



New South Wales

# **Liverpool Local Environmental Plan 2008 (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P09/00087/PC-2)

TONY KELLY, MLC  
Minister for Planning

## 2010 No 176

Clause 1 Liverpool Local Environmental Plan 2008 (Amendment No 3)

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# Liverpool Local Environmental Plan 2008 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Plan

This Plan is *Liverpool Local Environmental Plan 2008 (Amendment No 3)*.

### 2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

### 3 Land to which Plan applies

This Plan applies to all land within the City of Liverpool to which *Liverpool Local Environmental Plan 2008* applies.

### 4 Maps

Each map adopted by *Liverpool Local Environmental Plan 2008* that is specified in Column 1 of the following Table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the Table as approved by the Minister on the making of this Plan.

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_012_005_20090928)	Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_012_005_20091123)
Liverpool Local Environmental Plan 2008 Lot Size Map (4900_COM_LSZ_012_005_20080815)	Liverpool Local Environmental Plan 2008 Lot Size Map (4900_COM_LSZ_012_005_20091123)
Liverpool Local Environmental Plan 2008 Floor Space Ratio Map (4900_COM_FSR_012_005_20080815)	Liverpool Local Environmental Plan 2008 Floor Space Ratio Map (4900_COM_FSR_012_005_20091123)

<b>Column 1</b>	<b>Column 2</b>
<b>Name of map being amended or replaced</b>	<b>Name of amending or replacement map</b>
Liverpool Local Environmental Plan 2008 Floor Space Ratio Map (4900_COM_FSR_013_020_20080815)	Liverpool Local Environmental Plan 2008 Floor Space Ratio Map (4900_COM_FSR_013_020_20090731)
Liverpool Local Environmental Plan 2008 Height of Buildings Map (4900_COM_HOB_012_005_20080815)	Liverpool Local Environmental Plan 2008 Height of Buildings Map (4900_COM_HOB_012_005_20091123)
Liverpool Local Environmental Plan 2008 Land Reservation Acquisition Map (4900_COM_LRA_011_005_20080815)	Liverpool Local Environmental Plan 2008 Land Reservation Acquisition Map (4900_COM_LRA_011_005_20100121)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_001_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_001_020_20090731)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_002_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_002_020_20090731)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_003_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_003_020_20090731)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_004_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_004_020_20090731)
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Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_006_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_006_020_20090731)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_007_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_007_020_20090731)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_008_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_008_020_20090731)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_009_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_009_020_20090731)
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Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_011_005_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_011_005_20090731)

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<b>Column 1</b>	<b>Column 2</b>
<b>Name of map being amended or replaced</b>	<b>Name of amending or replacement map</b>
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_012_005_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_012_005_20090731)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_013_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_013_020_20090731)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_014_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_014_020_20090731)
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_015_020_20080815)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_015_020_20090731)
Nil	Liverpool Local Environmental Plan 2008 Key Sites Map (4900_COM_KYS_006_020_20090731)
Liverpool Local Environmental Plan 2008 Airport Noise Map (4900_COM_NEF_007_020_20080815)	Nil
Liverpool Local Environmental Plan 2008 Airport Noise Map (4900_COM_NEF_008_020_20080815)	Nil
Liverpool Local Environmental Plan 2008 Airport Noise Map (4900_COM_NEF_014_020_20080815)	Liverpool Local Environmental Plan 2008 Airport Noise Map (4900_COM_NEF_014_020_20090731)

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## **Schedule 1      Amendment of Liverpool Local Environmental Plan 2008**

### **[1] Part 2 Permitted or prohibited development**

Omit “a small scale supermarket” from the second dot point in item 1 of the matter relating to Zone B1 Neighbourhood Centre in the Land Use Table.

Insert instead “small scale supermarkets”.

### **[2] Clause 4.1A Minimum subdivision lot size community title schemes**

Insert after clause 4.1A (4) (a):

- (a1) 2 or more dwellings where each dwelling is attached to another dwelling by a common wall, or

### **[3] Clause 4.4 Floor space ratio**

Omit “or a secondary dwelling” from clause 4.4 (2A) (b).

Insert instead “, semi-detached dwellings, a secondary dwelling or 2 or more dwellings where each dwelling is attached to another dwelling by a common wall”.

### **[4] Clause 7.8 Flood planning**

Insert after clause 7.8 (2):

- (2A) Development consent must not be granted to development in a flood planning area 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

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- (f) if located in the floodway, will be compatible with the flow of flood waters and with any flood hazard on that floodway.

**[5] Clause 7.17 Development in flight paths**

Omit “or Hoxton Park Aerodrome” wherever occurring in clause 7.17 (2) and (3).

**[6] Clause 7.18 Development in areas subject to potential airport noise**

Omit “, Hoxton Park Airport” from clause 7.18 (1).

**[7] Clause 7.24**

Omit the clause. Insert instead:

**7.24 Dual occupancies in Zones 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 unless the gross floor area of at least one of the dwellings is not 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 unless the gross floor area of at least one of the dwellings is not more than 60 square metres.

**[8] Schedule 1 Additional permitted uses**

Omit clause 5. Insert instead:

**5 Use of certain land at Edmondson Park in Zones R1, R3 and B2**

- (1) This clause applies to land in Zones R1 General Residential, R3 Medium Density Residential and B2 Local Centre at Edmondson Park.
- (2) In Zone R1 General Residential, development for the purpose of residential accommodation (other than dual occupancy) is permitted with consent.
- (3) In Zone R3 Medium Density Residential, development for the purpose of food and drink premises is permitted with consent.
- (4) In Zone B2 Local Centre, development for the purpose of residential flat buildings is permitted with consent.

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**[9] Schedule 1, clause 17**

Insert after clause 16:

**17 Use of certain land at Middleton Grange in Zone R1**

- (1) This clause applies to land in Zone R1 General Residential at Middleton Grange.
- (2) Development for the purpose of residential accommodation (other than dual occupancy) is permitted with consent.

**[10] Schedule 2 Exempt development**

Omit all matter relating to the following clauses (including the headings):

Access ramps

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

Air conditioning units for dwelling houses in rural or residential zones

Aviaries in residential zones

Aviaries in rural zones

Awnings, pergolas, carports and canopies

Barbecues

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

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

Change of use—office and business premises in business zones

Change of use—shops in business zones

Clothes hoists and clothes lines

Concreting or paving

Decks

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

Flagpoles

Garden sheds and greenhouses

Hoardings

Letter boxes

Minor alterations to buildings

Playground equipment for domestic use

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Privacy screens  
Re-cladding of roofs and walls  
Retaining walls  
Scaffolding  
Skylights and roof windows in dwellings  
Solar water heaters  
Storm blinds  
Temporary work sheds  
Water heaters (excluding solar water systems)

**[11] Schedule 2**

Insert “of each sign” after “maximum area” in subclause (2) (d) of the clause relating to Advertisements—business identification signs for businesses other than brothels in business zones.

**[12] Schedule 2**

Omit “dimensions” from subclause (6) of the clause relating to Advertisements—business identification signs for businesses other than brothels in industrial zones.

Insert instead “area”.

**[13] Schedule 2**

Omit subclauses (2)–(5) from the clause relating to Demolition. Insert instead:

- (2) The standards specified for that development are that the development must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

**[14] Schedule 3 Complying development**

Omit “**Alterations and additions**” from the heading to the clause relating to Alterations and additions to industrial and warehouse buildings in industrial zones in Part 1.

Insert instead “**Additions**”.

**[15] Schedule 3, Part 1**

Omit all matter relating to the following clauses (including the headings):

Bed and breakfast accommodation in rural or residential zones  
Changes to commercial premises in business zones



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Dwelling houses in Zones R1, R2, R3 and R4—additional standards if on a property that is equal to or greater than 400m<sup>2</sup> and less than 600m<sup>2</sup>

Dwelling houses in Zones R1, R2, R3 and R4—additional standards if on a property that is equal to or greater than 600m<sup>2</sup> and less than 1,000m<sup>2</sup>

Garden sheds ancillary to multi dwelling housing and residential flat buildings

**[16] Schedule 3, Part 1**

Omit the clause headed “**Demolition of single storey dwelling houses and outbuildings**”.

Insert instead:

**Demolition or removal of dwelling houses or ancillary development**

- (1) Must be demolition of a building or structure specified for this Schedule.
- (2) Must be in Zone R1, R2, R3, R4 or R5.
- (3) Must be undertaken in accordance with AS 2601—2001, *The demolition of structures*.

**[17] Schedule 3, Part 1**

Omit the heading to the clause relating to Dwelling houses in Zones R1, R2, R3 and R4.

Insert instead “**Dwelling houses in Zones R1, R2, R3 and R4 on a property that is equal to or greater than 400m<sup>2</sup> and less than 450m<sup>2</sup>**”.

**[18] Schedule 3, Part 1**

Omit “(such as garages, awnings or swimming pools)” from subclause (1) of the clause (as amended by item [17]) relating to Dwelling houses in Zones R1, R2, R3 and R4 on a property that is equal to or greater than 400m<sup>2</sup> and less than 450m<sup>2</sup>.

**[19] Schedule 3, Part 1**

Omit “Must” from subclause (2) of the clause (as amended by item [17]) relating to Dwelling houses in Zones R1, R2, R3 and R4 on a property that is equal to or greater than 400m<sup>2</sup> and less than 450m<sup>2</sup>.

Insert instead “The property must”.

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### [20] Schedule 3, Part 1

Omit subclauses (4), (20) and (37)–(42) from the clause (as amended by item [17]) relating to Dwelling houses in Zones R1, R2, R3 and R4 on a property that is equal to or greater than 400m<sup>2</sup> and less than 450m<sup>2</sup>.

### [21] Schedule 3, Part 1

Omit “, retaining structure or similar” from subclause (29) in the clause (as amended by item [17]) relating to Dwelling houses in Zones R1, R2, R3 and R4 on a property that is equal to or greater than 400m<sup>2</sup> and less than 450m<sup>2</sup>.

Insert instead “or a retaining or other similar structure”.

### [22] Schedule 3, Part 1

Insert after subclause (29) in the clause (as amended by item [17]) relating to Dwelling houses in Zones R1, R2, R3 and R4 on a property that is equal to or greater than 400m<sup>2</sup> and less than 450m<sup>2</sup>:

- (29A) Must provide and maintain on the front setback a landscaped area of at least 20m<sup>2</sup> with a minimum width of 3m that has no hard paved surface other than garden edging or a retaining or other similar structure.
- (29B) A lot on which a new dwelling is erected must have at least 24m<sup>2</sup> of principal private open space. In this subclause, *principal private open space* has the same meaning as in clause 3.25 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

### [23] Schedule 3, Part 1

Insert after subclause (32) in the clause (as amended by item [17]) relating to Dwelling houses in Zones R1, R2, R3 and R4 on a property that is equal to or greater than 400m<sup>2</sup> and less than 450m<sup>2</sup>:

- (32A) If the door or doors on a garage face a primary road, a secondary road or a parallel road, the total width of all door openings must not be more than:
  - (a) 6m, and
  - (b) 50% of the width of the building, measured at the building line to the relevant property boundary.
- (32B) Any garage or carport must be set back at least 1m behind the front wall of the dwelling closest to the street.

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**[24] Schedule 3, Part 1**

Omit “Must” from subclause (2) of the clause relating to Dwelling houses in Zone R5 Large Lot Residential.

Insert instead “The property must”.

**[25] Schedule 3, Part 1**

Omit subclauses (19) and (33)–(36) from the clause relating to Dwelling houses in Zone R5 Large Lot Residential.

**[26] Schedule 3, Part 1**

Insert “on the property” after “there are” in subclause (24) of the clause relating to Dwelling houses in Zone R5 Large Lot Residential.

**[27] Schedule 3, Part 1**

Insert at end of the Part:

**Swimming pools in Zones R1, R2, R3 and R4 on a property equal to or greater than 400m<sup>2</sup> and less than 450m<sup>2</sup>**

- (1) Maximum water area of any swimming pool or spa pool—40m<sup>2</sup>.
- (2) Ancillary development comprising a swimming pool for private use must be located on a lot:
  - (a) behind the setback area from a primary road, or
  - (b) in the rear yard.
- (3) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.
- (4) Decking around a swimming pool must not be more than 600mm above ground level (existing).
- (5) Coping around a swimming pool must not be more than:
  - (a) 1.4m above ground level (existing), and
  - (b) 300mm wide if the coping is more than 600mm above ground level (existing).
- (6) Water from a swimming pool must be discharged in accordance with an approval under the *Local Government Act 1993* if the lot is not connected to a sewer main.

**Note.** A child-resistant barrier must be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.

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### [28] Dictionary

Insert in alphabetical order:

***floodway*** has the same meaning as floodway area has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published by the New South Wales Government in 2005.

**Note.** The term means those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.