



Liverpool Local Environmental Plan 1997 (Amendment No 75)

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*. (P02/00155/S69)

DIANE BEAMER, M.P.,

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

2004 No 461

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 75)

Liverpool Local Environmental Plan 1997 (Amendment No 75)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 75)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from 1 (a) Rural to 2 (a) Residential, 5 (c) Special Uses—Arterial Road, 6 (b) Recreation—Private, 7 (a) Environment Protection—Waterway and 7 (c) Environment Protection—Conservation and from 6 (b) Recreation—Private to 2 (a) Residential under *Liverpool Local Environmental Plan 1997*, and
- (b) to provide master plan provisions for the land known as the Boral site, Nuwarra Road, Moorebank, and
- (c) to list certain land as environmentally significant, and
- (d) to permit certain additional land uses, and
- (e) to prohibit certain development, and
- (f) to provide for a new 7 (c) Environment Protection—Conservation zone under *Liverpool Local Environmental Plan 1997*, and
- (g) to amend *Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)* to exclude the controls applying to the Boral site at Nuwarra Road, Moorebank.

3 Land to which plan applies

This plan applies to the land shown edged heavy black on the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 75)” deposited in the office of Liverpool City Council.

4 Relationship to other environmental planning instruments

- (1) *Liverpool Local Environmental Plan 1997* is amended as set out in Schedule 1.
- (2) *Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)* is amended as set out in Schedule 2.

2004 No 461

Liverpool Local Environmental Plan 1997 (Amendment No 75)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

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(Clause 4 (1))

[1] Clause 6 Definitions

Insert in alphabetical order in clause 6 (1):

Environmental conservation activities means:

- (a) the carrying out of bushland regeneration and rehabilitation, or
- (b) weed or pest control, or
- (c) the construction of walking tracks and fencing and the carrying out of any other such work for the purposes of passive recreation activities.

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

Insert in appropriate order (according to the amendment number of the plan) in the definition:

Liverpool Local Environmental Plan 1997 (Amendment No 75)

[3] Clause 6A What is exempt development?

Omit clause 6A (3) (c) (ix) and (x). Insert instead:

- (ix) land within the 7 (c) Environment Protection—Conservation zone, or
- (x) land on which there is significant vegetation (being land shown with cross-hatching on the Map), or
- (xi) a potential archaeological site (being land specified in Schedule 3), or

[4] Clause 6B What is complying development?

Omit clause 6B (3) (d) (ix) and (x). Insert instead:

- (ix) land within the 7 (c) Environment Protection—Conservation zone, or
- (x) land on which there is significant vegetation (being land shown with cross-hatching on the Map), or

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- (xi) a potential archaeological site (being land specified in Schedule 3), or

[5] Clause 8 Zones in this plan

Insert after the matter relating to Zone 7 (b):

7 (c) Environment Protection—Conservation

[6] Clause 9 Development which is allowed or prohibited within a zone

Insert “Environment Protection” as a heading to the matter relating to Zones Nos 7 (a), 7 (b) and 7 (c) (as inserted by the next item in this Schedule) in the Table to the clause.

[7] Clause 9, Table

Insert “7 (c)” in appropriate order next to “7 (b)”.

[8] Clause 9, Table

Insert “✓” under the heading “7 (c)” to correspond with the following types of development:

Maintenance dredging, Sanctuaries.

[9] Clause 10 Development which also needs consent

Insert in appropriate order in clause 10:

(24) **Environmental conservation activities**

Development for the purpose of environmental conservation activities may be carried out in the 7 (c) zone, but only with consent.

[10] Clause 45C

Insert after clause 45B:

45C Development of the Boral site, Nuwarra Road, Moorebank

- (1) This clause applies to that part of the land known as the Boral site, Nuwarra Road, Moorebank, as shown edged heavy black on the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 75)” and that is within the 2 (a) zone.

2004 No 461

Liverpool Local Environmental Plan 1997 (Amendment No 75)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

- (2) Despite clause 9, the Council must not grant consent to the carrying out of development in relation to land to which this clause applies for the purposes of dual occupancy housing, dwelling houses or multiple dwellings, or subdivision that the Council is of the opinion is for residential purposes, unless:
 - (a) arrangements have been made, to the satisfaction of the Roads and Traffic Authority, for the level of contribution for the provision of appropriate regional traffic improvements, and
 - (b) there is a master plan, that is satisfactory to the Council, for the land that is the subject of the development application
 - (c) arrangements have been made, to the satisfaction of the Council, for the provision of appropriate infrastructure, including but not limited to the following:
 - (i) provision of a road from Nuwarra Road at New Brighton Golf Course to Newbridge Road at Governor Macquarie Drive, and
 - (ii) provision of open space, and
 - (iii) provision of local drainage and water cycle facilities.
- (3) The master plan may be prepared by or on behalf of the owner or lessee of the land, the Council or the Minister.
- (4) The master plan is to contain provisions relating to development of the land to which it applies, and illustrate and explain, where appropriate, the following:
 - (a) how any relevant environmental planning instruments are addressed,
 - (b) design principles drawn from an analysis of the site and its context,
 - (c) phasing of development, roads, infrastructure and any remaining rehabilitation of the land,
 - (d) general distribution of land uses, including public access and open space,
 - (e) pedestrian, cycle, road access and circulation networks,
 - (f) subdivision layout for the stage to which the development application relates, the general location of dwelling densities and an indication of types of dwellings in subsequent stages,

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- (g) infrastructure provision,
 - (h) remediation of the land,
 - (i) water quality management approach and drainage networks,
 - (j) how any environmental impacts (including, where relevant, noise, dust, vibration and odour) will be addressed,
 - (k) mitigation measures that will be taken to preserve residential amenity and protect neighbouring residents from potential noise and lighting impacts associated with the proposed link road,
 - (l) bushfire protection measures that will be taken to ensure that the development is consistent with the provisions of *Planning for Bushfire Protection 2001* as produced by the NSW Rural Fire Service.
- (5) A master plan may be amended or revoked by a subsequent master plan.
- (6) Despite any other provision of this plan, residential development on land shown vertically striped on the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 75)” may comprise detached dwelling houses only.
- (7) Clause 41A (1)–(5) does not apply to development of land to which this clause applies.
- (8) The Council must not grant consent to the carrying out of development on land to which this clause applies unless:
- (a) the Council is satisfied that any contamination of the land that is the subject of the development application has been or will be remediated to a standard considered suitable by a site auditor for the proposed use of the land (having regard to the *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* developed by the Australian and New Zealand Environment Conservation Council and the National Health and Medical Research Council, or to such other guidelines and standards as are relevant), and
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2004 No 461

Liverpool Local Environmental Plan 1997 (Amendment No 75)

Schedule 1 Amendment of Liverpool Local Environmental Plan 1997

(b) the Council has been provided with a site audit statement that verifies that the land has been remediated (or is able to be remediated) to such a suitable standard.

(9) In this clause:

contamination has the same meaning as in the *Contaminated Land Management Act 1997*.

site audit statement and *site auditor* have the same meanings as in Part 4 of the *Contaminated Land Management Act 1997*.

[11] Clause 68 Objectives of the Environment Protection zones

Insert after clause 68 (2):

- (3) The objectives of the 7 (c) zone are:
- (a) to manage land for the principal purpose of biodiversity protection where that land has been identified for this purpose in a Conservation Plan, and
 - (b) to conserve, restore and enhance the native fauna and flora habitat and the ecological viability of the land identified for biodiversity protection purposes, and
 - (c) to conserve the Aboriginal heritage values of the land, and
 - (d) to enable development of the land only where it can be demonstrated that the development will not destroy, damage or compromise:
 - (i) the extent, quality or integrity of the ecological attributes of the identified land,
 - (ii) the extent, significance or integrity of the Aboriginal heritage values of the identified land, or
 - (iii) the potential for restoration and enhancement of native fauna and flora habitat on the land identified for biodiversity protection purposes, and
 - (e) to enable environmental conservation activities where appropriate.

[12] Clause 70 Minimum allotment sizes

Insert "or 7 (c)" after "7 (b)".

Liverpool Local Environmental Plan 1997 (Amendment No 75)

Amendment of Liverpool Local Environmental Plan 1997

Schedule 1

[13] Schedule 9 Environmentally significant land

Insert at the end of the Schedule:

Part of Lot 2, DP 615717, part of Lot 2, Nuwarra Road, Moorebank
DP 622920 and Lot Y, DP 407280

2004 No 461

Liverpool Local Environmental Plan 1997 (Amendment No 75)

Schedule 2 Amendment of Sydney Regional Environmental Plan No 9—Extractive
Industry (No 2—1995)

**Schedule 2 Amendment of Sydney Regional
Environmental Plan No 9—Extractive
Industry (No 2—1995)**

(Clause 4 (2))

Schedule 1

Omit item 1 of Division 1 (Clay/shale extraction areas of regional
significance—current and potential).

BY AUTHORITY
