

Disclaimers: This information was believed to be correct at the date of its publication. This information is for general information purposes only and should not be relied upon for legal advice.

This document provides information regarding matters to consider and potential issues which may arise when proposing development on Public Land.

For the purposes of this factsheet, the term **development** means the use of land or works requiring development consent, and **public land** being land which is owned or managed by Wollongong City Council or NSW Government.

This document is not an exhaustive list of your legislative responsibilities when lodging an application and should be read in conjunction with the information contained in the Planning and Development Section on Council's website.

- **Owner's consent:** The consent in writing from Council's Property Manager is required for lodging a development application on public land owned by Council. Consent from the NSW government may also be required. Council's Property Services staff can confirm what consent is required.
- **Zoning and Permissibility:** Ensure you have confirmed the proposal is permitted on the site. Wollongong Local Environmental Plan 2009 provides the land zoning and permitted uses for all land within the Wollongong Local Government Area and can be accessed on Council's website.
- **Plan of Management and Trust Purpose:** In most cases Council has adopted Plans of Management (POM) for the public land which it owns or manages. The development must be consistent with the provisions of the POM, which generally include permitted uses, objectives and in some cases design requirements. POMs can be accessed on Council's website. Where the subject site is Crown Land the proposed use must also be consistent with the Trust Purpose, contact Council's Property Services Staff to ascertain this information.
- **Site constraints:** The most common site constraints to consider are whether a site is flood or bushfire affected or located within a heritage precinct. A significant tree, public facility or heritage item may also be located on the land. Council's Development Control Plan 2009 offers guidance for addressing these constraints and can be accessed on the Council's website. It is recommended that you consult with Council's Planning Duty Officer or Heritage Officer prior to lodgement where flooding or heritage affects the land.
- **Building Code of Australia matters:**
 - **Fire Safety** – When proposing a new building or alterations and additions to an existing building, you are required to comply with the fire safety provisions of the Building Code of Australia (BCA). Under certain circumstances fire safety measures may be required to be installed for your proposal. It is important to discuss these matters with a suitably qualified fire safety expert accredited with the Building Professionals Board (BPB) prior to lodgement to determine what additional works and costs may be incurred.
 - **Access and amenities** – The provision of appropriate disabled access and toilet facilities for the new or altered building should be considered prior to the lodgement of a development application as further works may be required to achieve compliance with the BCA.
- **Occupation Agreements:** If your development application is approved, the new use of public land will require an occupation agreement with either Council or the NSW Government. These agreements may be in the form of a lease, licence or some other tenure agreement. An application for an occupation agreement must be made to Council's Property Division following the determination of the application. It is recommended to contact Council's Property Services staff prior to submitting a development application to ensure the occupation arrangements are possible and whether Council is required to undertake a competitive process for the use and occupation of the public land.
- **Pre-lodgement Meeting:** A formal pre-lodgement meeting is required for any new building, significant alterations and additions or a new commercial operation on public land. The meeting is an opportunity for Council staff involved in the assessment to provide formal feedback to applicants on the proposal prior to lodgement. Please call Council's Customer Service on 4227 7111 to arrange a meeting (fees apply).
- **Independent Hearing and Assessment Panel:** In some cases it is required that a development application be referred to the Independent Hearing and Assessment Panel (IHAP). The IHAP provides an independent hearing forum for objectors and applicants on certain applications. More information on the IHAP and what triggers a referral is provided in the IHAP Charter which can be accessed on Council's website.

If further information is required regarding a particular site or occupation agreements please contact a Council Property Officer on 4227 7111.

If further information is required regarding the development assessment process please contact Council's Duty Planner or Building Surveyor on 4227 7111.