



New South Wales

Liverpool Local Environmental Plan 1997 (Amendment No 83)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00428/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 145

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 83)

Liverpool Local Environmental Plan 1997 (Amendment No 83)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 83)*.

2 Aims of plan

The aims of this plan are as follows:

- (a) to establish the Edmondson Park Smart Growth Precinct,
- (b) to rezone land within the Edmondson Park Smart Growth Precinct suitable for conservation, open space, residential, rural residential, commercial and employment-generating purposes,
- (c) to identify areas of land that are affected by the proposed northern and southern rail alignments of the proposed south west rail link, with consideration of the future zoning of these areas being deferred until such time as a preferred rail alignment has been identified and endorsed by the Department,
- (d) to identify localities that respond to existing subdivision patterns and drainage catchments to facilitate the orderly phasing of the development of land and associated infrastructure,
- (e) to establish objectives relating to access, the natural environment, the built environment, social and cultural needs and economic development,
- (f) to establish a framework for the preparation of locality specific development control plans for the Edmondson Park Smart Growth Precinct that are consistent with and complement the provisions of this plan, and facilitate the timely provision of physical and social infrastructure, the orderly phasing of the development of land, the management of water courses and stormwater, and the appropriate management of development,
- (g) to insert new zones in *Liverpool Local Environmental Plan 1997*, to provide for flexible zoning controls and allow a range of uses appropriate to fulfil the other aims of this plan,

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- (h) to identify, protect and manage environmentally sensitive areas within the Edmondson Park Smart Growth Precinct (including waterways and riparian corridors, biological linkages, remnant native vegetation and associated buffers),
 - (i) to ensure water sensitive urban design solutions are incorporated into the development of the Edmondson Park Smart Growth Precinct,
 - (j) to correct anomalies in *Liverpool Local Environmental Plan 1997*.

3 Land to which plan applies

- (1) This plan applies to the land at Edmondson Park shown edged heavy black on Sheet 1 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 83)” deposited in the office of Liverpool City Council.
- (2) Despite subclause (1), this plan does not apply to land, shown lettered “deferred matter” on Sheet 1 of that map, being land that is excluded from this plan under section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

4 Amendment of Liverpool Local Environmental Plan 1997

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

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Schedule 1 Amendments

(Clause 4)

[1] Clause 2 Objectives of this plan

Insert “, infrastructure” after “services” in clause 2 (b).

[2] Clause 2 (f)

Insert “and cultural” after “environmental”.

[3] Clause 2 (m)

Insert at the end of clause 2 (l):

, and

- (m) to adopt and promote objectives for the development of land in smart growth precincts to provide for the location of appropriate land uses, supported by physical and social infrastructure.

[4] Clause 6 Definitions

Insert in alphabetical order in clause 6 (1):

Edmondson Park Smart Growth Precinct means the land shown edged heavy black on Sheet 1 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 83)”.

Southern Hoxton Park Aerodrome Smart Growth Precinct means the land shown edged heavy black on Sheet 1 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 71)”.

[5] Clause 6 (1), definition of “Precinct map”

Insert at the end of the definition:

for the Edmondson Park Smart Growth Precinct, Sheet 1 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 83)”.

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

Insert in appropriate order:

Liverpool Local Environmental Plan 1997 (Amendment No 83)—Sheets 1–3 and, subject to clause 32D, Sheet 4

[7] Clause 8 Zones and sectors in this plan

Insert in appropriate order by zone number in clause 8 (2):

- 1 (f) Rural—Landscape Protection
- 2 (e) Residential—Developing Communities
- 2 (f) Residential—Mixed Development
- 3 (d) Business—Town Centre
- 8 (b) National Parks and Nature Reserves

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

Insert the second, third, fourth and fifth columns of the following table in appropriate order by zone number in the Table to clause 9:

	1 (f)	2 (e)	2 (f)	3 (d)
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				
Caravan parks				
Car parks			✓	✓
Child care centres	✓	✓	✓	✓
Cinemas				✓
Communications facilities	✓	✓	✓	✓
Community facilities		✓	✓	✓
Convenience stores			✓	✓
Dams	✓	✓	✓	✓

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	1 (f)	2 (e)	2 (f)	3 (d)
Depots				
Dual occupancy housing		✓	✓	
Dwelling houses	✓	✓	✓	
Educational establishments		✓	✓	✓
Entertainment facilities			✓	✓
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				
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		✓	✓	✓

	1 (f)	2 (e)	2 (f)	3 (d)
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			✓	✓
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			✓	✓
Retail plant nurseries				
Roads	✓	✓	✓	✓
Roadside stalls				
Road transport terminals				
Rural industries				

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	1 (f)	2 (e)	2 (f)	3 (d)
Sanctuaries	✓			
Sawmills				
Serviced apartments		✓	✓	✓
Service stations				
Shops			✓	✓
Stock and sale yards				
Transitional group homes		✓	✓	
Transport depots				
Utility installations	✓	✓	✓	✓
Utility undertakings	✓	✓	✓	✓
Vehicle body repair workshops				
Vehicle repair stations				
Veterinary hospitals	✓		✓	
Warehouse or distribution centres				
Waste depots				

[9] Clause 9, Table

Omit “&” after “Bed”. Insert instead “and”.

[10] Clause 9A

Insert after clause 9:

9A Development within the 8 (b) zone

(1) Objectives of the 8 (b) zone

The objectives of the 8 (b) zone are:

- (a) to identify land that is or is to be reserved under the *National Parks and Wildlife Act 1974*, and
- (b) to permit development for a purpose authorised under that Act to be carried out on the land without consent.

(2) Development allowed without consent

Development for any purpose authorised under the *National Parks and Wildlife Act 1974* may be carried out on land within the 8 (b) zone without consent.

(3) **Prohibited development**

Any development not included in subclause (2) is prohibited on land within this zone.

[11] Clause 10 Development that also needs consent

Insert “, 1 (f)” after “1 (e)” in clause 10 (5).

[12] Clause 10 (5)

Insert “, 2 (e), 2 (f)” after “2 (d)”.

[13] Clause 10 (15)

Omit “or 2 (d)”. Insert instead “, 2 (d) or 2 (e)”.

[14] Clause 10 (17)

Omit “and 2 (d) zones”. Insert instead “or 2 (d) zone”.

[15] Clause 10 (19) (c)

Insert at the end of clause 10 (19) (b):

, or

- (c) which is in the 3 (d) zone, has frontage to Campbelltown Road and is on a corner allotment or a proposed corner allotment as shown in a development control plan referred to in clause 70H.

[16] Clause 11 Development that does not require consent

Omit “or 1 (e)” from clause 11 (8) (a). Insert instead “, 1 (e) or 1 (f)”.

[17] Clause 11 (8) (a) (ii)

Omit “, or”. Insert instead “, and”.

[18] Clause 11 (8) (a) (iii)

Insert after clause 11 (8) (a) (ii):

- (iii) relates to other development, or an activity, carried out on the land, or

[19] Clause 11 (8) (b)

Omit “or 2 (d) zone”.

Insert instead “, 2 (d), 2 (e) or 2 (f) zone, relates to other development, or an activity, carried out on the land”.

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[20] Clause 11 (8) (c)

Omit “or 3 (b)”. Insert instead “, 3 (b), 3 (c) or 3 (d)”.

[21] Clause 11 (9) (b) (i)

Insert “, 2 (e), 2 (f)” after “2 (d)”.

[22] Clause 11 (9) (b) (ii)

Insert “, 3 (d)” after “3 (b)”.

[23] Clause 25A

Insert after clause 25:

25A Mines

The Council may grant consent to development for the purpose of mines only if the Council is satisfied that:

- (a) the development will not compromise:
 - (i) the quality, significance or integrity of the ecological attributes of the land on which the development is proposed to be carried out, or
 - (ii) the objectives of the zoning of that land, as set out in this plan, at ground level, and
- (b) any proposed surface facilities for the mine do not adversely affect the amenity of the locality.

Note. See also clause 25 for matters that must be considered in relation to mines.

[24] Clause 32 Land near the Special Uses—Public Transport Corridor zone

Insert “Special Uses—” after “5 (a)” in clause 32 (1).

[25] Clause 32 (2)

Insert “under other provisions of this plan” after “without consent”.

[26] Clause 32 (3) and (4)

Insert after clause 32 (2):

- (3) The Council may consent to development on land that adjoins or is adjacent to land within the 5 (a) Special Uses—Public Transport Corridor zone only if it has referred the development application concerned to the Director-General and considered any comments received from the Director-General within 28 days of the date of referral.

- (4) Nothing in this clause precludes the Council from determining an application if no comments are received from the Director-General within that 28-day period.

[27] Clause 32A Land near the Special Uses—Arterial Road zone and Woodward Park

Insert “under other provisions of this plan” after “without consent” in clause 32A (2).

[28] Clauses 32B, 32C and 32D

Insert after clause 32A:

32B Development on land that may be affected by salinity

- (1) The Council must not grant consent to development on land if, in the opinion of the Council:
- (a) it is likely that the land has saline soil, or
 - (b) the development may cause the soil on the land to become, or become more, saline,
- unless it has considered a salinity management report in relation to the development.
- (2) A *salinity management report* is a report that recommends measures to be adopted, as part of proposed development, to reduce:
- (a) any existing soil salinity, or any impact of that salinity, on the land concerned, and
 - (b) the likelihood and impact of the soil becoming, or becoming more, saline as a result of the development.
- (3) The salinity management report is to include measures that are based on the following principles (to the extent relevant):
- (a) the removal of any native vegetation should be minimised,
 - (b) deep-rooted species of vegetation that are salt tolerant and able to reduce ground water levels should be planted,
 - (c) footings of buildings should be constructed so as not to impede groundwater movement,
 - (d) building materials that are resistant to salt effects should be used in building works,
 - (e) surface water infiltration should be reduced by constraining irrigation systems,

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- (f) roadways, utility services and other infrastructure should be located so as to reduce:
 - (i) any existing soil salinity or any impact of that salinity, and
 - (ii) the likelihood and impact of the soil becoming, or becoming more, saline as a result of the development.

32C Noise and vibration attenuation—residential development near arterial road, transitway or rail corridor

The Council must not grant consent to the carrying out of residential development within 100 metres of an arterial road, transitway or rail corridor unless it has considered an assessment of the effects on the development of noise and vibration from the road, transitway or rail corridor and is satisfied that appropriate measures to minimise any such effects will be incorporated in any such development.

32D Delayed rezoning of certain Commonwealth land

- (1) The zoning of land effected by Sheet 4 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 83)” (*the relevant map*) does not commence until a date specified by the Minister by order published in the Gazette.
- (2) The Minister is not to make such an order unless the Minister is satisfied that the land shown as being in the 8 (b) zone on Sheet 4 of the relevant map:
 - (a) is vested in the State of New South Wales or a public authority of the State of New South Wales, and
 - (b) is reserved under the *National Parks and Wildlife Act 1974* or is held for the purpose of being so reserved.
- (3) For the avoidance of doubt:
 - (a) nothing in this clause affects the zone applying to any land shown distinctively coloured on Sheet 1 of the relevant map, and
 - (b) until such time as the Minister makes an order under this clause, the zone applying to any land shown distinctively coloured on Sheet 4 of the relevant map is the zone applying to that land immediately before the commencement of *Liverpool Local Environmental Plan 1997 (Amendment No 83)*.

[29] Clause 33 Objectives of the Rural zones

Insert after clause 33 (5):

- (6) The objectives of the 1 (f) zone are:
 - (a) to permit the continuation of existing rural residential development, and
 - (b) to permit a limited range of compatible development on land within the zone where it can be shown that the development will not:
 - (i) compromise the extent, quality or integrity of the ecological attributes of the land, and
 - (ii) compromise the extent, quality or integrity of any identified Aboriginal heritage values of the land, and
 - (iii) compromise the potential for restoration and enhancement of the scenic landscape and vegetation communities within the locality, and
 - (iv) cause or increase soil salinity or compromise water quality or quantity, or riparian corridors or vegetation communities, within the locality, and
 - (c) to provide opportunities for the provision of vegetated biological linkages and the revegetation of the scenic landscape, riparian corridors and vegetation communities located on land within, and adjacent to, the zone.

[30] Clause 34 Minimum allotment sizes

Omit “or 1 (d)” from clause 34 (1). Insert instead “, 1 (d) or 1 (f)”.

[31] Clause 34 (1)

Insert at the end of the subclause:

1 (f) 0.5 ha

[32] Clause 34 (3)

Omit “or 1 (e)”. Insert instead “, 1 (e) or 1 (f)”.

[33] Clause 37 General restrictions on development

Omit “or 1 (e)”. Insert instead “, 1 (e) or 1 (f)”.

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[34] Clause 38B

Insert after clause 38A:

38B Development of certain land zoned 1 (d) in Edmondson Park

- (1) This clause applies to so much of Lot 1, DP 807460, Lot 2, DP 807461 and Lot 2, DP 831152 as is shown coloured yellow on Sheet 2 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 83)”.
- (2) The Council must not grant consent to development on land to which this clause applies unless the Council has considered a plan that outlines how vegetation on the site of the development is proposed to be managed.
- (3) Despite clause 34, the land to which this clause applies may be subdivided only if each lot created by the subdivision has an area of not less than 4000 sq m.
- (4) The total number of lots created under this clause is not to exceed 13.

[35] Clause 39 Objectives of the Residential zones

Insert after clause 39 (4):

- (5) The objectives of the 2 (e) zone are:
 - (a) to make provision for land to be used for housing and a range of associated uses, and
 - (b) to permit a range of housing types, with identified density standards, in locations that are accessible to public transport, employment, retail, commercial and service facilities, and
 - (c) to permit a range of development, if the development is not likely to adversely affect the amenity of the locality, and
 - (d) to permit development that delivers social and community infrastructure to support the future residents within the zone, and
 - (e) to permit development that minimises any adverse impact on areas of environmental and cultural sensitivity.
- (6) The objectives of the 2 (f) zone are:
 - (a) to make provision for land to be used for development comprising a mix of retail, commercial and residential uses, and

- (b) to permit a range of housing types, with identified density standards, and to allow a range of compatible uses, and
- (c) to encourage the provision of a range of housing types in locations that are accessible to public transport, employment and service facilities.

[36] Clause 40 General restrictions on development

Omit “or 2 (d)”. Insert instead “, 2 (d), 2 (e) or 2 (f)”.

[37] Clause 41 General considerations for residential development

Omit “or 2 (d)”. Insert instead “, 2 (d), 2 (e) or 2 (f)”.

[38] Clause 41A Minimum allotment sizes and widths

Omit “or 2 (d)” from clause 41A (7). Insert instead “, 2 (d), 2 (e) or 2 (f)”.

[39] Clause 43 Exhibition homes or land sales offices

Omit “or 2 (d)”. Insert instead “, 2 (d), 2 (e) or 2 (f)”.

[40] Clause 45B Local shops

Insert after clause 45B (3):

- (4) The Council must not grant consent to development for the purpose of a local shop on land within Zone 2 (e) unless a development control plan referred to in clause 70H proposes the erection of a local shop on the land.

[41] Clause 46 Objectives of the Business zones

Insert at the end of clause 46 (2) (b):

, and

- (c) to permit suitable commercial uses on land adjacent to Camden Valley Way to take optimal advantage of the highly exposed nature of the land.

[42] Clause 46 (4)

Insert after clause 46 (3):

- (4) The objectives of the 3 (d) zone are:
 - (a) to encourage the provision of a range of commercial, employment and business uses that may promote the economic well-being of the local community, and
 - (b) to encourage the provision of a range of cultural, recreational and entertainment facilities, and similar

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facilities, to promote the social well-being of the local community, and

- (c) to encourage the provision of a variety of housing types that are higher in density than traditional dwelling houses in locations that are accessible to public transport, employment and retail, commercial and service facilities, and
- (d) to facilitate the establishment of a town centre as a transport node servicing the local community.

[43] Part 11A Smart Growth Precincts

Insert after the heading to the Part:

Division 1 General provisions for smart growth precincts

[44] Existing clause 70F Development of land within a smart growth precinct

Renumber existing clause 70F as clause 70A and transfer it after the heading to Division 1 of Part 11A (as inserted by item [43]).

[45] Part 11A, Division 2, heading

Insert after clause 70A (as renumbered by item [44]):

Division 2 Southern Hoxton Park Aerodrome Smart Growth Precinct

[46] Existing clauses 70A–70E

Renumber existing clauses 70A–70E as clauses 70B–70F.

[47] Clauses 70B and 70C (as renumbered by item [46])

Omit “smart growth precinct acquisition map” in clauses 70B (1) and 70C (1).

Insert instead “acquisition map for the Southern Hoxton Park Aerodrome Smart Growth Precinct”.

[48] Clause 70B (3) (as renumbered by item [46])

Omit the subclause. Insert instead:

- (3) In this Division, a reference to the acquisition map for the Southern Hoxton Park Aerodrome Smart Growth Precinct is a reference to Sheet 3 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 71)”.

[49] Clause 70C (1) and (5) (as renumbered by item [46])

Omit “Part” wherever occurring. Insert instead “Division”.

[50] Part 11A, Division 3 (clauses 70G–70M)

Insert after clause 70F (as renumbered by item [46]):

Division 3 Edmondson Park Smart Growth Precinct**70G Meaning of “locality”**

A reference in this Division to land within a particular locality is a reference to land that is within an area shown edged heavy black and designated as that locality on Sheet 3 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 83)”.

70H Locality development control plans

- (1) Despite any other provisions of this plan (other than clause 70I), the Council must not grant consent to development on land within locality LA, LB, LC, LD, LE, LF, LG or LH unless the Council has:
 - (a) made a development control plan for the locality that contains the matters provided for by this clause, and
 - (b) taken the development control plan into consideration.
- (2) The Council may waive the requirement under subclause (1) for a development control plan to be made and considered before granting consent to development on land within the locality if it is satisfied:
 - (a) that the proposed development is of a minor nature only and is ancillary to the existing use of the land, or
 - (b) that adequate guidelines and controls applying to the land are already in place.
- (3) A development control plan for a locality is to outline the development of all the land to which it applies. In particular, such a plan is:
 - (a) in the opinion of the Council, to reflect the objectives for the Edmondson Park Smart Growth Precinct set out in Part 3 of Schedule 10, and
 - (b) to assess the impact of development within the locality on adjoining localities within the Edmondson Park Smart Growth Precinct, including on existing or future

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- development within those localities (as detailed in any development control plans for those localities), and
- (c) to detail proposed stages of development within the locality and identify any infrastructure that is proposed to be provided at, and in connection with, each stage, and
 - (d) to discuss and contain diagrams showing the following matters in relation to proposed subdivision of land within the locality:
 - (i) indicative subdivision patterns for land within the locality,
 - (ii) a proposed road layout and circulation network within the locality, being a road layout and circulation network that, in the opinion of the Council, has been designed with regard to drainage constraints and topography,
 - (iii) detailed cross-sections of proposed roads, including proposed verge widths and treatments, and
 - (e) to contain proposals for the erection of dwellings at a density that would not result in the Council being unable to grant consent as a result of clause 70J, and
 - (f) to contain proposals that, in the opinion of the Council:
 - (i) would ensure that natural water cycle systems are supported and integrated into proposed development, and
 - (ii) reflect best practice for stormwater quality and quantity control and associated uses, and
 - (g) to contain a detailed plan for water cycle management that illustrates and explains how all staged works can be integrated into a final drainage design (as described in the development control plan) for the Edmondson Park Smart Growth Precinct, including detailed proposals for the provision and decommissioning of any temporary drainage arrangements, and
 - (h) to contain a financial model explaining the staging of development and corresponding provision of infrastructure that identifies the following:
 - (i) infrastructure proposed to be provided by the developer and infrastructure proposed to be provided by the Council,
 - (ii) any financial limitations or impediments to the delivery of infrastructure,

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- (iii) any proposed strategies to overcome these limitations or impediments.
- (4) In addition to the matters referred to in subclause (3), a development control plan for locality LG is to contain provisions relating to the following and explaining how the following will be achieved:
- (a) the provision of a pedestrian-oriented main street through the locality that links the main retail shopping areas on the northern and southern side of Campbelltown Road,
 - (b) a minimum of 10,000 sq m of retail floor space within the locality,
 - (c) a bus-rail interchange within the locality.

70I Development on land across or adjoining locality boundaries

- (1) This clause applies to land in a relevant lot that is in two localities within the Edmondson Park Smart Growth Precinct if a development control plan for one of those localities has been made, and a development control plan for the other locality has not been made, under clause 70H.
- (2) This clause also applies to land in a relevant lot that:
- (a) is within a locality for which a development control plan has not been made under clause 70H, and
 - (b) adjoins another locality for which a development control plan has been made under that clause.
- (3) Despite clause 70H, the Council may consent to development on land to which this clause applies if the Council is satisfied that:
- (a) the proposed development is consistent with the general objectives of this plan, and
 - (b) the carrying out of the proposed development is appropriate in terms of servicing and achieves the optimum balanced development of the land, and
 - (c) the development control plan that has been made under clause 70H for one of the localities concerned:
 - (i) in the case of land referred to in subclause (1)—proposes that development be carried out on the part of the land that is not within that locality, and
 - (ii) in the case of land referred to in subclause (2)—proposes that development be carried out on the land, and

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- (d) the development is proposed to be integrated and carried out in conjunction with the development of land in the locality for which the development control plan has been made, including the part of the lot that is within the locality in the case of land referred to in subclause (1), and
 - (e) the proposed development is consistent with the proposals for development contained in the development control plan (particularly, the proposed subdivision patterns and roads, plan for water cycle management and character of development described in the development control plan), and
 - (f) appropriate arrangements have been made for the collection, treatment and discharge of stormwater from the land.
- (4) In this clause:
relevant lot means a lot that was lawfully created and in existence immediately before the commencement of *Liverpool Local Environmental Plan 1997 (Amendment No 83)*.

70J Density controls

- (1) The Council must not grant consent to the erection of dwellings on land within the Edmondson Park Smart Growth Precinct unless the net site density applying in relation to the proposed dwellings on the land is not less than the prescribed net site density applying in relation to the land.
- (2) The Council must not grant consent to the subdivision of land within the Edmondson Park Smart Growth Precinct unless the Council is of the opinion that the proposal is not inconsistent with the prescribed net site density applying in relation to the land.
- (3) Despite subclause (1), the Council may consent to the erection of dwellings on land within the 2 (e), 2 (f) or 3 (d) zone even though the net site density applying in relation to the proposed dwellings is less than the prescribed net site density if:
 - (a) the proposed net site density is not less than the prescribed net site density (if any) that would apply if the boundary of the land was located 60 metres away in at least one direction, and
 - (b) the Council is satisfied that the proposed density is required:
 - (i) to incorporate an efficient road layout in connection with the proposed development, or

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- (ii) to achieve the optimum development of the land in a planning and urban design sense.
 - (4) *State Environmental Planning Policy No 1—Development Standards* does not apply in relation to any prescribed net site density.
 - (5) In this clause:
 - net site density*, in relation to dwellings, means the ratio that the number of dwellings concerned bears to the area occupied by those dwellings, excluding any public roads or open space.
 - prescribed net site density*, in relation to land, means the minimum net site density applying in relation to dwellings on the land, as identified on Sheet 2 of the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 83)”.

70K Certain subdivisions and regional transport infrastructure

- (1) This clause applies to land within the Edmondson Park Smart Growth Precinct and the 1 (d), 1 (f), 2 (e), 2 (f), 3 (b) or 3 (d) zone.
- (2) The Council must not consent to the subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made for contributions to the provision of regional transport infrastructure and services in relation to the land comprising that lot.
- (3) The object of contributions referred to in subclause (2) is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from intensive urban development of land to which this clause applies.
- (4) The reference in subclause (2) to a lot of less than 40 hectares does not include a reference to any such lot that is:
 - (a) identified in the certificate of the Director-General as a residue lot, or
 - (b) proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities or any other public purpose.
- (5) This clause does not apply to a subdivision of land for the purpose of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to development to which this clause applies.
- (7) This clause has effect despite any other provisions of this plan.

2006 No 145

Liverpool Local Environmental Plan 1997 (Amendment No 83)

Schedule 1 Amendments

70L Development within 5 (a) Special Uses zone and locality LG

- (1) The Council must not grant consent to development proposed to be carried out wholly or partly in the air space above land that is within the 5 (a) zone and locality LG unless RailCorp has granted its concurrence to the development.
- (2) In deciding whether to grant concurrence, RailCorp must take into consideration the likely effect of the development on:
 - (a) the practicability and cost of carrying out development for the purposes of any rail expansion project proposed to be carried out on the land, and
 - (b) without limiting paragraph (a)—the structural integrity or safety of, or ability to operate, the project, and
 - (c) without limiting paragraph (a)—the land acquisition costs and the cost of the construction, operation or maintenance of the project.

70M Vehicle access to development adjoining Camden Valley Way or Campbelltown Road

- (1) The Council must not grant consent to development on land within the Edmondson Park Smart Growth Precinct that adjoins Camden Valley Way or Campbelltown Road unless any proposed vehicular access to the land is by way of a road other than Camden Valley Way, Campbelltown Road or a State road.
- (2) Despite subclause (1), the Council may consent to permanent vehicular access to Camden Valley Way or Campbelltown Road if, in the opinion of the Council, alternative access to the development is neither practicable, nor provided, by another road.

[51] Schedule 2 Heritage Items

Omit the matter relating to Item No 54. Insert instead:

54	Campbelltown Road, Ingleburn	Part of Lot 2, DP 831152	Lecture hall building (Nissen hut) and Ingleburn Military Heritage Precinct
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[52] Schedule 2

Insert at the end of the Schedule (with an appropriate item number):

Campbelltown Road, Part of Lot 1, DP Ingleburn Village site
Edmondson Park 831152

[53] Schedule 10 Smart growth precinct objectives

Insert after Part 2:

Part 3 Edmondson Park Smart Growth Precinct

4 Precinct to which this Part applies

This Part applies to the land within the Edmondson Park Smart Growth Precinct.

5 Objectives

The objectives of the Edmondson Park Smart Growth Precinct are:

(a) In relation to accessibility

To integrate future transport opportunities into the planning process.

To ensure roads, pedestrian pathways and cycleways link into and between residential areas, employment areas, and civic and cultural facilities.

To accommodate people with disabilities throughout the Precinct.

(b) In relation to the natural environment

To conserve and enhance the biodiversity of the Precinct through the management of areas of conservation significance and riparian corridors and the retention of remnant native vegetation within residential and business zones.

To incorporate areas of vegetation conservation and existing creeks into the riparian corridor, and open space networks, within the Precinct.

To minimise pollution by encouraging a reduction in the use of private automobiles.

To incorporate water sensitive urban design solutions and provide opportunities for a reduction in water consumption and best practice management of stormwater run-off.

2006 No 145

Liverpool Local Environmental Plan 1997 (Amendment No 83)

Schedule 1 Amendments

To minimise disturbance to natural hydrological systems as a result of development and minimise, or appropriately manage, development causing or increasing soil salinity.

To minimise any impact on occupants in the locality of potential noise sources through quality design and the appropriate location of uses.

To minimise potable water consumption by providing recycled water to the Precinct.

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

To respond to the physical, cultural and urban heritage of the Precinct through planning and design that responds to landform, remnant vegetation, riparian corridors, climate and patterns of land use.

To create a series of compact urban centres, including a town centre and a number of villages that are surrounded by residential development offering a variety of housing choices at a sustainable density.

To ensure proposed development relates to regional access routes, proposed public transport routes, the local road network and the open space network.

To provide an interconnected local road network that provides easy access into and between residential areas and the town centre, villages and the open space network.

To provide a clear interconnected pedestrian pathway and cycleway system, linking the town centre, villages, residential areas and the open space network.

To provide an integrated open space system that links land within the rural zones, the environment protection zones, the 8 (b) zone, riparian areas and active and passive open space areas.

To ensure adequate provision for, and design of, key public places and spaces.

To ensure all buildings are designed with the amenity of the occupant in mind, including ensuring adequate solar access, cross-ventilation and access to views, and appropriate house and apartment sizes.

To conserve resources, including land, energy in the construction and use of buildings, remnant native vegetation, water and soils.

To ensure that land is used and developed in a manner that does not significantly increase water infiltration to

groundwater systems, and does not significantly increase salt loads in waterways, wetlands or soils.

To ensure that any off-site impacts of development on groundwater and soil salinity are recognised and assessed.

To ensure that any potential risk to human health or the environment arising from any contamination of land is recognised and that suitable measures are adopted to address that risk.

(d) **In relation to social and cultural issues**

To facilitate the provision of a diverse range of housing types, and of retail, civic and cultural facilities, and to ensure that these are strategically located throughout the Precinct.

To ensure the provision of places for a range of recreational activities and facilities that will accommodate structured and unstructured activities.

To provide transport choice by enabling the provision of public transport infrastructure.

(e) **In relation to the economy**

To encourage the provision of employment opportunities for a wide range of age and socio-economic groups.

To ensure appropriate physical and social infrastructure is provided as land is developed to meet the needs of the incoming population.

To encourage the provision of affordable housing.

To ensure the efficient use of land and available infrastructure.

To ensure that consideration is given to any physical limitations of land, including soil salinity and the impacts of that salinity, to minimise the potential for future adverse economic impacts arising from development.