—

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note—

Mining is not a type of **industry**—see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the [Local Government Act 1993](#).

Note—

The term is defined as follows—

moveable dwelling means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note—

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-

vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

Natural Resource Sensitivity—Biodiversity Map means the [Wollongong Local Environmental Plan 2009 Natural Resource Sensitivity—Biodiversity Map](#).

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

Note—

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note—

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note—

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place

from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note—

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note—

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

operational land has the same meaning as in the [Local Government Act 1993](#).

Overshadowing Map means the [Wollongong Local Environmental Plan 2009 Overshadowing Map](#).

oyster aquaculture means the cultivation of any species of edible oyster for a commercial purpose.

Note—

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

people who are socially disadvantaged means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

pig farm means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

Note—

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

place of public worship means a building or place used for the purpose of religious worship by a

congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note—

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

pond-based aquaculture means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

Note—

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

poultry farm means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

Note—

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

primitive camping ground means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

Note—

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

private open space means an area external to a building (including an area of land, terrace, balcony

or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

pub means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note—

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the [Local Government Act 1993](#).

public reserve has the same meaning as in the [Local Government Act 1993](#).

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool,

gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club that holds a club licence under the [Liquor Act 2007](#).

registered community housing provider has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

relevant Commonwealth body, in relation to flight paths and airport noise, means the Department or other body of the Commonwealth having responsibility for airports.

relic has the same meaning as in the [Heritage Act 1977](#).

Note—

The term is defined as follows—

relic means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,

- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note—

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Note—

Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note—

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

Note—

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

Note—

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

Riparian Land Map means the [Wollongong Local Environmental Plan 2009 Riparian Land Map](#).

road means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note—

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note—

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note—

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note—

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding

districts, into timber or other products derived from wood.

Note—

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the [Education Act 1990](#).

Note—

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

Note 1—

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

Note 2—

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note—

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note—

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5, or
- (c) a group of independent living units, or

- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—
 - (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

Note—

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note—

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note—

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note—

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note—

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

Note—

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note—

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

small bar means a small bar within the meaning of the [Liquor Act 2007](#).

Note—

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

spa pool has the same meaning as in the [Swimming Pools Act 1992](#).

Note—

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note—

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note—

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or

distribution centre.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

Sun Plane Protection Map means the [Wollongong Local Environmental Plan 2009 Sun Plane Protection Map](#).

swimming pool has the same meaning as in the [Swimming Pools Act 1992](#).

Note—

The term is defined as follows—

swimming pool means an excavation, structure or vessel—

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the [Swimming Pools Act 1992](#) not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note—

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

Tallawarra Power Station Buffer Area Map means the [Wollongong Local Environmental Plan 2009 Tallawarra Power Station Buffer Area Map](#).

tank-based aquaculture means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

Note—

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

telecommunications facility means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note—

The term is defined as follows—

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note—

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
 - (b) bed and breakfast accommodation,
 - (c) farm stay accommodation,
 - (d) hotel or motel accommodation,
 - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
 - (g) caravan parks, or
 - (h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note—

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

underground mining means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

urban release area means an area of land shown hatched and lettered "Urban Release Area" on the [Urban Release Area Map](#).

Urban Release Area Map means the [Wollongong Local Environmental Plan 2009 Urban Release Area Map](#).

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note—

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note—

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note—

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note—

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note—

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

Note—

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note—

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,

(c) a water treatment facility,

(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note—

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,

- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.

Wollongong city centre means the land identified on the [Wollongong City Centre Map](#).

Wollongong City Centre Map means the [Wollongong Local Environmental Plan 2009 Wollongong City Centre Map](#).

Wollongong Innovation Campus Map means the [Wollongong Local Environmental Plan 2009 Wollongong Innovation Campus Map](#).