



New South Wales

Liverpool Local Environmental Plan 1997 (Amendment No 71)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P92/01159/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 331

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 71)

Liverpool Local Environmental Plan 1997 (Amendment No 71)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 71)*.

2 Aim of plan

- (1) The aim of this plan is to promote the social and economic welfare of the community and a better environment within the City of Liverpool. That aim is intended to be achieved for particular land by implementing a master plan scheme worked up by Liverpool City Council to guide development of the land known as the Southern Hoxton Park Aerodrome and adjoining land.
- (2) The strategy adopted by this plan to achieve that aim is to amend *Liverpool Local Environmental Plan 1997* so as to:
 - (a) provide for smart growth precincts under that plan and for general development controls for land in sectors within those precincts, and
 - (b) apply those general controls to, and make other more specific provisions for, land identified as the Southern Hoxton Park Aerodrome Smart Growth Precinct.
- (3) For related purposes, this plan also alters the boundaries of the land to which *Sydney Regional Environmental Plan No 31—Regional Parklands* applies.

3 Land to which plan applies

This plan applies:

- (a) to the extent that it establishes and makes provisions for the Southern Hoxton Park Aerodrome Smart Growth Precinct, to the land at Southern Hoxton Park Aerodrome shown edged heavy black on Sheet 1 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 71)” deposited in the office of Liverpool City Council, and
- (b) in so far as it makes consequential and ancillary provisions, to the other land within the City of Liverpool to which *Liverpool Local Environmental Plan 1997* applies, including the land shown edged heavy black on Sheet 4 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 71)” to which *Sydney Regional Environmental Plan No 31—Regional Parklands* applies.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended as set out in Schedule 1.

5 Amendment of Sydney Regional Environmental Plan No 31—Regional Parklands

Sydney Regional Environmental Plan No 31—Regional Parklands is amended as set out in Schedule 2.

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

(Clause 4)

[1] Clause 6 Definitions

Insert in alphabetical order in clause 6 (1):

Precinct map means:

for the Southern Hoxton Park Aerodrome Smart Growth Precinct, Sheet 2 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 71)”.

Sector—see clause 8 (5).

Smart growth precinct—see clause 8 (4).

Zone—see clause 8 (3).

[2] Clause 6 (1), definition of “The Map”

Insert in appropriate order:

Liverpool Local Environmental Plan 1997 (Amendment No 71)—Sheet 1

[3] Part 2, heading

Omit the heading. Insert instead:

Part 2 General controls for land in zones or in sectors in smart growth precincts

[4] Clause 8

Omit the clause. Insert instead:

8 Zones and sectors

- (1) Land to which this plan applies may be within a zone or, if the land is in a smart growth precinct, within a sector.

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- (2) The numbers and names of zones and the names of sectors are as follows:

Zones

- 1 (a) Rural
 - 1 (b) Rural—Small Holdings
 - 1 (c) Rural—Environment Protection
 - 1 (d) Rural—Residential
 - 1 (e) Rural—Future Urban
 - 2 (a) Residential
 - 2 (b) Residential—Race Course
 - 2 (c) Residential—Flat Buildings
 - 2 (d) Residential—City Centre
 - 3 (a) Business
 - 3 (b) Business—Highway
 - 3 (c) Business—Town Support
 - 4 (a) Industrial
 - 4 (b) Industrial—Special
 - 4 (c) Industrial—Business Park
 - 4 (d) Industrial—Business Enterprise
 - 5 (a) Special Uses
 - 5 (b) Special Uses—Railways
 - 5 (c) Special Uses—Arterial Road
 - 5 (d) Special Uses—Local Road
 - 6 (a) Recreation Public
 - 6 (b) Recreation—Private
 - 6 (c) Recreation—Corridor
 - 7 (a) Environment Protection—Waterway
 - 7 (b) Environment Protection—Bushland
- Sectors in smart growth precincts**
- Neighbourhood Centre

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

Medium Density Residential

Small Lot Residential

Standard Residential

School

Community Purposes

Water Management

Open Space

Environmental Corridor

- (3) Land is within a zone if it is indicated on the map by the number of the zone.
- (4) Land is within a smart growth precinct if it is indicated on the map by the name of the smart growth precinct. Schedule 10 includes provisions for each named smart growth precinct.
- (5) Land is within a sector if it is indicated on the precinct map for the smart growth precinct within which it is situated by the colour corresponding to the sector.

[5] Clause 9 Development that is allowed or prohibited within a zone or sector

Insert “and sector” after “zone” in clause 9 (1).

[6] Clause 9 (4) (b)

Insert “or smart growth precinct” after “zone”.

[7] Clause 9 (4) (c) and (d)

Omit clause 9 (4) (c) and the immediately preceding “and”. Insert instead:

- (c) in the case of land within a smart growth precinct, any relevant recommendations for the design and other features of the proposed development that are indicated on the precinct map for the precinct,
- (d) the other provisions of this plan.

[8] Clause 9, Table

Insert before the explanation of symbols in the Zoning table:

Smart growth precincts

Development for the purpose of:	Sectors									
	Neighbourhood Centre	Medium Density Residential	Small Lot Residential	Standard Residential	School	Community Purposes	Water Management	Open Space	Environmental Corridor	
Abattoirs										
Advertisements										
Agriculture										
Animal boarding or training establishments										
Aquaculture										
Assisted accommodation	✓	✓	✓	✓						
Bed and breakfast premises	✓	✓	✓	✓						
Boarding houses										
Brothels										
Bulky goods salesrooms or showrooms										
Business premises	✓									

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

Development for the purpose of:	Sectors									
	Neighbourhood Centre	Medium Density Residential	Small Lot Residential	Standard Residential	School	Community Purposes	Water Management	Open Space	Environmental Corridor	
Caravan parks										
Car parks	✓				✓					
Child care centres	✓	✓	✓		✓	✓				
Cinemas										
Communications facilities	✓	✓	✓	✓	✓	✓	✓	✓		
Community facilities	✓				✓	✓		✓		
Convenience stores	✓									
Dams							✓	✓	✓	
Depots										
Dual occupancy housing	✓	✓	✓							
Dwelling houses	✓	✓	✓	✓						
Educational establishments	✓	✓	✓	✓	✓					
Entertainment facilities	✓									

Development for the purpose of:	Sectors									
	Neighbourhood Centre	Medium Density Residential	Small Lot Residential	Standard Residential	School	Community Purposes	Water Management	Open Space	Environmental Corridor	
Exhibition homes	✓	✓	✓	✓						
Exhibition villages		✓	✓	✓						
Extractive industries										
Family day care centres	✓*	✓*	✓*	✓*		✓*				
Forestry										
Generating works										
Hazardous industries										
Hazardous storage establishments										
Health consulting rooms	✓	✓	✓	✓		✓				
Helicopter landing sites										
Heliports										
Highway service centres										

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

Development for the purpose of:	Sectors									
	Neighbourhood Centre	Medium Density Residential	Small Lot Residential	Standard Residential	School	Community Purposes	Water Management	Open Space	Environmental Corridor	
Home-based child care services		✓*	✓*	✓*						
Home businesses	✓	✓	✓	✓						
Home occupations	✓*	✓*	✓*	✓*						
Hospitals										
Hotels										
Housing for aged or disabled persons	✓	✓	✓	✓						
Industries										
Integrated housing		✓	✓	✓						
Intensive livestock agriculture										
Intensive plant agriculture										
Landfill	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Light industries										
Local shops		✓	✓	✓						

Sectors									
Development for the purpose of:	Neighbourhood Centre	Medium Density Residential	Small Lot Residential	Standard Residential	School	Community Purposes	Water Management	Open Space	Environmental Corridor
Maintenance dredging							✓*	✓*	✓*
Marinas									
Materials recycling yards									
Medical centres	✓	✓	✓	✓					
Mines									
Motels									
Motor showrooms									
Multiple dwellings	✓	✓	✓						
Nuclear activities									
Nuclear facilities									
Offensive industries									
Offensive storage establishments									
Office premises	✓								

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

Development for the purpose of:	Sectors									
	Neighbourhood Centre	Medium Density Residential	Small Lot Residential	Standard Residential	School	Community Purposes	Water Management	Open Space	Environmental Corridor	
Passenger transport terminals										
Permanent group homes		✓	✓	✓						
Places of public worship	✓	✓	✓	✓						
Plant hire										
Public buildings	✓					✓				
Recreation areas	✓	✓	✓	✓	✓		✓	✓	✓	
Recreation facilities	✓	✓	✓	✓	✓		✓	✓		
Registered clubs										
Research establishments										
Research facilities										
Residential flat buildings										
Restaurants	✓									

Development for the purpose of:	Sectors									
	Neighbourhood Centre	Medium Density Residential	Small Lot Residential	Standard Residential	School	Community Purposes	Water Management	Open Space	Environmental Corridor	
Retail plant nurseries										
Roads	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Roadside stalls										
Road transport terminals										
Rural industries										
Sanctuaries										
Sawmills										
Serviced apartments	✓									
Service stations										
Shops	✓									
Stock and sale yards										
Transitional group homes	✓	✓	✓	✓						
Transport depots										
Utility installations	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

Development for the purpose of:	Sectors								
	Neighbourhood Centre	Medium Density Residential	Small Lot Residential	Standard Residential	School	Community Purposes	Water Management	Open Space	Environmental Corridor
Utility undertakings	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vehicle body repair workshops									
Vehicle repair stations									
Veterinary hospitals	✓	✓	✓	✓					
Warehouse or distribution centres									
Waste depots									

[9] Clause 10 Development that also needs consent

Insert “, or a smart growth precinct Neighbourhood Centre, Open Space or Water Management sector,” after “or 7 (b) zone” in clause 10 (5).

[10] Clause 10 (15)

Insert “, or a smart growth precinct Small Lot Residential, Medium Density Residential or Standard Residential sector” after “or 2 (d) zone”.

[11] Clause 10 (20)

Insert “, or a smart growth precinct Open Space, Water Management or Environmental Corridor sector,” after “or 7 (b) zone”.

[12] Clause 10 (23)

Insert after clause 10 (22):

(23) Office premises and dwellings in Community Purposes sector of SHPA Smart Growth Precinct

Development for the purpose of office premises and dwellings may be carried out on land in the Community Purposes sector of the Southern Hoxton Park Aerodrome Smart Growth Precinct, but only with consent and only if:

- (a) the ground floor of any building erected on the land before or after this subclause commenced will be used for a community purpose, and
- (b) the Council is not liable to pay for acquisition of so much of the buildings on the land as will not be used for a community purpose.

[13] Clause 11 Development that does not require consent

Insert “or a smart growth precinct Neighbourhood Centre sector” after “zone” in clause 11 (4) (a).

[14] Clause 24 Development near zone or sector boundaries

Omit clause 24 (1). Insert instead:

- (1) Where land adjoins the boundary between two zones or two smart growth precinct sectors, or the boundary between a zone and such a sector, development may be carried out on that land, with consent, if the development is allowed with or without consent within the adjoining zone or sector.

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

[15] Clause 24 (2) (c)

Omit clause 24 (2) (c). Insert instead:

- (c) an area of other land, sufficient and suitable for development that would be allowed on that land in the absence of this clause, is provided in the adjoining zone or sector or, where that land is shown on the map as being within the 5 (a) zone or is within a smart growth precinct and shown on a map as required to be acquired by the Council, that land is no longer required for the purpose specified on the relevant map.

[16] Part 11A

Insert after Part 11:

Part 11A Smart Growth Precincts

70A Land acquisition within a smart growth precinct

- (1) The owner of any land identified on the smart growth precinct acquisition map for a land use specified in the Table to this subclause may, in writing, request the Minister or public authority shown in that Table as the acquisition authority corresponding to the land use, to acquire the land.

Table

Identified land use	Acquisition authority
School—public	Minister for Education and Training
Community Purposes	the Council
Water Management	the Council
Open Space	the Council
Environmental Corridor	the Council

- (2) On receipt of the request, the Minister or public authority concerned must make arrangements to acquire the land, except where the land might be required to be dedicated to the Council as a condition of consent to the carrying out of development, but only if:
 - (a) the land is included in a 5-year works program of a public authority for whose administration the Minister concerned is responsible, or the public authority concerned, that is current at the time of receipt of the request, or
 - (b) the Minister or public authority concerned is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

- (3) In this Part:

smart growth precinct acquisition map means:

for the Southern Hoxton Park Aerodrome Smart Growth Precinct, Sheet 3 of the map marked "Liverpool Local Environmental Plan 1997 (Amendment No 71)".

70B Restrictions on development of land identified for acquisition for public purposes

- (1) Consent must not be granted for development of land identified for a land use on the smart growth precinct acquisition map before it is acquired pursuant to this Part, unless the consent authority has considered the following:
 - (a) the need for the proposed development on the land,
 - (b) the impact of the proposed development on the existing or likely future use of the land,
 - (c) the need to retain the land for its existing or likely future use,
 - (d) the effect of the proposed development on the costs of acquisition,
 - (e) the imminence of acquisition,
 - (f) the costs of reinstatement of the land for the land use for which the land may be required.

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

- (2) Consent must not be granted to the development of any such land unless the concurrence of the Minister or other public authority, who or which may be required to acquire the land, has been obtained.
- (3) The consent authority must give notice of a development application that requires such a concurrence to the Minister or public authority concerned and, before granting consent, must consider any comments received in response to the notice within 28 days after the notice was sent.
- (4) The Minister or other public authority concerned must, in determining whether or not to grant that concurrence, consider the following:
 - (a) the effect of the proposed development on the costs of development,
 - (b) the imminence of acquisition,
 - (c) the costs of reinstatement of the land for the land use for which the land is to be acquired.
- (5) After land has been acquired pursuant to this Part, consent for development on the land must not be granted unless the consent authority has considered whether the proposed development would be compatible with the existing and likely future character and amenity of adjoining land in terms of:
 - (a) its scale, bulk, design, siting and landscaping, and
 - (b) its operation, and
 - (c) traffic generation and car parking, and
 - (d) noise, light, dust and odour nuisance, and
 - (e) privacy, and
 - (f) stormwater drainage and flooding, and
 - (g) hours of operation, and
 - (h) overshadowing.

70C Density requirements—Medium Density Residential sector

- (1) Land in a smart growth precinct Medium Density Residential sector may, subject to this clause, be subdivided only if each allotment created has:

-
- (a) an area of not less than 180 square metres, not including the area of any access way in the case of a hatchet shaped allotment, and
 - (b) an area of not more than 300 square metres, not including the area of any access way in the case of a hatchet shaped allotment.
- (2) Consent may be granted to a subdivision of land referred to in subclause (1) to create allotments with lot sizes of more than 300 square metres or less than 180 square metres, but only if the consent authority is satisfied that an average density of at least 40 dwellings per hectare of residential land will be achieved by the subdivision.

70D Density requirements—Small Lot Residential sector

- (1) Land in a smart growth precinct Small Lot Residential sector may, subject to this clause, be subdivided only if each allotment created has:
- (a) an area of not less than 300 square metres, not including the area of any access way in the case of a hatchet shaped allotment, and
 - (b) an area of not more than 450 square metres, not including the area of any access way in the case of a hatchet shaped allotment.
- (2) Consent may be granted to a subdivision of land referred to in subclause (1) to create allotments with lot sizes of more than 450 square metres or less than 300 square metres, but only if the consent authority is satisfied that an average density of at least 30 dwellings per hectare of residential land will be achieved by the subdivision.

70E Density requirements—Standard Residential sector

- (1) Land in a smart growth precinct Standard Residential sector may, subject to this clause, be subdivided only if each allotment created has:
- (a) an area of not less than 450 square metres, not including the area of any access way in the case of a hatchet shaped allotment, and
 - (b) an area of not more than 600 square metres, not including the area of any access way in the case of a hatchet shaped allotment.

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

- (2) Consent may be granted to a subdivision of land referred to in subclause (1) to create allotments with lot sizes of more than 600 square metres or less than 450 square metres, but only if the consent authority is satisfied that an average density of at least 20 dwellings per hectare of residential land will be achieved by the subdivision.

70F Development of land within a smart growth precinct

Consent must not be granted to the carrying out of development on land within a smart growth precinct, or the subdivision of any such land to create additional allotments unless:

- (a) the consent authority is satisfied that stormwater on the land will be managed in accordance with a stormwater management plan approved by the Council and, when it leaves the land, will be adequately managed downstream of the land, and
- (b) all downstream stormwater management systems required to deal with stormwater from the land have been satisfactorily constructed or the consent authority is satisfied that those management systems will be satisfactorily constructed.

[17] Schedule 10

Insert after Schedule 9:

Schedule 10 Smart growth precinct objectives

(Clause 8 (4))

Part 1 General objectives for smart growth precincts

1 General objectives

The general objectives for smart growth precincts are as follows:

- (a) to encourage compact building design that is also sensitive to the environment,
- (b) to ensure that land use is appropriate and that any development uses the development site to its best advantage,

- (c) to relate the density of development to access to transport and the provision of open space,
- (d) to provide a variety of transport choices,
- (e) to create a range of housing opportunities and choices,
- (f) to create livable neighbourhoods and ensure a civic focus,
- (g) to foster distinctive, vibrant communities with a strong sense of place,
- (h) to preserve and enhance open space, natural features, riparian corridors and critical environment areas,
- (i) to strengthen existing communities and have regard to employment opportunities,
- (j) to address issues such as safety and provision of recreational facilities for the wider community.

Part 2 Southern Hoxton Park Aerodrome Smart Growth Precinct

2 Precinct to which this Part applies

This Part applies to the land within the Southern Hoxton Park Aerodrome Smart Growth Precinct.

3 Objectives

The objectives for the Southern Hoxton Park Aerodrome Smart Growth Precinct are:

(a) In relation to accessibility

To encourage the safe, convenient and appropriate movement of people and goods by developing innovative solutions to ensure a clear relationship between the need for accessibility and land uses.

The objective in relation to accessibility are to be achieved by the following *strategies*:

- (i) promoting a movement system that gives appropriate priority to walking, cycling, public transport and private vehicles,

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

- (ii) promoting a movement system that relates accessibility demand to the location of development type,
- (iii) ensuring that servicing is able to be carried out appropriately,
- (iv) ensuring movement priorities, traffic speeds and street and road signs are appropriate to location and giving priority to pedestrians and children,
- (v) providing adequate accessibility for emergency vehicles,
- (vi) building on existing movement patterns and infrastructure by utilising the existing street layout.

(b) **In relation to community services and facilities**

To promote a balanced community that provides a full and diverse range of social, community and recreational resources.

The objective in relation to community services and facilities is to be achieved by the following *strategies*:

- (i) establishing affordable and accessible facilities and resources that allow people to maintain well-being, to live and to engage in recreational activities,
- (ii) providing appropriate provision for social and community needs,
- (iii) ensuring a full range of housing types and forms,
- (iv) establishing a hierarchy of recreational facilities and parks and reserves,
- (v) ensuring that a place for people is created by giving priority to people and human relationships through housing mix and regard for personal safety,
- (vi) accommodating life-long educational and learning needs.

(c) **In relation to the environment**

To create a community with high quality urban design and high environmental standards that values and enhances its natural and built environment.

The objective in relation to the environment is to be achieved by the following *strategies*:

- (i) ensuring a clean, safe and healthy environment that builds on existing resources and produces high quality built and natural assets,
- (ii) establishing appropriate drainage and floodplain management that, where appropriate, contributes positively to the area,
- (iii) providing solutions to manage environmental issues on site,
- (iv) ensuring that waste disposal is effective and efficient and that recycling is utilised at every opportunity,
- (v) ensuring a high standard of water and air pollution management and water quality,
- (vi) maintaining and enhancing the quality of the natural environment,
- (vii) connecting and enhancing vegetation corridors and providing links between regional open space and the Hinchinbrook Creek Corridor,
- (viii) promoting the conservation of flora and fauna, including the retention of Cumberland Plain Woodland,
- (ix) promoting the development of a place with a high quality of built environment, and with people and human relationships as a central consideration.

(d) **In relation to employment**

To promote a community that provides a full range of employment and training opportunities for its inhabitants.

The objective in relation to employment is to be achieved by the following *strategies*:

- (i) establishing economic capital that is accessible and meets the needs of the community,
- (ii) ensuring appropriate accessibility to employment,
- (iii) ensuring neighbourhood centre needs are identified in a local context through provision of local facilities and services,

2004 No 331

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

- (iv) ensuring infrastructure is sufficient to meet current and predicted need,
- (v) providing appropriate locations for local institutions.

Liverpool Local Environmental Plan 1997 (Amendment No 71)

Amendment of Sydney Regional Environmental Plan No 31—Regional
Parklands

Schedule 2

Schedule 2 Amendment of Sydney Regional Environmental Plan No 31—Regional Parklands

(Clause 5)

[1] Clause 2 Land to which plan applies

Insert after clause 2 (1):

- (1A) The reference to Sheet 1 of the map in subclause (1) is a reference to that sheet as amended by the maps or sheets of maps marked as follows:

Liverpool Local Environmental Plan 1997 (Amendment No 71)—Sheet 4

[2] Clause 19 Acquisition of land

Insert after clause 19 (1):

- (1A) The reference to Sheet 2 of the map in subclause (1) is a reference to that sheet as amended by the maps or sheets of maps marked as follows:

Liverpool Local Environmental Plan 1997 (Amendment No 71)—Sheet 5

[3] Dictionary

Omit “Urban Affairs and Planning.” from the definition of *the map*.

Insert instead:

Infrastructure, Planning and Natural Resources, as amended by the maps or sheets of maps marked as follows:

Liverpool Local Environmental Plan 1997 (Amendment No 71)—Sheets 4 and 5