



New South Wales

Wollongong Local Environmental Plan 2009 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

TOM GELLIBRAND

As delegate for the Minister for Planning and Infrastructure

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Clause 1 Wollongong Local Environmental Plan 2009 (Amendment No 10)

Wollongong Local Environmental Plan 2009 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wollongong Local Environmental Plan 2009 (Amendment No 10)*.

2 Commencement

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

3 Land to which Plan applies

This Plan applies to all the land to which *Wollongong Local Environmental Plan 2009* applies.

4 Maps

Each map adopted by *Wollongong Local Environmental Plan 2009* that is specified in Column 1 of the following Table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the Table as approved by the Minister on the making of this Plan:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Wollongong Local Environmental Plan 2009 Land Zoning Map (8450_COM_LZN_023_020_201103 24)	Wollongong Local Environmental Plan 2009 Land Zoning Map (8450_COM_LZN_023_020_201111 10)
Wollongong Local Environmental Plan 2009 Land Zoning Map (8450_COM_LZN_025_020_201010 15)	Wollongong Local Environmental Plan 2009 Land Zoning Map (8450_COM_LZN_025_020_201111 10)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Wollongong Local Environmental Plan 2009 Floor Space Ratio Map (8450_COM_FSR_023_020_20110324)	Wollongong Local Environmental Plan 2009 Floor Space Ratio Map (8450_COM_FSR_023_020_20111110)
Wollongong Local Environmental Plan 2009 Floor Space Ratio Map (8450_COM_FSR_025_020_20101015)	Wollongong Local Environmental Plan 2009 Floor Space Ratio Map (8450_COM_FSR_025_020_20111110)
Wollongong Local Environmental Plan 2009 Lot Size Map (8450_COM_LSZ_023_020_20110324)	Wollongong Local Environmental Plan 2009 Lot Size Map (8450_COM_LSZ_023_020_20111110)
Wollongong Local Environmental Plan 2009 Lot Size Map (8450_COM_LSZ_025_020_20091118)	Wollongong Local Environmental Plan 2009 Lot Size Map (8450_COM_LSZ_025_020_20111110)

Schedule 1 Amendment of Wollongong Local Environmental Plan 2009

[1] Part 2 Permitted or prohibited development

Insert “Home-based child care;” in alphabetical order in item 3 of the matter relating to each of the following zones in the Land Use Table:

- (a) Zone RU2 Rural Landscape,
- (b) Zone RU4 Primary Production Small Lots,
- (c) Zone R2 Low Density Residential,
- (d) Zone R3 Medium Density Residential,
- (e) Zone R4 High Density Residential,
- (f) Zone R5 Large Lot Residential,
- (g) Zone B1 Neighbourhood Centre,
- (h) Zone E3 Environmental Management,
- (i) Zone E4 Environmental Living.

[2] Clause 4.1A

Insert after clause 4.1AA:

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, business or industrial zone or in Zone E4 Environmental Living, and
 - (b) land in a rural zone or Zone E2 Environmental Conservation or Zone E3 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, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and

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- (ii) all of the land in a rural zone, Zone E2 Environmental Conservation or Zone E3 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.

[3] Clause 7.9

Omit the clause. Insert instead:

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

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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.

[4] Schedule 1 Additional permitted uses

Omit “Buttershaw” from clause 1 (1). Insert instead “Buttenshaw”.

[5] Schedule 5 Environmental heritage

Omit “31–40” from the matter relating to item 6308 in Part 1.

Insert instead “31–33”.

[6] Schedule 5, Part 1

Omit “(adjacent to Tourist Information Bureau)” from the matter relating to item 6285.