



New South Wales

Liverpool Local Environmental Plan 2008 (Amendment No 49)

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*.

BRUCE MACNEE, MANAGER STRATEGIC PLANNING, LIVERPOOL CITY COUNCIL
As delegate for the Minister for Planning

Liverpool Local Environmental Plan 2008 (Amendment No 49)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Liverpool Local Environmental Plan 2008 (Amendment No 49)*.

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 of the land to which *Liverpool Local Environmental Plan 2008* applies.

Schedule 1 Amendment of Liverpool Local Environmental Plan 2008

[1] Clause 3.2 Complying development

Omit “in the flood planning area” from clause 3.2 (3A) (f) (ii).

Insert instead “at or below the flood planning level”.

[2] Clauses 7.8 and 7.8A

Omit clause 7.8. Insert instead:

7.8 Flood planning

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land’s flood hazard, taking into account floodplain risk management studies and plans adopted by the Council and projected changes as a result of climate change, including sea level rise and rainfall intensity,
 - (c) to avoid significant adverse impacts, including cumulative impacts, on flood behaviour and the environment.
- (2) This clause applies to land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and
 - (f) is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.
- (4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Plan.

7.8A Floodplain risk management

- (1) The objectives of this clause are as follows:
 - (a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,
 - (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.

- (2) This clause applies to land between the flood planning level and the level of a probable maximum flood, but does not apply to land at or below the flood planning level.
- (3) Development consent must not be granted to development for any of the following purposes on land to which this clause applies unless the consent authority is satisfied that the development is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual, and will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land:
- (a) caravan parks,
 - (b) child care centres,
 - (c) correctional centres,
 - (d) emergency services facilities,
 - (e) group homes,
 - (f) hospitals,
 - (g) residential care facilities,
 - (h) respite day care centres,
 - (i) tourist and visitor accommodation.
- (4) In this clause:
probable maximum flood has the same meaning as it has in the Floodplain Development Manual.
Note. The probable maximum flood is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

[3] Dictionary

Omit the definitions of ***flood planning area*** and ***Flood Planning Area Map***.

Insert in alphabetical order:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard, or other freeboard as determined by any floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.