



New South Wales

Liverpool City Centre Local Environmental Plan 2007

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. (S06/00938/PC)

FRANK SARTOR, M.P.,
Minister for Planning

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Clause 1 Liverpool City Centre Local Environmental Plan 2007

Part 1 Preliminary

Liverpool City Centre Local Environmental Plan 2007

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

Note. The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Plan is not a standard local environmental plan, standard clauses have been included in this Plan and the clause numbering from the *Standard Instrument (Local Environmental Plans) Order 2006* has been retained. This means that the numbering in this Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1 Name of Plan

This Plan is *Liverpool City Centre Local Environmental Plan 2007*.

2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in the Liverpool city centre in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to strengthen the regional position of the Liverpool city centre as a focused service and employment centre for Sydney's south west region,
 - (b) to promote residential development that supports and complements the employment role of Liverpool city centre,
 - (c) to promote employment, residential, recreational and cultural opportunities for a population of varied ages and backgrounds within the Liverpool city centre,
 - (d) to reinforce and revitalise the commercial core of Liverpool city centre to provide employment opportunities,
 - (e) to strengthen the provision of medical services and education,
 - (f) to protect and enhance the vitality, identity and diversity of the Liverpool city centre,
 - (g) to facilitate a high standard of urban, and environmentally sustainable, building design,

- (h) to encourage the management and conservation of natural resources within the Liverpool city centre,
- (i) to encourage the use of public transport within the Liverpool city centre,
- (j) to conserve and protect the environmental heritage of the Liverpool city centre.

3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

Note. The maps adopted by this Plan are the Land Application Map, the Land Zoning Map, the Height of Buildings Map, the Floor Space Ratio Map, the Heritage Map, the Land Reservation Acquisition Map, the Flood Liable Land Map, the Acid Sulfate Soils Map and the Key Sites Map.

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Clause 7A Liverpool City Centre Local Environmental Plan 2007

Part 1 Preliminary

7A Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended by inserting the following at the end of clause 3 (2):

Land to which *Liverpool City Centre Local Environmental Plan 2007* applies.

8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.
- (3) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application is to be determined as if this Plan had been exhibited but had not commenced.

8A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

9 Application of SEPPs and REPs

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the Plan) displace or amend a SEPP or REP to deal specifically with the relationship between this Plan and the SEPP or REP.

- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6)

State Environmental Planning Policy No 9—Group Homes

State Environmental Planning Policy No 60—Exempt and Complying Development

9A Consequential amendment to SEPP 4

- (1) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* is amended by inserting the following at the end of Schedule 1:

Clause 33F of *Liverpool City Centre Local Environmental Plan 2007*

Note. This amendment is consequential on clause 33F of this Plan. The inclusion of a reference to that clause in Schedule 1 to *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* ensures that clause 10 of that policy will not permit the carrying out of works to which clause 33F of this Plan applies without consent.

- (2) This clause is repealed on the day following the day on which it is commenced.

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Clause 10 Liverpool City Centre Local Environmental Plan 2007

Part 2 Permitted or prohibited development

Part 2 Permitted or prohibited development

10 Land use zones

The land use zones under this Plan are as follows:

Residential Zones

R4 High Density Residential

Business Zones

B1 Neighbourhood Centre

B3 Commercial Core

B4 Mixed Use

B6 Enterprise Corridor

Industrial Zones

IN2 Light Industrial

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

Waterway Zones

W1 Natural Waterways

11 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

12 Zone objectives and land use table

- (1) The Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

- (3) In the Table at the end of this Part:
- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 15 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

13 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

14 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with consent, or
 - (b) if the Schedule so provides—without consent,
 in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

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Clause 15 Liverpool City Centre Local Environmental Plan 2007

Part 2 Permitted or prohibited development

15 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

15A Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental impacts.
- (2) Any development, not being designated development, may, despite any other provision of this Plan (except clause 27), be carried out with consent, for a maximum period of 52 days, whether consecutive or not, in any one year.
- (3) Development referred to in subclause (2) may be carried out only if:
 - (a) it would not generate an excessive demand for public services, and
 - (b) it would be compatible with the character and amenity of the locality in which it would be carried out in terms of:
 - (i) design, height and siting, and
 - (ii) its operation, and
 - (iii) traffic generation and car parking, and
 - (iv) noise, light, dust and odour nuisance, and
 - (v) privacy, and

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- (vi) stormwater drainage, and
 - (vii) hours of operation, and
 - (viii) overshadowing, and
 - (c) it would not be inconsistent with any current consent applying to the land.

Land Use Table

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment and with good access for residents to facilities and services.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To permit residents to work at home if that does not adversely affect the amenity of the locality.
- To minimise fragmentation of land that would prevent the achievement of high density residential development.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Child care centres; Community facilities; Educational establishments; Environmental facilities; Group homes; Health consulting rooms; Home businesses; Hospitals; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Roads; Seniors housing; Serviced apartments; Shop top housing; Spa pools; Swimming pools; Temporary structures; Utility installations

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

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Clause 15A Liverpool City Centre Local Environmental Plan 2007

Part 2 Land Use Table

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses which serve the needs of people who live and work in the surrounding neighbourhood.
- To allow for residential development, while maintaining active retail, business or other non-residential uses at street level.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care

3 Permitted with consent

Boarding houses; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Child care centres; Community facilities; Educational establishments; Environmental facilities; Food and drink premises (but only if the floor area of the premises does not exceed 250m²); Group homes; Health consulting rooms; Home businesses; Hospitals; Hostels; Hotel or motel accommodation; Kiosks; Neighbourhood shops; Passenger transport facilities (including bus shelters); Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Roads; Seniors housing; Service stations; Serviced apartments; Shop top housing; Signage; Spa pools; Swimming pools; Temporary structures; Utility installations; Veterinary hospitals

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of the Liverpool city centre as the regional business, retail and cultural centre of south western Sydney.

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- To ensure that for key land in the Liverpool city centre, opportunities for retail, business and commercial uses exist in the longer term.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

Amusement centres; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Child care centres; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Helipads; Heliports; Hospitals; Hotel or motel accommodation; Information and education facilities; Mortuaries; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Retail premises; Roads; Sex services premises; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Veterinary hospitals; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow for residential development in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.
- To facilitate a high standard of urban design and convenient urban living.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care

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Clause 15A Liverpool City Centre Local Environmental Plan 2007

Part 2 Land Use Table

3 Permitted with consent

Amusement centres; Boarding houses; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Child care centres; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Group homes; Helipads; Home businesses; Home industries; Hospitals; Hostels; Hotel or motel accommodation; Information and education facilities; Mortuaries; Multi dwelling housing; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential care facilities; Residential flat buildings; Retail premises; Roads; Seniors housing; Service stations; Shop top housing; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Vehicle repair stations; Veterinary hospitals; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To enable a mix of employment (including business, office, retail and light industrial uses) and residential uses.
- To permit residential uses that do not undermine the viability or operation of businesses.
- To maintain the economic strength of centres by limiting the retailing of food and clothing.
- To provide for businesses along the entry corridor into Liverpool city centre which complement the activity around the city core.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care

3 Permitted with consent

Amusement centres; Boarding houses; Boat launching ramps; Boat repair facilities; Boat sheds; Bulky goods premises (but only if the floor area of the premises does not exceed 1,000m²); Business premises; Car

parks; Community facilities; Crematoriums; Depots; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Group homes; Helipads; Home businesses; Home industries; Hospitals; Hostels; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Light industries; Mortuaries; Multi dwelling housing; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings (but only as a component of a mixed use development part of which is used for a non-residential purpose permissible on the land); Retail premises (but only if the floor area of the premises does not exceed 1,000m²); Roads; Service stations; Shop top housing; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Timber and building supplies; Utility installations; Vehicle repair stations; Vehicle showrooms; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Boat repair facilities; Boat sheds; Car parks; Community facilities; Crematoriums; Depots; Drainage; Earthworks; Educational establishments; Flood mitigation work; Freight transport facilities; Helipads; Heliports; Hotel or motel accommodation (but only if located no less than 150m away from land in Zone IN3); Kiosks; Landscape and garden supplies; Light industries; Liquid fuel depots;

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Clause 15A Liverpool City Centre Local Environmental Plan 2007

Part 2 Land Use Table

Materials recycling or recovery centres; Mortuaries; Neighbourhood shops; Office premises (but only if ancillary to another use that is permissible in this zone); Passenger transport facilities; Places of public worship; Pubs; Rainwater tanks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants (but only if the floor area of the premises does not exceed 200m²); Roads; Service stations; Sex services premises; Signage; Spa pools; Swimming pools; Take away food or drink premises (but only if the floor area of the premises does not exceed 200m²); Tank-based aquaculture; Telecommunications facilities; Temporary structures; Timber and building supplies; Transport depots; Truck depots; Utility installations; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and which minimises any adverse impacts on surrounding land.
- To provide for development that is compatible with Liverpool Hospital.
- To prevent development that is not compatible with or that may detract from the activities, including medical research and development associated with Liverpool Hospital.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Boarding houses; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Community facilities; Dwelling houses; Educational

establishments; Group homes; Hospitals; Hostels; Medical centres; Medical research and development facilities; Neighbourhood shops; Places of public worship; Residential care facilities; Roads; Seniors housing

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Car parks; Child care centres; Community facilities; Drainage; Earthworks; Flood mitigation works; Helipads; Kiosks; Passenger transport facilities; Rainwater tanks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

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Clause 15A Liverpool City Centre Local Environmental Plan 2007

Part 2 Land Use Table

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

Advertisements; Advertising structures; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Cemeteries; Charter and tourism boating facilities; Community facilities; Drainage; Earthworks; Entertainment facilities; Environmental facilities; Flood mitigation works; Horticulture; Information and education facilities; Kiosks; Moorings; Pond based aquaculture; Rainwater tanks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Sewage treatment works; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Waste disposal land fill operations; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.
- To enable the recreational enjoyment of the natural environment in this zone.
- To enable the scientific study of the natural environment in this zone.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

Aquaculture; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Drainage; Earthworks; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Moorings;

Passenger transport facilities; Recreation areas; Roads; Temporary structures; Utility installations; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

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Clause 16 Liverpool City Centre Local Environmental Plan 2007

Part 3 Exempt and complying development

Part 3 Exempt and complying development

16 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development:
 - (a) the development must:
 - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (ii) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, the building must have a current fire safety certificate or fire safety statement or the building must be a building for which no fire safety measures are currently implemented, required or proposed, and
 - (iii) comply with any relevant standards set for the development by this Plan, and
 - (iv) comply with any relevant requirements of Sydney Water Corporation that relate to building over sewers, and
 - (b) the development must not:
 - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
 - (ii) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
 - (iii) be designated development, or
 - (iv) be development on land that comprises, or on which there is, an item of environmental heritage that is listed on the

State Heritage Register under the *Heritage Act 1977* or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*, or

- (v) contravene any condition of a development consent applying to the land, or
- (vi) obstruct drainage of the site on which it is carried out, or
- (vii) restrict any vehicular or pedestrian access to or from the site, or
- (viii) be carried out within any easement for a public sewer main, or
- (ix) require a tree to be removed, or
- (x) contravene any restriction on the land, imposed by or for the benefit of the Council in an instrument made under section 88B the *Conveyancing Act 1919*, or
- (xi) be carried out on land that is identified as Zone RE1 Public Recreation or Zone W1 Natural Waterways, or
- (xii) be carried out on land that is flood prone land, or
- (xiii) be carried out on land that is within 40 metres of a waterway.

17 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Conservation in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)).
- (1) The objective of this clause is to identify development as complying development.

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Clause 17 Liverpool City Centre Local Environmental Plan 2007

Part 3 Exempt and complying development

- (2) Development specified in Schedule 3 that is carried out in compliance with the applicable development standards listed in that Schedule and that complies with the requirements of section 76A (6) of the Act and the requirements of this Part is complying development.
- (3) To be complying development the development must:
- (a) be permissible, with consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (d) be consistent with any of the following plans that apply to the land:
 - (i) a plan for management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*,
 - (ii) a recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995*, and
 - (e) comply with any relevant requirements of Sydney Water Corporation that relate to building over sewers, and
 - (f) not contravene any condition of development consent applying to the land, and
 - (g) not be carried out within any easement for a public sewer main, and
 - (h) not require a tree to be removed, and
 - (i) not contravene any restriction on the land, imposed by or for the benefit of the Council in an instrument made under section 88B of the *Conveyancing Act 1919*, and
 - (j) not be development to which Part 3A of the Act applies, and
 - (k) not be designated development, and
 - (l) not require the concurrence of a person other than the consent authority, and
 - (m) not be carried out on land that has been used for any one or more of the following purposes if a notice of completion of remediation work for the proposed use has not been given to the Council in accordance with *State Environmental Planning Policy No 55—Remediation of Land*:
 - asbestos or asbestos products, extractive industries, intensive livestock agriculture, manufacturing of chemicals, mining,

service stations, sheep or cattle dips, waste disposal land fill operations, waste management facilities, and

- (n) not be carried out on land:
 - (i) that is within 40 metres of a waterway, or
 - (ii) that is identified in this or any other environmental planning instrument as bush fire prone, flood prone, or contaminated, or
 - (iii) that is subject to subsidence, slip or erosion, or
 - (iv) that is identified as Zone RE1 Public Recreation or Zone W1 Natural Waterways, or
 - (v) that is a special area or outer catchment area within the meaning of the *Sydney Water Catchment Management Act 1998*, or
 - (vi) that is specified in Schedule 5 (Environmental heritage) or that comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register or that is subject to an interim heritage order under the *Heritage Act 1977*, or
 - (vii) that is identified in this Plan as requiring consideration of an acid sulfate soils management plan, or
 - (viii) that is within 200 metres of a poultry farm.

18 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means:
 - (a) a sensitive coastal location, or
 - (b) coastal waters of the State, or
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or

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Clause 18 Liverpool City Centre Local Environmental Plan 2007

Part 3 Exempt and complying development

- (f) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (g) land reserved as a state conservation area, or identified as an Aboriginal place, under the *National Parks and Wildlife Act 1974*, or
- (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*, or
- (j) land that is within a wilderness area (within the meaning of the *Wilderness Act 1987*).

Part 4 Principal development standards

21 Height of buildings

- (1) The objectives of this Plan for the control of the height of buildings are as follows:
 - (a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,
 - (b) to permit building heights that encourage high quality urban form,
 - (c) to maintain satisfactory sky exposure and daylight to buildings and public areas,
 - (d) to provide building heights that ensure sunlight access to key areas and public domain,
 - (e) to nominate heights that will provide an appropriate transition in built form and land use intensity.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map, except as provided by clause 21A or 22B.

21A Architectural roof features

- (1) A person may, with development consent, carry out development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 21.
- (2) Development consent must not be granted to any such development unless the consent authority is satisfied that the architectural roof feature:
 - (a) comprises a decorative element on the uppermost portion of a building, and
 - (b) is not a structure for advertising, and
 - (c) does not include floor space area and is not reasonably capable of modification to include floorspace area, and
 - (d) will have a minimal overshadowing impact.
- (3) If it contains or supports building identification signage or equipment for servicing the building, (such as plant, lift motor rooms, fire stairs and the like), the signage or equipment must, to the satisfaction of the consent authority, be fully integrated into the design of the roof feature.

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Part 4 Principal development standards

22 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic,
 - (b) to control building density and bulk in relation to the site area and within building envelopes (maximum building height limits) in order to achieve the desired future character of the city centre,
 - (c) to minimise any adverse environmental impact on the use or enjoyment of adjoining properties,
 - (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation,
 - (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
 - (f) to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space within building envelopes (maximum building height limits) leaves generous space for the articulation and modulation of design.
- (2) The maximum floor space ratio for a building on any land is not to exceed:
 - (a) the floor space ratio shown for the land on the Floor Space Ratio Map, or
 - (b) if a different floor space ratio is specified under subclause (3)—that floor space ratio.
- (3) Except as provided by clause 22B, the maximum floor space ratio for buildings within a zone specified in the Table to this clause, on land for which the floor space ratio shown on the Floor Space Ratio Map is as specified in Column 1 of the Table under the heading for that zone, is the amount specified opposite that ratio in:
 - (a) Column 2 of the Table if the site area for the development is less than or equal to 1,000m², or
 - (b) Column 3 of the Table if the site area for the development is greater than 1,000m² but less than 2,500m².
- (4) For the purposes of Column 3 of the Table to this clause:
$$X = (\text{the site area in square metres} - 1,000)/1,500$$

Table—Floor space ratio

Column 1	Column 2	Column 3
Zone B3 Commercial Core		
3.5:1	3:1	(3 + 0.5X):1
4:1	3:1	(3 + X):1
5:1	4:1	(4 + X):1
6:1	4.5:1	(4.5 + 1.5X):1
8:1	5:1	(5 + 3X):1
Zone B1 Neighbourhood Centre, B4 Mixed Use, B6 Enterprise Corridor, SP1 Special Activities or SP2 Infrastructure		
2:1	1.5:1	(1.5 + 0.5X):1
3:1	2:1	(2 + X):1
3.5:1	2.5:1	(2.5 + X):1
4:1	2.5:1	(2.5 + 1.5X):1
6:1	2.5:1	(2.5 + 3.5X):1
Zone R4 High Density Residential		
2:1	1:1	(1 + X):1
2.5:1	1.5:1	(1.5 + X):1
3:1	2:1	(2 + X):1
3.5:1	2:1	(2 + 1.5X):1

22A Minimum building street frontage

- (1) The objectives of this Plan for the control of building frontage to streets are as follows:
- (a) to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,
 - (b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,
 - (c) to provide appropriate dimensions for the design of car parking levels,
 - (d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.

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Part 4 Principal development standards

- (2) Development consent must not be granted to the erection of a building that does not have at least one street frontage of at least 24 metres to a public street (excluding service laneways) on land zoned R4 High Density Residential, B1 Neighbourhood Centre, B3 Commercial Core, B4 Mixed Use or B6 Enterprise Corridor.
- (3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that:
 - (a) due to the physical constraints of the site or adjoining sites it is not possible for the building to be erected with at least one street frontage of 24 metres or more, and
 - (b) the erection of the building is consistent with the aims of this Plan.

22B Design excellence

- (1) This clause applies to development involving the construction of a new building or external alterations to an existing building.
- (2) Consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (3) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds or Macquarie Street Mall (between Elizabeth Drive and Memorial Avenue),
 - (e) any relevant requirements of the Liverpool City Centre Development Control Plan,
 - (f) how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,

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- (iii) heritage issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain.
- (4) Consent must not be granted to the following development to which this Plan applies unless an architectural design competition has been held in relation to the proposed development:
- (a) development for which an architectural design competition is required as part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act,
 - (b) development having a capital value of more than \$1,000,000 on a key site, being a site shown edged heavy black and distinctively coloured on the Key Sites Map,
 - (c) development for which the applicant has chosen to have such a competition.
- (5) Subclause (4) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.
- (6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10 per cent greater than that allowed by clause 22 or a height of up to 10 per cent greater than that allowed by clause 21, but only if:
- (a) the design of the building or alteration is the result of an architectural design competition, and
 - (b) the concurrence of the Director-General has been obtained to the development application.

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- (7) In determining whether to provide his or her concurrence to the development application, the Director-General is to take into account the result of the architectural design competition (if any).
- (8) In this clause:
architectural design competition means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

22C Car parking

- (1) The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the Liverpool city centre.
- (2) Except as otherwise provided by this Plan, car parking is to be provided in accordance with the Liverpool City Centre Development Control Plan.
- (3) Consent must not be granted for development on land zoned B3 Commercial Core, B4 Mixed Use or SP1 Special Activities that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless:
 - (a) at least one car parking space is provided for every 75 square metres of the gross floor area of the building that is to be used for commercial activities, and
 - (b) at least one car parking space is provided for every 50 square metres of the gross floor area of the building that is to be used for retail activities.
- (4) Car parking that is required to be provided under this clause must be provided on site unless the consent authority is satisfied that car parking will be adequately provided for elsewhere.
- (5) For the purposes of this clause, the following are to be included as part of a building's gross floor area:
 - (a) any area of the building that is used for car parking and is at or above existing ground level, except to the extent permitted by the Liverpool City Centre Development Control Plan,
 - (b) any area of the building that is used for car parking below existing ground level, except where the car parking is provided as required by this clause.
- (6) Council owned public car parking is not to be included as part of a building's gross floor area.

- (7) In this clause:

commercial activities, in relation to the use of a building, means the use of the building for the purposes of business premises, child care centres, educational establishments, entertainment facilities, hospitals, hotel or motel accommodation, office premises, places of public worship, restricted premises, sex services premises, vehicle repair stations, veterinary hospitals or other like uses or a combination of such uses.

retail activities, in relation to the use of a building, means the use of the building for the purposes of amusement centres, food and drink premises, function centres, medical centres, registered clubs, retail premises, service stations or a combination of such uses.

22D Ground floor development

- (1) The ground floor of any development that is a building on land zoned B1 Neighbourhood Centre or B4 Mixed Use must have active street frontages and be used for commercial activities or retail activities (within the meaning of clause 22C), other than any parts of that floor used for:
- (a) lobbies for any commercial, residential, serviced apartment or hotel component of the development, or
 - (b) access for fire services, or
 - (c) vehicle access.
- (2) Despite subclause (1), an active street frontage is not required in respect of any part of a building facing a service lane.

22E Building separation

Buildings on land to which this Plan applies must be erected so that the separation distance:

- (a) from neighbouring buildings, and
- (b) between separate towers or other separate raised parts of the same building,

is not less than that provided for in the Liverpool City Centre Development Control Plan.

22F Ecologically sustainable development

Before granting consent for development, the consent authority must have regard to the principles of ecologically sustainable development as they relate to the proposed development based on a “whole of building” approach, by considering each of the following:

- (a) greenhouse gas reduction,
- (b) embodied energy in materials and building processes,

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Clause 22G Liverpool City Centre Local Environmental Plan 2007

Part 4 Principal development standards

- (c) building design and orientation,
- (d) passive solar design and day lighting,
- (e) natural ventilation,
- (f) energy efficiency and energy conservation,
- (g) water conservation and water reuse,
- (h) waste minimisation and recycling,
- (i) reduction of car dependence,
- (j) potential for adaptive reuse.

22G Serviced apartments

Development consent must not be granted to development for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments, unless the consent authority is satisfied that the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* and the design principles of the Residential Flat Design Code (a publication of the Department of Planning, September 2002) are achieved for the development as if it were a residential flat development.

22H Objectives for development within the Liverpool city centre

- (1) Before granting consent for development, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the development of the city centre as are relevant:
 - (a) the preservation of the existing street layout and reinforcement of street character through consistent building alignments,
 - (b) the achievement of solar access to buildings and areas of high pedestrian activity,
 - (c) the reduction of potential pedestrian and traffic conflicts on the Hume Highway,
 - (d) the improvement of public spaces within the city centre,
 - (e) the reinforcement of Liverpool railway station and interchange as a major passenger transport facility, including visual enhancement of the surrounding environment and a public plaza at the station entry,
 - (f) the enhancement of the natural river foreshore and places of heritage significance,

- (g) the provision of direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.
- (2) Without limiting subclause (1), before granting consent for development on land shown marked as a key site precinct on the Key Sites Map that involves the erection of a building, or the demolition and erection of a building, at an estimated cost of more than \$1 million, the consent authority must be satisfied that:
 - (a) if the development does not occupy all of the land in the key site precinct—the development supports the economic and orderly development of adjacent land within that precinct, and
 - (b) if the consent authority considers that further subdivision of the land within the key site precinct may be necessary—the development is consistent with that subdivision, the proposed street network and the intended future character of the area.

24 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause or of *State Environmental Planning Policy No 1—Development Standards*.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:

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- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (7) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard for development in the coastal zone,
 - (c) a development standard that arises, under the regulations under the Act, in connection with a BASIX commitment for a BASIX affected development (as defined by the regulations made under the Act).

Part 5 Miscellaneous provisions

25 Land acquisition within certain zones

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the **owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship or if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Zone	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted by section 8 of the Act
Zone SP2 Infrastructure and marked "Classified roads"	Roads and Traffic Authority
Zone SP2 Infrastructure and marked "Local road"	Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

26 Development on proposed classified road

- (1) Consent for development on land reserved for the purposes of a classified road may, before the land becomes a classified road, be granted only if:
- (a) the development is carried out with the concurrence of the Roads and Traffic Authority (**the RTA**), and

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Part 5 Miscellaneous provisions

- (b) the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone.
- (2) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purposes of a classified road or a proposed classified road,
 - (b) the imminence of acquisition of the land by the RTA,
 - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.

27 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this Plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant classification Plan and, by the operation of that Plan, is discharged from all trusts, estates, interests, dedications,

conditions, restrictions and covenants affecting the land or any part of the land, except:

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the **relevant classification Plan**, in relation to land described in Part 2 of Schedule 4, means this Plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 4, the Governor approved of subclause (5) applying to the land.

28 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
 - (a) land zoned B3 Commercial Core, RE1 Public Recreation or W1 Natural Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and

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(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Plan.

29 Community use of educational establishments

(1) The objective of this clause is to allow the use of educational establishments, including their site and facilities, for other community purposes.

(2) An educational establishment (including the site and facilities) may, with consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.

(3) Nothing in this clause requires consent to carry out development on any land if that development could, but for this clause, be carried out on that land without consent.

30 Classified roads

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads (within the meaning of the *Roads Act 1993*), and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the proposed development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or

includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

31 Development in proximity to a rail corridor

- (1) The objective of this clause is to ensure that development for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (2) This clause applies to land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line (referred to in this clause as a *rail corridor*).
- (3) Development consent must not be granted to development:
 - (a) that is within a rail corridor, and
 - (b) that the consent authority considers is, or is likely to be, adversely affected by rail noise or vibration,unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.

33 Development below mean high water mark

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

33A Wetlands

- (1) The objective of this clause is to protect and enhance water quality and aquatic ecosystems, including wetlands.
- (2) Before granting consent for development on land in or near a wetland, the consent authority must:
 - (a) consider the impact of that development on:
 - (i) the growth of native plant communities, and
 - (ii) the survival of native wildlife populations, and
 - (iii) the provision and quality of habitats for indigenous and migratory species of wildlife, and

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- (iv) the surface and ground water characteristics (including salinity and water quality) of the wetland and of the surrounding land, and
- (b) take into account:
 - (i) whether adequate safeguards and rehabilitation measures have been, or will be, made or taken to protect the environment, and
 - (ii) whether any other wetlands are in the vicinity and the appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those other wetlands.

33B Foreshore building lines

- (1) The objective of this clause is to ensure that development within a designated foreshore building line will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) For the purposes of this clause, a *foreshore building line* is a foreshore building line shown on the Land Zoning Map.
- (3) The erection of a building is prohibited on land situated between a foreshore building line and the level reached by the mean high water mark of the nearest natural waterbody.
- (4) Despite subclause (3), development consent may be granted for the following:
 - (a) the erection of a building where the levels, depth or other exceptional features of the site make it expedient to do so,
 - (b) the extension, alteration or rebuilding of an existing building that is erected wholly or partly within a foreshore building line, if the consent authority is satisfied that the building as extended, altered or rebuilt will not have an adverse impact on the amenity or aesthetic appearance of the foreshore,
 - (c) the erection of any of the following:
 - (i) boat sheds,
 - (ii) sea walls,
 - (iii) wharves, slipways, jetties,
 - (iv) waterway access stairs,
 - (v) swimming pools at or below existing ground level,
 - (vi) fences,
 - (vii) picnic facilities, cycleways, walking trails or other outdoor recreation facilities.

- (5) Development consent referred to in subclause (4) must not be granted unless the consent authority is satisfied that:
- (a) the development will contribute to achieving the objectives for development within the zone in which it will be carried out, and
 - (b) the appearance of the structure will be compatible with the surrounding area, as viewed from both the waterway concerned and the adjacent foreshore areas, and
 - (c) the development will not cause environmental harm, such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.

33C Development on flood prone land

- (1) The objectives of this clause are:
- (a) to maintain the existing flood regime and flow conveyance capacity, and
 - (b) to enable safe occupation of flood prone land, and
 - (c) to avoid significant adverse impacts on flood behaviour, and
 - (d) to avoid significant adverse effects on the floodplain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) Before determining an application for consent to carry out development on flood prone land, the consent authority must consider:
- (a) the impact of that development on:
 - (i) flood behaviour, including the flood peak at any point upstream or downstream of the site of the development, and

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- (ii) the flow of floodwater on adjoining lands, and
- (iii) the flood hazard or risk of flood damage to property and personnel, and
- (iv) erosion, siltation or destruction of riparian vegetation in the area, and
- (v) the water table on any adjoining land, and
- (vi) riverbank stability, and
- (vii) the safety in time of flood of the site of the development and of any buildings or works intended to be erected or carried out, and
- (viii) the hydraulic capacity of flood prone land in the locality, and
- (ix) the provision of emergency equipment, personnel, welfare facilities or other resources that might be needed for an evacuation resulting from flooding, and
- (x) the risk to life and personal safety of any emergency service and rescue personnel who might be involved in any such evacuation, and
- (xi) the cumulative impact of further development on flooding, and
- (xii) the potential for pollution during flooding, and
- (b) the impact that flooding will have on the proposed development, including the flood liability of access to the site of the proposed development, and
- (c) the provisions of any floodplain management plan adopted by the Council which applies to the land.

33D Earthworks

- (1) The objective of this clause is to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items and features.
- (2) Consent for earthworks may be granted only if the consent authority is satisfied that:
 - (a) the earthworks are required for the reasonable economic use of the land on which it takes place or for the provision of utility services, and
 - (b) there would be no adverse impact on any one or more of the following:
 - (i) a water body,
 - (ii) private or public property,

-
- (iii) ground water quality and resources,
 - (iv) stormwater drainage,
 - (v) flooding.

33E Managing salinity in urban areas

- (1) The objective of this clause is to protect natural hydrological systems by minimising disturbance and ensuring appropriate land use and management where urban development may affect the process of salinisation, or where the land is affected by groundwater salinity.
- (2) Consent must not be granted to development on land if, in the opinion of the consent authority:
 - (a) it is likely that the land has saline soil, or
 - (b) the development may cause the soil on the land to become more saline,unless it has considered a salinity management plan that complies with this clause in relation to the development.
- (3) A **salinity management plan** is a plan 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 more saline as a result of the development.
- (4) The salinity management plan is to include measures that are based on the following principles (to the extent relevant):
 - (a) the clearing 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,
 - (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 more saline as a result of the development.

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33F Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land of the class specified for those works, except as provided by this clause.

Class of land shown on the Acid Sulfate Soils Map	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works beyond 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered beyond 1 metre below the natural ground surface.
4	Works beyond 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Consent is not to be granted under this clause unless:
 - (a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Guidelines* and has been provided to the consent authority, and
 - (b) a copy of the plan and a copy of the development application have been provided to the Department of Environment and Climate Change and the consent authority has considered any comments of the Director-General of that Department made within 21 days after those copies were provided to that Department.

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- (4) Consent is not required under this clause for the carrying out of works if:
- (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Guidelines* indicates that an acid sulfate soils management plan need not be carried out for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) This clause requires consent for the carrying out of works by a public authority. However, consent is not required for the carrying out of any of the following work by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the work has been damaged, ceased to function or poses a risk to the environment or to public health and safety,
 - (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that would result in the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) This clause does not require consent to carry out any works unless:
- (a) the works involve the disturbance of more than one tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or
 - (b) the works are likely to lower the water table.

33G Sun access

- (1) The objective of this clause is to protect specified public open space from excessive overshadowing.
- (2) This clause applies to land in the vicinity of Bigge Park, Apex Park and Macquarie Street Mall (between Elizabeth Drive and Memorial Avenue), as shown edged heavy black on the Height of Buildings Map.
- (3) Despite any other provision of this Plan, development on land to which this clause applies is prohibited if the development results in any part of

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a building projecting above the height and setback controls specified in the Liverpool City Centre Development Control Plan.

- (4) This clause does not apply to development resulting only in refurbishment of a building.

34 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item, or
- (b) that is within a heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 35 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is a routine agricultural

management activity within the meaning of that Act carried out on land to which that Act applies, or

- (b) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (c) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (d) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

35 Heritage conservation

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of Liverpool city centre, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building, by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,

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- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required**

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or
- (b) within a heritage conservation area, or
- (c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(5) **Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission

of a heritage conservation management plan before granting consent under this clause.

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(7) Places of Aboriginal heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(8) Demolition of item of State significance

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received within 28 days after the notice is sent.

(9) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and

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- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

36 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

37 Development for group homes

- (1) The objective of this clause is to facilitate the establishment of:
 - (a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an institutional environment, and
 - (b) transitional group homes which provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.
- (2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Plan, development for the purposes of a group home may, subject to this clause, be carried out.
- (3) Consent is required to carry out development for the purposes of a transitional group home.
- (4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.
- (5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.
- (6) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.

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- (7) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

38 Crown development and public utilities

- (1) Nothing in this Plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:
- (a) the carrying out of development of any description specified in subclauses (2)–(12), or
 - (b) the use of existing buildings of the Crown by the Crown.
- (2) The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
 - (b) the erection within the limits of a railway station of buildings for any purpose,
- but excluding:
- (c) the construction of new railways, railway stations and bridges over roads, and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
 - (e) the formation or alteration of any means of access to a road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (3) The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
- (a) development of any description at or below the surface of the ground,
 - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the commencement of this Plan of any plant or other structures or erections required in connection with the station or substation,

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- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks,
 - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
 - (e) the erection of service reservoirs on land acquired or in the process of being acquired for that purpose before the commencement of this Plan, provided reasonable notice of the proposed erection is given to the consent authority,
 - (f) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (6) The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (7) The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (8) The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
 - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (9) The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
- (10) The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting

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and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.

- (11) The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, and
 - (b) any development designed to change the use or purpose of any such reserve.
- (12) The carrying out or causing to be carried out by the consent authority, where engaged in flood mitigation works, or by the Department of Natural Resources, of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Water Management Act 2000*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
- (a) the erection of buildings, and installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, and
 - (b) the formation or alteration of any means of access to a road.

38A Council development

Development may be carried out by or on behalf of the Council without development consent on any land, except land within a heritage conservation area or land containing a heritage item, for any one or more of the following purposes:

- (a) construction or maintenance of stormwater drainage, water quality treatment devices, water tanks, flood mitigation structures, recreation areas, public amenities or temporary storage facilities,
- (b) installation or maintenance of street furniture, such as seats, Council information signs, street signs, street lights, bus shelters, garbage and recycling containers and bins, bollards, flagpoles, telephone kiosks and the like, but not fixed outdoor vending machines,
- (c) construction or maintenance of roads, footpaths, cycle ways, parking areas, fire trails, walking tracks and other public pedestrian areas, roads, including tree planting and repaving, street surfacing, reconstruction of kerbs, gutters and the like,

- (d) installation or maintenance of park furniture, including seats, picnic tables, barbecue units and shelters, awnings and shade structures, gazebos and pergolas, bollards, playground equipment, flagpoles, bridges, staircases, boardwalks, lighting (excluding ovals, tennis courts and the like) and Council information signs,
- (e) installation or maintenance of goal posts, sight screens, fencing and similar ancillary sporting structures on sporting or playing fields for use in the playing or performance of sporting events (excluding grandstands, dressing sheds and other structures),
- (f) installation or maintenance of temporary structures for special events, including marquees, booth toilets, stages, tents, scaffolds and the like,
- (g) bush regeneration, landscaping, gardening, tree planting, tree maintenance and tree removal,
- (h) other works or activities approved by the Council as part of a plan of management adopted under either the *Local Government Act 1993* or the *Crown Lands Act 1989* for public land (but not the erection of buildings or activities excluded by paragraphs (a)–(g)).

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Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

(Clause 14)

1 Land zoned R4 High Density Residential

- (1) This clause applies to land zoned R4 High Density Residential within the Liverpool city centre, generally bounded by the Hume Highway, Passefield Street, Atkinson Street, the Southern Rail Line, Mill Park, the Georges River, Newbridge Road and Bridges Road.
- (2) Development for the following purposes is permitted on land to which this clause applies:
 - (a) tourist and visitor accommodation,
 - (b) restaurants (but only if any such restaurant forms part of a mixed use development that contains multi dwelling housing).

2 Land zoned B1 Neighbourhood Centre

- (1) This clause applies to land zoned B1 Neighbourhood Centre within the Liverpool city centre abutting the Hume Highway between Forbes Street and Goulburn Street.
- (2) Development for the purposes of residential flat buildings is permitted on land to which this clause applies but only if any such building contains neighbourhood shops.

Schedule 2 Exempt development

(Clause 16)

Access ramps

- (1) Maximum height—600mm.
- (2) Maximum grade—1:14.
- (3) Maximum length—9m.
- (4) Maximum width—1m.
- (5) Must be at least 500mm from any property boundary.
- (6) If the ramp is to be used to provide access for the disabled, it must comply with AS 1428.1—2001, *Design for access and mobility—General requirements for access—New building work*.

Advertisements—general requirements

- (1) Must be non-moving.
- (2) If over public road, must be at least 3m above and 600mm from the edge of the road.
- (3) If over a public footpath, must be at least 2.6m above the footpath.
- (4) Must relate to the lawful use of the building (except for temporary signs).
- (5) Must be within the boundaries of the property to which it applies, unless in a business or an industrial zone.
- (6) Must reflect the character and style of any building to which it is attached.
- (7) Must be structurally adequate.
- (8) Must not be detrimental to the character and functioning of the building.
- (9) Must not cause offence to the public.
- (10) Not permitted on walls facing or adjoining residential premises.
- (11) Must not be an “A” frame sign.
- (12) The consent of the owner of the property on which the sign is to be located must be obtained.

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Schedule 2 Exempt development

Advertisements—business identification signs for businesses other than brothels in business zones

(1) **Underawning sign**

Sign attached to the underside of an awning other than a fascia or return end:

- (a) Must meet the general requirements for advertisements.
- (b) 1 sign per premises of ground level, street frontage.
- (c) Maximum length—2.5m.
- (d) Maximum height—0.5m.
- (e) Must not be flashing.

(2) **Projecting wall sign (excluding underawning signs)**

Sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting more than 300mm:

- (a) Must meet the general requirements for advertisements.
- (b) 1 sign per premises or 1 per street frontage, whichever is greater.
- (c) Maximum projection—1.5m.
- (d) Maximum area—1.5m².
- (e) Must not be flashing.

(3) **Flush wall sign**

Sign attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm:

- (a) Must meet the general requirements for advertisements.
- (b) Maximum area—2.5m².
- (c) Must not be flashing.

(4) **Top hamper sign**

Sign attached to the transom of a doorway or display window of a building:

- (a) Must meet the general requirements for advertisements.
- (b) Maximum area—2.5m².
- (c) Must not be flashing.

(5) **Fascia signs**

Sign attached to the fascia or return of the awning:

- (a) Must meet the general requirements for advertisements.
- (b) Maximum—1 sign per premises.

- (c) Must not project above or below, or more than 300mm from the fascia or return end of the awning to which it is attached.
- (d) Must not be flashing.

Advertisements—business identification signs for businesses other than brothels in industrial zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 pole or pylon sign per premises (including any directory board for multiple occupancies).
- (3) Maximum height—5m.
- (4) Located within 5m of any public entry point to the premises.
- (5) Must not obstruct the sight line of vehicular or pedestrian traffic.
- (6) For multiple occupancy premises, 1 additional company sign is permitted at the entrance to each occupied unit, maximum dimensions—1.2m².
- (7) For single occupancy premises, 1 additional company identification sign is permitted, maximum area—1m² per 3m of street frontage or 50m², whichever is the lesser.

Advertisements—business identification signs in residential zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m².
- (4) If a pole or pylon sign, maximum height—2m.
- (5) Must not be illuminated or flashing.

Advertisements—business identification signs in rural zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m² (except if pole or pylon sign).
- (4) If pole or pylon sign, maximum area—2m² and maximum height—2m.
- (5) Must not be illuminated or flashing.

Advertisements—public notices displayed by a public body giving information or direction about the services provided

- (1) Must meet the general requirements for advertisements.

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- (2) Maximum height—5m.
- (3) Maximum area—5m².
- (4) Must not obstruct the sight line of vehicular or pedestrian traffic.
- (5) Must not be flashing.

Advertisements—real estate signs (advertising land development)

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—6m² for each 25 lots.

Advertisements—real estate signs (advertising premises or land for sale or rent) in business or industrial zones

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—4.5m².
- (3) Must be located wholly within the property boundary.
- (4) Must not be flashing.

Advertisements—real estate signs (advertising premises or land for sale or rent) in residential or rural zones

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—2.5m².
- (3) Must not be flashing.

Advertisements—signs behind the glass line of a shop window in the B1, B3, B4, B6 or IN2 zone (with the exclusion of brothels)

- (1) Must meet the general requirements for advertisements.
- (2) Must not occupy more than 50% of the area of the window.
- (3) Must not be flashing.

Advertisements—street signs comprising name plates, directional signs and advance traffic warning signs

- (1) Must meet the general requirements for advertisements.
- (2) Must be constructed by or for Council.
- (3) Traffic signs must comply with AS 1742.1—1991, *Manual of Uniform Traffic Control Devices*.

Advertisements—temporary signs for religious, cultural, political, social or recreational events

- (1) Must meet the general requirements for advertisements.
- (2) 1 per street frontage.
- (3) Maximum area—1.5m² and maximum height—1.5m in residential and rural areas.
- (4) Maximum area—3.5m² and maximum height—2m in commercial and industrial areas.
- (5) Must not include commercial advertising apart from name of event sponsor.
- (6) Must not be displayed earlier than 28 days before, or later than 14 days after, the event.
- (7) Must not be used in relation to recurring events.
- (8) Must not be flashing.

Advertisements—within a site, but not visible from outside of that site (with the exclusion of brothels)

Must meet the general requirements for advertisements.

Air conditioning units for dwelling houses in rural or residential zones

- (1) Maximum noise level at property boundary—5 dBA above ambient background noise level.
- (2) Must be at least 3m from any property boundary.
- (3) Maximum sound power level—60 dB.
- (4) Any opening created must be adequately weatherproofed.
- (5) Must be structurally adequate.
- (6) Must be attached to external wall or ground mounted.
- (7) 1 per premises.

Aerials and antennae (other than satellite dishes or microwave antennas)

- (1) Must not be used for transmission purposes.
- (2) 1 per dwelling house or multi dwelling complex.
- (3) Maximum height—3m above the ridge line of the building.
- (4) Must be for television reception only.

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Awnings, pergolas, carports and canopies

- (1) Must be located in a residential zone on a property that contains a dwelling house.
- (2) Must be at least 500mm from any property boundary.
- (3) Maximum height—2.7m, or if no part of the structure is within 900mm of any property boundary—3m.
- (4) Must not have roller doors or panel lift doors installed.
- (5) Must be structurally adequate. Steel structures must be designed by a qualified engineer, timber structures must be designed in accordance with AS 1684—1992, *Residential timber-framed construction—Design criteria*.
- (6) Must not be closer to the street than the associated dwelling.
- (7) Maximum area—20m².
- (8) Maximum cumulative area of all awnings, carports, canopies, cabanas, gazebos, greenhouses and pergolas on the site—50m² in residential zones and 75m² in rural zones.
- (9) Must be constructed with non-reflective finishes.
- (10) If roof area is 15m² or more (except in the case of canopies), must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.
- (11) Water from canopies must be directed to a surface water collection point and must not cause a nuisance to any adjoining property.

Barbecues

- (1) Maximum area—2m².
- (2) Maximum chimney height—2m.
- (3) Located in rear yard area or, behind a courtyard wall, with no greater than 200mm of the chimney above the wall.
- (4) Must be structurally adequate.
- (5) Must be at least 1200mm from any pool safety fence.
- (6) Must not create a nuisance to any adjoining property.

Bird aviaries in residential zones

- (1) Maximum cumulative area—5m².
- (2) Maximum height—1.8m.
- (3) Must be constructed with non-reflective finishes.
- (4) Must be located in the rear yard and be at least 1m from any property boundary.
- (5) Must not be used to house chickens, pheasant, partridge, quail, pea fowl or pigeons.
- (6) Must be structurally adequate.
- (7) Must have a concrete floor graded to a waste collection point, which satisfies any relevant requirements of Sydney Water.

Change of use—general requirements

- (1) A written notice of the different use is to be supplied to the Council 14 days before undertaking work or beginning operations. The written notice must include copies of all relevant approvals from any other approval body.
- (2) Must not involve the carrying out of any alterations other than alterations that are themselves exempt development.
- (3) The new use must be permissible within the zone.
- (4) Must not use curtilage of the premises for storage or display purposes.

Change of use—light industrial premises

- (1) Must meet the general requirements for change of use.
- (2) Must be for light industrial purposes.
- (3) The premises must have a previous approval for light industrial use.
- (4) Maximum floor area—500m².
- (5) Must have adequate space for loading and unloading vehicles on the premises.
- (6) Must not extend the existing hours of operation, and not operate outside the hours of 6.00am to 6.00pm.
- (7) Must not create any greater, different or additional potential hazard to the environment or the occupants of the building.
- (8) The new use must not compromise the amenity of the locality in any greater, different or additional way, than the existing use.

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Change of use—office and business premises

- (1) Must meet the general requirements for change of use.
- (2) Must use the premises for the purposes of office or business premises.
- (3) The premises must have a previous approval for use as office or business premises.

Change of use—shops

- (1) Must meet the general requirements for change of use.
- (2) Must use the premises for the purposes of a shop.
- (3) The premises must have a previous approval for use as a shop.
- (4) Must not result in premises being used for the purposes of food and drink premises, beauty salon, hairdressing salon or used for the purposes of skin penetration.

Clothes hoists and clothes lines

- (1) Must not be forward of the dwelling.
- (2) Must be installed to the manufacturer's specifications.

Concreting or paving

- (1) Must be located on a property that contains a dwelling house.
- (2) Must be located within the property boundaries.
- (3) Must not adversely effect the flow of water onto adjoining properties.
- (4) Must take appropriate measures to collect and dispose of any stormwater.
- (5) Must be at least 100mm below the base of any weepholes on any structure.
- (6) Must not be in the front setback except for driveways and pathways.
- (7) Maximum area of concrete and paving—65% of the site.
- (8) Must not alter the existing shape of the land.

Decks

- (1) Must be located on a property that contains a dwelling house.
- (2) Maximum area—20m².
- (3) Maximum cumulative area of all decks and patios on the site—50m² in residential zones and 75m² in rural zones.

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- (4) Must not be located forward of the dwelling unless behind an existing Council approved fence with a minimum height of 1.8m.
 - (5) Maximum height of deck—600mm.
 - (6) Must be at least 900mm from any property boundary.
 - (7) Must be structurally adequate.
 - (8) Maximum height of any handrail associated with the deck—1m.

Demolition

- (1) Must be demolition of a structure, the erection of which would be exempt development under this Plan.
- (2) Activity must be confined to within the property boundaries.
- (3) The demolition is for the entire structure and not part of a structure.
- (4) Must be carried out in accordance with AS 2601—2001, *Demolition of structures* and any relevant WorkCover guidelines.
- (5) Must not bury or burn materials on the site.
- (6) Must keep debris off any footpath.
- (7) If a structure is likely to have been treated with pesticides, contact with the top 10-20mm of soil must be avoided.

Fences (other than fences covered by the Swimming Pools Act 1992)

- (1) Must be constructed so that they do not prevent the natural flow of stormwater drainage or runoff.
- (2) Must be structurally adequate.
- (3) Maximum height—1m if constructed, in whole or in part, of masonry.
- (4) Maximum height—1.2m if located between the building line and street or any other public place and constructed of timber, or metal (wrought iron or the like) or a combination of those materials.
- (5) Maximum height 1.8m if a side or rear boundary fence constructed of timber, metal or lightweight materials.

Flagpoles

- (1) Maximum flag area—2m².
- (2) Maximum height—6m.
- (3) Must not project beyond property boundaries.
- (4) Must be structurally adequate.

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- (5) Must be installed to the manufacturer's specifications.
- (6) Must not be used to display offensive matter or an advertisement.
- (7) Maximum—1 per site.
- (8) Maximum—1 flag per flagpole.
- (9) Must not cause an audible nuisance.

Garden sheds and greenhouses

- (1) Maximum floor area—20m².
- (2) Maximum cumulative area of all garden sheds and greenhouses on the site—30m² in residential zones and 50m² in rural zones.
- (3) Maximum height—2.4m.
- (4) Must not be located forward of the dwelling.
- (5) Must be at least 500mm from any property boundary in a residential zone and at least 3m from any property boundary in a rural zone.
- (6) Must be at least 450mm from any other structure.
- (7) Must not be used for habitable or commercial purposes.
- (8) Must not have reflective finishes.
- (9) Must be structurally adequate.
- (10) Must be freestanding.
- (11) If roof area is 15m² or more, must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.

Hoardings

- (1) Maximum height—2.1m.
- (2) Must not encroach on any footpath, public thoroughfare or adjoining property.
- (3) Must be erected in accordance with any relevant WorkCover requirements.
- (4) Must be dismantled on completion of all construction works.
- (5) Must be structurally adequate.

Home occupations

Note. All home occupations are exempt development and no standards have been prescribed at the commencement of this Plan.

Letter boxes

- (1) Maximum height—1m.
- (2) Must be erected in accordance with any relevant guidelines for letter box construction issued by Australia Post.
- (3) Must be located wholly within the property boundaries.
- (4) Must be structurally adequate.
- (5) 1 per dwelling house and a maximum of 2 per property.

Minor alterations

- (1) Must only involve the replacement of doors, walls, ceiling linings, floor linings, windows, frame members or roofing materials, with equivalent or improved quality materials, or renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards, wardrobes and the like.
- (2) Must not include changes to the external configuration of the building.
- (3) Must be structurally adequate.
- (4) Must not increase the total floor area of the building.
- (5) Must be undertaken in accordance with any relevant WorkCover guidelines.
- (6) If residential premises, must not involve the removal or replacement of a load-bearing member.
- (7) If residential premises, must not involve the conversion of a non-habitable room to a habitable room.
- (8) If a shop (other than a food shop), office premises or industrial premises, maximum floor area, 100m² of non-structural work.

Playground equipment for domestic use

- (1) Maximum height—2.4m.
- (2) Maximum area—10m².
- (3) Maximum floor height for cubby houses and similar structures—600mm.

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- (4) Must not be located within a swimming pool area or less than 1200mm from a pool safety fence.
- (5) Must not be located forward of the dwelling, unless located behind a Council approved fence that is at least 1.8m high.
- (6) Must be structurally adequate.

Portable classrooms and other portable school buildings

- (1) Must not be erected for more than 5 years.
- (2) Must be structurally adequate.
- (3) If roof area is 15m² or more, must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.
- (4) Must be at least 3m from any property boundary.
- (5) Must be erected by or on behalf of the Department of Education and Training.

Privacy screens

- (1) Maximum height—2.1m.
- (2) Maximum length—10m.
- (3) Must not be located forward of the dwelling.
- (4) Must be constructed of timber or lattice.
- (5) Screening material must be at least 30% transparent.
- (6) Must be structurally adequate.
- (7) Must be free standing.
- (8) Must not be attached to any boundary fence.

Re-cladding of roofs and walls

- (1) Must only involve replacing existing materials with similar materials which are compatible with the existing building and finishes.
- (2) Must not involve structural alterations or change to the external configuration of a building.
- (3) Must be undertaken in accordance with any relevant WorkCover guidelines.

- (4) Must use materials with non-reflective finishes.

Retaining walls

- (1) Must be structurally adequate.
- (2) The footing, wall and associated drainage must be located entirely within the property boundary.
- (3) Must provide an agricultural drain connected to a stormwater disposal system along the wall.
- (4) If associated with the construction of a dwelling (being the retaining of cut and fill within a 2.0m radius of the building platform) maximum height—900mm.
- (5) If not associated with the construction of a dwelling, maximum height—450mm in residential, commercial and industrial zones and 600mm in rural zones.

Satellite dishes and microwave antennae—general requirements

- (1) Maximum—1 installation per premises.
- (2) Must be structurally adequate and, if roof mounted, secured to the building.
- (3) If ground mounted:
 - (a) must not be located forward of the building, unless located behind a Council approved fence that is at least 1.8m high, and
 - (b) must not be located within any driveway or landscaped area that was required by the Council.
- (4) Must not be used for transmission purposes if on residential premises.
- (5) In any multiple dwelling or residential flat development, all units must be connected to a single common television/radio antenna.
- (6) Must be at least 900mm from the boundary of any adjoining residential property and must be contained within the property boundaries.

Satellite dishes and microwave antennae—ground mounted on commercial premises

- (1) Must meet the general requirements for satellite dishes and microwave antenna.
- (2) Maximum height and diameter—1.8m.

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Satellite dishes and microwave antennae—ground mounted on residential premises

- (1) Must meet the general requirements for satellite dishes and microwave antenna.
- (2) Maximum height—1.8m.
- (3) Maximum diameter—1m.
- (4) Must not be visible from the street that the property fronts.

Satellite dishes and microwave antennae—roof mounted on commercial premises

- (1) Must meet the general requirements for satellite dishes and microwave antenna.
- (2) Maximum height—2m above the roof surface.
- (3) Maximum diameter—1.8m.

Satellite dishes and microwave antennae—roof mounted on residential premises

- (1) Must meet the general requirements for satellite dishes and microwave antenna.
- (2) Maximum diameter—600mm.
- (3) Must be suitably coloured to blend in with the building.
- (4) The upper most portion of the antennae or satellite dish must be located below the ridge of the dwelling.

Scaffolding

- (1) Must not encroach on any public road or footpath, public thoroughfare or adjoining property. Encroachments onto adjoining properties are permitted only with the consent of the adjoining property owner.
- (2) Must not encroach on any adjoining property without the consent of the adjoining property owner.
- (3) Must comply with any relevant WorkCover guidelines.
- (4) Must be structurally adequate.

Skylights and roof windows, in detached houses

- (1) The total cumulative area of light wells or skylights must not exceed more than 5% of the total roof area per dwelling.
- (2) Must be located at least 900mm from any property boundary or any wall separating attached dwellings.

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- (3) Must be at least 2.4m above the floor level of the room to which it serves.
 - (4) Associated building work must not reduce the structural integrity of the building.
 - (5) Any opening created must be adequately weatherproofed.
 - (6) Must be installed to the manufacturer's specifications.

Solar water heaters

- (1) Must be installed to the manufacturer's specifications.
- (2) Associated building work must not reduce the structural integrity of the building.
- (3) Any opening created must be adequately weatherproofed.
- (4) If roof mounted, the base must be flush with the roofline.

Storm blinds

Note. A retractable roof like shelter, located over a window or door for protection from the weather.

- (1) Maximum area of each blind 10m².
- (2) Must be located wholly within the property boundaries.

Temporary buildings (other than temporary work sheds)

- (1) Must not be erected for more than 72 hours.
- (2) Must be located within the property boundaries.
- (3) Must be at least 6m from any street.
- (4) Must not be used for commercial or industrial purposes.
- (5) Must be structurally adequate.
- (6) Must not be used for a recurring use or a use that would otherwise require development consent.

Water heaters (excluding solar water systems)

Associated work must not reduce the structural integrity of the building.

Water tanks

- (1) Maximum volume—5000L.
- (2) Maximum height (including any stand)—2m or if installed on a rural property with an allotment size of at least 2 hectares—2.4m.
- (3) Maximum height of stand—450mm.

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- (4) Must not be located forward of the dwelling, unless located behind a Council approved fence that is at least 1.8m high.
- (5) Must be structurally sound.
- (6) Must be installed to the manufacturer's specifications.
- (7) Must be a commercially manufactured tank designed for the use of water supply.
- (8) Must ensure that overflow from tanks is connected to an approved stormwater disposal system.
- (9) Must ensure that any pumps do not cause a noise nuisance.
- (10) Maximum—1 per dwelling or other premises.
- (11) Must not be constructed of reflective materials and materials must be compatible with the associated dwelling.

Work sheds (temporary)

- (1) Must be a temporary structure erected for the purposes of storing building materials that are used in association with the construction of another structure.
- (2) Must not obstruct the line of sight of traffic.
- (3) Must be removed upon completion of the construction works.
- (4) Must not be erected in residential zones for more than 12 months if the structure is visible from any street.
- (5) Must not cause a nuisance to any other property.
- (6) Must not be used for residential purposes or for the storage or handling of inflammable materials.
- (7) Must be located within the property boundaries.
- (8) Must be structurally adequate.

Schedule 3 Complying development

(Clause 17)

Part 1 Complying development subject to conditions

Division 1 Types of development

Awnings, pergolas, canopies, carports, gazebos, decks, patios

- (1) Must be on lots between 270m² and 1,000m² in residential zones.
- (2) Must be contained within property boundary.
- (3) Maximum length of structure permitted within 900mm of the property boundary—30% of the length of that boundary.
- (4) Any structure visible from the street must:
 - (a) not be located forward of the dwelling,
 - (b) if located less than 900mm from a side or rear property boundary, must not be located forward of any dwelling on the adjoining property, and
 - (c) not exceed 30% of the facade of the dwelling.
- (5) Minimum secondary corner setback—2.5m, unless located behind a Council approved fence that is at least 1.8m high.
- (6) Roofed structures must not be located outside any existing building envelope.
- (7) Any visible second hand materials must be treated and painted to be compatible with the existing development.
- (8) At least 50% of the perimeter must be open. A side within 500mm of a property boundary is not considered to be open.
- (9) Must not have roller doors or panel lift doors installed.
- (10) Maximum total area of the following structures:
 - (a) pergolas, awnings, canopies, carports or similar outbuilding—50m²,
 - (b) decks and patios or similar outbuilding—50m².
- (11) Maximum site coverage of all structures 0.6:1.
- (12) Maximum height of any handrail—1m.
- (13) If visible from the street, the subfloor area of the decking must be enclosed with materials that are compatible with the dwelling.

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- (14) Handrails must be constructed of materials that are compatible with the dwelling and painted.
- (15) Maximum height 2.7m if located less than 900mm from a property boundary or 3m in any other case.
- (16) Maximum height of the floor level of any deck or patio—600mm.
- (17) If roof area is 15m² or more (except in the case of canopies), must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.
- (18) Must collect and dispose of any stormwater in a manner that does not adversely effect any adjoining property.
- (19) Must not result in more than 67% of the site being built upon.
- (20) Maximum cut and maximum fill on a building platform—450mm.
- (21) Any cut and fill must be adequately retained.
- (22) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Demolition of single storey dwelling houses and outbuildings

- (1) Must be within the property boundaries.
- (2) Must be undertaken in accordance with AS 2601—2001, *Demolition of structures* and any relevant WorkCover guidelines.
- (3) Must ensure that adjoining properties are not adversely effected by dust, noise, traffic, falling objects and underpinning.
- (4) Must have prior Council approval for any street closure or hoarding.
- (5) Any hoardings must be provided in accordance with WorkCover guidelines.
- (6) Must have prior Council approval for the lifting or craning of materials over a public footway or roadway.
- (7) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Driveways ancillary to garages or carports

- (1) Must be at least 500mm clear of all drainage, structures and street furniture on the kerb and gutter.
- (2) Must not interfere with existing public utility infrastructure, unless prior approval is obtained from the relevant authority.
- (3) On corner lots must be at least 6m from the point of intersection of the two property boundaries.
- (4) Must be constructed in accordance with AS/NZS 2890:2004, *Parking Facilities*.
- (5) Maximum gradient within the property—1:5 with a maximum of 2m of transition zone of 1:12.
- (6) Outside the property boundary must be constructed at right angles to the kerb and guttering.
- (7) Minimum width 2.9m.
- (8) Maximum width inside property boundary—6m.

Industrial and warehousing additions and alterations

- (1) Must be on lots, in industrial zones, that are not adjoining or adjacent to residential zones or public open space.
- (2) Must involve no change in use of the premises.
- (3) Must be no alteration to the approved hours of operation.
- (4) Any setbacks must be measured from any proposed road widening identified in any environmental planning instrument or Liverpool City Centre Development Control Plan.
- (5) Must be at least 3m from any side or rear property boundary.
- (6) Building is to be at least 7.5m from front property boundary or at least 18m if the building fronts Newbridge Road or the Hume Highway.
- (7) Maximum secondary corner setback—7.5m.
- (8) Fences must not be erected in the front building alignment.
- (9) Property must have existing full frontal improvements, including kerb and gutter and road services.
- (10) Maximum floor space ratio of a building—1:1.
- (11) Maximum size of additions and alterations—1000m² or 25% of the existing floor area, whichever is the lesser.

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Schedule 3 Complying development

- (12) Facades visible to the street must have an active frontage to that street. This may include elements of wall-articulation and roof variation. For example, windows, doors, verandahs, wall offsets and parapets.
- (13) Maximum cut and maximum fill on a building platform—450mm.
- (14) Maximum cut on a building platform—900mm.
- (15) Maximum fill on a building platform—600mm.
- (16) Any cut and fill must be adequately retained.
- (17) Must provide adequate garbage and storage areas on site and behind the building line.
- (18) The external finishes and facade of an addition must be compatible with the existing building.
- (19) Maximum wall height (excluding any parapet)—7.2m.
- (20) Maximum height of parapet—1.2m above the intersection of the wall and the roof.
- (21) Maximum roof pitch—10 degrees.
- (22) Stormwater must be drained to a Council drainage system or private drainage easement.
- (23) Must not use on site stormwater detention systems.
- (24) Maximum discharge to the Council's kerb and gutter—20L/sec. All other discharges must be in accordance with *Australian Rainfall and Runoff* published by the Institution of Engineers Australia.
- (25) Drainage system must be designed by a qualified Hydraulics Engineer for a 1 in 10 year storm event and any excess water must flow overland to the street.
- (26) Any landscaping is to be designed by a suitably qualified landscape architect and is to provide a balance between buildings and open space and is to visually enhance the area. Any landscaping must have:
 - (a) a minimum of 5m landscaping strip to any street frontage, including a 3m splay at the egress driveway, not exceeding 600mm in height, and
 - (b) features to reduce the visual impact of industrial buildings and hard stand areas, and
 - (c) mounding at street frontages along main roads and major access roads to screen parking areas, building facades and security fencing, and
 - (d) a 2.5m wide landscape bay, containing shade trees between every 6–8 car spaces.

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- (27) Must be no increase in vehicular movement into or out of the property.
 - (28) Must be no alteration to existing driveways.
 - (29) Must provide at least 1 car parking space for every 75m² of gross floor area or for every 2 employees, whichever is the greater and if the addition or the existing building includes an office, the rate must be calculated at a rate of 1 car parking space for every 35m² of gross floor area or for every 2 employees, whichever is the greater.
 - (30) All loading and unloading must take place within the curtilage of the site.
 - (31) Must be undertaken in accordance with any relevant WorkCover guidelines.
 - (32) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Minor alterations of a dwelling house or residential unit

- (1) Must only involve the replacement of doors, walls, ceiling linings, floor linings, windows, frame members or roofing materials, with equivalent or improved quality materials, or renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards, wardrobes and the like.
- (2) Must be on lots between 270m² and 1,000m² in residential zones.
- (3) Must not include changes to the external configuration of the building.
- (4) Must be structurally adequate.
- (5) Must be undertaken in accordance with any relevant WorkCover guidelines.
- (6) Must not involve a change in the use of a room.

Minor alterations on business premises

- (1) Must only involve the replacement of doors, walls, ceiling linings, floor linings, windows, frame members or roofing materials, with equivalent or improved quality materials, or renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards, wardrobes and the like.
- (2) Must not include changes to the external configuration of the building.
- (3) Must not increase the total floor area of the building.
- (4) Must be structurally adequate.

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Schedule 3 Complying development

- (5) Must be undertaken in accordance with any relevant WorkCover guidelines.
- (6) Must not result in premises being used for the purposes of a food shop, beauty salon, hairdressing salon or skin penetration premises.

Sheds, garages, entertainment rooms, cabanas and greenhouses, screen or glass enclosures

- (1) Must be on lots between 270m² and 1,000m² in residential zones.
- (2) Sheds, garages and greenhouses that are detached from a dwelling must be at least 500mm from the side and rear property boundaries. All other structures must be at least 900mm from any such boundary.
- (3) Must be contained within the property boundary.
- (4) Minimum secondary corner setback—2.5m, unless located behind a Council approved fence that is at least 1.8m high.
- (5) Must not be located outside any existing building envelope.
- (6) Maximum height—2.7m if located less than 900mm from a property boundary or 3m in any other case.
- (7) Maximum height of floor level of any structure—600mm.
- (8) Must not be visible from the street.
- (9) Maximum roof pitch—26 degrees.
- (10) Maximum total area of all enclosed outbuildings—50m².
- (11) Maximum site coverage of all structures to which this clause applies 0.6:1.
- (12) Windows or glazed panels facing a property boundary must be at least 900mm from the boundary.
- (13) If roof area is 15m² or more, must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.
- (14) Must collect and dispose of any stormwater in a manner that does not adversely effect any adjoining property.
- (15) Maximum cut and maximum fill on a building platform—450mm.
- (16) Any cut and fill must be adequately retained.

-
- (17) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Spas or swimming pools

- (1) Must be on lots between 270m² and 1,000m² in residential zones.
 - (2) Must be at least 900mm from any property boundary.
 - (3) If within the building alignment, must be behind a Council approved fence.
 - (4) Pool fencing must not incorporate the wall of any dwelling house.
 - (5) Pools, pool fencing and ancillary items must, where relevant, comply with the following:
 - (a) AS/NZS 1838:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication*,
 - (b) AS/NZS 1839:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Installation*,
 - (c) AS 2783-1992, *Use of reinforced concrete for small swimming pools*.
 - (d) AS 1926.2—2007, *Swimming pool safety—Location of safety barriers for swimming pools*.

Note. See also the *Swimming Pools Act 1992* and any regulations under that Act.
 - (6) Maximum noise level of any filtration equipment or pumps at property boundary—5dBA above ambient background level.
 - (7) Maximum height of any coping surrounding pool—600mm.
 - (8) Must not be used for commercial purposes.
 - (9) Must not impinge on any area of private open space that has been required under a development consent.
 - (10) Must grade areas surrounding the pool to divert surface water to a surface water collection point.
 - (11) All pool waste must be disposed of via an approved sewerage system.
 - (12) Any cut and fill must be adequately retained.
 - (13) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.
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Division 2 Conditions for development listed in this Part

1 Conditions that apply before work begins

The person having the benefit of the complying development certificate must:

- (a) appoint a principal certifying authority for the development before work begins, and
- (b) give any occupier of adjoining premises at least 2 days notice before work begins, and
- (c) provide a temporary on-site toilet or access to an existing toilet on site, and
- (d) protect and support any neighbouring buildings that might be affected by the proposed development, and
- (e) protect any public place from obstruction or inconvenience caused by the carrying out of the proposed development, and
- (f) set up barriers sufficient to prevent any substance from the site falling onto a public place.

Note. See also section 86 of the Act, which requires certain steps to be taken before work begins. These include the principal certifying authority notifying the Council of his or her appointment.

2 Hours of work

Construction or demolition work that is audible in adjoining premises must be carried out only between the following hours:

- (a) Monday–Friday—7.00am and 6.00pm,
- (b) Saturday—8.00am and 1.00pm,

and no such work must be carried out at any time on a Sunday or a public holiday.

3 Survey certificate

In order to ensure compliance with approved plans, a survey certificate, to Australian Height Datum, must be prepared by a registered surveyor, as follows:

- (a) on completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries, and
- (b) at completion of the lowest floor, confirming that levels are in accordance with the certificate. (Levels must relate to the datum on the certificate.)

4 Required payments

If payments are required in relation to any of the following, evidence of those payments must be provided to the Council on or before the lodging of the complying development certificate with the Council:

- (a) road reserve deposits,
- (b) opening of roads,
- (c) inspections,
- (d) long service leave,
- (e) builders insurance,
- (f) registration.

5 Storage of building materials

Building materials or equipment must not be stored on Council's road reserve.

6 Notification to Council on completion

The Council must be notified when all works have been completed.

Part 2 Other complying development**Bed and breakfast accommodation**

- (1) Maximum number of guest bedrooms—2.
- (2) Minimum number of bathrooms—2.
- (3) Must have a smoke detection system that complies with AS 3786-1993, *Smoke Alarms* and AS 3000:2000, *Electrical Installations*.
- (4) Must have a fire extinguisher and fire blanket in the kitchen.
- (5) If subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*, approval from the owners' corporation must be obtained.
- (6) Minimum number of off-street car spaces to be provided—3.
- (7) Maximum driveway width—6m.

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Schedule 4 Classification and reclassification of public land

Schedule 4 Classification and reclassification of public land

(Clause 27)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Schedule 5 Environmental heritage

(Clause 35)

Part 1 Heritage items

Item name	Address	Property description	Heritage significance
Light Horse Park	Atkinson Street	Lot 1, DP 234608, Lot 2, DP 579808	Local
Liverpool Public School	Bigge Street	Lots 8 and 9, Sec 61, DP 758620, Lots 1–4, DP 878452, Lot 1, DP 50779, Lot 1, DP 178206, Lot 1, DP 178665, Lot 10, DP 303625, Lot 1, DP 956168, Lots 4–7, DP 797682	Local
Liverpool Railway Station Group, including station building, goods shed and jib crane	Bigge Street (off)	Lot 31, DP 859887, Part Lot 5, DP 226933	State
Former Liverpool Court House	Corner of Bigge and Moore Streets	Lot 442, DP 831058	State
Commercial Hotel (former Marsden's Hotel)	Bigge and Scott Streets	Lot 17, DP 1050799, Lots 15, 16 and 18, DP 979379	State
Dwelling	13 Bigge Street	Lots 1 and 2, DP 13930	Local
Pirelli Power Cables and Systems Building (formerly MM Cables Factory, and Cable Makers Australia Factory Pty Ltd)	3 Bridges Road	Lot 200, DP 1009044	Local
Dwelling	115 Castlereagh Street	Lot 4, SP 39972	Local
Lyndeer House and stables	2 Charles Street	Lots 25 and 27, DP 192311, Lot 2527, DP 1111436	Local
Cast-iron letterbox	College Street	Adjacent to north-west corner of Lot 1, DP 863491	Local

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Schedule 5 Environmental heritage

Item name	Address	Property description	Heritage significance
Liverpool College (TAFE) site, including Blocks A-G, chimneystack, fences, gatehouses and archaeological features (formerly Liverpool Hospital and Benevolent asylum)	College Street	Lot 1, DP 863491	State
Apex Park (first Liverpool Cemetery)	Elizabeth Drive and Castlereagh Street	Lot 7027, DP 1027999	State
Bigge Park	Elizabeth, College, Moore and Bigge Streets	Lot 702, DP 1056246	State
Milestone	Corner of Elizabeth Drive and George Street		Local
St Luke's Anglican Church Group, including landscaping, church, hall, headstone and memorial gates (former St Luke's Church of England)	Elizabeth Drive and Macquarie and Northumberland Streets	Lot 111, DP 552031	State
All Saints Roman Catholic School	George Street	Lot 1, DP 782355	Local
Pylons (former Liverpool railway bridge)	Georges River (near Haig Avenue)	Near Lot 7002, DP 1073063	Local
Liverpool Weir	Georges River (near Haig Avenue)	Near Lot 7002, DP 1073063	State
Collingwood Inn Hotel	Hume Highway	Lot 1, DP 83770, Lots 1 and 2, DP 563488, Lot 5, DP 701018, Lot D, DP 374057	Local

Item name	Address	Property description	Heritage significance
Plan of Town of Liverpool (early town centre street layout–Hoddle 1827)	Streets within the area bounded by the Hume Highway, Copeland Street, Memorial Avenue, Scott Street, Georges River and Main Southern Railway Line (excluding Tindall Avenue and service ways)		Local
Liverpool Memorial Pioneer's Park, (formerly St Luke's Cemetery and Liverpool Cemetery)	Macquarie, Campbell and Northumberland Streets and the Hume Highway	Lots 7035–7037, DP 1073993, State Part Lots 1 and 2, Sec 24, DP 758620, Lots 1– 4, Sec 34, DP 758620	
Commercial building (formerly Rural Bank and State Bank)	Macquarie Street and Memorial Avenue	Lot 11, DP 20730	Local
Boer War Memorial, including memorial to Private A.E Smith	Corner of Macquarie Street and Memorial Avenue (Macquarie Street public footpath adjacent to 297 Macquarie Street)		Local
Macquarie Monument	Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street)		Local
Row of 3 palm trees	Macquarie Street median strip, opposite 306 Macquarie Street	Lot 1, DP 119905	Local

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Schedule 5 Environmental heritage

Item name	Address	Property description	Heritage significance
The Corner Pub (former Liverpool Hotel)	214 Macquarie Street (corner of Moore Street)	Lot 1, DP 111765	Local
Commercial building	261–263 Macquarie Street	Lot 1, DP 200052, Lot 8, DP 1103087	Local
Legend Hotel	269 Macquarie Street	Lot 1, DP 519133	Local
Commercial building	275–277 Macquarie Street	Lot 2, DP 519133	Local
Memorial School of Arts	306 Macquarie Street	Lot 1, DP 119905	Local
Dr James Pirie Child Welfare Centre Building (formerly Child Welfare Centre)	Moore and Bigge Streets	Lot 701, DP 1056246	Local
Commercial building	14 Scott Street	Lot 1, DP 208270	Local
Commercial building (former out-building to former Golden Fleece Hotel and former Eugene's laundry)	16 Scott Street	Lot 3, DP 588103	Local
Golden Fleece Hotel	Corner of Scott and Terminus Streets	Lot 100, DP 716185	Local
McGrath Services Centre Building (formerly Challenge Woollen Mills, and Australian Paper Company's Mill)	Shepherd and Atkinson Streets	Lot 1, DP 247485	Local
Railway Viaduct	Shepherd Street and Mill Road, Main Southern Railway Line		Local

Item name	Address	Property description	Heritage significance
Residential building ("Del Rosa")	7 Speed Street	Lots 13 and 14, DP 13536	Local
Residential building ("Rosebank") (former Queen's College)	17 Speed Street	Lot 1, DP 567283	State
Cottage	27 Speed Street	Lot 40, DP 1091733	Local
Liverpool Fire Station	70-78 Terminus Street	Lot 1, DP 91748	Local
Berryman Reserve	4 Remembrance Drive	Lot 1, DP 744448, Lot A, DP 432628	Local

Part 2 Archaeological sites

Item Name	Address	Property Description
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Dictionary

(Clause 4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Guidelines means guidelines by that name approved for the purposes of this definition by the Director-General and made publicly available.

Acid Sulfate Soils Map means the Liverpool City Centre Local Environmental Plan 2007 Acid Sulfate Soils Map.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

agricultural produce industry means a rural industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means extensive agriculture, cotton and rice cultivation, intensive livestock agriculture, horticulture, viticulture, turf farming, animal boarding or training establishments, aquaculture or farm forestry.

amusement centre means a building or place (not being part of a hotel or pub) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary clinic.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

archaeological site means the site (as shown on the Heritage Map or listed in Schedule 5) of one or more relics.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 6 guests and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,

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Dictionary

- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms that accommodate one or more lodgers,

but does not include backpackers' accommodation, a serviced apartment, seniors housing or hotel or motel accommodation.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure) or a temporary structure within the meaning of the *Local Government Act 1993*.

building height (or **height of building**) means the vertical distance between ground level (existing) at any point to highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading and unloading the items into their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale of bulky goods.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

business premises means a building or place at which an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

cemetery means a building or place for the interment of deceased persons or pets or their ashes, and includes a funeral chapel or crematorium.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

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child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a family day care home or home-based child care home, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,

(i) a State work.

(see *Roads Act 1993* for meanings of these terms).

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

community facility means a building or place owned or controlled by a public authority and used for the physical, social, cultural or intellectual development or welfare of the community.

community land has the same meaning as in the *Local Government Act 1993*.

Council means the Liverpool City Council.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) land within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*, but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage

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conservation area, or building, work or place within a heritage conservation area, which contributes to its heritage significance.

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (which support the operations of an existing undertaking) when not required for use.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE college, that provides formal education and is constituted by or under an Act.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall, amusement centre and the like.

environmental facility means a building or place which provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or

- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

extensive agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following:

- (d) cotton and rice cultivation,
- (e) intensive livestock agriculture,
- (f) aquaculture,
- (g) turf farming,
- (h) animal boarding or training establishments,
- (i) farm forestry,
- (j) horticulture or viticulture.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does significantly alter the shape, natural form or drainage of the land, or
- (b) a waste disposal land fill operation.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

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- (2) **Fish** includes:
- (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

flood prone land means land shown as flood liable land on the Flood Liable Land Map.

Flood Liable Land Map means the Flood Liable Land Map.

floor space ratio of buildings on a site is the ratio of the total floor space area of all buildings within the site to the site area.

Floor Space Ratio Map means the Liverpool City Centre Local Environmental Plan 2007 Floor Space Ratio Map.

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food shops, milk bars and pubs.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral chapel means business premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

gross floor area means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

group home means a dwelling that is a permanent group home or a transitional group home.

hazardous industry means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

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hazardous storage establishment means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

Height of Buildings Map means the Liverpool City Centre Local Environmental Plan 2007 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage conservation area means:

- (a) an area of land that is shown as a heritage conservation area on the Heritage Map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on the Heritage Map.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object shown on the Heritage Map and the site and nature of which is described in Schedule 5.

Heritage Map means the Liverpool City Centre Local Environmental Plan 2007 Heritage Map.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

home-based child care or **family day care home** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and which satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
- (f) the use of more than 40 square metres of floor area to carry on the business, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

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- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
- (f) the use of more than 50 square metres of floor area to carry on the light industry,

but does not include bed and breakfast accommodation or sex services premises.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling, or in a building ancillary to a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 1982*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

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intensive livestock agriculture means the keeping or breeding of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

Key Sites Map means the Liverpool City Centre Local Environmental Plan 2007 Key Sites Map.

kiosk means retail premises with a gross floor area not exceeding 25 square metres and that provides food, light refreshments and other small convenience items such as newspapers, films and the like.

Land Application Map means the Liverpool City Centre Local Environmental Plan 2007 Land Application Map.

Land Reservation Acquisition Map means the Liverpool City Centre Local Environmental Plan 2007 Land Reservation Acquisition Map.

Land Zoning Map means the Liverpool City Centre Local Environmental Plan 2007 Land Zoning Map.

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

landscaped area means a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

Liverpool City Centre Development Control Plan means the *Liverpool City Centre Development Control Plan 2007*, as in force on the commencement of this Plan.

livestock processing industry means a rural industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackereries, tanneries, woollscours and rendering plants.

local heritage significance, in relation to a place, building, work, archaeological site, tree or precinct, means its heritage significance to an area.

maintenance, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

materials recycling or recovery centre means a building or place used for the recycling or recovery of resource materials (excluding sludge-like material) from waste materials, and that involves separating and sorting, processing (such as baling, crushing, shredding and composting), transferring and the sale of recycled or recovered material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

medical research and development facility means a building or place used for the purpose of carrying out medical research or the development of medical treatments or products.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

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mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

neighbourhood shop means retail premises used for the purpose of selling foodstuffs, personal care products, and other small daily convenience goods for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank, newsagency or dry cleaning.

offensive industry means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on

other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies or a transitional group home.

place of Aboriginal heritage significance means an area of land shown on the Heritage Map that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

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place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

pond based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include aquaculture in a natural waterbody.

Note. Typical pond based aquaculture is the pond culture of prawns, yabbies or silver perch.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold on the premises.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

public authority has the same meaning as in the Act.

public entertainment has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public entertainment:

- (a) means entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission and an entertainment does not cease to be a public entertainment merely because:
 - (i) some (but not all) persons may be admitted to the entertainment otherwise than on payment of money, or other consideration, as the price or condition of admission, or
 - (ii) such payment, or other consideration, is demanded as the charge for a meal or other refreshment, or for any other service or thing, before admission to the entertainment is granted or as the charge for the entertainment after admission to the entertainment has been granted, and
- (b) includes a public meeting.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or

-
- (b) land to which the *Crown Lands Act 1989* applies, or
 - (c) a common, or
 - (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
 - (e) a regional park under the *National Parks and Wildlife Act 1974*.

public meeting has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public meeting means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

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recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

registered club means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Liverpool, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

roadside stall means a place or temporary structure with a gross floor area not exceeding 20 square metres used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or
- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate), or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise,

undertaken for commercial purposes.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

sensitive coastal location means land in the coastal zone that is any of the following:

- (a) land within 100 metres above mean high water mark of the sea, a bay or an estuary,
- (b) a coastal lake,
- (c) a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (d) a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (e) land declared as an aquatic reserve under the *Fisheries Management Act 1994*,
- (f) land declared as a marine park under the *Marine Parks Act 1997*,
- (g) land within 100 metres of any of the following:
 - (i) the water's edge of a coastal lake,

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- (ii) land to which paragraph (b), (c), (d) or (e) applies,
 - (iii) land reserved under the *National Parks and Wildlife Act 1974*,
 - (iv) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies,
- (h) residential land (within the meaning of *State Environmental Planning Policy No 26—Littoral Rainforests*) that is within a distance of 100 metres from the outer edge of the heavy black line on the series of maps held in the Department of Planning and marked “State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)”.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.

sewage treatment works means works or land used for the collection, treatment and disposal of sewage by or for a public authority.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means premises used primarily for the provision of sex services, but does not include home occupation (sex services).

shop top housing means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of this Act.

take away food or drink premises means food or drink premises that are predominantly used for the preparation and sale of food or drink for immediate consumption away from the premises.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

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the Act means the *Environmental Planning and Assessment Act 1979*.

timber and building supplies means a building or place used for the display and sale (whether by retail or wholesale, or both) of goods or materials used in the construction and maintenance of buildings, where those goods or materials are of such size or weight as to require customers to have direct vehicular access to the building or place in order to load or unload those goods or materials.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

utility installation means a building, work or place used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle showroom means a building or place used for the display or sale of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal land fill operation means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

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- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

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