



New South Wales

Liverpool Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows. (S07/01249)

FRANK SARTOR, M.P.,
Minister for Planning

2008 No 403

Liverpool Local Environmental Plan 2008

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Liverpool Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Liverpool Local Environmental Plan 2008*.

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Liverpool 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 encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,
 - (b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work and visit,
 - (c) to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,
 - (d) to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south west region,
 - (e) to concentrate intensive land uses and trip-generating activities in locations most accessible to transport and centres,
 - (f) to promote the efficient and equitable provision of public services, infrastructure and amenities,
 - (g) to conserve, protect and enhance the environmental and cultural heritage of Liverpool,
 - (h) to protect and enhance the natural environment in Liverpool, incorporating ecologically sustainable development,

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Part 1 Preliminary

- (i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,
- (j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas.

1.3 Land to which Plan applies

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

1.4 Definitions

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

1.5 Notes

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

1.6 Consent authority

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

1.7 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 or replaced from time to time by maps declared by environmental planning instruments to amend or replace 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.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the Department of Planning's website.

1.8 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.

Note. The following local environmental plans are repealed under this provision:

- (a) *Liverpool Local Environmental Plan 1997,*
 (b) *Liverpool City Centre Local Environmental Plan 2007.*

- (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.

1.8A Savings provision relating to pending development approvals

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 must be determined as if this Plan had been exhibited but had not commenced.

1.9 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 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 and Parts 3 and 4)

State Environmental Planning Policy No 9—Group Homes

State Environmental Planning Policy No 60—Exempt and Complying Development

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar

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Part 1 Preliminary

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*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Rural Zones

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Rural Small Holdings

Residential Zones

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential

Business Zones

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor

Industrial Zones

- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial

Special Purpose Zones

- SP1 Special Activities
- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management

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Clause 2.2 Liverpool Local Environmental Plan 2008

Part 2 Permitted or prohibited development

Waterway Zones

W1 Natural Waterways

2.2 Zoning of land to which Plan applies

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

2.3 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 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development [see clauses 5.7, 5.8, 5.9 and 5.10].
- 5A Part 7 also contains other provisions which require consent for particular development.

2.4 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.

2.5 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.

2.6 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) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
 - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) 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 toilets.

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

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Clause 2.6A Liverpool Local Environmental Plan 2008

Part 2 Permitted or prohibited development

2.6A Demolition requires consent

The demolition of a building or work may be carried out only with consent.

Note. If the demolition of a building or work is identified in this Plan as exempt development, the Act enables it to be carried out without consent.

2.6B 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 effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted to development on land in any zone for any temporary purpose for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any such other instrument, and
 - (b) the temporary use does not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Land Use Table

Note. This Table does not provide an exhaustive list of all uses that may be permissible in a particular zone. Other uses may be provided for elsewhere in this Plan or in other planning instruments such as the *State Environmental Planning Policy (Infrastructure) 2007*.

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To ensure that development does not hinder the development or operation of an airport on Commonwealth land in Badgery's Creek.
- To preserve bushland, wildlife corridors and natural habitat.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

Agriculture; Airstrips; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Drainage; Dual occupancies; Dwelling houses; Earthworks; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Health consulting rooms; Helipads; Heliports; Home businesses; Home industries; Landscape and garden supplies; Offensive storage establishments; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

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Clause 2.6B Liverpool Local Environmental Plan 2008

Part 2 Land Use Table

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To ensure that development is compatible with the rural character of the land and maintains the feasibility of agricultural uses.
- To preserve bushland, wildlife corridors and natural habitat.

2 Permitted without consent

Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dairies (pasture-based); Drainage; Dual occupancies; Dwelling houses; Earthworks; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls

4 Prohibited

Any development not specified in item 2 or 3

Zone RU4 Rural Small Holdings

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure that development is compatible with the rural character of the land and maintains the feasibility of agricultural uses.

2 Permitted without consent

Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

Agriculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Drainage; Dual occupancies; Dwelling houses; Earthworks; Entertainment facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Horticulture; Landscape and garden supplies; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.
- To facilitate development of social and community infrastructure to meet the needs of future residents.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood

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Clause 2.6B Liverpool Local Environmental Plan 2008

Part 2 Land Use Table

shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a suitable low scale residential character commensurate with a low dwelling density.
- To ensure that a high level of residential amenity is achieved and maintained.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Places of public worship; Recreation areas; Roads; Secondary dwellings; Semi-detached dwellings

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.

-
- To provide a variety of housing types within a medium density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To provide for a concentration of housing with access to services and facilities.
 - To provide for a suitable visual transition between high density residential areas and lower density areas.
 - To ensure that a high level of residential amenity is achieved and maintained.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

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.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a high concentration of housing with good access to transport, services and facilities.

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Clause 2.6B Liverpool Local Environmental Plan 2008

Part 2 Land Use Table

- To minimise the fragmentation of land that would prevent the achievement of high density residential development.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home industries; 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; Secondary dwellings; Serviced apartments; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure that a high level of residential amenity is achieved and maintained.
- To provide for complementary uses that are of low impact and do not unreasonably increase the demand for public services or public facilities.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Dairies (pasture-based); Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Helipads; Home businesses; Home industries; Places of public worship; Public administration buildings; Recreation areas; Roads; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre**1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To provide the opportunity for a small scale supermarket that will provide goods for the day-to-day needs of people who live and work in the surrounding neighbourhood.
- To allow for residential and other accommodation while maintaining active retail, business or other non-residential uses at street level.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Drainage; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Roads; Service stations; Serviced apartments; Shop top housing; Shops; Veterinary hospitals

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Clause 2.6B Liverpool Local Environmental Plan 2008

Part 2 Land Use Table

4 Prohibited

Any development not specified in item 2 or 3

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow for residential and other accommodation while maintaining active retail, business or other non-residential uses at street level.
- To facilitate a high standard of urban design and a unique character that contributes to achieving a sense of place for the local community.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Depots; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hostels; Information and education facilities; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Retail premises; Residential flat buildings (but only as part of a mixed use development that contains a non-residential use permitted in the zone); Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Any development not 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 Liverpool city centre as the regional business, retail and cultural centre of south western Sydney.
- To ensure that, for key land in the Liverpool city centre, opportunities for retail, business and office uses exist in the longer term.
- To facilitate a high standard of urban design and exceptional public amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Helipads; Heliports; Hotel or motel accommodation; Information and education facilities; 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; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.

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Part 2 Land Use Table

- 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 and other accommodation 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, convenient urban living and exceptional public amenity.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Depots; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; 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 flat buildings (but only as part of a mixed use development that contains a non-residential use permitted in the zone); Retail premises; Roads; Seniors housing; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To maintain the economic strength of centres by limiting the retailing of food and clothing.
- To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.

-
- To ensure a reasonable concentration of business activity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Child care centres; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hotel or motel accommodation; Landscape and garden supplies; Light industries; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants; Roads; Storage premises (other than offensive storage establishments or hazardous storage establishments); Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres

4 Prohibited

Any development not 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 provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development).
- To maintain the economic strength of centres by limiting the retailing activity.
- To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.
- To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.

2 Permitted without consent

Home-based child care; Home occupations

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Part 2 Land Use Table

3 Permitted with consent

Building identification signs; Bulky goods premises; Business identification signs; Business premises; Car parks; Community facilities; Crematoria; Depots; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Light industries; 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; Retail premises; Roads; Service stations; Shop top housing; Storage premises (other than offensive storage establishments or hazardous storage establishments); Timber and building supplies; Transport depots; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To particularly encourage research and development industries by prohibiting land uses that are typically unsightly or unpleasant.
- 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

Home occupations

3 Permitted with consent

Boat sheds; Building identification signs; Business identification signs; Car parks; Cemeteries; Child care centres; Community facilities; Crematoria; Depots; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Helipads; Heliports; Hotel or motel accommodation; Industries (other than heavy industries); Industrial

retail outlets; Information and education facilities; Kiosks; Light industries; Mortuaries; Neighbourhood shops; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants; Roads; Sex services premises; Storage premises (other than offensive storage establishments or hazardous storage establishments); Swimming pools; Take away food and drink premises; Tank-based aquaculture; Transport depots; Warehouse or distribution centres

4 Prohibited

Any development not 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 and to support the viability of centres.
- 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.
- To allow other land uses that are compatible with industry and that can buffer heavy industrial zones while not detracting from centres of activity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Car parks; Cemeteries; Child care centres; Community facilities; Depots; Drainage; Earthworks; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Helipads; Heliports; Hotel or motel accommodation; Industrial retail outlets; Information and education facilities; Kiosks; Landscape and garden supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Service stations; Sex services premises; Storage premises (other than offensive storage

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Part 2 Land Use Table

establishments or hazardous storage establishments); Take away food and drink premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone IN3 Heavy Industrial

1 Objectives of zone

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To preserve opportunities for a wide range of industries and similar land uses by prohibiting land uses that detract from or undermine such opportunities.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Crematoria; Depots; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Hazardous industries; Hazardous storage establishments; Heavy industries; Helipads; Horticulture; Industries; Kiosks; Light industries; Liquid fuel depots; Mortuaries; Offensive industries; Offensive storage establishments; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Resource recovery facilities; Roads; Rural industries; Sex services premises; Storage premises; Tank-based aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres

4 Prohibited

Any development not 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 that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Home occupations

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

4 Prohibited

Any development not 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.
- To reserve land for the provision of infrastructure.

2 Permitted without consent

Home occupations

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; Drainage; Environmental protection works; Roads

4 Prohibited

Any other development not specified in item 2 or 3

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Clause 2.6B Liverpool Local Environmental Plan 2008

Part 2 Land Use Table

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.
- To provide sufficient and equitable distribution of public open space to meet the needs of residents.
- To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boat sheds; Building identification signs; Business identification signs; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Drainage; Earthworks; Entertainment facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major) (other than racecourses and motor racing tracks); Recreation facilities (outdoor) (other than paint-ball centres, go-kart tracks, rifle ranges and water-ski centres); Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private 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.

-
- To enable land uses that are compatible with, and complimentary to, recreational uses.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Boat sheds; Building identification signs; Business identification signs; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Drainage; Earthworks; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Information and education facilities; Kiosks; Landscape and garden supplies; Marinas; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Veterinary hospitals; Water recreation structures

4 Prohibited

Any other development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

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Clause 2.6B Liverpool Local Environmental Plan 2008

Part 2 Land Use Table

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To enable the recreational enjoyment, cultural interpretation or scientific study of the natural environment.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Building identification signs; Drainage; Earthworks; Environmental facilities; Flood mitigation works; Information and education facilities; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To enable the recreational enjoyment or scientific study of the natural environment.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Building identification signs; Drainage; Dwelling houses; Earthworks; Environmental facilities; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Roads

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not 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 or scientific study of the natural environment.
- To allow development for water recreation purposes that does not have a significant adverse effect on the natural values of waterways in this zone.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boat sheds; Building identification signs; Business identification signs; Drainage; Earthworks; Environmental facilities; Flood mitigation works; Information and education facilities; Marinas; Moorings; Recreation areas; Roads; Water recreation structures

4 Prohibited

Business premises; Canal estate development; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

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Clause 3.1 Liverpool Local Environmental Plan 2008

Part 3 Exempt and complying development

Part 3 Exempt and complying development

3.1 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, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
 - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3).
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
 - (4A) A heading to an item in Schedule 2 is taken to be part of that Schedule.

3.2 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 Climate Change 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*), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
 - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,
 is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.
 - (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.

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Clause 3.3 Liverpool Local Environmental Plan 2008

Part 3 Exempt and complying development

- (3A) To be complying development, the development must also:
- (a) be consistent with any plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection* that applies to the land, and
 - (b) not be carried out on land subject to any easement for a public sewer main, and
 - (c) be undertaken in accordance with any relevant Sydney Water requirements that relate to building over sewers, and
 - (d) not require a tree to be removed, and
 - (e) not be carried out on land that has been used for any one or more of the following purposes unless notice of completion of remediation work for the proposed use has 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
 - (f) not be carried out on land:
 - (i) that is within 40 metres of a waterway, or
 - (ii) that is in the flood planning area, or
 - (iii) that is bush fire prone land, or
 - (iv) that is subject to subsidence, slip or erosion, or
 - (v) that is in Zone E2 Environmental Conservation or Zone E3 Environmental Management, or
 - (vi) that is environmentally significant land, or
 - (vii) that is a special area or outer catchment area within the meaning of the *Sydney Water Catchment Management Act 1998*, or
 - (viii) that is within 200 metres of a poultry farm.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out in Part 2 of that Schedule.
- (4A) A heading to an item in Schedule 3 is taken to be part of that Schedule.

3.3 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 any of the following:
- (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (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,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
 - (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

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Clause 4.1 Liverpool Local Environmental Plan 2008

Part 4 Principal development standards

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to ensure that lot sizes are consistent with the desired residential density for different locations,
 - (b) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,
 - (c) to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,
 - (d) to minimise traffic impacts resulting from any increase in the number of lots on classified roads,
 - (e) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
 - (f) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
 - (g) to ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (4A) Despite subclause (3), the size of any lot resulting from the subdivision of land shown on the Lot Size Map to be within Area 1, Area 2 or Area 3 for the purposes of:
 - (a) a dual occupancy that was approved before the making of this Plan and that satisfies any conditions of that approval, or
 - (b) multi dwelling housing, or
 - (c) attached dwellings, or
 - (d) semi-detached dwellings,must not be less than the area shown in Column 2 of the Table to this subclause opposite the relevant Area, or if the lot adjoins a rear or side

lane that provides vehicular access to the lot, not less than the area shown in Column 3 of the Table opposite the relevant Area.

Column 1	Column 2	Column 3
Area 1	225m ²	180m ²
Area 2	250m ²	200m ²
Area 3	300m ²	240m ²

4.1A Minimum subdivision lot size community title schemes

- (1) The objectives of this clause are as follows:
 - (a) to ensure that lot sizes in community title schemes are consistent with the desired residential density for different locations,
 - (b) to ensure that lot sizes in community title schemes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,
 - (c) to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,
 - (d) to prevent an increased traffic and safety impact as a result of increased lots on classified roads,
 - (e) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
 - (f) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
 - (g) to ensure that lot sizes in community title schemes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.
- (2) This clause applies to a subdivision under a community title scheme of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) Despite subclause (3), the size of any lot resulting from the subdivision of land shown on the Lot Size Map to be within Area 1, Area 2 or Area 3 for the purposes of:

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Clause 4.2 Liverpool Local Environmental Plan 2008

Part 4 Principal development standards

- (a) a dual occupancy that was approved before the making of this Plan and that satisfies any conditions of that approval, or
- (b) 3 or more dwellings, or
- (c) attached dwellings, or
- (d) semi-detached dwellings,

must not be less than the area shown in Column 2 of the Table to this subclause opposite the relevant Area, or if the lot adjoins a rear or side lane that provides vehicular access to the lot, not less than the area shown in Column 3 of the Table opposite the relevant Area.

Column 1	Column 2	Column 3
Area 1	225m ²	180m ²
Area 2	250m ²	200m ²
Area 3	300m ²	240m ²

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Rural Small Holdings,
 - (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

4.2A Restrictions on strata or community title subdivisions in certain rural or environmental protection zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Rural Small Holdings,
 - (d) Zone E1 National Parks and Nature Reserves,
 - (e) Zone E2 Environmental Conservation,
 - (f) Zone E3 Environmental Management.
- (3) Development consent must not be granted for the subdivision of land to which this clause applies for a strata plan or community title scheme that would create a lot that is less than the minimum size shown on the Lot Size Map for that land.

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
 - (b) to permit building heights that encourage high quality urban form,
 - (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
 - (d) 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.

Note. Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the Liverpool city centre may exceed the maximum height shown for the land on the Height of Buildings Map.

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Clause 4.4 Liverpool Local Environmental Plan 2008

Part 4 Principal development standards

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic,
 - (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,
 - (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
 - (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not 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 in building envelopes 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 the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2):
 - (a) a 3 storey building containing dwellings, or
 - (b) a building used for the purposes of an attached dwelling, multi dwelling housing or a secondary dwelling,that is on land shown to be within Area 2 or Area 3 on the Floor Space Ratio Map, may have a maximum floor space ratio of:
 - (c) up to 0.05:1 greater than that shown on the Map, or
 - (d) if the building is on a lot that adjoins a rear or side lane that provides vehicular access to the lot, up to 0.1:1 greater than that shown on the Map.
- (2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is:
 - (a) on a site area greater than 1,000 square metres, and
 - (b) on land in a zone specified in the Table to this clause, and
 - (c) on land for which the maximum building height shown on the Height of Buildings Map is as specified in Column 1 of the Table under the heading for that zone,

is the amount specified opposite that height in:

- (d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or
 - (e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres.
- (2C) For the purposes of Column 2 of the Table to this clause, X is to be calculated in accordance with the following formula:

$$X = (\text{the number of square metres of the site area} - 1000) / 1500$$

Column 1	Column 2	Column 3
Zone B3 Commercial Core		
21m	$(3 + 0.5X):1$	3.5:1
28m	$(3 + X):1$	4:1
35m	$(4 + X):1$	5:1
45m	$(4.5 + 1.5X):1$	6:1
100m	$(5 + 3X):1$	8:1
Zone B1 Neighbourhood Centre, B4 Mixed Use, SP1 Special Activities or SP2 Infrastructure		
18m	$(1.5 + 0.5X):1$	2:1
24m	$(2 + X):1$	3:1
35m	$(2.5 + X):1$	3.5:1
45m	$(2.5 + 1.5X):1$	4:1
80m	$(2.5 + 3.5X):1$	6:1
Zone R4 High Density Residential		
18m	$(1 + X):1$	2:1
24m	$(1.5 + X):1$	2.5:1
35m	$(2 + X):1$	3:1
45m	$(2 + 1.5X):1$	3.5:1

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,

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- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the

proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

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4.6 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.
- (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:
 - (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.

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- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) 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).
- (8) 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 that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clause 6.4, 6.5, 6.6, 7.22, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28, 7.29 or 7.30.

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Part 5 Miscellaneous provisions

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5.1 Relevant acquisition authority

- (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 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).

Type of land shown on Map	Authority of the State
Zone B2 Local Centre and marked "Community facilities"	Council
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone SP2 Infrastructure and marked "Local road"	Council
Zone SP2 Infrastructure and marked "Drainage"	Council
Zone SP2 Infrastructure and marked "Railway"	The corporation constituted under section 8 of the Act
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

- (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.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

5.1A Development on land intended to be acquired for a public purpose

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the authority of the State specified opposite that land in Column 2 of the Table.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 3 of the Table to this clause.

Column 1	Column 2	Column 3
Land	Authority	Development
Zone RE1 Public Recreation and marked "Local open space"	Council	Earthworks; Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act	Earthworks; Recreation areas
Zone B2 Local Centre and marked "Community facilities"	Council	Earthworks; Community facilities

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council 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.

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- (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 when the description of the land is inserted into that Part and 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*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 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 10 metres from any zone boundary shared with Zone IN3 Heavy Industrial and 25 metres from any other zone boundary.

- (3) This clause does not apply to:
- (a) land zoned B3 Commercial Core, RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management 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
 - (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.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the light industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

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(a) 30% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres,
whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 60 square metres,

(b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

5.5 Development within the coastal zone

Not applicable.

5.6 Architectural roof features

(1) The objectives of this clause are:

(a) to permit variations to maximum building height standards for roof features of visual interest, and

(b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.

- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.7 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).

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
- (2) The following development may be carried out, but only with consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

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- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:

private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 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.

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- (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 5.10 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 otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) 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
 - (d) 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
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

5.10 Heritage conservation

Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of Liverpool, 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.

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(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,
- (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) **Effect on heritage significance**

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **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.

(6) **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.

(7) **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 under the *Heritage Act 1977* 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.

(8) **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:

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- (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.

(9) **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 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 from the Heritage Council within 28 days after the notice is sent.

(10) **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
- (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.

5.11 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.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

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Part 6 Urban release areas

Part 6 Urban release areas

6.1 Aims of Part

This Part aims:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land in urban release areas, and
- (b) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of such land to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes, and
- (c) to ensure that development on such land occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan including specific controls has been prepared for the land.

6.2 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

6.3 Application of Part

This Part applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

6.4 Arrangements for designated State public infrastructure

- (1) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (2) Subclause (1) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision consented to in accordance with this clause, or

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- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities, or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.

6.5 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

6.6 Development control plan

- (1) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (2) has been prepared for the land.
- (2) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of passive and active recreational areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,

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Part 6 Urban release areas

- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

Part 7 Additional local provisions

Division 1 Liverpool city centre provisions

7.1 Objectives for development in Liverpool city centre

Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development:

- (a) to preserve the existing street layout and reinforce the street character through consistent building alignments,
- (b) to allow sunlight to reach buildings and areas of high pedestrian activity,
- (c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,
- (d) to improve the quality of public spaces in the city centre,
- (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,
- (f) to enhance the natural river foreshore and places of heritage significance,
- (g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.

7.2 Sun access in Liverpool city centre

- (1) The objective of this clause is to protect specified public open space from excessive overshadowing.
- (2) This clause applies to certain land in the Liverpool city centre, as specified in the Table to this clause.
- (3) Despite clause 4.3, development on land to which this clause applies is prohibited if the development results in any part of a building on land specified in Column 1 of the Table to this clause projecting above the height specified opposite that land in Column 2 of the Table.
- (4) This clause does not apply to development resulting only in refurbishment of a building.

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Column 1	Column 2
Location	Maximum height
Land within 9m of the public right of way on the northern side of Elizabeth Street, opposite Bigge Park, between Bigge Street and College Street	20m
Land within 9m of the public right of way on the northern side of Elizabeth Drive, opposite St Luke's Church Grounds between Northumberland Street and Macquarie Street	20m
Land within 9m of the public right of way on either side of Macquarie Street, between Elizabeth Street and Memorial Avenue (except the most southern 60m)	15m
Land within 17m of the northern boundary of Apex Park between the Hume Highway and Castlereagh Street	15m
Land within 9m of the public right of way on the western side of Northumberland Street opposite Liverpool Pioneers' Memorial Park between Lachlan and Campbell Streets	30m
Land within 9m of the public right of way on the eastern side of Macquarie Street opposite Liverpool Pioneers' Memorial Park between Lachlan and Campbell Streets	30m

7.3 Car parking in Liverpool city centre

- (1) The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre 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 city centre.
- (2) Development consent must not be granted to development on land in the Liverpool city centre that is in Zone B3 Commercial Core or B4 Mixed Use 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 200 square metres of any new gross floor area that is on the ground floor level of the building, and

- (b) in respect of any other part of the building:
 - (i) at least one car parking space is provided for every 100 square metres of any new gross floor area that is to be used for the purposes of retail premises, and
 - (ii) at least one car parking space is provided for every 150 square metres of any new gross floor area that is to be used for any other purpose.
- (3) Despite subclause (2), development consent may be granted to a development with less or no on site car parking if the consent authority is satisfied that the provision of car parking on site is not feasible.
- (4) In 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 ground level (existing), except to the extent permitted by a development control plan made by the Council,
 - (b) any area of the building that is used for car parking below ground level (existing), except where the car parking is provided as required by this clause.
- (5) Council owned public car parking and parts of a building used for residential purposes must not be included as part of a building's gross floor area for the purposes of this clause.

7.4 Building separation in Liverpool city centre

- (1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.
- (2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:
 - (a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and
 - (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and
 - (c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and
 - (d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and

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- (e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use.

7.5 Design excellence in Liverpool city centre

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether development 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 and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),
 - (e) any relevant requirements of applicable development control plans,
 - (f) how the proposed development addresses the following matters:
 - (i) the suitability of the site for development,
 - (ii) existing and proposed uses and use mix,
 - (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,

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- (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) Development consent must not be granted to the following development in the Liverpool city centre 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 coloured blue 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 in the Liverpool city centre that has a floor space ratio of up to 10% greater than that allowed by clause 4.4 or a height of up to 10% greater than that allowed by clause 4.3 (or both), 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 granting of consent.
- (7) In determining whether to provide his or her concurrence to the granting of consent, the Director-General is to take into account the matters set out in subclause (3) and whether he or she is of the opinion that the development that is the subject of the application has exhibited design excellence.
- (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.

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7.6 Environmentally significant land

- (1) The objectives of this clause are as follows:
 - (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,
 - (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,
 - (c) to protect rare and threatened native flora and native fauna,
 - (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.
- (2) Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant:
 - (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,
 - (b) the importance of the vegetation in that particular location to native fauna,
 - (c) the sensitivity of the land and the effect of clearing vegetation,
 - (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream,
 - (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity),
 - (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.

7.7 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 shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 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) Development consent must not be granted under this clause for the carrying out of works unless:
- (a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* 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 Director-General of the Department of Environment and Climate Change and the consent authority has considered any comments of the Director-General made within 21 days after those copies were provided to the Director-General.
- (4) Development 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 Manual* 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.

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- (5) Also, development consent is not required under this clause for the carrying out of any of the following works 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 works have been damaged, have ceased to function or pose 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 involves 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) Development consent is not required under this clause to carry out any works unless:
- (a) the works involve the disturbance of more than 1 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 watertable.
- (7) Clause 10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* does not apply to development that requires development consent under this clause.

7.8 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 avoid significant adverse impacts on flood behaviour, and
 - (c) to limit uses to those compatible with flow conveyance function and flood hazard, and
 - (d) to minimise the risk to human life and damage to property from flooding.
- (2) Despite any other provision of this Plan, development consent is required for development for the following purposes on land in a flood planning area:

- (a) earthworks,
 - (b) the erection of a building,
 - (c) the carrying out of a work,
 - (d) flood mitigation works (other than those carried out by a public authority).
- (3) Development consent must not be granted to development on flood prone land (other than development for the purposes of residential accommodation) unless the consent authority is satisfied that the development:
- (a) will not adversely affect flood behaviour and increase the potential for flooding to detrimentally affect other development or properties, and
 - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment, and
 - (c) will enable the safe occupation and evacuation of the land, and
 - (d) will not have a significant detrimental affect on the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of any riverbank or watercourse, and
 - (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding, and
 - (f) if located in the floodway, will be compatible with the flow of flood waters and with any flood hazard on that floodway.

7.9 Foreshore building line

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Subject to the other provisions of this Plan, development may be carried out, with development consent, for the purposes of a building on land in the foreshore area only if:
 - (a) the levels, depth or other exceptional features of the site make it appropriate to do so, or
 - (b) the development involves the extension, alteration or rebuilding of an existing building that is erected wholly or partly in the foreshore area and 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, or

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- (c) the development is for the purposes 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 ground level (existing),
 - (vi) fences,
 - (vii) picnic facilities, cycleways, walking trails or other outdoor recreation facilities.
- (3) Development consent must not be granted to development referred to in subclause (2) unless the consent authority is satisfied that the development:
 - (a) will contribute to achieving the objectives for development in the zone in which it is to be carried out, and
 - (b) will be compatible in its appearance with the surrounding area, as viewed from both the waterway concerned and the adjacent foreshore areas, and
 - (c) 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) will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
 - (e) will not compromise opportunities for the provision of continuous public access along the foreshore and to the waterway, and
 - (f) will maintain 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.

7.10 Minimum allotment size for dual occupancies in rural zones

- (1) The objective of this clause is to maintain opportunities for productive rural and urban fringe uses by providing certainty about the land area required for two dwellings to be on a single lot in rural zones.
- (2) Development consent for the purposes of a dual occupancy on land in Zone RU1 Primary Production, RU2 Rural Landscape or RU4 Rural Small Holdings may be granted only if the lot:

- (a) is a lot on which a dwelling house can lawfully be erected, and
- (b) has an area of not less than:
 - (i) 10 hectares, if in Zone RU1 Primary Production, or
 - (ii) 2 hectares, if in Zone RU2 Rural Landscape or Zone RU4 Rural Small Holdings.

7.11 Minimum dwelling density

- (1) The objectives of this Plan for the control of dwelling densities are as follows:
 - (a) to contribute toward the efficient use of land resources,
 - (b) to ensure the viability of public transport and other services planned for the area,
 - (c) to ensure adequate funds for the recreation and community facilities planned for the area.
- (2) Development consent must not be granted for the subdivision of land shown on the Dwelling Density Map unless the consent authority is satisfied that the dwelling density likely to be achieved by the subdivision is not less than the dwelling density shown for the land on that Map.
- (3) In this clause:
dwelling density means the ratio of the number of dwellings to the area of the land to be occupied by the development, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land used for public open space and non-residential purposes.

7.12 Maximum number of lots

The total number of lots created by the subdivision of land in an area of land shown as restricted lot yield and bound by a heavy red line on the Dwelling Density Map must not exceed the number shown on that map for that area.

7.13 Minimum lot width in Zones R1, R2, R3 and R4

- (1) The objective of this clause is to ensure that lot dimensions are able to accommodate residential development that is suitable for its purpose and is consistent with relevant development controls.
- (2) This clause applies to the subdivision of land in Zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential or R4 High Density Residential.

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- (3) The width of any lot, resulting from a subdivision of land to which this clause applies, that is capable of accommodating residential development but is not the subject of a development application for that purpose, must not be less than 10 metres except as provided by subclause (4).
- (4) An irregular shaped lot with an area of 450 square metres or more that has an average width of more than 10m may have a minimum width of not less than 5 metres.
- (5) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

7.14 Minimum building street frontage

- (1) The objectives of this clause 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.
- (2) Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres:
 - (a) any building on land in Zone B3 Commercial Core or B4 Mixed Use, or
 - (b) any building of more than 2 storeys on land in Zone R4 High Density Residential, B1 Neighbourhood Centre or B2 Local Centre, or
 - (c) any residential flat building.

7.15 Minimum building street frontage in Zone B6

- (1) The objectives of this clause for the control of building frontage to streets are as follows:
 - (a) to ensure that acceptable vehicular access arrangements to a classified road are capable of being achieved,
 - (b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,

- (c) to ensure suitable business exposure in a visually uncomplicated and ordered environment.
- (2) Development consent must not be granted to the erection of a new building or to an addition to an existing building on land in Zone B6 Enterprise Corridor unless any frontage of the site to a classified road is at least:
 - (a) 90 metres, or
 - (b) if the site also fronts a road other than the classified road, 30 metres.
- (3) Subclause (2) does not apply in the case of an addition to an existing building if the addition will increase the gross floor area of the building by less than 10%.

7.16 Ground floor development in Zones B1, B2, B4 and B6

- (1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.
- (2) This clause applies to the following land:
 - (a) land in Zone B1 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use,
 - (b) land in Zone B6 Enterprise Corridor that is within 100 metres of a classified road.
- (3) This clause does not apply to land at Edmondson Park.
- (4) Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building:
 - (a) will not be used for the purposes of residential accommodation, and
 - (b) will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.

7.17 Development in flight paths

- (1) The objectives of this clause are:
 - (a) to provide for the effective and on-going operation of airports, and
 - (b) to ensure that any such operation is not compromised by proposed development in the flight path of an airport.
- (2) Development consent must not be granted to erect a building on land in the flight path of Bankstown Airport or Hoxton Park Aerodrome if the

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proposed height of the building would exceed the obstacle height limit determined by the relevant Commonwealth body.

- (3) Before granting development consent to the erection of a building on land in the flight path of Bankstown Airport or Hoxton Park Aerodrome, the consent authority must:
 - (a) give notice of the proposed development to the relevant Commonwealth body, and
 - (b) consider any comment made by the relevant Commonwealth body within 28 days of its having been given notice of the proposed development, and
 - (c) consider whether the proposed use of the building will be adversely affected by exposure to aircraft noise.
- (4) In this clause:

land is in the *flight path of an airport* if the relevant Commonwealth body has notified the consent authority that the land is in such a flight path.

relevant Commonwealth body means the Department or other body of the Commonwealth having responsibility for airports.

7.18 Development in areas subject to potential airport noise

- (1) The objectives of this clause are to ensure that development in the vicinity of Bankstown Airport, Hoxton Park Airport and the proposed Badgery's Creek airport site:
 - (a) has regard to the use or potential future use of each site as an airport, and
 - (b) does not hinder or have any other adverse impact on the development or operation of the airports on those sites.
- (2) Development consent is required for the erection of a building on land where the ANEF exceeds 20 if it is erected for residential purposes or for any other purpose involving regular human occupation.
- (3) The following development is prohibited unless it meets the requirements of AS 2021–2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* with respect to interior noise levels:
 - (a) residential accommodation on land where the ANEF exceeds 20,
 - (b) business premises, entertainment facilities, office premises, public administration buildings, retail premises and tourist and visitor accommodation on land where the ANEF exceeds 25.

- (4) The following development is prohibited:
- (a) educational establishments, hospitals and places of public worship on land where the ANEF exceeds 20,
 - (b) dwellings on land where the ANEF exceeds 25 (other than development consisting of the alteration, extension or replacement of an existing dwelling house where the development is consistent with the objectives of this clause),
 - (c) business premises, entertainment facilities, office premises, public administration buildings, retail premises and tourist and visitor accommodation on land where the ANEF exceeds 30.
- (5) In this clause:
ANEF means Australian Noise Exposure Forecast as shown on the Airport Noise Map.

7.19 Serviced apartments

- (1) The objective of this clause is to prevent substandard residential building design occurring by way of converted serviced apartment development.
- (2) Development consent must not be granted for the subdivision under a strata scheme of a building or part of a building that is being, or has been, used for serviced apartments unless the consent authority is satisfied that the following are achieved for the development as if it were a residential flat development:
- (a) the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*,
 - (b) the design principles of the *Residential Flat Design Code* (a publication of the Department of Planning, September 2002).

7.20 Council infrastructure development

- (1) Development may be carried out by or on behalf of the Council without development consent on any land, other than land in a heritage conservation area, land containing a heritage item or land that is an environmentally sensitive area for exempt and complying development.
- (2) Development may be carried out by or on behalf of the Council without development consent on land in a heritage conservation area or land containing a heritage item if the development is in accordance with a heritage conservation management plan that has been approved by the Council.

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- (3) Subclauses (1) and (2) do not apply to development for the following:
 - (a) the erection of a class 1–9 building under the *Building Code of Australia*,
 - (b) development having a capital value of more than \$1,000,000.

7.21 Delayed rezoning of certain land

- (1) The objectives of this clause are:
 - (a) to ensure that land identified for a National Park or Regional Park during a rezoning is dedicated and held for reservation prior to development under the new zones commencing, and
 - (b) to ensure that existing airport operations cease prior to development under new zones commencing on land used as an airport.
- (2) The zoning of the following land does not commence until a date specified by the Minister by order published in the Gazette:
 - (a) land shown as “National or Regional Park Dedication Required” by a heavy black line on the Delayed Rezoning Map,
 - (b) land shown as “Airport Cessation Required” by a dashed heavy black line on the Delayed Rezoning Map.
- (3) The Minister must not make such an order in respect of land referred to in subclause (2) (a) unless the Minister is satisfied that the land:
 - (a) is vested in the State of New South Wales or a public authority of the State of New South Wales, and
 - (b) is reserved under the *National Parks and Wildlife Act 1974* or is held for the purpose of being so reserved.
- (4) The Minister must not make such an order in respect of land referred to in subclause (2) (b) unless the Minister is satisfied that ownership of the land has been transferred to HPAL Freehold Pty Limited (ACN 105 905 673) and that the land is no longer being used for the purposes of an airport.
- (5) Until such time as the Minister makes an order under this clause, the zone applying to any land shown on the Delayed Rezoning Map remains the zone applying to that land shown on the Land Zoning Map.
- (6) On the publication in the Gazette of an order of the Minister under this clause, the Land Zoning Map is, despite clause 7.1, amended by the relevant sheet of the Delayed Rezoning Map.

7.22 Development in Zone B6

- (1) The objectives of this clause are:
 - (a) to maintain opportunities for business and retail types that are suited to high exposure locations while ensuring that centres remain the focus for business and retail activity, and
 - (b) to protect residents who live near classified roads from the noise generated by those roads.
- (2) This clause applies to land in Zone B6 Enterprise Corridor.
- (3) Except as provided by subclause (4), development consent must not be granted to development for the purposes of a dwelling unless the dwelling is at least 50 metres from any boundary of the land that adjoins a classified road.
- (4) Development consent must not be granted to development for the purposes of a dwelling on land shown edged heavy green on the Key Sites Map and that adjoins the Hume Highway or Elizabeth Drive unless the dwelling is at least 8 metres from any boundary of the land that adjoins either of those roads.
- (5) Development consent must not be granted to development that would result in total gross floor area of all retail premises (other than timber and building supplies, landscape and garden supplies or vehicle sales or hire premises) in a single building being more than 8,000 square metres.

7.23 Bulky goods premises and retail premises in Zone B6

- (1) Development consent must not be granted to development for the purposes of bulky goods premises on land in Zone B6 Enterprise Corridor if the gross floor area of the bulky goods premises is more than 2,500 square metres.
- (2) Development consent must not be granted to development for the purposes of retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the retail premises is more than 1,000 square metres.

7.24 Dual occupancies in Zone RU1, RU2 and RU4

- (1) Development consent must not be granted to development for the purposes of a dual occupancy on land in Zone RU1 Primary Production or Zone RU4 Rural Small Holdings if the gross floor area of either or both of the dwellings is more than 150 square metres.
- (2) Development consent must not be granted to development for the purposes of a dual occupancy on land in Zone RU2 Rural Landscape if the gross floor area of either or both of the dwellings is more than 60 square metres.

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7.25 Food and drink premises and shops in Zone B1

- (1) Development consent must not be granted to development for the purposes of food and drink premises on land in Zone B1 Neighbourhood Centre if the gross floor area of the food and drink premises is more than 300 square metres.
- (2) Development consent must not be granted to development for the purposes of a shop on land in Zone B1 Neighbourhood Centre if the gross floor area of the shop is more than 1,500 square metres.

7.26 Restaurants, take away food and drink premises, child care centres and hotel or motel accommodation in Zones IN1 and IN2

- (1) Development consent must not be granted to development for the purposes of a restaurant or take away food and drink premises on land in Zone IN1 General Industrial or IN2 Light Industrial if the gross floor area of the restaurant or take away food or drink premises is more than 200 square metres.
- (2) Development consent must not be granted to development for the purposes of a child care centre or hotel or motel accommodation on land in Zone IN1 General Industrial or IN2 Light Industrial unless:
 - (a) the proposed development is at least 150 metres from any land in Zone IN3 Heavy Industrial, and
 - (b) if any heavy industry is in the vicinity of proposed development, the consent authority has considered whether the development will be sited, designed and constructed so as to minimise any impact from that heavy industry.

7.27 Development of certain land at Moorebank

- (1) The objective of this clause is to ensure development is supportive of the future provision of appropriate regional public transport measures to reduce the demand for travel by private car and commercial vehicle.
- (2) This clause applies to land shown edged heavy blue and marked "Moorebank South Industrial Precinct" on the Key Sites Map.
- (3) Before granting consent to development on the land to which this clause applies, the consent authority must be satisfied that the proposed development is consistent with the following objectives in so far as they are relevant to that development:
 - (a) to provide a street pattern that enables direct public transport links between the M5 Motorway Moorebank Avenue interchange, the East Hills rail line at the Moorebank Avenue bridge and Anzac Road, Wattle Grove,

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- (b) to provide a subdivision pattern that enables ready access through the precinct by pedestrians and cyclists,
 - (c) to orientate entrances, windows and other active frontages toward the street or paths to contribute toward creating a safer pedestrian environment,
 - (d) to provide facilities that encourage walking and cycling between the development and existing or potential public transport.

7.28 Minimum rear setbacks at Georges Fair Moorebank

- (1) This clause applies to land at Moorebank shown coloured orange on the Key Sites Map.
- (2) Despite any other provision of this Plan, a dwelling on a lot on land to which this clause applies must have a setback of at least 10 metres from the rear boundary of the lot.

7.29 Maximum floor area that may be used for business premises for certain land in Zone B2 at Middleton Grange

For development of a site on land shown as being within Area 4 on the Floor Space Ratio Map, no more than 25% of the gross floor area of all buildings on the site may be used for the purposes of business premises.

7.30 Maximum floor area that may be used for retail premises for certain land in Zone B1 at Hoxton Park

For development of a site on land shown as being within Area 5 on the Floor Space Ratio Map, no more than 35% of the gross floor area of all buildings on the site may be used for the purposes of retail premises.

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Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at Bringelly in Zone RU1

- (1) This clause applies to Lots 5 and 6, DP 2650 and Lots 1 and 2, DP 128613 in Zone RU1 Primary Production on the northern corner of Dart Road, Bringelly.
- (2) Development, being the temporary use of the land for the purpose of industry (but only with respect to the manufacturing of mobile homes and prefabricated dwelling additions), is permitted with consent if no part of the development is less than 60m from the southern property boundary.
- (3) Despite clause 2.6B of this Plan, consent may be granted to development referred to in subclause (2) for a maximum period of 3 years.

2 Use of certain land at Casula in Zone R2

- (1) This clause applies to Part Lot 86, DP 2031 in Zone R2 Low Density Residential at 2295 Camden Valley Way, Casula.
- (2) Development for the purposes of emergency services facilities is permitted with consent.

3 Use of certain land at Casula and Moorebank in Zone B6

- (1) This clause applies to the following land, being land in Zone B6 Enterprise Corridor:
 - (a) 2415 Camden Valley Way, Casula,
 - (b) 633–639 Hume Highway, Casula,
 - (c) 696 Hume Highway, Casula,
 - (d) 124 Newbridge Road, Moorebank.
- (2) Development for the purpose of multi dwelling housing is permitted with consent but not on any part of the land that is within 100m of a boundary of the land that adjoins a classified road.

4 Use of certain land at Cecil Park

- (1) This clause applies to land at Cecil Park referred to in clause 7.21 (2) (b) of this Plan that has been subject to an order of the Minister under that clause.
- (2) Development for a purpose that is otherwise permitted with consent on the land and that has been approved in respect of the land under the

Airports Act 1996 of the Commonwealth is permitted without consent if carried out in accordance with that approval.

5 Use of certain land at Edmondson Park in Zone B2

- (1) This clause applies to land in Zone B2 Local Centre at Edmondson Park.
- (2) Development for the purposes of residential flat buildings is permitted with consent.

6 Use of certain land in Liverpool city centre in Zone B1

- (1) This clause applies to land in Zone B1 Neighbourhood Centre in the Liverpool city centre adjacent to the Hume Highway between Forbes Street and Goulburn Street.
- (2) Development for the purpose of residential flat buildings is permitted with consent if part of a mixed use development that contains retail premises.

7 Use of certain land at Moorebank in Zone R4

- (1) This clause applies to land shown coloured pink on the Key Sites Map.
- (2) Development for the purposes of entertainment facilities and restaurants is permitted with consent if it is part of a mixed use development that contains multi dwelling housing.

8 Use of certain land in Liverpool city centre in Zone RE1

- (1) This clause applies to land in Zone RE1 Public Recreation in the Liverpool city centre, bounded by the Hume Highway, Macquarie Street, Campbell Street and Northumberland Street.
- (2) Development for the purposes of restaurants is permitted with consent if the gross floor area of any restaurant is not greater than 125m².

9 Use of certain land for service stations and take away food and drink premises

- (1) This clause applies to land shown coloured yellow on the Key Sites Map.
- (2) Development for the following purposes is permitted with consent:
 - (a) service stations,
 - (b) take away food and drink premises if:
 - (i) there will be no more than 1 take away food and drink premises at each of the areas shown coloured yellow on the Key Sites Map, and

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- (ii) the gross floor area of the take away food and drink premises is not greater than 300m².

10 Use of certain land in Liverpool city centre in Zone R4

- (1) This clause applies to land in Zone R4 High Density Residential in the Liverpool city centre, bounded by Campbell Street, Bigge Street, Lachlan Street and Goulburn Street.
- (2) Development for the purposes of light industry is permitted with consent but only if the industry is medical research and development.
- (3) Development for the purposes of office premises is permitted with consent but only with respect to the medical or health industries.

11 Use of certain land at Moorebank in Zone E2

- (1) This clause applies to Lot 6, DP 1065574 in Zone E2 Environmental Conservation at Newbridge Road, Moorebank.
- (2) Development for the purposes of a resource recovery facility is permitted with consent.
- (3) This clause is repealed on 1 September 2018.

12 Use of certain land at Voyager Point in Zone R2

- (1) This clause applies to Lot 11, DP 803038 in Zone R2 Low Density Residential at The Avenue, Voyager Point.
- (2) Development for the purposes of neighbourhood shops is permitted with consent.

13 Use of certain land at Warwick Farm in Zone B5

- (1) This clause applies to land in Zone B5 Business Development at Warwick Farm.
- (2) Development for the purposes of markets is permitted with consent but only if the markets operate no more than 2 days in any week.

14 Use of certain land at Warwick Farm in Zone IN1

- (1) This clause applies to Lot 10, DP 788368 in Zone IN1 General Industrial at Sappho Road Warwick Farm, known as "Hometown Bulky Goods Centre".
- (2) Development for the purposes of bulky goods premises is permitted with consent but only if the gross floor area of the premises is not greater than 4,000m².

15 Use of certain land at Warwick Farm in Zone IN1

- (1) This clause applies to land in Zone IN1 General Industrial in the following locations:
 - (a) north of the Hume Highway and east of the southern rail line at Warwick Farm,
 - (b) east of Orange Grove Road and north of the Hume Highway at Warwick Farm.
- (2) Development for the following purposes is permitted with consent:
 - (a) service stations,
 - (b) vehicle showrooms.

16 Use of certain land at Warwick Farm in Zone R2

- (1) This clause applies to land in Zone R2 Low Density Residential, east of the southern rail line at Warwick Farm.
- (2) Development for the following purposes is permitted with consent:
 - (a) animal boarding or training establishments,
 - (b) farm buildings,
 - (c) veterinary hospitals.

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Schedule 2 Exempt development

Schedule 2 Exempt development

(Clause 3.1)

Note. A person may carry out an activity specified in this Schedule without obtaining consent from the consent authority, if the person complies with the exemption criteria that applies to the activity (which includes the deemed-to-satisfy provisions of the *Building Code of Australia*). However, the activity must not contravene any condition of a development consent already applying to the land and adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities not specifically set out in this Schedule still apply. (For example, requirements relevant to this Schedule are contained in the Act, the Regulation, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993* and the *Swimming Pools Act 1992* etc).

Access ramps

- (1) Maximum height—600mm.
- (2) Maximum grade—1:14.
- (3) Maximum length—9m.
- (4) Maximum width—1.2m.
- (5) Must be at least 500mm from any property boundary.
- (6) If the ramp is to be used to provide access for persons with a disability, it must comply with AS 1428.1—2001, *Design for access and mobility*, Part 1: *General requirements for access—New building work*.

Advertisements—general requirements

- (1) Must be non-moving.
- (2) Must be at least 600mm from any public road.
- (3) Must be at least 2.6m above any public footpath.
- (4) Must relate to the lawful use of the building (except for temporary signs).
- (5) Must be within the boundary 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 not be detrimental to the character and functioning of the building.
- (8) Must not be on walls facing or adjoining residential premises.
- (9) Must not be an “A” frame sign.
- (10) Must have the consent of the owner of the property on which the sign is located.

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, and
- (b) 1 sign per ground floor premises with street frontage, and
- (c) maximum length—2.5m, and
- (d) maximum height—0.5m, and
- (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, and
- (b) 1 sign per premises or 1 per street frontage, whichever is greater, and
- (c) maximum projection—1.5m, and
- (d) maximum area—1.5m², and
- (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, and
- (b) maximum area—2.5m², and
- (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, and
- (b) maximum area—2.5m², and
- (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, and

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- (b) 1 sign per premises, and
- (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, and
- (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) Must be within 5m of any public entry point to the premises.
- (5) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (6) For multiple occupancy premises, 1 additional business identification sign is permitted at the entrance to each occupied unit, maximum dimensions—1.2m².
- (7) For single occupancy premises, 1 additional business identification sign is permitted, maximum area—50m² or 1m² per 3m of street frontage, 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 a pole or pylon sign).
- (4) If a 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.
- (2) Maximum height—5m.
- (3) Maximum area—5m².
- (4) Must not obstruct the sight line of vehicle 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 within the boundary of the advertised property.
- (4) Must not be flashing.
- (5) Must be removed within 14 days after the premises or land is sold or let.

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.
- (4) Must be removed within 14 days after the premises or land is sold or let.

Advertisements—signs behind the glass line of a shop window in Zone B1, B3, B4, B6 or IN2 (other than brothels)

- (1) Must meet the general requirements for advertisements.
- (2) Must not occupy more than 25% of the area of the window.
- (3) Must not be flashing.

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

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

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- (2) 1 per street frontage.
- (3) Maximum area—1.5m² and maximum height—1.5m in residential and rural zones.
- (4) Maximum area—3.5m² and maximum height—2m in commercial and industrial zones.
- (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—in a site, but not visible from outside of that site (other than brothels)

Must meet the general requirements for advertisements.

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.

Air conditioning units for dwelling houses in rural or residential zones

- (1) Must be at least 3m from any property boundary.
- (2) Must not be in the front setback, unless behind a Council approved fence that is at least 1.8m high.
- (3) Maximum sound power level—60 dB.
- (4) Any opening created must be adequately weatherproofed.
- (5) Must be attached to external wall or ground mounted.
- (6) 1 per premises.

Aviaries in residential zones

- (1) Maximum cumulative area—5m².
- (2) Maximum height—1.8m.
- (3) Must be constructed with non-reflective finishes.

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- (4) Must be on the rear half of the property and be at least 1m from any property boundary.
 - (5) Must not be for chickens, pheasant, partridge, quail, pea fowl or pigeons.
 - (6) Must have a concrete floor graded to a waste collection point, that satisfies any relevant requirements of Sydney Water.

Aviaries in rural zones

- (1) Maximum floor area—20m².
- (2) Maximum height—2.4m.
- (3) Must not be in the front setback.
- (4) Must be at least 3m from any property boundary.
- (5) Must be at least 450mm from any other structure.
- (6) Must not be used for habitable or commercial purposes.
- (7) Must be constructed with non-reflective finishes.
- (8) Must be freestanding.
- (9) Maximum number of chickens, partridges, pea fowl, pheasants, pigeons or quails able to be housed—2.
- (10) If roof area is 12m² 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.

Awnings, pergolas, carports and canopies

- (1) Must be 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) Steel structures must be designed by a qualified engineer.
- (6) Must not be in front setback.
- (7) Maximum area—20m².

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- (8) Maximum cumulative area of all awnings, carports, canopies, cabanas, gazebos, greenhouses and pergolas on the site—30m² in residential zones and 75m² in rural zones.
- (9) Must be constructed with non-reflective finishes.
- (10) If roof area is 12m² 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) Must be in rear yard area or, behind a courtyard wall, with no greater than 200mm of the chimney above the wall.
- (4) Must be at least 1.2m from any pool safety fence.
- (5) Must be at least 450mm from any property boundary.
- (6) Must not create a nuisance to any adjoining property.

Change of use—light industrial premises, office and business premises and shops—general requirements

- (1) Must not involve the carrying out of any alterations other than alterations that are themselves exempt development.
- (2) The new use must be permissible in the zone.
- (3) Must not use curtilage of the premises for storage or display purposes.
- (4) Must not extend the existing hours of operation.

Change of use—light industrial premises in business and industrial zones

- (1) Must meet the general requirements for change of use.
- (2) Must be in a business or industrial zone.
- (3) New use must be for light industrial purposes but not for the purposes of an industrial retail outlet.
- (4) The premises must have a previous approval for light industrial use.
- (5) Maximum gross floor area—1,000m².

- (6) Must have space for loading and unloading vehicles on the premises.
- (7) Must not operate outside the hours of 6.00am to 6.00pm.

Change of use—office and business premises in business zones

- (1) Must meet the general requirements for change of use.
- (2) Must be in a business zone.
- (3) Must use the premises for the purposes of office premises or business premises.
- (4) The premises must have a previous approval for use as office premises or business premises.
- (5) Maximum gross floor area—1,000m².

Change of use—shops in business zones

- (1) Must meet the general requirements for change of use.
- (2) Must be in a business zone.
- (3) Must use the premises for the purposes of a shop.
- (4) The premises must have a previous approval for use as a shop.
- (5) Maximum gross floor area—1,000m².
- (6) Must not result in premises being used for the purposes of food and drink premises, beauty salons, hairdressing salons or be used for the purposes of skin penetration.

Clothes hoists and clothes lines

- (1) Must not be in the front setback.
- (2) Must be installed to the manufacturer's specifications.
- (3) Maximum height—3m.
- (4) Maximum—2 per property.

Concreting or paving

- (1) Must be on a property that contains a dwelling house.
- (2) Must be within the property boundary.
- (3) Must not adversely affect the flow of water onto adjoining properties.
- (4) Must take appropriate measures to collect and dispose of any stormwater.

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- (5) Must be at least 100mm below the base of any weepholes on any structure.
- (6) Must not be on the front setback except for pathways with a maximum width of 1.2m, driveways and concrete or paved private open space.
- (7) Maximum area of concrete and paving—33% of private open space.
- (8) Maximum level by which the ground level (existing) may be raised or lowered—150mm.

Decks

- (1) Must be on a property that contains a dwelling house.
- (2) Maximum area—12m².
- (3) 1 per property.
- (4) Maximum cumulative area of all decks and patios on the site—50m² in residential zones and 75m² in rural zones.
- (5) Must not be forward of the dwelling unless behind an existing Council approved fence with a minimum height of 1.8m.
- (6) Maximum height of deck—400mm.
- (7) Must be at least 900mm from any property boundary.
- (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 carried out within the property boundary.
- (3) Must be demolition of an entire structure, 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) If a structure is likely to have been treated with pesticides, must avoid contact with the top 10–20mm of soil.

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) Maximum height if constructed, in whole or in part, of masonry—1m.

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- (3) Maximum height if constructed of timber, metal or lightweight materials:
- (a) if in the front setback—1.2m, or
 - (b) if elsewhere—1.8m or 1.5m if on a retaining wall.

Filming

- (1) May only be carried out:
 - (a) on private land, or
 - (b) in the Sydney Olympic Park within the meaning of the *Sydney Olympic Park Authority Act 2001*, or
 - (c) on Trust lands within the meaning of the *Royal Botanic Gardens and Domain Trust Act 1980*, or
 - (d) on Trust lands within the meaning of the *Centennial Park and Moore Park Trust Act 1983*, or
 - (e) on part of the foreshore area within the meaning of the *Sydney Harbour Foreshore Authority Act 1998*, or
 - (f) on Crown land.
- (2) May only be carried out on land:
 - (a) on which there is a heritage item, or
 - (b) within a heritage conservation area, or
 - (c) identified in clause 3.3 as an environmentally sensitive area for exempt development,
 if the filming does not involve or result in any of the following:
 - (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
 - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
 - (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
 - (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (3) Must not create significant interference with the neighbourhood.

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- (4) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
- (5) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
- (6) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
 - (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
 - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
 - (c) the proposed location of the filming,
 - (d) the proposed commencement and completion dates for the filming at the location,
 - (e) the proposed daily length of filming at the location,
 - (f) the number of persons to be involved in the filming,
 - (g) details of any temporary structures (for example, tents or marquees) to be erected at the location for the purposes of the filming,
 - (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
 - (i) proposed arrangements for parking vehicles associated with the filming during the filming,
 - (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
 - (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
 - (l) a copy of the public liability insurance policy that covers the filming at the location,

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- (m) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
- (i) an approval by the Roads and Traffic Authority for the closure of a road,
 - (ii) an approval by the Council for the erection of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
 - (iii) an approval by the Environment Protection Authority for an open fire,
 - (iv) an approval by the NSW Police Force for the discharge of firearms,
 - (v) an approval by the Department of Lands for the use of Crown land.
- (7) The person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:
- (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
 - (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
 - (c) the proposed commencement and completion dates for the filming at the location,
 - (d) the proposed daily length of filming at the location.

Flagpoles

- (1) Maximum flag area—2m².
- (2) Maximum height—6m.
- (3) Must not project beyond property boundary.
- (4) Must be installed to the manufacturer's specifications.
- (5) Must not be used to display an advertisement.
- (6) Only 1 per property.
- (7) 1 flag per flagpole.
- (8) Must not cause an audible nuisance.

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Garden sheds and greenhouses

- (1) Maximum floor area—20m².
- (2) Maximum cumulative area of all garden sheds and greenhouses on the site—20m² in residential zones and 40m² in rural zones.
- (3) Maximum height—2.4m.
- (4) Must not be in the front setback.
- (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 be constructed with non-reflective finishes.
- (9) Must be freestanding.
- (10) If roof area is 12m² 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 dismantled on completion of all construction works.

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 within the property boundary.
- (4) 1 per dwelling house and a maximum of 2 per property.

Minor alterations to buildings

- (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) If residential premises, must not involve the removal or replacement of a load-bearing member.
- (5) If residential premises, must not involve the conversion of a non-habitable room to a habitable room.

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.
- (4) Must not be in a swimming pool area or less than 1.2m from a pool safety fence.
- (5) Must not be in the front setback, unless behind a Council approved fence that is at least 1.8m high.

Privacy screens

- (1) Maximum height above ground level (existing)—2.1m.
- (2) Maximum length—10m.
- (3) Must not be in the front setback.
- (4) Must be constructed of timber or lattice.
- (5) Screening material must be at least 30% transparent if over 1.8m above ground level (existing).
- (6) Must not be attached to any boundary fence.

Rainwater tanks

- (1) Must not be installed or erected on land:
 - (a) that is within a heritage conservation area or within the curtilage of a heritage item, or

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- (b) that is within 40m of a perennial watercourse identified by a 1:50,000 topographic map held by the Department of Lands, or
 - (c) the surface of which has a slope greater than 18 degrees from the horizontal, or
 - (d) that is a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.
- (2) Must be located:
- (a) behind the front alignment to the street of the building to which the tank is connected (or in the case of a building on a corner block, behind both the street front and the street side alignments of the building), and
 - (b) at least 450mm from any property boundary.
- (3) Must not be installed or erected:
- (a) over or immediately adjacent to a water main or sewer main unless it is installed in accordance with any requirements of the public authority that has responsibility for the main, or
 - (b) over any structure or fitting used by a public authority to maintain a water main or sewer main, or
 - (c) on a footing of any building or other structure, including a retaining wall.
- (4) The installation or erection of the rainwater tank must not:
- (a) require a tree to be removed, or
 - (b) involve the excavation of more than 1m from the existing ground level, or the filling of more than 1m above the existing ground level.
- (5) Subject to this clause, the capacity of the rainwater tank, or the combined capacity of the tanks, on a lot must not exceed 10,000L (or in the case of a tank or tanks used for an educational establishment, 25,000L).
- (6) The rainwater tank must:
- (a) be designed to capture and store roof water from gutters or downpipes on a building, and
 - (b) be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank, and
 - (c) be structurally sound, and

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- (d) be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank, and
 - (e) be assembled and installed in accordance with the manufacturer's or tank designer's specifications, and
 - (f) be installed and maintained (including any stand for the tank) in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed, and
 - (g) be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures, and
 - (h) be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water, and
 - (i) have a sign affixed to it clearly stating that the water in the tank is rainwater.
- (7) The rainwater tank must not:
- (a) collect water from a source other than gutters or downpipes on a building or a water supply service pipe, or
 - (b) exceed 3m in height above ground level, including any stand for the tank.
- (8) Any overflow from the rainwater tank must be directed into an existing stormwater system.
- (9) Any plumbing work undertaken on or for the rainwater tank that affects a water supply service pipe or a water main must be undertaken:
- (a) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and
 - (b) in accordance with any requirements by the public authority for the plumbing work, and
 - (c) by a licensed plumber in accordance with the *New South Wales Code of Practice for Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.
- (10) Any motorised or electric pump used to draw water from the rainwater tank or to transfer water between rainwater tanks:
- (a) must not create an offensive noise, and
 - (b) in the case of a permanent electric pump, must be installed by a licensed electrician.

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Re-cladding of roofs and walls

- (1) Must only involve replacing existing materials with similar materials that 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 constructed with non-reflective finishes.

Retaining walls

- (1) The footing, wall and associated drainage must be within the property boundary.
- (2) Must provide a drain connected to a stormwater disposal system along the wall.
- (3) If not associated with the construction of a dwelling, maximum height—300mm in residential, commercial and industrial zones and 600mm in rural zones.

Satellite TV dishes

- (1) Must not be installed or erected:
 - (a) on land within a heritage conservation area or within the curtilage of a heritage item, or
 - (b) less than 1m from any easement or sewer main.
- (2) Must be installed or erected wholly within the boundaries of a property.
- (3) If roof mounted, must have a diameter not exceeding 90cm (excluding any projecting feed element) and its height at any point must not exceed the highest point of the roof (if the roof is peaked) or 1.2m above the roof (if the roof is flat).
- (4) If ground mounted, must have a diameter not exceeding 90cm (excluding any projecting feed element) and its height must not exceed 1.2m above the highest point of the roof of the dwelling on which, or adjacent to which, it is erected.
- (5) If installed or erected on land within a Business or Industrial zone, must comply with the following:
 - (a) if roof mounted, must have a diameter not exceeding 1.8m (excluding any projecting feed element) and its height at any point must not exceed 1.8m above the highest point of the roof structure,

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- (b) if ground mounted, must have a diameter not exceeding 1.8m (excluding any projecting feed element) and its height must not exceed 1.8m above the highest point of the roof of any building on which, or adjacent to which, it is erected.
 - (6) Must be installed in accordance with the manufacturer's specifications and any relevant standard specified by Standards Australia.
 - (7) Must not affect the structural integrity of any building on which it is erected.

Scaffolding

Must not encroach on any public road or footpath or public thoroughfare.

Skylights and roof windows in dwellings

- (1) Maximum total cumulative area of light wells or skylights—5% of the total roof area of the dwelling.
- (2) Must be at least 900mm from any property boundary or any wall separating attached dwellings.
- (3) Minimum height above the floor level of the room to which it serves—2.4m.
- (4) Associated building work must not reduce the structural integrity of the building.
- (5) Must weatherproof any opening created.
- (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) Must adequately weatherproof any opening created.
- (4) If roof mounted, the base must be flush with the roofline.

Storm blinds

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

- (1) Maximum area of each blind—10m².
- (2) Must be within the property boundary.

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Temporary buildings (other than temporary work sheds)

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

Temporary work sheds

- (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 on 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 within the property boundary.

Tents or marquees used solely for filming purposes

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m².
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m²,
 - (b) 2 exits in any other case.

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- (5) Width of each exit must be at least:
 - (a) 800mm if the floor area of the tent or marquee is less than 150m²,
or
 - (b) 1m in any other case.
 - (6) Height of the walls must not exceed:
 - (a) 4m if erected on private land, or
 - (b) 5m in any other case.
 - (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
 - (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
 - (a) AS/NZS 1170.0:2002, *Structural design actions—General principles*,
 - (b) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*,
 - (c) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*.
 - (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

Water heaters (excluding solar water systems)

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

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(Clause 3.2)

Part 1 Types of Development

Note. A person may carry out an activity specified in this Schedule without getting a development approval from the consent authority, if the person obtains a complying development certificate and complies with the criteria that applies to the activity (which includes the deemed-to-satisfy provisions of the *Building Code of Australia*).

However, the activity must not contravene any condition of a development consent already applying to the land and adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities not specifically set out in this Schedule still apply. (For example, requirements relevant to this Schedule are contained in the Act, the Regulation, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993* and the *Swimming Pools Act 1992* etc).

Alterations and additions to industrial and warehouse buildings in industrial zones

- (1) Must not be on lots that are adjacent to land in residential or recreation zones.
- (2) Must not involve change to the use of the premises.
- (3) Maximum additional floor area—1,000m² or 25% of existing floor area (whichever is the lesser).
- (4) Maximum floor space ratio—1:1.
- (5) Maximum height of any structure—8.5m.
- (6) Minimum setback for any structure:
 - (a) from an arterial road (or arterial road widening)—20m, or
 - (b) from a local road (or local road widening)—10m, or
 - (c) from other boundaries—5m.
- (7) Minimum setback for any paved area wider than 1.5m:
 - (a) from an arterial road (or arterial road widening)—5m, or
 - (b) from a local road (or local road widening)—5m, or
 - (c) from other boundaries—3.5m.
- (8) Must have at least one window opening, door opening or other wall variation of more than 50mm for every 20m of wall length facing the front boundary.
- (9) Earthworks must not extend more than:
 - (a) 900mm above ground level (existing), or
 - (b) 600mm below ground level (existing).

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- (10) Any roof or surface drainage area must have a drainage system that:
 - (a) captures the roof or surface water, and
 - (b) discharges that water into the inter-allotment or street stormwater drainage system, and
 - (c) limits the rate of discharge into Council's kerb and gutter to less than 20 litres per second without using on-site detention systems, and
 - (d) caters for a 1 in 20 year storm event and directs excess water over land to the street.
 - (11) Must provide and maintain, adjacent to any street, a landscaped area with a minimum width of 5m that is designed by a suitably qualified landscape architect and that has mounding to a height of at least 600mm along the majority of any frontage to an arterial road.
 - (12) Must ensure that there are in each landscaped area at least 3 trees (that grow to a mature height of over 5m and are not exempt trees), 6 shrubs (that grow to a mature height of over 1.5m) and 20 smaller plants.
 - (13) Must provide a landscaped bay with a minimum width of 1.5m containing at least 1 tree that is not an exempt tree, at the end of, at least, every 10 car parking spaces in the front setback.
 - (14) Must provide at least 1 car parking space for every 40m² of gross floor area of any building used for the purpose of office premises and at least 1 car parking space for every 70m² of gross floor of any building used for any other purpose.
 - (15) Must not reduce any vehicle loading area or remove any such area.
 - (16) Must not change the location or number of driveway entries onto the property.
 - (17) Driveways must:
 - (a) be at least 10m from any road intersection, and
 - (b) be no wider than 7m crossing any landscaped strip to the front street or a side street, and
 - (c) permit all vehicles to enter and exit the site in a forward direction.
 - (18) Must locate garbage and storage areas behind the building line for each street frontage.

Bed and breakfast accommodation in rural or residential zones

- (1) Must be carried out in a lawfully existing dwelling house.
- (2) Maximum number of guest bedrooms—3.
- (3) Minimum number of bathrooms—2.

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- (4) Must have a fire extinguisher and fire blanket in the kitchen.
- (5) Must not be in a dwelling house subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*.

Changes to commercial premises in business zones

- (1) Must be either:
 - (a) minor internal alterations (and any associated demolition), or
 - (b) the change of use from retail premises, business premises or office premises to any other one of those uses.
- (2) Maximum floor area involved—1,000m².
- (3) Must not increase the total floor area of the building.
- (4) Any new use:
 - (a) must be permissible in the relevant zone, and
 - (b) must replace a former lawful use, and
 - (c) must comply with any applicable existing conditions of development consent, and
 - (d) must not be for the purposes of food and drink premises, a beauty salon, hairdressing salon or skin penetration premises.

Demolition of single storey dwelling houses and outbuildings

- (1) Must be demolition of a building or structure, the demolition of which is necessary to enable the erection of a dwelling house under this Schedule.
- (2) Must not involve the demolition of a building or structure that has more than one storey.
- (3) Must be undertaken in accordance with AS 2601—2001, *Demolition of structures*.

Dwelling houses in Zones R1, R2, R3 and R4

- (1) Must be the construction of a dwelling house including any ancillary development related to that house (such as garages, awnings or swimming pools).
- (2) Must be entirely in a residential zone other than Zone R5 Large Lot Residential.
- (3) Minimum width of property street frontage—12m.
- (4) Minimum area of property—400m².
- (5) Maximum floor space ratio—0.5:1.

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- (6) The setback from the front property boundary:
 - (a) to the dwelling house must be between 4.5m and 7m or at least 7m if the front property boundary fronts a classified road, and
 - (b) to any part of a second storey of the dwelling house must be at least 5.5m.
 - (7) Minimum setback from the rear property boundary:
 - (a) to the rear ground floor walls of the dwelling house—5m, and
 - (b) to the rear second storey walls of the dwelling house—8m.
 - (8) Maximum height of any structure (other than a structure that is exempt development)—8.5m.
 - (9) Maximum height of a single storey structure (other than a structure that is exempt development)—5m.
 - (10) Maximum height of a structure in the front setback—1.2m.
 - (11) Maximum height of a structure within 2.5m of the rear property boundary—2.4m.
 - (12) Maximum height of a structure within 3m of a side property boundary—7m.
 - (13) Maximum height of a structure within 900mm of a side property boundary—3.3m.
 - (14) Maximum height of a structure within 450mm of side or rear property boundary—2.1m.
 - (15) Must not prevent at least 3 hours of direct sunlight between 9:00 am and 5:00 pm on 21 June:
 - (a) to the main living area windows of any dwelling on adjoining properties, and
 - (b) to at least 50% of the main area of private open space on the property or any neighbouring properties.
 - (16) Maximum number of storeys—2.
 - (17) Maximum height of the ground floor level—800mm above ground level (existing).
 - (18) Maximum height of any raised platform (associated with a deck, retaining wall, fill or otherwise) behind the front setback—800mm but if within 3m of any property boundary—300mm.
 - (19) Earthworks must not extend more than:
 - (a) 300mm above ground level (existing), or
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- (b) 500mm above ground level (existing) if retained behind an edge beam wall of the dwelling, or
 - (c) 500mm below ground level (existing).
- (20) Maximum width of any second storey wall facing the front boundary—70% of the building's total width.
 - (21) Maximum second storey depth within 5m of either side boundary (not including balconies)—12m.
 - (22) Maximum depth of any second storey balcony—2.2m.
 - (23) Any second storey balcony more than 9m from the front property boundary must be at least 5m from any side property boundary.
 - (24) Any second storey balcony must be at least 8m from the rear property boundary.
 - (25) Maximum height between a floor and the ceiling above—4.5m.
 - (26) Minimum height between a floor in a habitable area and the ceiling above—2.4m.
 - (27) Minimum window sill heights for windows on the second storey that face, or are less than 3m from, a side boundary—1.5m.
 - (28) Materials, colours and finishes must be visually compatible with those existing in the surrounding area.
 - (29) Must provide and maintain, on the rear half of the property, a soft landscaped area of at least 50m² with a minimum width of 3m that has no hard paved surface other than garden edging, retaining structure or similar.
 - (30) Must ensure that there are at least 1 tree (that grows to a mature height of over 5m and is not an exempt tree), 5 shrubs (that grow to a mature height of over 1.5m) and 15 smaller plants.
 - (31) Must provide and maintain at least 2 car parking spaces, 1 that is behind the building line and is at least 3m wide and 5.5m long (that must be covered) and 1 that is at least 2.5m wide and 5.5m long (that may be covered but only if it is behind the building line).
 - (32) Maximum width of driveways at the property boundary:
 - (a) if to the front street—3.5m, or
 - (b) if to a side or rear street—6m.
 - (33) Minimum distance of driveways from any road intersection—6m.
 - (34) Driveways outside the property boundary must be constructed at right angles to the kerb and guttering and must be at least 500mm from any telegraph pole, street furniture or drainage structure.

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- (35) Maximum gradient of driveways—1:5.
 - (36) Driveways with a gradient of more than 1:12 must have (within the property boundary) a transition zone of at least 2m that has a maximum average gradient of 1:12.
 - (37) Any covered outdoor area (including awnings, pergolas, gazebos, verandahs, entry foyers or similar) must be open for at least 50% of its perimeter between 1m and 2m above the inside floor level.
 - (38) Any structure with a roof area of more than 10m² must have guttering and downpipes that capture the water from the roofed area and discharge that water:
 - (a) into the inter-allotment or street stormwater drainage system, or
 - (b) into rainwater tanks that discharge any overflow into any such stormwater system.
 - (39) Maximum area of any swimming pool or spa pool—30m².
 - (40) Any swimming pool or spa pool:
 - (a) must be on the rear half of the property, and
 - (b) must be at least 1.2m from any side or rear property boundary, and
 - (c) must be at least 4m from the principal access point to the main living areas of the dwelling, and
 - (d) must be surrounded by a graded surface that diverts water away from the pool, buildings and neighbouring properties,
 - (41) Maximum height of any coping or decking around a swimming pool or spa pool—800mm above ground level (natural) or if within 3m of any side or rear property boundary—300mm above ground level (natural).
 - (42) Maximum noise level of any mechanical equipment associated with a swimming pool or spa pool (including pool filters, water tank pumps, air conditioning units or similar) at any property boundary—5dBA above ambient background noise level.

Dwelling houses in Zones R1, R2, R3 and R4—additional standards if on a property that is equal to or greater than 400m² and less than 600m²

- (1) The minimum setback from any side property boundary:
 - (a) to one ground floor wall of the dwelling that is less than 6m in length—450mm, and
 - (b) to other ground floor walls of the dwelling—900mm or if the side property boundary fronts a secondary street—2.5m, and
 - (c) to the second storey walls of the dwelling—1.3m or if the side property boundary fronts a secondary street—4m.

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- (2) Must provide and maintain, on the rear half of the property, private open space of at least 100m² with a minimum width of 4m.
- (3) Must provide and maintain, on the front setback, a soft landscaped area of at least 20m² with a minimum width of 3m that has no hard paved surface other than garden edging, retaining structure or similar.
- (4) Maximum width of any garage or carport (including walls)—6.2m or if on the front half of a property that is less than 13m wide—4.5m.
- (5) Any garage or carport must be set back at least 1m behind the front wall of the dwelling closest to the street.

Dwelling houses in Zones R1, R2, R3 and R4—additional standards if on a property that is equal to or greater than 600m² and less than 1,000m²

- (1) The minimum setback from any side property boundary:
 - (a) to the ground floor walls of the dwelling—900mm or if the side property boundary fronts a secondary street—3m, and
 - (b) to the second storey walls of the dwelling—1.3m or if the side property boundary fronts a secondary street—4m.
- (2) Must provide and maintain, on the rear half of the property, private open space of at least 200m² with a minimum width of 4.5m.
- (3) Must provide and maintain, on the front half of the property, a soft landscaped area of at least 50m² with a minimum width of 5m that has no hard paved surface other than garden edging, retaining structure or similar.
- (4) Maximum width of any garage or carport (including walls)—6.2m or if on the front half of a property that is less than 13m wide—4.5m.
- (5) Any garage or carport must be set back at least 1m behind the front wall of the dwelling closest to the street.

Dwelling houses in Zone R5 Large Lot Residential

- (1) Must be the construction of a dwelling house including any ancillary development related to that house (such as garages, awnings or swimming pools).
- (2) Must be entirely in Zone R5 Large Lot Residential.
- (3) The property must have a street frontage width of at least 20m and an area of at least 2,500m².
- (4) Maximum floor space ratio—0.1:1.

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- (5) The setback from the front property boundary:
 - (a) to the front wall of the dwelling house closest to the street must be between 12m and 25m, and
 - (b) to any other front walls of the dwelling house that are over 2m wide must be between 4.5m and 8m.
 - (6) Maximum width of the dwelling (not including ancillary components)—20m.
 - (7) Maximum depth of the dwelling (not including ancillary components)—20m.
 - (8) Minimum setback from the rear property boundary to the rear walls of the dwelling—12m.
 - (9) Minimum setback from side property boundaries to the walls of the dwelling—5m.
 - (10) Maximum height of any structure (other than a structure that is exempt development)—8.5m.
 - (11) Maximum height of a single storey structure (other than a structure that is exempt development)—5m.
 - (12) Maximum number of storeys—2.
 - (13) Maximum height of the ground floor level—800mm above ground level (existing).
 - (14) Maximum height of any raised platform (associated with a deck, retaining wall, fill or otherwise) behind the front setback—800mm but if within 3m of any property boundary—300mm.
 - (15) Earthworks must not extend more than:
 - (a) 300mm above ground level (existing), or
 - (b) 500mm above ground level (existing) if retained behind an edge beam wall of the dwelling, or
 - (c) 500mm below ground level (existing).
 - (16) Maximum depth of any second storey balcony—3m.
 - (17) Any second storey balcony must be at least 10m from the rear property boundary.
 - (18) Maximum height between a floor and the ceiling above—4.5m.
 - (19) Minimum height between a floor in a habitable area and the ceiling above—2.4m.
 - (20) Materials, colours and finishes must be visually compatible with those existing in the surrounding area.
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- (21) Must provide and maintain, on the rear half of the property, private open space of at least 300m² with a minimum width of 6m.
- (22) Must provide and maintain, on the rear half of the property, a soft landscaped area of at least 100m² with a minimum width of 5m that has no hard paved surface other than garden edging, retaining structure or similar.
- (23) Must provide and maintain, on the front setback, a soft landscaped area of at least 15m² with a minimum width of 2.5m that has no hard paved surface other than garden edging, retaining structure or similar.
- (24) Must ensure that there are at least 3 trees (that grow to a mature height of over 5m and are not exempt trees), 6 shrubs (that grow to a mature height of over 1.5m) and 20 smaller plants.
- (25) Must provide and maintain at least 2 car parking spaces, 1 that is behind the building line and is at least 3m wide and 5.5m long (that must be covered) and 1 that is at least 2.5m wide and 5.5m long (that may be covered but only if behind the building line).
- (26) Maximum width of any garage or carport (including walls)—7m (unless entirely behind the dwelling).
- (27) Any garage or carport must be set back at least 1m behind the front wall of the dwelling closest to the street.
- (28) Maximum width of driveways at the property boundary—6m.
- (29) Minimum distance of driveways from any road intersection—6m.
- (30) Driveways outside the property boundary must be constructed at right angles to the kerb and guttering and must be at least 500mm from any telegraph pole, street furniture or drainage structure.
- (31) Any covered outdoor area (including awnings, pergolas, gazebos, verandahs, entry foyers or similar) must be open for at least 50% of its perimeter between 1m and 2m above the inside floor level.
- (32) Any structure with a roof area of more than 10m² must have guttering and downpipes that capture the water from the roofed area and discharge that water:
 - (a) into the inter-allotment or street stormwater drainage system, or
 - (b) into rainwater tanks that discharge any overflow into any such stormwater system.
- (33) Maximum area of any swimming pool or spa pool—50m².
- (34) Any swimming pool or spa pool:
 - (a) must be behind the dwelling, and

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- (b) must be at least 1.2m from any side or rear property boundary, and
 - (c) must be at least 4m from the principal access point to the main living areas of the dwelling, and
 - (d) must be surrounded by a graded surface that diverts water away from the pool, buildings and neighbouring properties.
- (35) Maximum height of any coping or decking around a swimming pool or spa pool—900mm above ground level (natural) or if within 3m of any side or rear property boundary—400mm above ground level (natural).
- (36) Maximum noise level of any mechanical equipment associated with a swimming pool or spa pool (including pool filters, water tank pumps, air conditioning units or similar) at any property boundary—5dBA above ambient background noise level.

Garden sheds ancillary to multi dwelling housing and residential flat buildings

- (1) 1 per building.
- (2) Must not be attached to a dwelling.
- (3) Must not be in the front setback.
- (4) Maximum height:
 - (a) 3m, or
 - (b) if within 900mm, but not within 450mm, of any property boundary—2.7m, or
 - (c) if within 450mm of any property boundary—2.1m.
- (5) Maximum roof area—12m².
- (6) Maximum floor height—150mm.
- (7) Windows or glazed panels must be at least 900mm from any property boundary.

Part 2 Complying development certificate conditions

Note.Information relevant to this Part is also contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, the *Protection of the Environment Operations Act 1997* and the *Roads Act 1993*.

Conditions that apply before work begins

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

- (a) give any occupier of adjoining premises at least 2 days' notice before work begins, and

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Schedule 3 Complying development

- (b) provide a temporary on-site toilet or access to an existing toilet on site, and
- (c) protect and support any neighbouring buildings that might be affected by the proposed development, and
- (d) protect any public place from obstruction or inconvenience caused by the carrying out of the proposed development, and
- (e) set up barriers sufficient to prevent any substance from the site falling onto a public place.

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.

Demolition

- (1) The person having the benefit of the complying development certificate must ensure that demolition work does not adversely affect any neighbouring properties with dust, noise, traffic, falling objects or underpinning.
- (2) The person having the benefit of the complying development certificate must ensure that sedimentation and erosion preventative measures are undertaken in respect of demolition work 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.

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.)

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) registration.

Notification to Council on completion

The Council must be notified that all works have been completed within a reasonable time after the completion of the works.

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Schedule 4 Classification and reclassification of public land

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

Column 1	Column 2	Column 3
Locality	Description	Any trust etc not discharged
Nil		

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Division 1 Liverpool other than Liverpool city centre

Suburb	Item name	Address	Property description	Significance	Item No
Ashcroft	Memorial gates, Ashcroft High School (former Ashcroft Homestead, St Luke's Rectory gates)	108–130 Maxwells Avenue	Lot 904, DP 225306	Local	1
Badgerys Creek	St John's Anglican Church Group, including church and cemetery (former Badgerys Creek Anglican Church Group)	Pitt Street	Lot 1, DP 838361	Local	2
Badgerys Creek	Badgerys Creek Public School	Corner of Pitt Street and Badgerys Creek Road	Lot 1, DP 838361	Local	3
Bringelly	Two water tanks (former water supply to OTC staff)	Badgerys Creek Road	Lot 2, DP 109666	Local	4
Bringelly	Former OTC Site Group, including radio receiving station and site of former staff housing	Badgerys Creek Road	Lot 1, DP 109666	Local	5

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Bringelly	Dwelling and rural lot ("Mount Pleasant")	3 Shannon Road	Lot 44, DP 581187	Local	6
Bringelly	Bringelly Public School Group, including schoolhouse and former headmaster's residence	1205 The Northern Road	Lot 50, DP 746911	Local	7
Bringelly	Kelvin Park Group, including site landscaping, homestead, kitchen wing, servant's quarters, coach house, 2 slab barns and other works and relics (former "The Retreat", cottage vale, stables and lock-up)	30 The Retreat	Lot 271, DP 803167	State	8
Casula	Dwelling	28 Canberra Avenue	Lot 4, Sec C, DP 7633	Local	9
Casula	Casula Powerhouse (former power station)	Casula Road	Lots 1 and 2, DP 106957; Lot 1, DP 1115187	Local	10
Casula	Railway Viaduct	300m south of Casula Powerhouse, Main Southern Railway Line		Local	11
Casula	Two railway viaducts	Woodbrook Road, Main Southern Railway Line		Local	12

Suburb	Item name	Address	Property description	Significance	Item No
Casula	Dwelling ("Dockra")	8 Dunmore Crescent	Lot 1, DP 530893	Local	13
Casula	Glenfield Farm Group, including homestead, barn (former dairy and stables)	Leacocks Lane	Lot 22, DP 552488	State	14
Cecil Hills	Sydney Water Supply Upper Canal	Denham Court to Cecil Hills	Lot B, DP 392726; Lot 1, DP 596355; Lot 21, DP 1109551; Lot 12, DP 1055232; Lot 1, DP 613552; Lots 1 and 2, DP 1086645; Lot 2, DP 596352; Lot 1, DP 725231; Lots 1-4, DP 596351	State	15
Cecil Hills	Cecil Hills Farm Group, including site landscaping, homestead, shearing shed, archaeological sites, garage, stables, cow bails, outbuildings, sheep dip, gallows and stockyards (former kitchen and dairy)	Sandringham Drive	Lots 162 and 163, DP 880335	State	16
Cecil Park	Liverpool Offtake Reservoir	Elizabeth Drive, Liverpool Dam	Lot 11, DP 1055232	State	17

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Chipping Norton	Chipping Norton Public School	4 Central Avenue	Lot 1, DP 194411; Lot 1, DP 601876; Lot 299, DP 752034	Local	18
Chipping Norton	The Homestead Group, including main house and remnant landscape features and cistern	Charlton Avenue	Part Lot 354, DP 752034; Lot 1, DP 644571	State	19
Chipping Norton	Dwelling	2 and 4 Epsom Road	Lots 200 and 201, DP 712984	Local	20
Chipping Norton	Palm trees (<i>Phoenix canariensis</i>)	Corner of Governor Macquarie Drive and Epsom Road	Adjacent to Lot 3, DP 602936	Local	21
Chipping Norton	Avenue of trees	Riverside Park, fronting Riverside Road	Lots 62 and 63, Sec 2, DP 2411; Lot 7017, DP 1028106; Lot 17, DP 662900	Local	22
Denham Court	St Mary the Virgin Church and Cemetery Group, including church and churchyard	Church Road	Lot 19, DP 725739	State	23
Greendale	Shadforth Monument (former pioneer's monument)	Greendale Road	Lot 1, DP 520904	Local	24

Suburb	Item name	Address	Property description	Significance	Item No
Greendale	Private dwelling (former St Mark's Anglican Church Group, including church cemetery)	Greendale Road	Lot 1, DP 742417	State	25
Greendale	Greendale Roman Catholic Cemetery	Greendale Road	Lot 1, DP 195955	State	26
Greendale	Remnants of former farm homestead ("Pemberton")	Greendale Road	Lots 1 and 2, DP 1115589	Local	27
Greendale	Bents Basin Inn site	Wolstenholme Avenue	Lots 203 and 204, DP 249320; Lots 84 and 85, DP 751294	State	28
Hammondville	Hammondville Home for Senior Citizens	Judd Avenue	Lot 931, DP 1102273; Lot 152, DP 717956	Local	29
Hammondville	St Anne's Anglican Church	Corner of Walder Road and Stewart Avenue	Lot 4, DP 238694	Local	30
Holsworthy	Holsworthy pedestrian bridge (former railway bridge)	Harris Creek and Heathcote Road		Local	31

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Holsworthy	Holsworthy Group, including powder magazine and former officers' mess, corporals' club, internment camp, Holsworthy railway station lock-up/gaol, German concentration camp	Heathcote Road (off)	Lot 1, DP 825745; Part Lot 820, DP 1011240; Lot 2, DP 1048198; Part Lot 32, DP 848597; Part Lot 10, DP 1091209	State	32
Holsworthy	Remount Park	Heathcote Road	Lot 1, DP 825754; Part Lot 1, DP 610116; Lot 100, DP 852860; Lot 100, DP 752034	Local	33
Holsworthy	Cubbitch Barta National Estate	Old Illawarra Road	Lot 1, DP 825754	State	34
Horningsea Park	Horningsea Park Group, including site, main house and archaeological features	Camden Valley Way	Lots 1 and 2, DP 1018964	State	35
Ingleburn	Ingleburn village site and lecture hall building (Nissen hut)	Campbelltown Road	Part Lots 1 and 2, DP 831152	Local	36
Ingleburn	Ingleburn Military Heritage Precinct	Campbelltown Road	Part Lot 2, DP 831152	State	37
Kemps Creek	Kemps Creek forest	Gurners Avenue (off)	Lot 11, DP 806494	Local	38

Suburb	Item name	Address	Property description	Significance	Item No
Leppington	Row of Bunya Pines	Bringelly Road	Lot 18, DP 19406	Local	39
Leppington	Brown Memorial and water trough	145 Bringelly Road	Lot 1, DP 725231	Local	40
Leppington	Dwelling and rural lot	1720 Camden Valley Way	Lot 6, DP 205472	Local	41
Liverpool	Obelisk and milestone, Discovery Park, Collingwood Heritage Precinct	40 Atkinson Street	Lot 77, DP 27242	Local	42
Liverpool	Collingwood Heritage Precinct Group, including homestead service wing, horse trough and cistern (former Captain Bunker's Cottage and kitchen block)	Birkdale Crescent (off)	Lot 803, DP 244820; Lot 77, DP 27242; Lots 100 and 101, DP 788434; Lot 2, DP 730829; Lot 781, DP 244820; Lot 184, DP 241158	State	43
Liverpool	2 railway viaducts	Adjacent to 71 and 79A Congressional Drive		Local	44
Liverpool	Mainsbridge School (former "Maryvale")	118 Flowerdale Road	Lot 1, DP 441857	Local	45
Liverpool	Dwelling	443 Hume Highway	Lot 9, DP 4158	Local	46

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Liverpool	Liverpool General Cemetery	Moore and McLean Streets and Flowerdale Road	Lots 6, 7 and 13, Ms 652 Sy; Lots 3 and 10 and Part Lots 4 and 5, Ms 10005 Sy; Lot 14, Ms 22433 Sy; Lot 11, Ms 20611 Sy; Lots 16 and 17, DP 40453; Lots 425 and 426, DP 48284; Lots 443–445, DP 822281; Lot 7030, DP 1059048; Lot 7044, DP 1045353; Lots 7047 and 7048, DP 1059864	Local	47
Liverpool	Dwelling	10 Passefield Street	Lot 1, DP 129637	Local	48
Liverpool	Dwelling	20 Webster Road	Lot 2, DP 519683	Local	49
Luddenham	Willmington Reserve	17 Jamison Street	Lot 7004, DP 93052	Local	50
Luddenham	Vicary's Winery Group, including woolshed, slab horse shed, land area and main house and garden	The Northern Road	Lot 1, DP 838361 (former Lots 10 and 11, DP 251656)	Local	51
Luddenham	Luddenham Public School	The Northern Road	Lot 1, DP 194409	Local	52
Luddenham	Lawson's Inn site (former "The Thistle" site)	2155 The Northern Road	Lots 1 and 2, DP 851626	Local	53

Suburb	Item name	Address	Property description	Significance	Item No
Lurnea	Dwelling	147 Reilly Street	Lot 7, DP 26166	Local	54
Miller	Bridge (former Pitt Street Road Bridge)	Cabramatta Avenue	Lots 100 and 101, DP 1118802	Local	55
Moorebank	Clinch's Pond	Heathcote and Church Roads	Lot 1, DP 664816	Local	56
Moorebank	Australian Army Engineers Group, including RAE Memorial Chapel, RAE Monument, Major General Sir Clive Steele Memorial Gates, Cust Hut	Moorebank Avenue	Lot 500, DP 1075886	Local	57
Moorebank	Kitchener House (formerly "Arpafeelie")	Moorebank Avenue	Lot 1001, DP 1050177	Local	58
Prestons	Remnants of former sandstone cottage ("Benera")	Yarrunga Road	Lot 34, DP 2359	Local	59
Rossmore	Church of the Holy Innocents Group, including church and churchyard	Church Road	Lots 1-4, DP 117688	State	60
Rossmore	Bellfield Farm Group, including homestead, slab kitchen, slab cottage and smoke house	33 Rossmore Avenue	Lot 1, DP 580979	State	61
Sadleir	Memorial stone and plaque	147 Cartwright Avenue (corner of Maxwells Avenue)	Part Lot 735, DP 533701	Local	62

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Voyager Point	Sandstone Weir	Williams Creek		State	63
Warwick Farm	Milestone	Hume Highway (southern side of Hume Highway between George Street and Browne Parade)		State	64
Warwick Farm	Milestone	Hume Highway (southern side of Hume Highway between Warwick Farm Racecourse Gates A and B)		State	65
Warwick Farm	Warwick farm Racecourse Group	Hume Highway	Lot 1, DP 250138; Lots 2 and 3, DP 1040353; Lot 14, DP 578199; Part Lot 1, DP 1040353; Lots 1-3, DP 581034; Lot 1 DP 970591; Lots 1-3, DP 249818; Part Lot 2, DP 581037	State	66
West Hoxton	Kirkpatrick and Boylard Park	225 Fifteenth Avenue	Lot 1, DP 307334	Local	67
West Hoxton	West Hoxton Union Church	Kirkpatrick Avenue	Lot 474, DP 666892	Local	68
West Hoxton	Carnes Hill Vegetation Group	Twenty Fifth Avenue	Lot 8, DP 231528	Local	69

Division 2 Liverpool city centre

Suburb	Item name	Address	Property description	Significance	Item no
Liverpool	Light Horse Park	Atkinson Street	Lot 1, DP 234608; Lot 2, DP 579808	Local	70
Liverpool	Liverpool Public School	Bigge Street	Lots 8 and 9, Sec 61, DP 758620; Lots 1, 2 and 4, DP 878452; Lot 1, DP 50779; Lot 1, DP 178206; Lot 1, DP 178665; Lot 10, DP 303625; Lot 1, DP 956168; Lot 4, DP 797682; Lots 30 and 31 DP 1117676	Local	71
Liverpool	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	72
Liverpool	Former Liverpool Court House	Corner of Bigge and Moore Streets	Lot 442, DP 831058	State	73
Liverpool	Commercial Hotel (former Marsden's Hotel)	Bigge and Scott Streets	Lot 17, DP 1050799; Lots 15, 16 and 18, DP 979379	State	74
Liverpool	Dwelling	13 Bigge Street	Lots 1 and 2, DP 13930	Local	75
Liverpool	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	76

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Liverpool	Dwelling	115 Castlereagh Street	Lot 4, SP 39972	Local	77
Liverpool	Lyndeer House and stables	2 Charles Street	Lot 2527, DP 1111436	Local	78
Liverpool	Cast-iron letterbox	College Street	Adjacent to north-west corner of Lot 1, DP 863491	Local	79
Liverpool	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	80
Liverpool	Apex Park (first Liverpool Cemetery)	Elizabeth Drive and Castlereagh Street	Lot 7027, DP 1027999	State	81
Liverpool	Bigge Park	Elizabeth, College, Moore and Bigge Streets	Lot 702, DP 1056246	State	82
Liverpool	Milestone	Corner of Elizabeth Drive and George Street		Local	83
Liverpool	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	84

Suburb	Item name	Address	Property description	Significance	Item no
Liverpool	All Saints Roman Catholic School	George Street	Lot 1, DP 782355	Local	85
Liverpool	Pylons (former Liverpool railway bridge)	Georges River (near Haig Avenue)	Near Lot 7002, DP 1073063	Local	86
Liverpool	Liverpool Weir	Georges River (near Haig Avenue)	Near Lot 7002, DP 1073063	State	87
Liverpool	Collingwood Inn Hotel	Hume Highway	Lot 1, DP 83770; Lots 1 and 2, DP 563488; Lot 5, DP 701018; Lot D, DP 374057	Local	88
Liverpool	Plan of Town of Liverpool (early town centre street layout—Hoddle 1827)	Streets in 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	89
Liverpool	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; Part Lots 1 and 2, Sec 24, DP 758620; Lots 1–4, Sec 34, DP 758620	State	90
Liverpool	Commercial building (formerly Rural Bank and State Bank)	Macquarie Street and Memorial Avenue	Lot 11, DP 20730	Local	91

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Liverpool	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	92
Liverpool	Macquarie Monument	Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street)		Local	93
Liverpool	Row of 3 palm trees	Macquarie Street median strip, opposite 306 Macquarie Street	Lot 1, DP 119905	Local	94
Liverpool	The Corner Pub (former Liverpool Hotel)	214 Macquarie Street (corner of Moore Street)	Lot 1, DP 111765	Local	95
Liverpool	Commercial building	261–263 Macquarie Street	Lot 1, DP 200052; Lot 8, DP 1103087	Local	96
Liverpool	Legend Hotel	269 Macquarie Street	Lot 1, DP 519133	Local	97
Liverpool	Commercial building	275–277 Macquarie Street	Lot 2, DP 519133	Local	98
Liverpool	Memorial School of Arts	306 Macquarie Street	Lot 1, DP 119905	Local	99
Liverpool	Dr James Pirie Child Welfare Centre Building (formerly Child Welfare Centre)	Moore and Bigge Streets	Lot 701, DP 1056246	Local	100
Liverpool	Commercial building	14 Scott Street	Lot 1, DP 208270	Local	101

Suburb	Item name	Address	Property description	Significance	Item no
Liverpool	Commercial building (former out-building to former Golden Fleece Hotel and former Eugene's laundry)	16 Scott Street	Lot 3, DP 588103	Local	102
Liverpool	Golden Fleece Hotel	Corner of Scott and Terminus Streets	Lot 100, DP 716185	Local	103
Liverpool	McGrath Services Centre Building (formerly Challenge Woollen Mills, and Australian Paper Company's Mill)	Shepherd and Atkinson Streets	Lot 1, DP 247485	Local	104
Liverpool	Railway Viaduct	Shepherd Street and Mill Road, Main Southern Railway Line		Local	105
Liverpool	Residential building ("Del Rosa")	7 Speed Street	Lots 13 and 14, DP 13536	Local	106
Liverpool	Residential building ("Rosebank") (former Queen's College)	17 Speed Street	Lot 1, DP 567283	State	107
Liverpool	Cottage	27 Speed Street	Lot 40, DP 1091733	Local	108
Liverpool	Liverpool Fire Station	70-78 Terminus Street	Lot 1, DP 91748	Local	109
Warwick Farm	Berryman Reserve	4 Remembrance Drive	Lot 1, DP 744448; Lot A, DP 432628	Local	110

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Schedule 5 Environmental heritage

Part 2 Heritage conservation areas

Division 1 Liverpool other than Liverpool city centre

Suburb	Item name	Address	Property description	Significance	Item no
Warwick Farm	Warwick Farm Conservation Area (group of 8 dwellings)	Area bounded by Munday, Warwick and Manning Streets as shown hatched red on the Heritage Map		Local	

Division 2 Liverpool city centre

Suburb	Item name	Address	Property description	Significance	Item no
Liverpool	Bigge Park Conservation Area	Area bounded by and including College, Goulburn, Railway, Scott and Bigge Streets as shown hatched red on the Heritage Map	Lot 1, DP 234608; Lot 2, DP 579808	State	

Part 3 Archaeological sites

Suburb	Item Name	Address	Property Description
Nil			

Schedule 6 Exempt trees

(Dictionary)

Botanical Name	Common Name
<i>Salix</i> species	Willow
<i>Populus</i> species	Poplar
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Erythrina x sykesii</i>	Coral Tree
<i>Ficus elastica</i> and hybrids	Ornamental Rubber Tree
<i>Cupressus macrocarpa</i>	Golden Cypress
<i>Lagunaria patersonia</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i> species	Large-leaved Privet
<i>Ligustrum sinense</i> species	Small-leaved Privet
<i>Olea africana</i>	African Olive
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Syagrus romanzoffiana</i>	Cocos Palm
<i>Toxicodendron succedaneum</i>	Rhus Tree
<i>Gleditsia triacanthos</i>	Honey Locust

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Dictionary

Dictionary

(Clause 1.4)

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 Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

Acid Sulfate Soils Map means the Liverpool Local Environmental Plan 2008 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.

affordable housing has the same meaning as in the Act.

Note.The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means an 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 any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,
- (e) intensive livestock agriculture,
- (f) intensive plant agriculture.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

Airport Noise Map means the Liverpool Local Environmental Plan 2008 Airport Noise Map.

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) 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 hospital.

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*).

This Dictionary also contains definitions of **natural water-based aquaculture**, **pond-based aquaculture** and **tank-based aquaculture**.

archaeological site means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) that contains one or more relics.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and

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Dictionary

(c) none of the dwellings is located above any part of another dwelling.

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 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.

Note. See clause 5.4 for controls relating to the number of bedrooms.

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

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

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 group home, 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.

brothel has the same meaning as in the Act.

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).

building height (or **height of building**) means the vertical distance between ground level (existing) at any point to the 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) bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or

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- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from 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 or hire or display 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.

bush fire prone land has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

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 or on which:

- (a) 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, or
- (b) a service is provided directly to members of the public on a regular basis,

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those

functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

cemetery means a building or place for the interment of deceased persons or their ashes.

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.

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 building or place used for home-based child care, 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

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- (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 foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal lake means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

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:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

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

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(c) lands 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 conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Delayed Rezoning Map means the Liverpool Local Environmental Plan 2008 Delayed Rezoning Map.

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 (that support the operations of an existing undertaking) when not required for use.

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) rail infrastructure and land,
- (d) land required for regional open space,
- (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

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 (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

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 Density Map means the Liverpool Local Environmental Plan 2008 Dwelling Density Map.

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 establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) the NSW Police Force,
- (e) the State Emergency Service,
- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub, nightclub or registered club.

environmental facility means a building or place that 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.

environmentally significant land means the land identified as environmentally significant on the Environmentally Significant Land Map.

Environmentally Significant Land Map means the Liverpool Local Environmental Plan 2008 Environmentally Significant Land Map.

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

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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.

exempt tree means any tree of a species listed in Schedule 6.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

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) animal boarding or training establishments,
- (e) aquaculture,
- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

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*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

feedlot means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

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 not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

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).
- (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.

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- (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 planning area means an area of land that is shown to be in a flood planning area on the Flood Planning Area Map.

Flood Planning Area Map means the Liverpool Local Environmental Plan 2008 Flood Planning Area Map.

flood prone land is land susceptible to flooding by the largest flood that could conceivably occur at a particular location estimated from the probable maximum precipitation.

floor space ratio—see clause 23.

Floor Space Ratio Map means the Liverpool Local Environmental Plan 2008 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 and drink premises, milk bars and pubs.

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody.

foreshore building line means the foreshore building line shown on the Foreshore Building Line Map.

Foreshore Building Line Map means the Liverpool Local Environmental Plan 2008 Foreshore Building Line Map.

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 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.

funeral home means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

gross floor area means the sum of the floor area of each floor 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, and
- (b) habitable rooms in a basement or an attic, 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.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

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ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

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

group home (permanent) or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

group home (transitional) or **transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

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.

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.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

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

health consulting rooms means a medical centre that comprises 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.

health services facility means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

Height of Buildings Map means the Liverpool Local Environmental Plan 2008 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 an area of land:

- (a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
 - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

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.

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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:

- (a) shown on the Heritage Map as a heritage item, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) specified in an inventory of heritage items that is available at the office of the Council.

Heritage Map means the Liverpool Local Environmental Plan 2008 Heritage Map.

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

highway service centre means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following:

- (a) restaurants or take away food and drink premises,
- (b) service stations and facilities for emergency vehicle towing and repairs,
- (c) parking for vehicles,
- (d) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that 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,

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

Note. See clause 5.4 for controls relating to the floor area used to carry on the business.

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
- (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,

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

Note. See clause 5.4 for controls relating to the floor area used to carry on the light industry.

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

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- (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, a brothel or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such 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.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
 (b) is situated on the land on which the industry is carried out, and
 (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

Note. See clause 5.4 for controls relating to the retail floor area.

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.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the 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.

intensive plant agriculture means any of the following carried out for commercial purposes:

- (a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
 (b) horticulture,
 (c) turf farming,
 (d) viticulture.

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 Local Environmental Plan 2008 Key Sites Map.

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kiosk means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area.

Land Application Map means the Liverpool Local Environmental Plan 2008 Land Application Map.

Land Reservation Acquisition Map means the Liverpool Local Environmental Plan 2008 Land Reservation Acquisition Map.

Land Zoning Map means the Liverpool Local Environmental Plan 2008 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 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 storage premises that are 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 means the land shown edged heavy broken red and marked "Liverpool city centre" on the Key Sites Map.

livestock processing industry means an 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, woolscours and rendering plants.

Lot Size Map means the Liverpool Local Environmental Plan 2008 Lot Size Map.

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.

market means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

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.

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.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

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.

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

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- (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 (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

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 flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

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.

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

Note. Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide 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 or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area.

nightclub means premises specified in a nightclub licence under the *Liquor Act 1982*.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

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.

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

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- (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.

place of public entertainment has the same meaning as in the Act.

Note. The term is defined as follows:

place of public entertainment means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 1982* or a certificate of registration under the *Registered Clubs Act 1976*, that are used or intended to be used for the purpose of providing entertainment, including public entertainment, but not including amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or
- (c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

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 natural water-based aquaculture.

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

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

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, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public entertainment has the same meaning as in the Act.

Note.The term is defined as follows:

public entertainment means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration is demanded:
 - (i) as a charge for a meal or other refreshment before admission is granted, or
 - (ii) as a charge for the entertainment after admission is granted.

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

public utility infrastructure includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

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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.

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).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

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.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

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, but does not include an attached dwelling or multi dwelling housing.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

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 dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

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.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the

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effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

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).

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure 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.

Note. See clause 5.4 for controls relating to the gross floor area.

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.

rural supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

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

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area.

self-storage units means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

semi-detached dwelling means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

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.

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 reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and

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- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

sewerage system means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

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

sex services premises means a brothel, but does not include home occupation (sex services).

shop means retail premises that sell groceries, personal care products, clothing, music, homewares, stationary, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

shop top housing means 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, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

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.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

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 that Act.

take away food and drink premises means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) 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 Act.

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, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

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.

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.

urban release area means an area of land shown hatched and lettered "Urban Release Area" on the Urban Release Area Map.

Urban Release Area Map means the Liverpool Local Environmental Plan 2008 Urban Release Area Map.

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 sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire 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.

viticulture means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

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 facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

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.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

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.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

water supply system means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

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

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

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

BY AUTHORITY
