

Liverpool Local Environmental Plan 1997

[1997-483]



New South Wales

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New South Wales

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Liverpool Local Environmental Plan 1997



New South Wales

Part 1 Preliminary

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997*.

2 Objectives of this plan

The general objectives of this plan are:

- (a) to maintain and improve accessibility by identifying major transport corridors and concentrating intensive trip-generating activities in locations most accessible to public transport, and
- (b) to ensure that development is carried out in such a way as to allow the efficient and equitable provision of public services and amenities, and
- (c) to facilitate economic activity within the City of Liverpool without adverse social, economic or environmental impacts, and
- (d) to provide open space and to facilitate the development of community and recreation facilities which are needed for a high quality of lifestyle within the City of Liverpool, and
- (e) to protect and improve the amenity of the City of Liverpool, and
- (f) to conserve, protect and enhance the environmental heritage of the City of Liverpool, and
- (g) to protect personal safety and to minimise the risk of damage to areas subject to environmental hazards, particularly flooding, and
- (h) to encourage a diversity of housing to meet the needs of the residents of the City of Liverpool, and
- (i) to protect and improve the natural environment in the City of Liverpool, and
- (j) to facilitate development which is environmentally sustainable, and

- (k) to provide a basis for development control plans to supplement the broad controls in this plan with more detailed provisions for regulating the carrying out of development, and
- (l) to promote a high standard of urban and environmental design.

3 Land where this plan applies

- (1) This plan applies to all land within the City of Liverpool except for land marked “deferred matter” on the map.
- (2) However, this plan does not apply to the following land:

Land to which *Sydney Regional Environmental Plan No 31—Regional Parklands* applies.

4 Effect of this plan on other environmental planning instruments

- (1) This plan:
 - (a) repeals all deemed environmental planning instruments and local environmental plans applying to land within the City of Liverpool immediately before the appointed day (including those specified in Schedule 1), except to the extent they apply to land shown as “deferred matter” on the map, and
 - (b) amends *State Environmental Planning Policy No 25—Residential Allotment Sizes*:
 - (i) by inserting at the end of Schedule 1 the following words:

Liverpool

Land to which *Liverpool Local Environmental Plan 1997* applies.

- (ii) by omitting from Part 1 of Schedule 2 the matter relating to the City of Liverpool, and
 - (c) amends *Sydney Regional Environmental Plan No 12—Dual Occupancy*:
 - (i) by omitting clauses 8A, 8B and 8C, and
 - (ii) by inserting at the end of Schedule 1 the following words:

Liverpool

Land to which *Liverpool Local Environmental Plan 1997* applies.

- (iii) by omitting from Schedule 3 the matter relating to the City of Liverpool, and
 - (d) amends *Sydney Regional Environmental Plan No 18*:
 - (i) by omitting the words “City of Liverpool” from Schedule 1,

(ii) by omitting clauses 12 and 14 from Schedule 2.

(2) Environmental planning instruments as in force immediately before the appointed day continue to apply to a development application if:

- (a) the application was made but had not been finally determined before the appointed day, and
- (b) the proposed development is prohibited by provisions of this plan but could, with consent, have been carried out in accordance with those instruments as so in force.

5 Consent authority

The Council is consent authority for the purposes of this plan.

6 Definitions

(1) In this plan:

Abattoir means a building or place used for the commercial slaughter of animals, whether or not animal by-products are processed, manufactured or distributed there, and includes a knackery.

Act of prostitution includes sexual activity between persons of different sexes or of the same sex, comprising:

- (a) sexual intercourse as defined in section 61H of the [Crimes Act 1900](#), or
- (b) masturbation committed by one person on another, for payment.

Advertisement means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure, or the carrying out of a work.

Agriculture means the keeping of breeding livestock on improved pastures, or the keeping of bees or birds, for commercial purposes but, in the Table to clause 9, does not include intensive livestock agriculture or intensive plant agriculture.

Alter, in relation to a heritage item or to a building, work or relic within a heritage conservation area, means:

- (a) make structural changes to its exterior, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance.

Animal boarding or training establishment means a building or place used for

the breeding, boarding, training or keeping of, or for caring for, animals for commercial purposes, and includes a riding school and veterinary clinic.

Appointed day means the day on which this plan takes effect.

Aquaculture means cultivating (including propagating and rearing) the living resources of the sea or inland waters, whether or not that cultivation is carried out in a farm established for that purpose using an artificially created body of water.

Area of an advertisement in the form of a sign means:

- (a) for a sign with only one side occupied by the matter displayed, the area within the outline of that sign, or
- (b) for a sign with two sides occupied by the matter displayed, the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side, or
- (c) for any other sign, one third of the total surface area of the sign.

Archaeological assessment report means a study undertaken to establish the archaeological potential (research potential) of a particular site and to identify appropriate management actions, in accordance with the guidelines for the time being notified to Council by the Heritage Council.

Arterial road means:

- (a) a road shown on the map as being within the 5 (c) zone, or
- (b) a road declared to be a main road, controlled access road, secondary road or a tollway under the [Roads Act 1993](#), or
- (c) a road shown on the Council's adopted Road Hierarchy (a copy of which is available from the office of the Council) as an arterial road or a sub-arterial road.

Assisted accommodation means a building or place, not being a group home, used for the purpose of:

- (a) temporary or permanent accommodation for socially disadvantaged people and incorporating facilities for their rehabilitation or relief, or
- (b) temporary or permanent accommodation for incurable or convalescing people.

Attic means a floor located in the roof space where the angle or pitch of the roof is not greater than 36°, and the roof pitches from the ceiling level of the uppermost floor immediately below that floor.

Badgery's Creek proposed airport site means land at Badgery's Creek shown as being within the proposed airport site boundary on the map comprising Appendix U to

the draft Environmental Impact Statement entitled “Second Sydney Airport Site Selection Programme” prepared for the Commonwealth Department of Aviation by Kinhill Stearns and dated April 1985.

Bed and breakfast premises means a dwelling where its permanent residents provide short term accommodation, which may include meals, for commercial purposes.

Boarding house means a building or place:

- (a) where accommodation, meals and laundry facilities are provided to residents of the building or place, and
- (b) which is not licensed to sell liquor within the meaning of the [Liquor Act 1982](#).

Brothel means premises habitually used for the purpose of prostitution. Premises may constitute a brothel even though used by only one prostitute for the purpose of prostitution.

Bulky goods salesroom or showroom means a building or place used for the sale by retail or auction, or the hire or display, of any of the following:

- (a) furniture, or
- (b) electrical goods, or
- (c) toy and sporting equipment, or
- (d) office furniture, or
- (e) hardware, or
- (f) outdoor products, or
- (g) floor coverings, or
- (h) automotive parts and accessories, or
- (i) lighting, or
- (j) antiques and second-hand goods, or
- (k) kitchen or bathroom showrooms, or
- (l) tiles (floor, ceiling or wall).

Bush fire hazard reduction means a reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bush fire hazard.

Bushland means land on which there is vegetation which is either a remainder of the native plants of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

Business identification sign means an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:

- (a) the identity or a description of the place or the premises,
- (b) the identity or a description of any person residing or carrying on an occupation at the place or premises,
- (c) particulars of any occupation carried on at the place or premises,
- (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
- (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
- (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
- (g) particulars of any activities held or to be held at the place or premises,
- (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

Business premises means a building or place in which there is carried on an occupation, profession, service, light industry or trade which provides a service directly and regularly to the public but, in the Table to clause 9, does not include a building or place elsewhere defined in this clause.

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

Car park means a building or place used for parking vehicles, and any manoeuvring space and access to it, whether operated for gain or not.

Child care centre means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the [Education Reform Act 1990](#), and

- (b) the children (other than those related to the owner or operator) do not reside at the building or place (unless it is exempt premises under the *Children (Care and Protection) Act 1987*).

Clear, in relation to land, means the destruction of, or removal in any manner, of native plants growing on the land, but does not include:

- (a) the destruction or removal of plants declared to be noxious by order pursuant to section 7 of the *Noxious Weeds Act 1993*, by means not likely to be significantly detrimental to the native eco-system, or
- (b) the incidental destruction or removal of native plants growing adjacent to any such noxious plants occurring unavoidably during the process of destroying or removing those noxious plants, or
- (c) forestry operations, or
- (d) bushfire hazard reduction.

Communications facility means a building, structure, work or place used primarily for transmitting or receiving signals for the purpose of communication, including radio masts, transmission towers, satellite discs and the like.

Community facility means a building or place owned or controlled by a public authority or a body of persons which provides for the physical, social, cultural, or intellectual development or welfare of the local community but, in the Table to clause 9, does not include a building or place elsewhere defined in this clause.

Conservation plan means a document establishing the heritage significance of a heritage item or heritage conservation area and describing policies and management mechanisms that are appropriate to enable that significance to be retained in its future use and development.

Contaminated land means land identified in a register kept by the Council which contains soil that has in it a concentration of chemical substances (including substances listed in the *Australian Dangerous Goods Code*) that is likely to pose an immediate or long term hazard to human health or the environment by making the land:

- (a) unsafe or unfit for habitation or occupation by people or animals, or
- (b) degraded in its capacity to support plant life, or
- (c) otherwise environmentally degraded.

Convenience store means a shop selling a variety of small grocery goods, whether or not goods are available for hire there.

Corporation means the corporation constituted by section 8 (1) of the Act.

Council means the Council of the City of Liverpool.

Dam means all works or activities, including stormwater retention basins, the placement of fill or the excavation of land, involved in the permanent or temporary storage of water on land which significantly alters the shape, natural form or drainage of land.

Demolish a heritage item or a building, work, relic, tree or place within a heritage conservation area means wholly or partly destroy or dismantle the heritage item, building, work, relic, tree or place.

Depot means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place but, in the Table to clause 9, does not include a building or place elsewhere defined in this clause.

Development for the purpose of public transport includes the construction, reconstruction, realignment, relocation and widening of any road and any other development carried out in relation to a road.

Dual occupancy housing means two dwellings (whether attached or detached) on a single allotment of land (or which would be on a single allotment were it not for the fact that the allotment is to be subdivided when the development is carried out resulting in erection of the dwellings).

Dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

Dwelling house means a dwelling (whether attached to another dwelling or not) which is the only dwelling erected on an allotment of land.

Ecologically sustainable development means development which uses, conserves and enhances the community's resources so that ecological processes on which life depends are maintained, and the total quality of life, now and in the future, can be increased.

Educational establishment means a building or place used for education (including teaching) and includes:

- (a) a government school or non-government school within the meaning of the [Education Reform Act 1990](#), and
- (b) a tertiary institution, including a university, and TAFE college, providing formal education which is constituted by or under an Act, and
- (c) an art gallery or museum, not used to sell the items displayed in it,

whether or not accommodation for staff or students is provided there and whether or not it is used for the purpose of gain.

Entertainment establishment means a building or place used for the purpose of theatres or cinemas.

Entertainment facility means a building or place used for the purpose of entertainment, exhibitions, displays or cultural events and includes:

- (a) sports stadiums, showgrounds, race courses and the like, and
- (b) music halls, concert halls, open air theatres, drive-in theatres and the like, and
- (c) entertainment centres, convention centres, exhibition centres and the like.

Exhibition home means a dwelling built for the purposes of public exhibition and marketing which is intended to be sold as a private dwelling after it has been used for those purposes and may include a sales office, and a place used for providing home financing and a materials display, and the like.

Exhibition village means a contiguous group of exhibition homes and other buildings or works used for the purpose of promoting house sales including sales offices, and places used for providing home financing, a materials display and the sale of take-away food, and the like.

Extractive industry means:

- (a) winning extractive material, or
- (b) an undertaking, not being a mine, which depends for its operation on the winning of extractive material from the land on which it is carried out and includes any washing, crushing, grinding, milling, sawing or separating into different sizes of that extractive material on that land.

Extractive material means sand, gravel, turf, soil, rock, stone, sandstone or similar substances.

Family day care centre means a room or a number of rooms forming part of, attached to, or within the curtilage of, a dwelling where a care giving service (within the meaning of the [Family Day Care and Home Based Child Care Services Regulation 1996](#)) is provided and organised or arranged by a sponsoring body (for example, the Council) and which caters for up to 7 children under 12 years of age (including the care givers' children), but with a maximum of 5 children under 6 years of age.

Flood liable land means land identified by the Council as being inundated by the 1% probability flood event for the catchment in which the land is situated and indicated as flood liable land on a map marked "*Flood Liable Land Map*".

Floor means that space within a building which is situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above.

Forestry includes arboriculture, silviculture and the harvesting of trees and shrubs for the purpose of:

- (a) afforestation, forest protection, the cutting, dressing and preparing (otherwise than in a sawmill) of wood and other forest products, or
- (b) establishing roads necessary for the removal of wood and forest products and for forest protection.

Generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

Gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts, and
- (c) car parking needed to meet any requirements of the Council and any internal designated vehicular or pedestrian access to it, and
- (d) space for the loading and unloading of goods, and
- (e) internal public arcades and thoroughfares, terraces, balconies with outer walls less than 1,400 millimetres high and the like.

Ground level means the level of a site as if no development has taken place, other than any filling of the site to meet a requirement of the Council.

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

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

Health consulting rooms means a room or a number of rooms within a dwelling house used by not more than three persons to provide professional medical treatment or health care services (including dental, veterinary and optical services) to members of the public and who employ not more than 3 employees in connection with the practice.

Heavy vehicle means a vehicle with an unladen weight exceeding 3 tonnes but does not include fire engines, ambulances and other emergency vehicles.

Heavy equipment means equipment used in conjunction with heavy vehicles including, but not limited to, items such as trailers, container prime-movers and refrigerated vans or containers.

Height, in relation to a building, means the vertical distance measured between ground level at any point at which the building is sited, and the ceiling of the topmost floor of the building above that point.

Helicopter landing site 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 identified on the map as a heritage conservation area by a dotted and dashed line.

Heritage item means a building, work, relic, tree or place specified in Schedule 2 and shown on the map by diagonal hatching or, in the case of trees, shown by a dotted line.

Heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

Highway service centre means a place which has direct access to a freeway or

controlled access road and provides petrol and diesel fuel outlets, toilets, restaurant facilities (for either sit-down or take-away meals, or both), parking for cars, buses and trucks and emergency repair facilities.

Home-based child care service means any service, provided at the premises where the person providing the service resides, for the purpose of educating, minding or caring for one or more children (disregarding any children who are related to the person providing the service), but only if the following conditions are satisfied:

- (a) the children (other than those related to the person providing the service) do not reside at the premises, and
- (b) the service is licensed within the meaning of the *Family Day Care and Home Based Child Care Services Regulation 1996*.

Home business means the use of a dwelling or the land on which a dwelling is located, or of another building on any such land, for the purpose of an office, light industry or business, but only if:

- (a) that use is undertaken by the permanent residents of the dwelling, whether or not others are employed, and
- (b) the use does not interfere unreasonably in any way with the amenity of adjoining properties or the locality in which the dwelling is situated, and
- (c) the use does not involve public display or retail sale of any goods from the premises, and does not include a land use elsewhere defined in this clause, and
- (d) when it is carried out on land in the 2 (a), 2 (b), 2 (c) or 2 (d) zone, the use does not employ more than 6 employees or have a floor space exceeding 50 sq m, and
- (e) the use does not involve a brothel.

Home occupation means the use of a dwelling or the land on which a dwelling is located, or another building on any such land, for the purpose of an office or business, but only if:

- (a) that use is undertaken by the permanent residents of the dwelling, and
- (b) the use does not interfere unreasonably in any way with the amenity of adjoining properties or the locality in which the dwelling is situated, and
- (c) the use does not involve public display or retail sale of any goods from the premises, and
- (d) the use does not involve a brothel, and
- (e) the use does not involve the registration of the building under the *Factories, Shops and Industries Act 1962*, and

- (f) the use does not involve the exhibition of any notice, advertisement or sign (other than a notice advertisement or sign exhibited on that dwelling to indicate the name and occupation of the resident).

Hospital means a building or place used for the purpose of providing professional health care services (such as preventative or rehabilitative care, diagnosis, medical or surgical treatment, care for people with disabilities, psychiatric care or counselling and services provided by health care professionals) to people who are admitted as in-patients, including any:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or restaurants and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use,

and includes a building or place that is used exclusively as a day surgery or day procedure centre.

Hotel means premises specified or proposed to be specified in a hotelier's licence granted under the [Liquor Act 1982](#).

Housing for aged or disabled persons means residential accommodation which may take any building form, which is or is intended to be used as housing for the permanent accommodation of aged persons or disabled persons.

Industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods, articles, materials, liquids or gases for commercial purposes but, in the Table to clause 9, does not include a land use elsewhere defined in this clause.

Integrated housing means development that consists of:

- (a) the subdivision of land into three or more allotments, and
- (b) the erection of a dwelling house on each of the allotments created by that subdivision.

Intensive livestock agriculture means a building or place used for the keeping or breeding of livestock or poultry or other birds, which are fed wholly or substantially on prepared or manufactured feed, and includes cattle feed lots, piggeries, poultry farms and worm farms, but excludes a building or place used only for drought or similar emergency relief.

Intensive plant agriculture means land used for the cultivation of crops, including

cereals, fruit, flowers, nuts, vegetables, mushrooms, turf, irrigated rice, irrigated cotton, wholesale plant nurseries or hydroponics.

Landfill means all works or activities involved in the placement of fill on land, or an excavation of land, which significantly alters the shape, natural form or drainage of land but does not include dams.

Light industry means an industry in which the processes carried on, or the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood but, in the Table to clause 9, does not include an industry elsewhere defined in this clause.

local shop means a shop that:

- (a) operates primarily to service the surrounding residential area, and
- (b) trades principally in groceries, small goods and associated convenience items but that may also offer a post office facility or a newsagency facility, and
- (c) does not exceed 75 square metres in gross floor area.

Maintenance means the continuous protective care of the fabric of a heritage item and its setting.

Maintenance dredging means the removal of alluvial material from:

- (a) the bed of a tidal waterbody:
 - (i) to enable the waterway to continue to function as a tidal waterway, or
 - (ii) to resume its function as a tidal waterway, or
- (b) deltas formed at stormwater outlets, drains or the junction of creeks with rivers, or
- (c) sediment ponds or dams or artificial wetlands, or
- (d) oyster leases,

to restore productivity.

Map means a map deposited in the office of the Council.

Marina means shoreside facilities for mooring or servicing boats providing:

- (a) facilities, including pontoons, jetties, piers, berths or moorings, and
- (b) facilities for dry or rack storage of vessels, repair, maintenance or refuelling of vessels, pumping out of sewage, sail lofts, spillways, hoists, and facilities for the provision of accessories or parts for boats or food for boating operations.

Materials recycling yard means a building or place used for collecting, dismantling, storing, or recycling of second-hand or scrap materials for the purpose of resale.

Medical centre means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

Mine means the obtaining (by methods including excavating, quarrying, dredging, tunnelling or drilling) or removal of minerals, petroleum or natural gas and includes the storage and processing of the material obtained.

Mineral has the same meaning as in the [Mining Act 1992](#).

Motel means premises, not being a hotel, bed and breakfast premises or serviced apartments, used for the temporary or short term accommodation of travellers.

Motor showroom means a building or place used for the display or sale of motor vehicles, caravans, or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed there.

Multiple dwellings means three or more dwellings (whether or not attached) on one allotment of land, each with private open space at or near ground level.

Native plants means plants indigenous to the State of New South Wales, including trees, shrubs, ferns, vines, herbs and grasses indigenous to the State.

Nuclear activities includes any procedure or operation involved in the exploration for, or in the quarrying or mining, milling, conversion, enrichment, fabrication, reprocessing or disposal of, nuclear material.

Nuclear facility includes a nuclear reactor, a nuclear power plant, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or an installation for the storage of nuclear material.

Nuclear material means any radioactive substance associated with the nuclear fuel cycle, including:

- (a) any substance which is capable of being transformed into fissile material, and
- (b) a substance capable of undergoing nuclear fission, and
- (c) spent fuel, and
- (d) waste,

but does not include isotopes or materials used for medical purposes.

Offensive industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or

minimise its impact on the locality have been employed (including measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which 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 which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which 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 administration, clerical, technical, professional or like activities, where dealings with members of the public are not on a direct and regular basis or otherwise than by appointment, but, in the Table to clause 9, does not include a building or place elsewhere defined in this clause.

Passenger transport terminal means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, including any facilities required for parking, manoeuvring, storing or routine servicing of any vehicle forming part of that undertaking.

Permanent group home means a dwelling:

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

but does not include a transitional group home or a building to which *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons* applies.

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

Plant hire means a building or place used to hire out tools, plant and equipment used by builders and do-it-yourselfers and for the service and maintenance of the tools, plant and equipment.

Potential archaeological site means a site specified in Schedule 3 and shown on the map by a dashed line and includes a site known to the Council to have

archaeological potential even if it is not so identified.

Precinct map means:

for the Southern Hoxton Park Aerodrome Smart Growth Precinct, Sheet 2 of the map marked "*Liverpool Local Environmental Plan 1997 (Amendment No 71)*".

Public building means a building or place used as a business or office by a public authority or an organisation established for public purposes.

Real estate sign means an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting) and that is not displayed for more than 14 days after the letting or completion of the sale.

Recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for that purpose,

but does not include race-courses and showgrounds.

Recreation facility means a building or place used for sporting activities, recreation or leisure activities, or a shop selling take-away food or tourist related items, whether or not operated for the purpose of gain, and may consist of or include:

- (a) a swimming pool, golf course, tennis court, bowling green or playing field, and
- (b) a paint ball park or gun club, and
- (c) a go-kart track, skating rink, skateboard and rollerblade ramp or mini-golf course, and
- (d) a bowling alley, pinball and video parlour or pool hall, and
- (e) boating facilities, such as marinas, boat sheds, boat ramps or landing facilities.

Registered club means a building or place which is used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes and which is, or is intended to be, registered under the [Registered Clubs Act 1976](#).

Relic means any deposit, object or material evidence relating to:

- (a) the use or settlement of the area of the City of Liverpool, not being Aboriginal habitation, which is more than 50 years old, or
- (b) Aboriginal habitation of that area, before or after its occupation by persons of European extraction, including human remains.

Research establishment means a building or place used for the testing of any industrial goods or any articles for commercial purposes.

Research facility means a building or place used for the design, research or development of any industrial goods or any articles for commercial purposes but, in the Table to clause 9, does not include a building or place elsewhere defined in this clause.

Residential flat building means a building containing three or more dwellings but, in the Table to clause 9, does not include a building elsewhere defined in this clause.

Restaurant means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises or to provide take-away meals.

Retail plant nursery means a building or place used for growing plants and selling plants by retail, whether or not landscape supplies (including earth products) or other landscape and horticultural products are also sold there.

Road means a public thoroughfare used for the passage of vehicles or animals.

Roadside stall means a place or temporary structure used for the selling by retail of agricultural produce produced on the allotment of land on which the place or temporary structure is located.

Road transport terminal means a building or place used for the bulk handling of goods for transport by road, and includes:

- (a) the facilities for the loading and unloading of the vehicles that transport those goods and for the parking, servicing and repair of those vehicles, and
- (b) a building or place used for the loading and unloading of containers,

but, in the Table to clause 9, does not include a building or place elsewhere defined in this clause.

Rural industry means a business activity involving:

- (a) the handling, treating, processing or packing of primary products, or
- (b) regular servicing or repairing of plant or equipment used for the purpose of agriculture, aquaculture or a business referred to in paragraph (a).

Sanctuary means a building or place used for the preservation of native flora or fauna, or both, but, in the Table to clause 9, does not include a building or place elsewhere defined in this clause.

Sawmill means a mill used for handling, cutting and processing timber from logs or baulks.

Sector—see clause 8 (5).

Serviced apartments means a building containing two or more dwellings which are cleaned and otherwise serviced or maintained by the owner or manager of the building or the owner's or manager's agent.

service station means a building or place used for the sale by retail of motor vehicle fuels and lubricants.

Shop means a building or place used for selling items, whether by retail or auction, or for hiring or displaying items for the purpose of selling or hiring them (whether the items are goods or materials).

Site area, in relation to development, means the area of land to which an application for consent to carry out the development relates, excluding it from any land on which the development is not permitted by this plan.

Smart growth precinct—see clause 8 (4).

Statement of heritage impact means a document which contains an assessment of the extent to which an application for development may affect the heritage significance of a heritage item or heritage conservation area.

Stock and sale yard means a building or place used for the purpose of offering livestock or poultry for sale.

The Act means the [Environmental Planning and Assessment Act 1979](#).

The Map means the series of maps marked "*Liverpool Local Environmental Plan 1997*", as amended by the maps (or specified sheets of the maps) marked as follows:

Liverpool Local Environmental Plan 1997 (Amendment No 1)

Liverpool Local Environmental Plan 1997 (Amendment No 2)

Liverpool Local Environmental Plan 1997 (Amendment No 4)

Liverpool Local Environmental Plan 1997 (Amendment No 5)

Liverpool Local Environmental Plan 1997 (Amendment No 6)—Sheet 2

Liverpool Local Environmental Plan 1997 (Amendment No 8)

Liverpool Local Environmental Plan 1997 (Amendment No 9)
Liverpool Local Environmental Plan (Amendment No 10)
Liverpool Local Environmental Plan 1997 (Amendment No 11)
Liverpool Local Environmental Plan 1997 (Amendment No 12)
Liverpool Local Environmental Plan 1997 (Amendment No 14)
Liverpool Local Environmental Plan 1997 (Amendment No 15)
Liverpool Local Environmental Plan 1997 (Amendment No 16)
Liverpool Local Environmental Plan 1997 (Amendment No 19)
Liverpool Local Environmental Plan 1997 (Amendment No 23)
Liverpool Local Environmental Plan 1997 (Amendment No 25)
Liverpool Local Environmental Plan 1997 (Amendment No 29)
Liverpool Local Environmental Plan 1997 (Amendment No 36)
Liverpool Local Environmental Plan 1997 (Amendment No 37)
Liverpool Local Environmental Plan 1997 (Amendment No 38)
Liverpool Local Environmental Plan 1997 (Amendment No 43)
Liverpool Local Environmental Plan 1997 (Amendment No 44)
Liverpool Local Environmental Plan 1997 (Amendment No 45)
Liverpool Local Environmental Plan 1997 (Amendment No 46)
Liverpool Local Environmental Plan 1997 (Amendment No 48)
Liverpool Local Environmental Plan 1997 (Amendment No 49)
Liverpool Local Environmental Plan 1997 (Amendment No 52)
Liverpool Local Environmental Plan 1997 (Amendment No 53)
Liverpool Local Environmental Plan 1997 (Amendment No 57)
Liverpool Local Environmental Plan 1997 (Amendment No 58)
Liverpool Local Environmental Plan 1997 (Amendment No 60)
Liverpool Local Environmental Plan 1997 (Amendment No 61)

Liverpool Local Environmental Plan 1997 (Amendment No 63)

Liverpool Local Environmental Plan 1997 (Amendment No 64)

Liverpool Local Environmental Plan 1997 (Amendment No 65)

Liverpool Local Environmental Plan 1997 (Amendment No 67)

Liverpool Local Environmental Plan 1997 (Amendment No 68)

Liverpool Local Environmental Plan 1997 (Amendment No 71)—Sheet 1

Liverpool Local Environmental Plan 1997 (Amendment No 73)

Liverpool Local Environmental Plan 1997 (Amendment No 78)

Liverpool Local Environmental Plan 1997 (Amendment No 79)

Liverpool Local Environmental Plan 1997 (Amendment No 82)

Temporary sign means an advertisement of a temporary nature that:

- (a) announces any local event of a religious, educational, cultural, political, social, or recreational character or relates to any temporary matter in connection with such an event, and
- (b) does not include advertising of a commercial nature except the name of an event's sponsor.

Temporary signs may consist of advertisements in the form of banners, bunting, posters, inflatable structures and similar things.

Transitional group home means a dwelling:

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

but does not include a permanent group home or a building to which *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons* applies.

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

tree means a living perennial plant not less than 2 metres high which, if permitted to

grow to maturity, would have a height in excess of 3 metres.

Utility installation means a building or work used for a utility undertaking.

Utility undertaking means any undertaking carried on by, or by authority of, a public authority or in pursuance of any Commonwealth or State Act, for the purpose of:

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

Vacant land means land on which, immediately before the day on which a notice requiring its acquisition is given under this plan, there were no buildings other than fences, green houses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl houses, pig sties, barns or the like.

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

Vehicle repair station means a building or place used for the purpose of carrying out repairs or selling and fitting of accessories to vehicles or agricultural machinery.

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 purposes of treatment.

Warehouse or distribution centre means a building or place used for storing, handling or displaying items (whether goods or materials) which have been produced or manufactured for sale, other than retail sale to the public from the building or place.

Waste disposal means landfill which involves the filling of land with:

- (a) sludge, or
- (b) putrescible waste, or
- (c) waste that includes any substance classified in the *Australian Dangerous Goods Code* or medical, cytotoxic or quarantine waste.

Water body means:

- (a) a natural water body, including:
 - (i) a lake or lagoon either naturally formed or artificially modified, or
 - (ii) a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the river or stream, or
 - (iii) tidal waters, including any bay, estuary or inlet, or
- (b) an artificial water body, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake,

but does not include a dry detention basin or other construction that is only intended to hold water intermittently.

Wetland means:

- (a) natural wetland which includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows, or wet heathlands that form a shallow water body (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, which includes marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and that are constructed from and vegetated with wetland plant communities.

Zone—see clause 8 (3).

- (2) In this plan:
 - (a) a reference to a building, work or place used for a purpose includes a reference to a building, work or place proposed to be used for the purpose, and
 - (b) a reference to a map is a reference to a map kept in the office of the Council.
- (3) The list of contents of this plan and notes to this plan do not form part of this plan.

6A What is exempt development?

- (1) Development listed as exempt development in *Liverpool City Council Development Control Plan No 32—Exempt Development*, as adopted by the Council on 3 September 1999, is **exempt development** (except as provided by subclauses (2) and (3)) and may be carried out without development consent.
- (2) Development is exempt development only if:

- (a) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
 - (b) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (c) it complies with any relevant standards set for the development by this plan and by *Liverpool City Council Development Control Plan No 32—Exempt Development* as adopted by the Council on 3 September 1999, and
 - (d) it does not contravene any condition of a development consent applying to the land, and
 - (e) it does not obstruct drainage of the site on which it is carried out, and
 - (f) it does not restrict any vehicular or pedestrian access to or from the site, and
 - (g) it is not carried out within any easement or public sewer main and complies with the building over sewer requirements of the Sydney Water Corporation applying to the land, and
 - (h) it does not require a tree to be removed, and
 - (i) it does not contravene any restriction on the land, imposed by or for the benefit of the Council in a section 88B instrument under the *Conveyancing Act 1919*.
- (3) Development is not exempt development if it is carried out on land that:
- (a) is a heritage item or the site of a heritage item, or
 - (b) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (c) is identified as:
 - (i) land to which this plan does not apply (being land shown as “deferred matter” on the Map), or
 - (ii) land within the 5 (b) Special Uses—Railways zone, or
 - (iii) land within the 5 (c) Special Uses—Arterial Road zone, or
 - (iv) land within the 5 (d) Special Uses—Local Road zone, or
 - (v) land within the 6 (b) Recreation—Private zone, or
 - (vi) land within the 6 (c) Recreation—Corridor zone, or
 - (vii) land within the 7 (a) Environment Protection—Waterway zone, or

- (viii) land within the 7 (b) Environment Protection—Bushland zone, or
- (ix) land on which there is significant vegetation (being land shown with cross-hatching on the Map), or
- (x) a potential archaeological site (being land specified in Schedule 3), or
- (d) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
- (e) is an aquatic reserve declared under the *Fisheries Management Act 1994*, or
- (f) is flood liable land, or
- (g) is within 40 metres of a waterway.

Note—

Section 76 (3) of the *EP&A Act* states that exempt development cannot be carried out on land that is:

- (a) critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
- (b) within a wilderness area (within the meaning of the *Wilderness Act 1987*).

6B What is complying development?

- (1) Development listed as complying development in *Liverpool City Council Development Control Plan No 33—Complying Development*, as adopted by the Council on 3 September 1999, is **complying development** if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act, except as provided by subclauses (2) and (3).
- (2) Development is complying development only if:
 - (a) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (b) it will achieve the outcomes for development listed in *Liverpool City Council Development Control Plan No 33—Complying Development*, as adopted by the Council on 3 September 1999, and
 - (c) it complies with the relevant development standards set for the development by this plan and by *Liverpool City Council Development Control Plan No 33—Complying Development*, as adopted by the Council on 3 September 1999, and

- (d) no environmental planning instrument states that the adequacy of an acid sulfate soils management plan for the proposed development must be considered before consent can be granted for it, and
- (e) it is consistent with any plan for management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*, and with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995* that apply to the land, and
- (f) it does not contravene any condition of development consent applying to the land, and
- (g) it is not carried out within any easement or public sewer main and complies with the building over sewer requirements of the Sydney Water Corporation applying to the land, and
- (h) it does not require a tree to be removed, and
- (i) it does not contravene any restriction on the land, imposed by or for the benefit of the Council in a section 88B instrument under the *Conveyancing Act 1919*.

Note—

Section 76A (6) of the *EP&A Act* states that the following development can not be complying development:

- (a) State significant development,
 - (b) designated development,
 - (c) any development, if consent for it requires the concurrence of a person other than the consent authority or the Director-General of National Parks and Wildlife, as referred to in section 79B (3) of the *EP&A Act*.
- (3) Development is not complying development if it is carried out on land that:
- (a) is identified in this or any other environmental planning instrument, as bushfire prone, flood liable, or contaminated land, or land subject to subsidence, slip or erosion, or land within 40 metres of a waterway, or
 - (b) is a site that has previously been used as a service station or a sheep or cattle dip, for intensive agriculture, mining or extractive industry, for waste storage or waste treatment or for the manufacture of chemicals, asbestos or asbestos products, and a notice of completion of remediation work for the proposed use has not been given to the Council in accordance with *State Environmental Planning Policy No 55—Remediation of Land*, or
 - (c) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (d) is identified as:
 - (i) land to which this plan does not apply (being land shown as “deferred matter”

- on the Map), or
- (ii) land within the 5 (b) Special Uses—Railways zone, or
 - (iii) land within the 5 (c) Special Uses—Arterial Road zone, or
 - (iv) land within the 5 (d) Special Uses—Local Road zone, or
 - (v) land within the 6 (b) Recreation—Private zone, or
 - (vi) land within the 6 (c) Recreation—Corridor zone, or
 - (vii) land within the 7 (a) Environment Protection—Waterway zone, or
 - (viii) land within the 7 (b) Environment Protection—Bushland zone, or
 - (ix) land on which there is significant vegetation (being land shown with cross-hatching on the Map), or
 - (x) a potential archaeological site (being land specified in Schedule 3), or
- (e) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
- (f) is an aquatic reserve declared under the *Fisheries Management Act 1994*, or
- (g) is a special area or outer catchment area within the meaning of the *Sydney Water Catchment Management Act 1998*, or
- (h) is within 200 metres of a poultry farm.

Note—

Section 76A (6) of the *EP&A Act* states that development can not be complying development if it is carried out on land:

- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
- (b) that is within a wilderness area (within the meaning of the *Wilderness Act 1987*), or
- (c) that comprises, or on which there is, an item of the environmental heritage to which an order under the *Heritage Act 1977* applies or that is identified as such an item in an environmental planning instrument, or
- (d) that is identified as an environmentally sensitive area in the environmental planning instrument providing for the complying development.

7 Covenants

- (1) Any agreement, covenant or similar instrument which controls development permitted by this plan does not apply to the extent necessary to permit that development.

- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) In accordance with section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

Part 2 General controls for land in zones or in sectors in smart growth precincts

8 Zones and sectors

- (1) Land to which this plan applies may be within a zone or, if the land is in a smart growth precinct, within a sector.
- (2) The numbers and names of zones and the names of sectors are as follows:

Zones

- 1 (a) Rural
- 1 (b) Rural—Small Holdings
- 1 (c) Rural—Environment Protection
- 1 (d) Rural—Residential
- 1 (e) Rural—Future Urban
- 2 (a) Residential
- 2 (b) Residential—Race Course
- 2 (c) Residential—Flat Buildings
- 2 (d) Residential—City Centre
- 3 (a) Business
- 3 (b) Business—Highway
- 3 (c) Business—Town Support
- 4 (a) Industrial
- 4 (b) Industrial—Special
- 4 (c) Industrial—Business Park
- 4 (d) Industrial—Business Enterprise
- 5 (a) Special Uses

- 5 (b) Special Uses—Railways
- 5 (c) Special Uses—Arterial Road
- 5 (d) Special Uses—Local Road
- 6 (a) Recreation Public
- 6 (b) Recreation—Private
- 6 (c) Recreation—Corridor
- 7 (a) Environment Protection—Waterway
- 7 (b) Environment Protection—Bushland

Sectors in smart growth precincts

- Neighbourhood Centre
- Medium Density Residential
- Small Lot Residential
- Standard Residential
- School
- Community Purposes
- Water Management
- Open Space
- Environmental Corridor

- (3) Land is within a zone if it is indicated on the map by the number of the zone.
- (4) Land is within a smart growth precinct if it is indicated on the map by the name of the smart growth precinct. Schedule 10 includes provisions for each named smart growth precinct.
- (5) Land is within a sector if it is indicated on the precinct map for the smart growth precinct within which it is situated by the colour corresponding to the sector.

9 Development that is allowed or prohibited within a zone or sector

- (1) Unless otherwise provided by this plan, the Table to this clause specifies for each zone and sector:
 - (a) development which may be carried out without consent, where “✓*” is shown

corresponding to that development, and

(b) development which may be carried out only with consent, where “✓” is shown corresponding to that development.

(2) Development referred to in the Table to this clause is prohibited in a zone if “✓*” or “✓” is not shown corresponding to that development.

(3) Development which is not referred to in the Table to this clause may be carried out only with consent (except within the 6 (c) zone, in which any such development is prohibited).

(4) The Council may grant consent to development only if the Council has had regard to the following:

(a) the general objectives and other objectives of this plan,

(b) the objectives of the zone or smart growth precinct in which it is proposed to be carried out,

(c) in the case of land within a smart growth precinct, any relevant recommendations for the design and other features of the proposed development that are indicated on the precinct map for the precinct,

(d) the other provisions of this plan.

Development for the purpose of:	Zone																							
	Rural					Residential				Business			Industrial				Special Uses			Recreator				
	1 (a)	1 (b)	1 (c)	1 (d)	1 (e)	2 (a)	2 (b)	2 (c)	2 (d)	3 (a)	3 (b)	3 (c)	4 (a)	4 (b)	4 (c)	4 (d)	5 (a)	5 (b)	5 (c)	5 (d)	6 (a)	6 (b)	6 (c)	
Abattoirs	✓	✓											✓	✓										
Advertisements										✓	✓	✓				✓	✓	✓			✓	✓		
Agriculture	✓*	✓*	✓*	✓*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓				✓	✓	✓	
Animal boarding or training establishments	✓	✓					✓			✓	✓		✓	✓	✓						✓	✓		
Aquaculture	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓						✓	✓		
Assisted accommodation						✓		✓	✓	✓	✓	✓												
Bed & breakfast premises	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓											✓	

Boarding houses						✓	✓	✓	✓	✓	✓										
Brothels												✓									
Bulky goods salesrooms or showrooms									✓	✓	✓	✓									
Business premises									✓	✓	✓			✓							
Caravan parks																	✓	✓			
Car parks									✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Child care centres	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
Cinemas									✓	✓											
Communications facilities	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Community facilities	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
Convenience stores									✓	✓	✓	✓	✓	✓	✓		✓				
Dams	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Depots									✓	✓		✓	✓	✓		✓	✓				
Dual occupancy housing	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓										
Dwelling houses	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓											✓
Educational establishments	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
Entertainment facilities	✓	✓							✓	✓	✓	✓	✓	✓			✓		✓	✓	
Exhibition homes						✓		✓	✓	✓											
Exhibition villages						✓		✓	✓	✓											
Extractive industries	✓	✓										✓	✓				✓		✓	✓	

Family day care centres	✓* ✓* ✓* ✓* ✓*	✓* ✓* ✓* ✓*	✓* ✓* ✓*	✓		
Forestry	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓	✓ ✓ ✓	✓	✓ ✓
Generating works	✓ ✓			✓ ✓ ✓		
Hazardous industries	✓			✓ ✓		
Hazardous storage establishments	✓			✓ ✓		
Health consulting rooms	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓		✓ ✓	
Helicopter landing sites	✓ ✓ ✓ ✓			✓ ✓ ✓ ✓	✓	✓ ✓
Heliports	✓ ✓			✓ ✓ ✓ ✓		
Highway service centres						✓
Home-based child care services	✓* ✓* ✓* ✓* ✓*	✓* ✓* ✓* ✓*	✓* ✓* ✓*	✓* ✓* ✓*	✓*	
Home businesses	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓	✓	
Home occupations	✓* ✓* ✓* ✓* ✓*	✓* ✓* ✓* ✓*	✓* ✓* ✓*	✓* ✓* ✓*	✓*	
Hospitals	✓ ✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓		✓	✓
Hotels				✓ ✓ ✓	✓	✓
Housing for aged or disabled persons		✓ ✓ ✓ ✓	✓ ✓ ✓			
Industries				✓ ✓ ✓		
Integrated housing		✓ ✓				
Intensive livestock agriculture	✓ ✓			✓ ✓ ✓		✓

Intensive plant agriculture	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Landfill	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Light industries										✓	✓	✓	✓	✓					
Local shops						✓													
Maintenance dredging	✓*	✓*	✓*	✓*	✓*	✓*	✓*	✓*	✓*	✓*	✓*	✓*	✓*	✓*	✓	✓*	✓*	✓*	✓*
Marinas										✓	✓	✓	✓	✓					
Materials recycling yards												✓	✓						
Medical centres									✓	✓	✓	✓							
Mines	✓	✓																	
Motels						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	
Motor showrooms										✓	✓	✓	✓						
Multiple dwellings						✓		✓	✓	✓	✓								
Nuclear activities																			
Nuclear facilities																			
Offensive industries	✓											✓	✓						
Offensive storage establishments	✓											✓	✓						
Office premises										✓	✓	✓					✓		
Passenger transport terminals										✓	✓	✓	✓	✓	✓	✓	✓		
Permanent group homes	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓							
Places of public worship	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓			✓		✓		
Plant hire										✓	✓	✓	✓	✓					

Public buildings					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Recreation areas	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Recreation facilities	✓	✓	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Registered clubs	✓	✓							✓	✓	✓	✓	✓						✓
Research establishments	✓								✓	✓	✓	✓	✓	✓	✓				
Research facilities									✓	✓	✓			✓	✓				
Residential flat buildings							✓	✓	✓	✓	✓								
Restaurants									✓	✓	✓			✓	✓				✓
Retail plant nurseries	✓	✓							✓	✓	✓	✓	✓	✓				✓	✓
Roads	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Roadside stalls	✓	✓																	
Road transport terminals									✓	✓		✓	✓	✓				✓	
Rural industries	✓	✓										✓	✓	✓					
Sanctuaries	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓
Sawmills	✓	✓										✓	✓						
Serviced apartments							✓	✓	✓				✓	✓	✓				
Service stations									✓	✓		✓	✓	✓				✓	
Shops									✓		✓							✓	
Stock and sale yards	✓											✓	✓						
Transitional group homes	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓								
Transport depots												✓	✓	✓				✓	

Utility installations	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Utility undertakings	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vehicle body repair workshops											✓	✓	✓							
Vehicle repair stations											✓	✓				✓				
Veterinary hospitals	✓	✓	✓	✓		✓					✓	✓	✓			✓				✓
Warehouse or distribution centres											✓	✓		✓	✓	✓				
Waste depots																				

Smart growth precincts

Sectors

Development for the purpose of:	Neighbourhood Centre	Medium Density Residential	Small Lot Residential	Standard Residential	School	Community Purposes	Water Management
Abattoirs							
Advertisements							
Agriculture							
Animal boarding or training establishments							
Aquaculture							
Assisted accommodation	✓	✓	✓	✓			
Bed and breakfast premises	✓	✓	✓	✓			
Boarding houses							
Brothels							

Bulky goods salesrooms or showrooms							
Business premises	✓						
Caravan parks							
Car parks	✓				✓		
Child care centres	✓	✓	✓	✓	✓	✓	
Cinemas							
Communications facilities	✓	✓	✓	✓	✓	✓	✓
Community facilities	✓				✓	✓	
Convenience stores	✓						
Dams							✓
Depots							
Dual occupancy housing	✓	✓	✓				
Dwelling houses	✓	✓	✓	✓			
Educational establishments	✓	✓	✓	✓	✓		
Entertainment facilities	✓						
Exhibition homes	✓	✓	✓	✓			
Exhibition villages		✓	✓	✓			
Extractive industries							
Family day care centres	✓*	✓*	✓*	✓*		✓*	
Forestry							

Generating works							
Hazardous industries							
Hazardous storage establishments							
Health consulting rooms	✓	✓	✓	✓		✓	
Helicopter landing sites							
Heliports							
Highway service centres							
Home-based child care services		✓*	✓*	✓*			
Home businesses	✓	✓	✓	✓			
Home occupations	✓*	✓*	✓*	✓*			
Hospitals							
Hotels							
Housing for aged or disabled persons	✓	✓	✓	✓			
Industries							
Integrated housing		✓	✓	✓			
Intensive livestock agriculture							
Intensive plant agriculture							

Landfill	✓	✓	✓	✓	✓	✓	✓
Light industries							
Local shops		✓	✓	✓			
Maintenance dredging							✓*
Marinas							
Materials recycling yards							
Medical centres	✓	✓	✓	✓			
Mines							
Motels							
Motor showrooms							
Multiple dwellings	✓	✓	✓				
Nuclear activities							
Nuclear facilities							
Offensive industries							
Offensive storage establishments							
Office premises	✓						
Passenger transport terminals							
Permanent group homes		✓	✓	✓			
Places of public worship	✓	✓	✓	✓			
Plant hire							
Public buildings	✓					✓	

Recreation areas	✓	✓	✓	✓	✓		✓
Recreation facilities	✓	✓	✓	✓	✓		✓
Registered clubs							
Research establishments							
Research facilities							
Residential flat buildings							
Restaurants	✓						
Retail plant nurseries							
Roads	✓	✓	✓	✓	✓	✓	✓
Roadside stalls							
Road transport terminals							
Rural industries							
Sanctuaries							
Sawmills							
Serviced apartments	✓						
Service stations							
Shops	✓						
Stock and sale yards							
Transitional group homes	✓	✓	✓	✓			
Transport depots							
Utility installations	✓	✓	✓	✓	✓	✓	✓

Utility undertakings	✓	✓	✓	✓	✓	✓	✓
Vehicle body repair workshops							
Vehicle repair stations							
Veterinary hospitals	✓	✓	✓	✓			
Warehouse or distribution centres							
Waste depots							

Explanation of Symbols:

✓* permitted without consent

✓ permitted only with consent

Development is prohibited where there is no symbol

Part 3 Special provisions

10 Development that also needs consent

(1) **Subdivision** Land to which this plan applies may be subdivided, but only with consent. However, except as provided by subclause (12) (e), consent is not required for a subdivision for the purpose of:

(a) widening a public road, or

(b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment, or

(c) rectifying an encroachment on an allotment, or

(d) creating a public reserve, or

(e) consolidating allotments, or

(f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bushfire brigade or other rescue service purposes or public conveniences.

(2) **Flood liable land** Development may be carried out on flood liable land only with

consent.

- (3) **Buildings over two floors** Buildings which contain more than two floors are allowed only with consent.
- (4) **Water bodies, wetlands and foreshore areas** Development may be carried out only with consent on land which:
 - (a) forms part of a wetland, or
 - (b) is located between a foreshore building line shown on the map as a dotted line and the adjacent water body, or
 - (c) forms part of a water body, other than in the 7 (a) zone.
- (5) **Advertisements** Development for the purpose of a business identification sign or a real estate sign may be carried out on any premises within the 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 2 (a), 2 (b), 2 (c), 2 (d), 4 (a), 4 (b), 4 (c), 4 (d), 5 (c), 5 (d), 6 (a) or 7 (b) zone, or a smart growth precinct Neighbourhood Centre, Open Space or Water Management sector, only with consent and only if the Council is satisfied that the advertisement will not interfere with the amenity of the locality.
- (6) **Tourism advertisements** An advertisement directing the travelling public to tourist areas or tourist facilities may be erected on land within the 1 (a), 1 (b), 1 (c), 1 (d), 4 (a), 4 (b), 4 (c) or 4 (d) zone only with consent.
- (7) **Temporary and intermittent development** Any development, not being designated development, may, despite any other provision of this plan (except clause 27), be carried out with consent, for a maximum period of 52 days, whether consecutive or not, in any one year.
- (8) **Development over or under a road** Development other than for the purpose of roads may be carried out over or under a road on land within the 5 (c) or 5 (d) zone only with consent.
- (9) **Special use zone** Development may be carried out only with consent on land within the 5 (a) zone for the particular purpose indicated for the land by black lettering on the map and for purposes normally associated with and ancillary to that purpose. However, this subclause does not require consent for development for the purpose of public transport on land in the 5 (a) Public Transport Corridor zone. Clause 9 allows development within the 5 (a) zone with or without consent even if there is no lettering shown on the map.
- (10) **Shops in the 4 (a), 4 (b), 4 (c) and 4 (d) zones** Development for the purpose of a shop may be carried out only with consent on land within the 4 (a), 4 (b), 4 (c) or 4 (d) zone if the shop serves the daily convenience needs of the local workforce.

- (11) **Land identified for acquisition** Development may be carried out for any purpose, with consent, on land which may be required by this plan to be acquired by a public authority, if development of that land would not render the land unfit for the land use for which it may be required to be acquired. This subclause does not apply to development of land within the 5 (c) zone, which may be carried out in accordance with clause 59 before or after its acquisition.
- (12) **Heritage items and heritage conservation area** The following may be carried out only with consent:
- (a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or
 - (b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior, or
 - (c) altering a heritage item or a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance, or
 - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or
 - (e) erecting a building on, or subdividing:
 - (i) land on which a heritage item is located or which is within a heritage conservation area, or
 - (ii) land comprising, or on which is situated, an item described in this plan as a heritage item or a known or potential archaeological site.
- (13) **Additional uses** Despite any other provision of this plan, with the consent of the Council:
- (a) development may be carried out on land specified in Schedule 4 for the purpose of a building, work, place or land use specified in that Schedule in relation to that land, and
 - (b) land specified in Schedule 5 may be subdivided, if subdivision is specified in Schedule 5 in relation to that land,
- subject to such conditions, if any, as may be so specified.
- (14) **Contaminated land** Development or demolition of a building may be carried out on contaminated land only with consent.

- (15) **Land sales offices** Development for the purpose of a land sales office may be carried out on land in the 2 (a), 2 (c) or 2 (d) zone, or a smart growth precinct Small Lot Residential, Medium Density Residential or Standard Residential sector, but only with consent.
- (16) **Bushland clearance** Bushland may be cleared only with consent.
- (17) **Parking of heavy vehicles** The parking of heavy vehicles and the stationing of heavy equipment in the 2 (a), 2 (b), 2 (c) and 2 (d) zones (otherwise than on roads) may be carried out only with consent.
- (18) **Highway service centres** Development for the purpose of a highway service centre may be carried out on land adjoining land in the 5 (c) zone which is a freeway, but only with consent.
- (19) **Service stations, restaurants and convenience stores** Development for the purpose of one service station, one restaurant or one convenience store (or any combination of not more than one of each of them) may be carried out, but only with consent, on land:
- (a) identified on the map by a solid square, or
 - (b) which is in the 2 (a) zone, which has frontage to Camden Valley Way, Cowpasture Road or Kurrajong Road and which is on a corner allotment or is likely to be on a corner allotment as shown by a development control plan.
- (20) **Wharves** Development for the purpose of pontoons, jetties, piers, berths or moorings may be carried out on land in the 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 2 (a), 2 (b), 2 (c), 2 (d) or 7 (b) zone, or a smart growth precinct Open Space, Water Management or Environmental Corridor sector, only with consent.
- (21) **Bushland** Development may be carried out on land shown on the map with heavy diagonal hatching only with consent.
- (22) **Restaurants in industrial areas** Development for the purpose of a restaurant may be carried out on land in the 4 (a), 4 (b), 4 (c) or 4 (d) zone if it is primarily for the purpose of selling take-away food.
- (23) **Office premises and dwellings in Community Purposes sector of SHPA Smart Growth Precinct** Development for the purpose of office premises and dwellings may be carried out on land in the Community Purposes sector of the Southern Hoxton Park Aerodrome Smart Growth Precinct, but only with consent and only if:
- (a) the ground floor of any building erected on the land before or after this subclause commenced will be used for a community purpose, and
 - (b) the Council is not liable to pay for acquisition of so much of the buildings on the

land as will not be used for a community purpose.

11 Development that does not require consent

- (1) **Development by public authorities** The following are allowed on land without consent:
 - (a) the use of existing buildings of the Crown by the Crown, and
 - (b) development or activities specified in Schedule 5.
- (2) **Railway sidings** Development for the purpose of a railway siding servicing land in the 4 (a), 4 (b), 4 (c) or 4 (d) zone may be carried out without consent.
- (3) **Bushfire hazard reduction** Bushfire hazard reduction may be carried out without consent, but only if it is carried out in accordance with a plan of operations, within the meaning of section 41A of the *Bush Fires Act 1949*, that applies to the locality.
- (4) **Shops, business premises and office premises** A building may be used for the purpose of a shop, business premises or office premises without consent if:
 - (a) the building is within the 3 (a) zone or a smart growth precinct Neighbourhood Centre sector, and
 - (b) the building is lawfully used or has been lawfully constructed to be used for a shop of a particular kind, business premises of a particular kind or office premises of a particular kind, and
 - (c) at least 14 days' written notice has been given to the Council of the proposed use by:
 - (i) the owner of the building, or
 - (ii) the occupier of the building, with the consent of the owner of the building, and contains a statement that it is so given executed by that owner, and
 - (d) the written notice contains a description of the the building sufficient to identify the building and a statement of the particular purpose for which the building will be used after the notice has been given, and
 - (e) the use does not include the display, exhibition or sale of publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth, and
 - (f) the building is not used for the purpose of a business to which section 578E of the *Crimes Act 1900* applies, and
 - (g) the use does not include a business which is primarily concerned with the display or exhibition of any article that is primarily concerned with sexual behaviour, and

- (h) where a building is used for the purpose of a shop, business premises or office premises in pursuance of this clause:
 - (i) the curtilage of the shop, business premises or office premises is not used for storage or display purposes, and
 - (ii) the hours of operation of the shop, business premises or office premises do not, in the case of a building used for the purpose of a shop, business premises or office premises immediately before the commencement of the use authorised by this clause, extend outside the hours during which the shop, business premises, or office premises were so used at that time, and
 - (i) where, immediately before commencement of the use of the building under this subclause, a condition relating to maintenance of landscaping, the parking of vehicles or the provision of space for loading and unloading of goods or vehicles was imposed on the use of the building or the land on which it is erected, that condition is observed.
- (5) **Light industry** A building may be used for the purpose of light industry without consent if:
- (a) the building is within the 4 (a), 4 (b), 4 (c) or 4 (d) zone, and
 - (b) the building is lawfully used or has been lawfully constructed to be used for an industry of a particular kind or a light industry of a particular kind, and
 - (c) at least 14 days' written notice has been given to the Council of the proposed use by:
 - (i) the owner of the building, or
 - (ii) the occupier of the building, with the consent of the owner of the building,and contains a statement that it is so given executed by that owner, and
 - (d) the written notice contains a description of the building sufficient to identify the building and a statement of the particular purpose for which the building will be used after the notice has been given, and
 - (e) the gross floor area of the part of the building to be used for the purpose of light industry does not exceed 500 square metres, and
 - (f) the building has rear service access or access to off-street loading facilities, and
 - (g) where, immediately before commencement of the use of the building under this subclause, a condition relating to maintenance of landscaping, the parking of vehicles or the provision of space for loading and unloading of goods or vehicles was imposed on the use of the building or the land on which it is erected, that

condition is observed, and

(h) the curtilage of the building is not used for storage or display purposes, and

(i) the hours of operation of the light industry do not:

(i) in the case of a building used for the purpose of an industry immediately before the commencement of the use authorised by this clause, extend outside the hours during which the building was so used at that time, or

(ii) in any other case, extend outside the hours between 6 am and 6 pm.

(6) **Economic incubator** A building may be used for the purpose of light industry, business premises or office premises without consent if:

(a) the building is within Lot 13, DP 39417 and part Lot 1, DP 996631, as shown by diagonal cross hatching on the map, and

(b) the building is lawfully used or has been lawfully constructed to be used for a light industry of a particular kind, business premises of a particular kind or office premises of a particular kind, and

(c) at least 14 days' written notice has been given to the Council of the proposed use by:

(i) the owner of the building, or

(ii) the occupier of the building, with the consent of the owner of the building, and contains a statement that it is so given executed by that owner, and

(d) the written notice contains a description of the particular purpose for which the building will be used after the notice has been given, and

(e) the use does not include the display, exhibition or sale of publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth, and

(f) the building is not used for the purpose of a business to which section 578E of the *Crimes Act 1900* applies, and

(g) the use does not include a business which is primarily concerned with the display or exhibition of any article that is primarily concerned with sexual behaviour, and

(h) where the building is used for the purpose of a light industry, business or office in pursuance of this clause:

(i) the curtilage of the light industry, business premises or office premises is not used for storage or display purposes, and

- (ii) the hours of operation of the light industry, business or office do not, in the case of a building used for the purpose of a light industry, business or office immediately before the commencement of the use authorised by this clause, extend outside the hours during which the light industry, business premises or office premises were so used at that time
 - (i) where, immediately before commencement of the use of the building under this subclause, a condition relating to maintenance of landscaping, the parking of vehicles or the provision of space for loading and unloading of goods or vehicles was imposed on the use of the building or the land on which it is erected, that condition is observed.
- (7) **Advertisements not visible outside the land** Development may be carried out on land without consent for the purpose of an advertisement, otherwise than on a brothel or heritage item or in a heritage conservation area, which is not visible from outside the land on which it is displayed.
- (8) **Business identification sign** Development may be carried out on land without consent for the purpose of a business identification sign, not including a moving sign or flashing sign and otherwise than on a brothel or heritage item or in a heritage conservation area, but:
 - (a) which is in the 1 (a), 1 (b), 1 (c), 1 (d) or 1 (e) zone and would result in not more than:
 - (i) one pole or pylon sign having an area not more than 2 sq m and a height not more than 2 m above ground level, and
 - (ii) one flush wall sign having an area not more than 0.75 sq m and not projecting above or beyond the wall to which it is attached, or
 - (b) which is in the 2 (a), 2 (b), 2 (c) or 2 (d) zone and would result in not more than one sign, being either:
 - (i) a pole or pylon sign having an area not more than 0.75 sq m and a height not more than 2m above ground level, or
 - (ii) a sign having an area of more than 0.75 sq m and attached to a solid masonry fence, or
 - (c) which is in the 3 (a) or 3 (b) zone and which for each premises would result in not more than:
 - (i) one under awning sign having a size not exceeding 2.5 m in length and 0.5 m in height, and
 - (ii) one top hamper sign, extending not more than 0.2 m into a setback from a road and not extending below the head of the doorway or window above which

it is attached, and

- (iii) one fascia sign, not projecting above or below the fascia or return end of the awning to which it is attached and not extending more than 0.3m from the face of the fascia or return end of the awning, or

(d) which is in the 4 (a), 4 (b), 4 (c) or 4 (d) zone and would result in not more than:

- (i) one pole or pylon sign (including any directory board for multiple occupancies) not exceeding 5 sq m in area and 5 m in height from ground level for each premises. Such sign is to be located within an area of 5 m by 3 m on either side of the ingress or combined ingress/egress for the premises and subject to compliance with sight distance requirements, if any, and
- (ii) for multiple occupancy premises, one additional company identification sign not exceeding 2 m by 0.6 m at the entrance to each occupied unit, and
- (iii) for premises with a single occupant, one additional company identification sign at the rate of not more than 1 sq m of advertising area per 3 m of street frontage or 50 sq m, whichever is the less.

(9) **Other signs** Development may be carried out on land without consent for the purpose of an advertisement, other than a flashing sign or moving sign, being:

- (a) a public notice for public information displayed by a public authority giving information or directions about services provided, or
- (b) a real estate sign, except where erected on an awning, but only if:
 - (i) in the case of land in the 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 2 (a), 2 (b), 2 (c), 2 (d), 5 (a), 5 (b), 5 (c), 5 (d) or 7 (b) zone, the sign does not exceed 2.5 sq m in area and does not have any returns exceeding 180 mm, and
 - (ii) in the case of land in the 3 (a), 3 (b), 4 (a), 4 (b), 4 (c) or 4 (d) zone, the sign does not exceed 4.5 sq m in area, or
- (c) a temporary sign that:
 - (i) announces any local event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, but does not include advertising of a commercial nature, other than the name of an event's sponsor, and
 - (ii) is not displayed earlier than 28 days before the event to which it relates is to take place and is removed within 14 days after that event, or
- (d) a sign behind the glass line of a window of a building in the 3 (a), 3 (b), 4 (a), 4 (b) or 4 (c) zone other than a sign advertising a brothel, if it does not occupy more

than 50% of the area of the window or 25% of the area of the window in the case of a heritage item, or

(e) an advertisement on a public seat or bus shelter, or

(f) an advertisement on a motor vehicle used principally for the conveyance of goods or passengers.

(10) **Street signs** Development may be carried out on land without consent for the purpose of a street name sign or a sign under Australian Standard AS1742.1—1991 *Manual of Uniform Traffic Control Services*, being a:

(a) guide sign, or

(b) warning sign, or

(c) temporary warning sign, or

(d) regulatory sign, or

(e) parking sign, or

(f) hazardous marker, or

(g) service symbol, or

which is on a public road.

(11) **Public Transport Corridor** Development may be carried out on land in the 5 (a) Public Transport Corridor zone without consent for the purpose of public transport.

(12) **Dual occupancy housing** Development involving two dwellings may be carried out on land in the 2 (a), 2 (b) or 2 (c) zone without consent if one of the dwellings has a gross floor area not exceeding 60 sq m and the development does not involve subdivision of the land to create separate land titles for each dwelling.

Part 4 Other special provisions

12 Objectives of these special provisions

The objectives of this Part are:

(a) to ensure an attractive appearance of development, and

(b) to preserve trees and remnant bushland, and

(c) to minimise the impact of noise, and

(d) to minimise the impact of development on the operation of adjacent arterial roads,
and

- (e) to minimise the impact of arterial roads on adjacent development, and
- (f) to ensure that land is adequately serviced prior to its use, and
- (g) to minimise the impact of development on flooding whether on a site area, or upstream or downstream of a site area, and
- (h) to minimise the impact of development on the environment, and
- (i) to permit temporary or intermittent use of land, and
- (j) to protect wetlands, and
- (k) to protect ecosystems.

13 General considerations for development

Before determining an application for consent to development within any zone, the Council shall consider:

- (a) the impact of that development on:
 - (i) land degradation, and
 - (ii) ground water quality and resources, and
 - (iii) water quality of water bodies, and
 - (iv) contamination of the land, and
 - (v) any total catchment management strategy applying to the land, and
- (b) whether it is ecologically sustainable development, and
- (c) the cumulative impact on the environment of:
 - (i) the development, and
 - (ii) similar forms of development elsewhere in the City of Liverpool, and
 - (iii) other development in the immediate vicinity of the site of the proposed development, and
- (d) the impact of the development in terms of its design, operation and hours of operation on public safety and security at or near the site of that development.

14 Building appearance

Before determining an application for consent to the erection of a building or work on land, the Council must consider the character, location, siting, bulk, scale, shape, size, height, design and probable aesthetic appearance of that building or work when viewed

from any waterway, road, railway, public reserve or land zoned for open space.

15 Trees

- (1) The ringbarking, cutting down, pruning, topping, lopping, removing, injuring or destruction of any tree may be carried out only with the consent of the Council.
- (2) This clause does not apply to trees in a State forest or on other Crown-timber lands within the meaning of the *Forestry Act 1916*, to any lopping or other work required to be done by or under the *Electricity Supply Act 1995*, or to the removal or lopping of trees in accordance with the *Roads Act 1993*.
- (3) The consent of the Council is not required where the tree's condition constitutes an immediate threat to life or property, or where the tree is included in any current list of noxious weeds that is applicable to the Council's area or is a species of tree specified in Schedule 5A.

16 Environmentally significant land

- (1) Before determining an application to carry out development on land shown on the map with vertical and horizontal cross hatching as being environmentally significant land the Council must consider whether:
 - (a) it substantially retains the existing vegetation, and
 - (b) it does not detract from the scenic qualities of the locality, and
 - (c) it does not adversely affect native fauna.
- (2) Before determining an application for consent to carry out development on land shown on the map with vertical and horizontal cross hatching as being environmentally significant land and specified in Schedule 9, the Council must consider whether:
 - (a) the vegetation is bushland, and
 - (b) the locality has high biological diversity, and
 - (c) the locality contains:
 - (i) a disjunct population of native species or a species that is near the limit of its geographic range, or
 - (ii) riparian vegetation, or
 - (iii) vegetation associated with wetlands, or
 - (d) the land has connective importance as, or as part of, a corridor of bushland forming a connection that allows for the potential passage of species of flora or

- fauna between two or more areas of bushland, and
- (e) the vegetation is adequately represented on land in the 6 (a) or 6 (c) zone, and
 - (f) the land is important as a site along a migratory route for wildlife, and
 - (g) the land functions as an important drought refuge for wildlife, and
 - (h) clearing of the land would be likely to contribute significantly to:
 - (i) soil erosion, or
 - (ii) salinisation of soil and water, or
 - (iii) acidification of soil, or
 - (iv) landslip, or
 - (v) deterioration in the quality of surface or ground water, or
 - (vi) increase flooding, or
 - (i) there is any need to conserve all or some of the bushland because:
 - (i) it has unusually good condition or of its significance as a sample of its type, or
 - (ii) it has a low ratio of the boundary to area of the bushland, or
 - (iii) there is an archaeological site that has Aboriginal heritage significance on the land.

17 Bushland

The Council may grant consent to development on land shown on the map with heavy diagonal hatching only if:

- (a) it substantially retains the existing vegetation,
- (b) it does not detract from the scenic qualities of the locality, and
- (c) it does not adversely affect native fauna.

18 Airports

(1) In regard to Hoxton Park Aerodrome and Bankstown Airport, when determining an application for consent to development on land in the vicinity of the aerodrome or airport, the Council must consider the following:

- (a) the impact of the aerodrome or airport on the development to which the application relates, and
- (b) the Obstacle Limitation Surface Plan for the aerodrome or airport completed by

the operator of the aerodrome or airport, and

(2) In regard to Hoxton Park Aerodrome:

- (a) a dwelling may be erected on land in the vicinity of the aerodrome where the Australian Noise Exposure Forecast (ANEF), as published by the Civil Aviation Authority, is between 20 and 25 only if the dwelling meets Australian Standard AS2021-1994 (*Acoustics—Aircraft noise intrusion—Building Siting and Construction*) regarding interior noise levels, and
- (b) educational establishments, hospitals, places of worship and cinemas must not be erected on land in the vicinity of the aerodrome where the Australian Noise Exposure Forecast (ANEF) as published by the Civil Aviation Authority exceeds 20, and
- (c) a dwelling must not be erected on land in the vicinity of the aerodrome where the Australian Noise Exposure Forecast (ANEF) as published by the Civil Aviation Authority exceeds 25, and
- (d) a hotel, motel, office premises or a public building may be erected on land where the Australian Noise Exposure Forecast (ANEF) for the aerodrome, as published by the Civil Aviation Authority, is between 25 and 30 only if the building meets Australian Standard AS2021-1994 regarding interior noise levels, and
- (e) a hotel, a motel, office premises or a public building must not be erected on land in the vicinity of the aerodrome where the Australian Noise Exposure Forecast (ANEF) as published by the Civil Aviation Authority exceeds 30.

(3) In regard to the Badgery's Creek proposed airport site:

- (a) the Council must not grant consent for development on land in the vicinity of the site if the development would hinder or have any other adverse impact on the development or operation of an airport on the site, and
- (b) when determining an application for consent to development on land in the vicinity of the site, the Council must consider the impact of the proposed airport on the development to which the application relates, and
- (c) a dwelling may be erected on land in the vicinity of the site where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25 only if the dwelling meets Australian Standard AS2021-1994 (*Acoustics—Aircraft noise intrusion—Building Siting and Construction*) regarding interior noise levels, and
- (d) a dwelling must not be erected on land in the vicinity of the site where the Australian Noise Exposure Forecast (ANEF) exceeds 25, and
- (e) educational establishments, hospitals, places of worship and cinemas must not be

erected on land in the vicinity of the site where the Australian Noise Exposure Forecast (ANEF) exceeds 20, and

(f) a hotel, motel, office premises or a public building may be erected on land in the vicinity of the site where the Australian Noise Exposure Forecast (ANEF) is between 25 and 30 only if the building meets Australian Standard AS2021—1994 regarding interior noise levels, and

(g) a hotel, motel, office premises or a public building must not be erected on land in the vicinity of the site where the Australian Noise Exposure Forecast (ANEF) exceeds 30.

(4) For the purposes of this clause, references to the Australian Noise Exposure Forecast (ANEF) are to the Australian Noise Exposure Forecast (ANEF) as shown on the map entitled “Badgery’s Creek—Australian Noise Exposure Forecast—Proposed Alignment—Worst Case Assumptions”, comprising Appendix U to the draft Environmental Impact Statement entitled “Second Sydney Airport Site Selection Programme” prepared for the Commonwealth Department of Aviation by Kinhill Stearns and dated April 1985.

19 Major roads

New vehicular or pedestrian access, other than a public road, must not be created across land which is shown on the map by a heavy line.

20 Sewage disposal

Before determining an application for consent to development that will result in the generation of sewage or other effluent, the Council must consider:

(a) whether the site of the proposed development will be capable of connection to a sewerage system either now or in the future, and

(b) the suitability of the site for on-site disposal of effluent and the ability of the sewerage systems or works to operate over the long term without causing significant adverse effects on adjoining property, and

(c) the likely effect of any on-site effluent disposal area on:

(i) any water bodies in the vicinity, including dams, creeks and land in the 7 (a) zone, and

(ii) any wetland, and

(iii) any groundwater, and

(iv) flood liable land, and

(d) the scope for recycling and reusing effluent on the site, and

- (e) the adequacy of the wet weather storage capacity of the proposed sewerage systems or works.

21 Flood liable land

- (1) Before determining an application for consent to carry out development on flood liable land, the Council must consider:

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

- (2) The Council may, as a condition of its consent, require:

- (a) the floor of a building or work to be erected at a height sufficient, or
- (b) the construction of a structure or carrying out of a work,
to prevent or reduce the incidence of flooding of that building or work or other land.

22 Water bodies

Before determining an application for consent to carry out development in or within 20 m of any part of a water body, the Council must consider the impact of that development on:

- (a) the stability of banks, and
- (b) any wetland, and
- (c) aquatic and riparian ecosystems, and
- (d) drainage patterns, and
- (e) the needs of existing and potential users of water from that waterbody, and
- (f) water quality.

23 Foreshore building lines

The erection of a building other than:

- (a) a marina, or
- (b) single storey boat sheds, or
- (c) below ground swimming pools, or
- (d) structures below ground level,

is prohibited between a foreshore building line shown on the map as a dotted line and the adjacent waterbody.

24 Development near zone or sector boundaries

- (1) Where land adjoins the boundary between two zones or two smart growth precinct sectors, or the boundary between a zone and such a sector, development may be carried out on that land, with consent, if the development is allowed with or without consent within the adjoining zone or sector.
- (2) The Council may permit development of land as referred to in subclause (1) only if, in its opinion:
 - (a) the development is desirable, due to planning, design, ownership, servicing or similar requirements relating to the optimum development of the land, and
 - (b) the development would not have an adverse impact on:
 - (i) a wetland, or
 - (ii) a water body, or

(iii) bushland, and

(c) an area of other land, sufficient and suitable for development that would be allowed on that land in the absence of this clause, is provided in the adjoining zone or sector or, where that land is shown on the map as being within the 5 (a) zone or is within a smart growth precinct and shown on a map as required to be acquired by the Council, that land is no longer required for the purpose specified on the relevant map.

25 Extractive industries

Before determining an application for consent for an extractive industry or mine, the Council shall consider:

- (a) how the land will be reinstated and options for its future use, and
- (b) how the material or refuse will be removed and to where and how it will be taken or placed, and
- (c) how public safety will be secured in the surrounding area, and
- (d) the likely impact of the proposed development on the amenity of the neighbourhood in terms of:
 - (i) its design, height, siting and landscaping, and
 - (ii) how it is carried out, and
 - (iii) traffic generation and car parking, and
 - (iv) noise, light, dust and odour nuisance, and
 - (v) privacy, and
 - (vi) stormwater drainage, and
 - (vii) hours of operation, and
 - (viii) overshadowing.

26 Landfill

Consent for the placing of landfill may be granted only if the Council is satisfied that:

- (a) the landfill is required for the reasonable economic use of the land on which it takes place or for the provision of utility services, and
- (b) there would be no adverse impact on:
 - (i) a water body, or

- (ii) private or public property, or
- (iii) ground water quality and resources, or
- (iv) stormwater drainage, or
- (v) flooding.

27 Temporary development

Development referred to in clause 10 (7) may be carried out only if:

- (a) it would not generate an excessive demand for public services, and
- (b) it would be compatible with the character and amenity of the locality in which it would be carried out in terms of:
 - (i) its design, height and siting, and
 - (ii) its operation, and
 - (iii) traffic generation and car parking, and
 - (iv) noise, light, dust and odour nuisance, and
 - (v) privacy, and
 - (vi) stormwater drainage, and
 - (vii) hours of operation, and
 - (viii) overshadowing, and
- (c) it would not be inconsistent with any current consent applying to the land.

28 Wetlands

- (1) Before determining an application for consent to carry out development in or near a wetland, the Council must:
 - (a) consider the impact of that development on:
 - (i) the growth of native plant communities, and
 - (ii) survival of native wildlife populations, and
 - (iii) the provision and quality of habitats for indigenous and migratory species of wildlife, and
 - (iv) the surface and ground water characteristics (including salinity and water quality) of the wetland and of the surrounding land, and

(b) take into account:

- (i) whether adequate safeguards and rehabilitation measures have been, or will be, made or taken to protect the environment, and
- (ii) whether any other wetlands are in the vicinity and the appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those other wetlands.

29 Land classified or reclassified as operational land

Public land is classified or reclassified as operational land pursuant to Chapter 6 of the *Local Government Act 1993*, if it is specified in Schedule 6.

30 Convenience stores

Consent may be granted for a convenience store only if it has a gross floor area used for retail selling (not including floor space used for the sale of petrol, oil, petroleum products or automotive products) which does not exceed 240 sq m.

30A Convenience stores and service stations

Before determining an application for consent for development for the purpose of service stations, restaurants and convenience stores, the Council must consider:

- (a) whether there will be minimal impact on traffic movement and carparking on arterial roads and on existing and future streets in nearby residential areas, and
- (b) whether the site of the proposed development will be accessible to existing and future adjoining residential areas in terms of pedestrian and vehicular accessibility, and
- (c) the likely trade catchments, and
- (d) whether any buildings or works proposed are compatible and sympathetic in design with the existing and future adjoining residential areas.

31 Home business

A home business may be carried out only if:

- (a) it would not have a floor space exceeding 50 sq m, and
- (b) the building, by its design and siting would be compatible with the character and amenity of the locality.

32 Land near the Special Uses—Public Transport Corridor zone

- (1) The Council must not grant consent to development on land which adjoins or is adjacent to land within the 5 (a) Public Transport Corridor zone unless it has taken into consideration the likely effect that the development will have on the practicability and

cost of the future development of the adjoining or adjacent public transport corridor.

- (2) Nothing in subclause (1) operates so as to require consent to be obtained for the carrying out of development on land to which this clause applies if the development may be carried out without consent.

32A Land near the Special Uses—Arterial Road zone and Woodward Park

- (1) The Council must not grant consent to development on land, which adjoins or is adjacent to land which is within the 5 (c) zone and located between Hoxton Park Road and Memorial Avenue, Liverpool, unless it has taken into consideration the requirements for a station, general access and future infrastructure arising from the Liverpool to Parramatta Transitway.
- (2) Nothing in subclause (1) operates so as to require consent to be obtained for the carrying out of development on land to which this clause applies if the development may be carried out without consent.

Part 5 Rural zones

33 Objectives of the Rural zones

- (1) The objectives of the 1 (a) zone are:
 - (a) to protect the agricultural potential of rural land and to prevent fragmentation of viable rural holdings, and
 - (b) to permit only those uses which are compatible with the amenity of rural areas and ancillary to development in the locality, and
 - (c) to ensure that development within rural areas does not generate an unreasonable demand for public services, and
 - (d) to ensure that development does not hinder the development or operation of an airport on the Badgery's Creek proposed airport site, and
 - (e) to ensure that development does not hinder the option for orderly and economic development of land in the vicinity of the Badgery's Creek proposed airport site for airport-related purposes, and
 - (f) to maintain the rural character and scenic landscape qualities of land in the vicinity of the Georges River and Nepean River, and
 - (g) to ensure that development is compatible with the ecological attributes of the area, and
 - (h) to preserve bushland, wildlife refuges, wildlife corridors and natural habitat.
- (2) The objectives of the 1 (b) zone are:

- (a) to protect the agricultural potential of rural land and to prevent further fragmentation of rural holdings, and
- (b) to permit only those uses which are compatible with the amenity of rural areas and ancillary to development in the locality, and
- (c) to ensure that development within rural areas does not generate an unreasonable demand for public services, and
- (d) to ensure that development is compatible with the ecological attributes of the area.

(3) The objectives of the 1 (c) zone are:

- (a) to provide a physical and visual boundary to urban development, and
- (b) to preserve the rural character and scenic landscape qualities of the area, and
- (c) to permit rural residential development which is compatible with the rural character and scenic landscape qualities of the area in terms of allotment size, design and siting of buildings and landscaping, and
- (d) to ensure that development is compatible with the ecological attributes of the area, and
- (e) to preserve bushland, wildlife refuges, wildlife corridors and natural habitat.

(4) The objectives of the 1 (d) zone are:

- (a) to accommodate demand for rural residential development in a manner which is compatible with the rural character of the area in terms of allotment size, design and siting of buildings and landscaping, and
- (b) to permit only those uses which are compatible with the amenity of rural residential areas and ancillary to development in rural residential areas, and
- (c) to ensure that development is compatible with the ecological attributes of the area.

(5) The objectives of the 1 (e) zone are:

- (a) to identify land which is included or proposed to be included in either the Urban Development Program or land proposed to be included in the Employment Lands Development Program of the Department of Urban Affairs and Planning for future urban development, and
- (b) to avoid further fragmentation of land holdings, and
- (c) to ensure that development does not contaminate or otherwise prejudice the

orderly and economic development of future urban land, and

- (d) to ensure that development is compatible with the ecological attributes of the area.

34 Minimum allotment sizes

- (1) Land in the 1 (a), 1 (b), 1 (c) or 1 (d) zone may, subject to subclauses (2) and (3), be subdivided only if each allotment created has an area not less than the area specified for each zone as follows:

1 (a) 40 ha

1 (b) 2 ha

1 (c) 2 ha

1 (d) 1 ha

- (2) The following land may be subdivided only if each allotment created has an area of not less than 5 ha:

Lots 5 and 6, DP 791971

Lots 7 and 8, DP 791971

Lots 24, 25 and 38, DP 803008

- (3) Land in the 1 (a), 1 (b), 1 (c), 1 (d) or 1 (e) zone may be subdivided to create allotments of any size for the purpose of:

(a) widening a public road, or

(b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment, or

(c) rectifying an encroachment upon an allotment, or

(d) creating a public reserve, or

(e) consolidating allotments, or

(f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bush fire brigade or other rescue service purposes or public conveniences.

- (4) Land in the 1 (e) zone may, subject to subclause (3), be subdivided only by excising an allotment around an existing dwelling to enable the residue of the allotment to be consolidated with another allotment.

35 Minimum allotment sizes for dual occupancy housing

(1) Dual occupancy housing involving detached dwellings may, subject to subclause (2), be carried out with consent in the 1 (a), 1 (b), 1 (c), 1 (d) or 1 (e) zone only if the area of the allotment to which the application relates is not less than the area specified for each zone as follows:

1 (a) 2 ha

1 (b) 1.2 ha

1 (c) 4 ha

1 (d) 2 ha

1 (e) 2 ha

(2) Dual occupancy housing involving detached dwellings may be erected with consent on the following land only if the land has an area not less than 10 ha:

Lots 5 and 6, DP 791971

Lots 7 and 8, DP 791971

Lots 24, 25 and 38, DP 803008

36 Minimum allotment size for a dwelling house

(1) A dwelling house may be erected with consent in the 1 (e) zone only if the area of the allotment to which the application relates is 2 ha or more.

(2) A dwelling-house may be erected with consent on a parcel specified in Schedule 7 if that parcel has been consolidated into one allotment.

37 General restrictions on development

Consent for development on land in the 1 (a), 1 (b), 1 (c), 1 (d) or 1 (e) zone may be granted only if each building or work resulting from carrying out the development would, in the opinion of the Council, be compatible with the character and amenity of nearby areas (both existing and likely future) in terms of:

(a) its scale, bulk, design, height, siting and landscaping, and

(b) its operation, and

(c) traffic generation and car parking, and

(d) noise, dust, light and odour nuisance, and

(e) privacy, and

- (f) stormwater drainage, and
- (g) hours of operation, and
- (h) overshadowing.

38 Restrictions on development near arterial roads

Notwithstanding any other provision of this plan, land in the 1 (a), 1 (b), 1 (c), 1 (d) or 1 (e) zone shall not be subdivided or used for the purpose of any of the following:

- educational establishments,
- entertainment facilities,
- extractive industries,
- generating works,
- hazardous industries,
- heliports,
- hospitals,
- mines,
- offensive industries,
- places of public worship,
- public buildings,
- recreation facilities,
- registered clubs,
- retail plant nurseries,
- roadside stalls,
- rural industries,
- sawmills,
- stock and sale yards,
- veterinary hospitals,

if the land will have vehicular access to land in the 5 (c) zone or to another road connecting to land in the 5 (c) zone where its access to the other road is within 90 m

(measured along the connecting road) of the land in the 5 (c) zone, unless:

- (a) there is no practicable alternative vehicular access, and
- (b) provision is made for the construction of a service road or a deceleration lane to provide access to and from the land to the satisfaction of the Roads and Traffic Authority, where required by that Authority, and
- (c) the access to and from the land does not unreasonably prejudice the current functioning and likely future functioning of the road in the 5 (c) zone, and
- (d) the land is not separated from the 5 (c) zone by a heavy black line shown on the map.

Part 6 Residential zones

39 Objectives of the Residential zones

(1) The objectives of the 2 (a) zone are:

- (a) to identify land to be used for housing, primarily dwelling houses, and also dual occupancy housing, integrated housing, multiple dwellings and housing for aged or disabled persons that, in each case, is compatible with existing housing, and
- (b) to permit other types of buildings, if they do not adversely affect the amenity of the locality, and
- (c) to permit development which serves residents of the zone, and
- (d) to permit residents to work at home if that does not adversely affect the amenity of the locality.

(2) The objectives of the 2 (b) zone are:

- (a) to identify an area of land primarily used for racehorse training stables and associated activities, including residential development, which is directly connected with or complementary to the Warwick Farm Racecourse, and
- (b) to ensure the retention and continued operation of racehorse training stables in this area and the ongoing viability of both the local horse training establishments and the horseracing industry at the Warwick Farm Racecourse, and
- (c) to maintain the unique character of the area which typically includes stables and an accompanying dwelling-house on a single allotment, and
- (d) to ensure the preservation of an existing racehorse training community in this area, and
- (e) to permit development, including residential development, only where it is directly connected with or complementary to the horse-racing industry at the Warwick

Farm Racecourse and to the operation and management of the local racehorse training stables, and

- (f) to permit residents to work at home provided that these activities are direct connected with or complementary to the horseracing industry at the Warwick Farm Racecourse and to the operation and management of the local racehorse training stables.

(3) The objectives of the 2 (c) zone are:

- (a) to identify land to be primarily used for residential flat buildings, subject to a height limit, and
- (b) to permit other forms of housing, including dwelling houses, dual occupancy housing, integrated housing, multiple dwellings and housing for aged or disabled persons, and
- (c) to permit other types of development, if they do not adversely affect the amenity of the locality, and
- (d) to permit development which serves the residents of the zone, and
- (e) to permit residents to work at home if that does not adversely affect the amenity of the locality.

(4) The objectives of the 2 (d) zone are:

- (a) to identify land in the vicinity of Liverpool City Centre to be used primarily for residential flat buildings, and
- (b) to permit other forms of housing, including dwelling houses, multiple dwellings and housing for aged or disabled persons, and
- (c) to permit other types of development, if they do not adversely affect the amenity of the locality, and
- (d) to permit development which serves the residents of the zone, and
- (e) to permit residents to work at home if that does not adversely affect the amenity of the locality.

40 General restrictions on development

Consent may be granted for a building on land in the 2 (a), 2 (b), 2 (c) or 2 (d) zone only if it would be compatible with the character and amenity of both the existing and likely future nearby residential areas in terms of:

- (a) its scale, bulk, design, height, siting and landscaping, and

- (b) its operation, and
- (c) traffic generation and car parking, and
- (d) noise, dust, light and odour nuisance, and
- (e) privacy, and
- (f) stormwater drainage, and
- (g) hours of operation, and
- (h) overshadowing.

41 General considerations for residential development

Before determining an application for consent to carry out development on land in the 2 (a), 2 (b), 2 (c) or 2 (d) zone for the purpose of dual occupancy housing, multiple dwellings, integrated housing, housing for aged or disabled persons or residential flat buildings, the Council must consider the following:

- (a) whether adequate arrangements have been made for the removal and the disposal of waste from each proposed dwelling,
- (b) whether adequate provision has been made for the supply of water to and the disposal of sewage and stormwater from each proposed dwelling,
- (c) whether adequate provision is made for the privacy of the occupants of each proposed dwelling and of any adjacent buildings,
- (d) whether adequate provision is made in respect of access to natural light for each proposed dwelling and for any adjacent buildings,
- (e) whether there is a demonstrated need for access for the purpose of maintaining services and buildings and, if so, whether adequate arrangements have been made for such access,
- (f) whether there is a demonstrated need for off street car parking and, if so, whether adequate arrangements have been made for such parking.

41A Minimum allotment sizes and widths

- (1) **Subdivision** Land in the 2 (a), 2 (c) or 2 (d) zone may, subject to this clause, be subdivided only if each allotment created has:
 - (a) an area of not less than 450sqm, not including the area of any access way in the case of a hatchet shaped allotment, and
 - (b) a minimum width of not less than 15m, not including the width of any access way in the case of a hatchet shaped allotment.

- (1A) **Subdivision** Land in the 2 (b) zone may, subject to this clause, be subdivided only if each allotment created has:
- (a) an area of not less than 600sqm, not including the area of any access way in the case of a hatchet shaped allotment, and
 - (b) a minimum width of not less than 20m, not including the width of any access way in the case of a hatchet shaped allotment.
- (2) **Small lot housing subdivision** Land in the 2 (a) or 2 (c) zone may, subject to subclause (7), be subdivided for the purpose of small lot housing only if each allotment created and on which a dwelling will be situated has:
- (a) an area of not less than 270sqm, not including the area of any access way in the case of a hatchet shaped allotment, and
 - (b) a minimum width of not less than 12m, not including the width of any access way in the case of a hatchet shaped allotment, unless paragraph (c) applies, and
 - (c) a minimum width of not less than 9m, not including the width of any access way in the case of a hatchet shaped allotment, if the average of all the minimum widths of lots created by the subdivision will be not less than 12m, and
 - (d) a restriction placed on its use restricting the location of the dwelling to be situated on the land in the case of land having an area of less than 450sqm.
- (3) **Dual occupancy housing—minimum width and site area** Consent may be granted for dual occupancy housing, other than where one of the dwellings has a floor area not greater than 60sqm, in the 2 (a), 2 (b) or 2 (c) zone only if the allotment has an area of not less than 600sqm, not including the area of any access way in the case of a hatched shaped allotment, and:
- (a) the minimum width of the allotment is not less than 24m, not including the width of any access way in the case of a hatchet shaped allotment, or
 - (b) in the case of a corner allotment, the width of at least one frontage to a street is not less than 24m.
- (4) **Dual occupancy and integrated housing subdivision** Land in the 2 (a) or 2 (c) zone may be subdivided for the purpose of dual occupancy housing or integrated housing only if:
- (a) each allotment created has an area of not less than 270sqm, and
 - (b) the average of the areas of all allotments is not less than 300sqm, and
 - (c) each allotment has a minimum width of not less than 9m, not including the width of an access way in the case of a hatchet shaped allotment, and the average of the minimum widths of lots created by the subdivision is not less than 12m.

- (4A) **Dual occupancy and integrated housing subdivision** Land in the 2 (b) zone must not be subdivided for the purpose of dual occupancy housing or integrated housing.
- (5) **Multiple dwellings—minimum width and site area** Consent may be granted for multiple dwellings in the 2 (a) or 2 (d) zone only if:
- (a) the minimum width of the allotment on which they will be is not less than 24m, not including the width of an access way in the case of a hatchet shaped allotment, and
 - (b) the allotment size is not less than 1000sqm, not including the width of an access way in the case of a hatchet shaped allotment.
- (6) **Residential flat buildings—minimum width and site area** Consent may be granted for residential flat buildings in the 2 (c) or 2 (d) zone only if:
- (a) the minimum width of the allotment is not less than 24m, not including the width of an access way in the case of a hatchet shaped allotment, and
 - (b) the allotment size is not less than 1000sqm, not including the width of an access way in the case of a hatchet shaped allotment.
- (7) **Other subdivision** Land in the 2 (a), 2 (b), 2 (c) or 2 (d) zone may be subdivided to create allotments of any size for the purpose of:
- (a) widening a public road, or
 - (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment, or
 - (c) rectifying an encroachment upon an allotment, or
 - (d) creating a public reserve, or
 - (e) consolidating allotments, or
 - (f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bush fire brigade or other rescue service purposes or public conveniences.

42 Motels

Consent may be granted for a motel within the 2 (a) or 2 (b) zone only if the land on which it is to be built has frontage to an arterial road, across which frontage vehicular access is permitted, or to another road connecting to an arterial road, where vehicular access to the land is within 90m (measured along the connecting road) of the arterial road.

43 Exhibition homes or land sales offices

Consent may be granted for an exhibition home, exhibition village or land sales office on land within the 2 (a), 2 (c) or 2 (d) zone only if:

- (a) it is designed in such a way that it will not adversely affect the character and amenity of the existing and likely future nearby residential areas, even after the buildings concerned cease to be used for exhibition or sales, and
- (b) it is designed in such a way that it will accommodate the demand for car parking and will not adversely affect traffic movement on nearby existing or future residential areas, and
- (c) it will not generate a demand for car parking, or adversely affect traffic movement, on an arterial road, and
- (d) its use for exhibition or sales is restricted by a condition of development consent to a limited period.

44 Height restrictions

A building may be erected in the 2 (a), 2 (b) or 2 (c) zone only if its height, not including any floor which is an attic, does not exceed 7.2 m.

45 Restrictions on parking a heavy vehicle

Consent may be granted for the parking of a heavy vehicle or the stationing of heavy equipment on land in the 2 (a), 2 (b), 2 (c) or 2 (d) zone other than a public road only if the Council is satisfied that:

- (a) it would not adversely affect the amenity of the zone, and
- (b) it would not cause noise pollution to any adjacent lot, and
- (c) it would not adversely affect traffic circulation in the area.

45A Development within the 2 (b) zone

The Council must not grant consent for development, including residential development, within the 2 (b) zone unless it is satisfied that:

- (a) the proposed development will be directly connected with or complementary to the horseracing industry at the Warwick Farm Racecourse and to the operation and management of racehorse training stables in the area, and
- (b) the proposed development will not have an adverse impact on the viability of existing racehorse training stables in the area, and
- (c) the proposed development will not have an adverse impact on the unique character of the area and existing racehorse training community.

45B Local shops

- (1) The Council must not grant consent to development for the purpose of a local shop on land within Zone 2 (a) unless it is satisfied that the boundary of the site of the proposed local shop will be at least 500 metres by road from each of the following:
 - (a) land within Zone 3 (a),
 - (b) land in respect of which a consent to development for the purpose of a local shop is in force,
 - (c) land in respect of which a consent to development for the purpose of a convenience store is in force,
 - (d) land on which there is an existing lawful shop.
- (2) The Council must not grant a consent referred to in subclause (1) unless it has considered the likely impact of the proposed development on the viability of existing or proposed shopping centres in the locality.
- (3) The Council must not grant a consent referred to in subclause (1) unless it is satisfied that no boundary of the site of the proposed local shop will front any of the following:
 - (a) the Northern Road,
 - (b) Elizabeth Drive,
 - (c) Bringelly Road,
 - (d) Camden Valley Way,
 - (e) Cowpasture Road,
 - (f) Hoxton Park Road,
 - (g) the Hume Highway,
 - (h) Newbridge Road,
 - (i) Heathcote Road,
 - (j) Cumberland Highway (Orange Grove Road),
 - (k) Memorial Avenue (Hume Highway to Scott Street),
 - (l) Moorebank Avenue (Newbridge Road to M5 Motorway),
 - (m) M5 Motorway,
 - (n) Terminus Street,

- (o) Macquarie Street (Hume Highway to Terminus Street).

Part 7 Business zones

46 Objectives of the Business zones

- (1) The objectives of the 3 (a) zone are:

- (a) to provide sufficient land and permit a wide range of uses in Liverpool City Centre to promote its role as the regional centre of south western Sydney for retailing, business, community and entertainment facilities, and
- (b) to provide sufficient land in centres conveniently located in relation to residential areas for retailing, business, community and entertainment facilities, and
- (c) in the case of land affected by the Department's Urban Development Program, to ensure the provision of shopping centres, and
- (d) to promote a high standard of urban design.

- (2) The objectives of the 3 (b) zone are:

- (a) to permit the continuation and consolidation of a group of existing commercial uses along the Hume Highway at Liverpool and Casula, and
- (b) to promote a high standard of urban design for development on visually prominent sites.

- (3) The objectives of the 3 (c) zone are:

- (a) to support or complement the objectives of the 3 (a) zone, and
- (b) to encourage land uses and activities that are mixed and will complement and expand the range of services provided within the 3 (a) zone, and
- (c) to provide a node of activity suitable for promoting higher density housing within close proximity to both the 3 (a) zone and the 6 (a) zone, and
- (d) to provide for a compatible land use transition between civic and residential uses.

47 Restrictions on development within the 3 (a) zone

Consent may be granted for a building on land within the 3 (a) zone only if it would be compatible with the character and amenity of the existing and likely future nearby residential areas in terms of:

- (a) its scale, bulk, design, height, siting and landscaping, and
- (b) its operation, and

- (c) traffic generation and carparking, and
- (d) noise, light, dust and odour nuisance, and
- (e) privacy, and
- (f) stormwater drainage, and
- (g) hours of operation, and
- (h) overshadowing.

48 Development within the 3 (a) zone in Liverpool City Centre

Before determining an application for consent to erect a building on land within the 3 (a) zone in Liverpool City Centre, the Council must consider whether:

- (a) it would preserve the historic street layout and ensure that new development reinforces street character through consistent building alignments, and
- (b) it would encourage continuity and unity in the streetscapes, and
- (c) it would meet future floor space demand, while maintaining solar access for buildings and areas of high pedestrian usage, and
- (d) it would promote and enhance vistas and views within the City Centre, and
- (e) it would, where it is to be erected on land having frontage to an arterial road, increase the risk of traffic congestion or hazards on the arterial road, and
- (f) it can accommodate the demand for carparking facilities, whether by on-site carparking or contribution to public parking facilities, or both, and
- (g) it would contribute to the character and functioning of public spaces in the centre, whether by way of the design of the building and its relationship with those spaces or the provision of awnings, verandahs or other means of pedestrian shelter, or otherwise, and
- (h) it would have an adverse impact on the movement of vehicles and pedestrians.

48A Restrictions on development within the 3 (c) zone

Consent may be granted for a building on land within the 3 (c) zone only if:

- (a) the height of the building will be not more than 11m above ground level, and
- (b) a minimum of 50% of the gross floor area of the building will be for a residential purpose, and
- (c) all development for a residential purpose will be located at least one floor above

ground level, apart from access.

49 Liverpool Railway Station

Before determining an application for consent to carry out development on land at Liverpool Railway Station or adjoining land used for the purpose of railways, the Council must consider whether:

- (a) the role of the locality as a major public transport terminal will be maintained, and
- (b) it would enhance the approach for commuters arriving at Liverpool, and
- (c) it would be consistent with the creation of a public plaza at the entrance to the railway station, and
- (d) it would preserve the natural vegetation and features of the river foreshore, and
- (e) it would not by its design and layout detract from the heritage significance of the locality, and
- (f) it would provide a pedestrian link between Liverpool City Centre and open space land along the Georges River, in the case of a major development on the land.

Part 8 Industrial zones

50 Objectives of the Industrial zones

(1) The objectives of the 4 (a) zone are:

- (a) to set aside sufficient land to be used primarily for a broad range of industrial land uses, and
- (b) to permit a range of land uses which serve the industrial areas, and
- (c) to permit a range of land uses which are compatible with industrial areas, and
- (d) to permit retail development only where:
 - (i) it is ancillary to and associated with an industrial use of land in the zone, or
 - (ii) it services the daily convenience needs of the local workforce,and only if it does not have an adverse impact on the viability of the business areas of Liverpool, and
- (e) to promote a high standard of urban design, particularly along arterial roads.

(2) The objectives of the 4 (b) zone are:

- (a) to set aside sufficient land to be used primarily for a broad range of industrial land uses, and

- (b) to permit a range of land uses which serve the industrial areas, and
- (c) to permit a range of land uses which are compatible with industrial areas, and
- (d) to permit retail development only where:
 - (i) it is ancillary to and associated with an industrial use of land in the zone, or
 - (ii) it services the daily convenience needs of the local workforce, or
 - (iii) it is for the purpose of bulky goods retailing, or
 - (iv) it is a motor vehicle orientated land use,and only if it does not have an adverse impact on the viability of the business areas of Liverpool, and
- (e) to promote a high standard of urban design, particularly along arterial roads.

(3) The objectives of the 4 (c) zone are:

- (a) to set aside sufficient land adjacent to Liverpool City Centre for a business park, and
- (b) to permit employment intensive activities, and
- (c) to permit a range of light industrial land uses appropriate to the business park environment, and
- (d) to permit a range of land uses which serve the business park, and
- (e) to permit retail development only where:
 - (i) it is ancillary to and associated with an industrial use of land in the zone, or
 - (ii) it services the daily convenience needs of the local workforce,and only if it does not have an adverse impact on the viability of the business areas in Liverpool, and
- (f) to promote a high standard of urban design, particularly along arterial roads, and
- (g) to permit an entertainment facility only where it would not be likely to detrimentally affect the viability of any business centre.

(4) The objectives of the 4 (d) zone are:

- (a) to provide for industrial and business development that:
 - (i) contributes to the economic, employment and social growth of the Liverpool local government area, and

- (ii) complements the employment role of the Liverpool CBD, and
- (iii) will not have an adverse impact on the Liverpool CBD, and
- (iv) due to its nature is not considered suitable for the Liverpool CBD, and
- (b) to provide for the special requirements of industry and business, particularly in the areas of advanced technology and communications, and to cater for the varying needs of employment activities, and
- (c) to encourage the development of an industrial and business employment area in a location highly accessible to employees, and
- (d) to maximise the opportunities for increased use of public transport, bicycles and walking and for a reduction in the use of private cars, and
- (e) to discourage industrial development that is likely to detract from the amenity of the zone by reason of its appearance, noise, emissions and the like, and
- (f) to prohibit hazardous and offensive industries and industries where substantial measures are necessary to mitigate the risks or impacts of environmental damage, and
- (g) to make special provision for industries using and developing advanced technology products and processes, and
- (h) to provide facilities for business and industry by allowing development for the purposes of a range of ancillary commercial, retail, educational, recreational and community facilities and other development and activities only where it is associated with, and ancillary to, activities carried out on the same land, or where it serves the daily convenience needs of the local workforce, and
- (i) to make adequate provision for infrastructure and facilities to service the development of the area, and
- (j) to provide for the use and development of the area in an orderly, efficient and economic manner, and
- (k) to promote a high standard of urban design.

51 Bulky goods salesroom or showroom

Consent may be granted for a bulky goods salesroom or showroom within the 4 (b) zone only if:

- (a) the gross floor area of the part of the building used for the sale, storage and display of the following items, when added to the part of the area of outdoor display used for displaying the following items, is not less than the area shown below:

furniture	1000 sq m
electrical goods	1000 sq m
toys and sporting equipment	1000 sq m
office furniture	1000 sq m
hardware	1000 sq m
outdoor products	500 sq m
floor coverings	250 sq m
automotive parts and accessories	250 sq m
lighting	250 sq m
antiques and secondhand goods	250 sq m
kitchen or bathroom showrooms	150 sq m
tiles (floor, ceiling, wall)	150 sq m

(b) the building is located on land having a site area of not less than that shown corresponding to the number of bulky goods salesrooms or showrooms on the land:

1	0.5 ha
2-5	1.0 ha
6 or more	2.0 ha

52 Development near a residential zone

Consent for development to be carried out on land within the 4 (a), 4 (b) or 4 (c) zone which is in the vicinity of land within a residential zone may be granted only if, in the opinion of the Council, it would be compatible with the character and amenity of the existing and likely future nearby residential areas in terms of:

- (a) its scale, bulk, design, height, siting and landscaping, and
- (b) its operation, and
- (c) traffic generation and carparking, and
- (d) noise, light, dust and odour nuisance, and
- (e) privacy, and
- (f) stormwater drainage, and
- (g) hours of operation, and

(h) overshadowing.

53 Brothels

Consent may be granted for a brothel on land in the 4 (a) zone only if it is not less than 100m from another brothel or land for which there is a current consent for a brothel.

53A Former Liverpool Showground Site

- (1) This clause applies to Lot 2, DP 229678, Kurrajong Road, Prestons, as shown edged heavy black on the map marked "*Liverpool Local Environmental Plan 1997 (Amendment No 19)*".
- (2) The Council must not grant consent to a subdivision of the land to which this clause applies (including a subdivision of buildings on the land by a strata plan) unless it is satisfied that:
 - (a) the proposed subdivision will not prejudice the potential of the land to accommodate large scale industrial or warehouse development, and
 - (b) the proposed subdivision is necessary to create employment opportunities on the land.
- (3) Subclause (2) does not preclude the subdivision to create an allotment for a public purpose.
- (4) After access to the land is provided by an extension of Lyn Parade, a subdivision or other development of the land must not result in the construction of any additional vehicular access point to Kurrajong Road, except as provided for in subclause (6).
- (5) Until access to the land is provided by an extension of Lyn Parade, the Council may grant development consent for temporary access to Kurrajong Road from the site area during any period of construction on the site area.
- (6) The Council may grant development consent for vehicular access to Kurrajong Road from the land for the exclusive use of emergency vehicles such as police, ambulance and fire brigade.

53AA Development in Zone 4 (d)

- (1) Consent may be granted for office premises in the 4 (d) zone only if:
 - (a) the premises are ancillary to a permissible use of land in the zone, or
 - (b) the premises:
 - (i) are to be utilised by an organisation that is involved in activities in the Moorebank Precinct that are consistent with the objectives of the zone, and
 - (ii) are not, because of the design, operation or construction of the premises,

suitable for other business areas in Liverpool.

- (2) Consent for development to be carried out in the 4 (d) zone may be granted only if the Council has taken into consideration any master plan or development control plan applying to the zone that has been made or adopted by the Council.

53AB Development of certain land at Moorebank (Yulong, DNSDC and Amiens sites)

- (1) This clause applies to the following land:
 - (a) the Amiens site (being Lots 1 and 5, DP 832269),
 - (b) the Defence National Storage and Distribution Centre site (being part of Lot 1403, DP 848565, corner of Moorebank Avenue and Anzac Road, Moorebank, as shown edged heavy black on the map marked "*Liverpool Local Environmental 1997 (Amendment No 58)*"),
 - (c) the Yulong site (being Lot 12, DP 264622, part of Lot 1403, DP 848565 and part of Lots 2 and 3, DP 832269, as shown edged heavy black on the map marked "*Liverpool Local Environmental 1997 (Amendment No 57)*").
- (2) Consent for development on land to which this clause applies may be granted only if the development is, in the opinion of the Council, consistent with a Transport Management and Accessibility Plan approved by the Director-General.
- (3) Despite clause 9, development for the purposes of industry, light industry, motels, office premises, public buildings, research establishments, research facilities, serviced apartments, warehouses or distribution centres may be carried out with consent, but only if the Director-General has first certified, in writing, to the Council that satisfactory arrangements have been made for the provision of appropriate regional transport infrastructure as identified in such a Transport Management and Accessibility Plan.

53B Provision of services on DNSDC site at Moorebank

- (1) This clause applies to the Defence National Storage and Distribution Centre site (being part of Lot 1403, DP 848565, corner of Moorebank Avenue and Anzac Road, Moorebank, as shown edged heavy black on the map marked "*Liverpool Local Environmental 1997 (Amendment No 58)*").
- (2) Before determining an application for consent to carry out development on land to which this clause applies, the Council must consider:
 - (a) an integrated approach to the management of water, wastewater and stormwater (including the impact of the proposed development on the supply of water and the disposal of sewage and stormwater), and
 - (b) whether sustainable water cycle management, water use efficiency and

opportunities for water reuse can be provided, and

- (c) whether the existing infrastructure of the site has the capacity to satisfy such design standards as may be specified by Sydney Water in relation to the site, and
 - (d) whether any amplification works are required to be undertaken by the applicant as a consequence of the proposed development.
- (3) If the applicant is required to undertake any such amplification works, the works must satisfy such design standards as may be specified by Sydney Water in relation to those works.

53C Development of Yulong Site

- (1) This clause applies to Lot 12, DP 264622, part of Lot 1403, DP 848565 and part of Lots 2 and 3, DP 832269, as shown edged heavy black on the map marked "*Liverpool Local Environmental Plan 1997 (Amendment No 57)*".
- (2) The Council must not grant consent to the carrying out of development on land to which this clause applies unless:
 - (a) the Council is satisfied that any contamination of the land has been remediated to a standard considered suitable by a site auditor for the proposed use of the land (having regard to the *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* developed by the Australian and New Zealand Environment Conservation Council and the National Health and Medical Research Council, or to such other guidelines and standards as are relevant), and
 - (b) the Council has been provided with a site audit statement prepared by a site auditor which verifies that the land has been remediated to such a suitable standard.
- (3) In this clause:

contamination has the same meaning as in the [Contaminated Land Management Act 1997](#).

site audit statement and **site auditor** have the same meanings as in Part 4 of the [Contaminated Land Management Act 1997](#).

Part 9 Special Uses zones

54 Objectives of the Special Uses zones

- (1) The objectives of the 5 (a) zone are:
 - (a) to identify land owned, used or required to be used by or under the authority of a public authority, and

(b) to permit a range of uses which are compatible with the locality.

(2) The objectives of the 5 (b) zone are:

(a) to identify land required for existing or proposed railways, and

(b) to permit a range of uses on that land.

(3) The objective of the 5 (c) zone is to identify land required for existing or proposed arterial roads, including the widening of existing arterial roads.

(4) The objective of the 5 (d) zone is to identify land required for proposed local roads, including the widening of existing local roads.

55 Land acquisition within the 5 (a), 5 (b) and 5 (d) zones

(1) The owner of any land within the 5 (a), 5 (b) or 5 (d) zone may, in writing, request the public authority or Minister corresponding to the zoning of the land, as shown below, to acquire the land.

Zone	Public Authority or Minister
5 (a) Public Transport Corridor	The Corporation
5 (a) School	Minister for Education and Training
5 (a) Drainage	Council
5 (a) Community Purposes	Council
5 (a) Visual Buffer	Council
5 (b)	Minister for Transport
5 (d)	Council

(2) On receipt of the request, the public authority or Minister concerned must make arrangements to acquire the land, unless the land might reasonably be required to be dedicated to the Council as a condition of consent to the carrying out of development.

(3) However, the public authority or Minister concerned must make arrangements to acquire the land only if:

(a) the land is included in a 5 year works program of the public authority or of a public authority for whose administration the Minister concerned is responsible, current at the time of receipt of the request, or

(b) the public authority or Minister concerned is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

(4) This clause does not apply in relation to land within Lot 1, DP 1027714, corner of

Cowpasture Road and Hoxton Park Road, Liverpool.

56 Land acquisition within the 5 (c) zone

- (1) The owner of any vacant land within the 5 (c) zone may, in writing, request acquisition of that land by:
 - (a) the Roads and Traffic Authority—where that land is included in a 5 year works program of the Roads and Traffic Authority that is current at the time of receipt of the request, or
 - (b) the Corporation—in any other case.
- (2) The owner of any land within the 5 (c) zone that is not vacant may, in writing, request acquisition of that land by the Roads and Traffic Authority.
- (3) On receipt of the request, the Roads and Traffic Authority or the Corporation, as the case may be, must make arrangements to acquire the land, unless:
 - (a) the land might reasonably be required to be dedicated for a public road, or
 - (b) the land is not vacant and subsection (4) allows acquisition to be deferred.
- (4) The Roads and Traffic Authority must make arrangements to acquire land that is not vacant only if:
 - (a) the land is included in a 5 year works program of the Roads and Traffic Authority current at the time of receipt of the request, or
 - (b) the Roads and Traffic Authority has refused concurrence to a consent for a proposed use of the land, or
 - (c) the Roads and Traffic Authority is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

57 Consultation

- (1) Except as provided by subclause (2), if a public authority:
 - (a) proposes to carry out any activity on land within the 5 (a) Public Transport Corridor zone, or
 - (b) proposes to grant an approval in relation to an activity on that land,the public authority must not carry out the activity or grant the approval unless it has first consulted with the Director in accordance with clause 58 and take into account any comment or statement made or report prepared by or on behalf of the Director within the period specified in the notice served on the Director under that clause.
- (2) Subclause (1) does not apply if the activity concerned is maintenance or repair of a

road.

58 Procedure for consultation

A public authority required by clause 57 to consult with the Director must serve or cause to be served on the Director a notice:

- (a) stating that the public authority proposes to carry out the activity, or grant an approval in relation to the activity, specified in the notice, and
- (b) containing a description or plan of the land on which the activity is proposed to be carried out, and
- (c) containing a brief description of the activity proposed to be carried out, and
- (d) stating that a comment, statement or report including any suggestions with respect to modifications to, or conditions to be imposed on, the approval (if any) may be made within the period specified in the notice.

59 Use of land within the 5 (c) zone before or after it is acquired

- (1) A person may, with the consent of the Council and:
 - (a) in the case of vacant land, with the concurrence of the Roads and Traffic Authority and the Corporation, or
 - (b) in the case of land that is not vacant, with the concurrence of the Roads and Traffic Authority,carry out development on land within the 5 (c) zone:
 - (c) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (d) for any purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (2) The Roads and Traffic Authority and the Corporation must, in determining whether or not to grant that concurrence, consider the following:
 - (a) the need to carry out development on the land for the purpose of classified roads or proposed classified roads within the meaning of the [Roads Act 1993](#),
 - (b) the imminence of acquisition,
 - (c) the likely additional cost to the Roads and Traffic Authority or the Corporation resulting from the carrying out of the proposed development.
- (3) Land acquired under this clause may be developed, with the consent of the Council, for any purpose until such time as it is required for use for the purpose for which it

was acquired.

60 Restrictions on development of land within the 5 (a), 5 (b) or 5 (d) zone

- (1) Before determining an application for consent to carry out development on land within the 5 (a), 5 (b) or 5 (d) zone before it is acquired pursuant to this Part, the Council must consider the following:
 - (a) the need for the proposed development on the land, and
 - (b) the impact of the proposed development on the existing or likely future use of the land, and
 - (c) the need to retain the land for its existing or likely future use, and
 - (d) the effect of the proposed development on the costs of acquisition, and
 - (e) the imminence of acquisition, and
 - (f) the costs of reinstatement of the land for the land use for which the land may be required to be acquired.
- (2) The Council may grant consent to the development of land referred to in subclause (1), other than land in the 5 (a) Public Transport Corridor zone, only with the concurrence of the Minister or other public authority which may be required to acquire the land.
- (3) The Minister or other public authority concerned must, in determining whether or not to grant that concurrence, consider the following:
 - (a) the effect of the proposed development on the costs of development,
 - (b) the imminence of acquisition,
 - (c) the costs of reinstatement of the land for the land use for which the land is to be acquired.
- (4) In the case of land within the 5 (a) Public Transport Corridor zone, the Council may grant consent to the development of land referred to in subclause (1) only with the concurrence of the Director.
- (5) The Director must, in determining whether or not to grant that concurrence, consider the following:
 - (a) the practicability and cost of carrying out development for the purpose of public transport,
 - (b) the cost of acquiring the land.
- (6) Consent for development on land within the 5 (a), 5 (b) or 5 (d) zone after it has been

acquired pursuant to this plan may be granted only if the Council has considered whether the proposed development would be compatible with the existing and likely future character and amenity of adjoining land in terms of:

- (a) its scale, bulk, design, siting and landscaping, and
- (b) its operation, and
- (c) traffic generation and car parking, and
- (d) noise, light, dust and odour nuisance, and
- (e) privacy, and
- (f) stormwater drainage and flooding, and
- (g) hours of operation, and
- (h) overshadowing.

Part 10 Recreation zones

61 Objectives of the Recreation zones

(1) The objectives of the 6 (a) zone are:

- (a) to ensure that there is a sufficient and equitable distribution of open space to meet the recreational needs of residents and to enhance the environment of Liverpool, and
- (b) to ensure preservation of significant landscape elements.

(2) The objectives of the 6 (b) zone are:

- (a) to identify major parcels of land where private recreation is provided, and
- (b) to permit a range of related facilities.

(3) The objectives of the 6 (c) zone are:

- (a) to identify land required for regional recreation and open space and leisure purposes, and
- (b) to permit a range of uses by public utilities and other Government agencies which are compatible with the use of the land for open space, and
- (c) to provide opportunities for the development of a wide range of recreational and other facilities that do not conflict with the existing or likely future use of the land for regional recreation or public utility purposes, and
- (d) to provide a visual and physical break between existing and future areas of urban

development, and

- (e) to provide for the maintenance, enhancement and rehabilitation of natural systems for environmental protection.

62 Land acquisition within the 6 (a) zone

- (1) The owner of land within the 6 (a) zone other than a public authority may, in writing, request the Council to acquire the land, except where the land is listed in Schedule 8.
- (2) On receipt of the request, the Council must make arrangements to acquire the land, except where the land may reasonably be required to be dedicated to the Council as a condition of consent to the carrying out of development, but only if:
 - (a) the land is included in a 5 year works program of the Council, current at the time of receipt of the request, or
 - (b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) The owners of land within the 6 (a) zone that is listed in Schedule 8 may, in writing, request the Corporation to acquire the land.
- (4) On receipt of the request, the Corporation must make arrangements to acquire the land.

63 Use of land within the 6 (a) zone before it is acquired

- (1) Before determining an application for consent to carry out development on land which may be required to be acquired pursuant to clause 62, the Council must consider the following:
 - (a) the need for the proposed development on the land, and
 - (b) the impact of the proposed development on the existing or likely future use of the land, and
 - (c) the need to retain the land for its existing or likely future use, and
 - (d) the effect of the proposed development on the costs of acquisition, and
 - (e) the imminence of acquisition, and
 - (f) the costs of reinstatement of the land for the land use for which the land may be required to be acquired.
- (2) The Council may grant consent to the development of land listed in Schedule 8 only with the concurrence of the Corporation.
- (3) The Corporation must, in determining whether or not to grant that concurrence, must

consider the following:

- (a) the effect of the proposed development on the costs of acquisition, and
- (b) the imminence of acquisition, and
- (c) the costs of reinstatement of the land for the land use for which the land is to be acquired.

64 Land acquisition within the 6 (c) zone

- (1) The owner of any land within the 6 (c) zone may, in writing, request the Corporation to acquire the land.
- (2) On receipt of the request, the Corporation must make arrangements to acquire the land.

65 Use of land within the 6 (c) zone before it is acquired

- (1) The Council may grant consent to the development of land which may be required to be acquired by the Corporation pursuant to clause 64 only if it has received the concurrence of the Corporation.
- (2) The Corporation must, in determining whether or not to grant that concurrence, consider the following:
 - (a) the effect of the proposed development on the costs of acquisition, and
 - (b) the imminence of acquisition, and
 - (c) the costs of reinstatement of the land for the land use for which the land is to be acquired.

66 Use of land within the 6 (a) and 6 (c) zones after it has been acquired

Before determining an application for consent to carry out development on publicly owned land within the 6 (a) or 6 (c) zone, the Council must consider the following:

- (a) the need for the proposed development on that land,
- (b) the impact of the proposed development on the existing or likely future use of the land,
- (c) that any proposed building should be secondary and complementary to the existing use of the land as public open space,
- (d) that the land and any improvements on it should remain available for public use.

67 Minimum allotment sizes

- (1) Land in the 6 (c) zone may, subject to subclause (2), be subdivided only if each

allotment created has an area of not less than 20 ha.

- (2) Land in the 6 (c) zone may be subdivided to create allotments of any size for the purpose of:
- (a) widening a public road,
 - (b) making an adjustment to a boundary between allotments being an adjustment that does not involve the creation of any additional allotment,
 - (c) rectifying an encroachment upon an allotment,
 - (d) creating a public reserve,
 - (e) consolidating allotments, or
 - (f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bush fire brigade or other rescue service purposes or public conveniences.

Part 11 Environment Protection zones

68 Objectives of the Environment Protection zones

- (1) The objectives of the 7 (a) zone are:
- (a) to protect the environment of the water body, and
 - (b) to improve water quality in the water body, and
 - (c) to permit uses compatible with the environment of the water body and the adjoining land, and
 - (d) to permit recreational use of the water body if it does not adversely affect the environment of the water body, and
 - (e) to protect riparian vegetation, and
 - (f) to conserve wildlife corridors associated with riparian vegetation.
- (2) The objectives of the 7 (b) zone are:
- (a) to protect environmentally sensitive natural bushland and wildlife corridors of high conservation value, and
 - (b) to protect rare vegetation communities and their associated native fauna, and
 - (c) to conserve rare and threatened plant species, and
 - (d) to allow use of the zone for recreational and educational purposes, and

- (e) to protect environmentally sensitive wetlands of conservation value, and
- (f) to protect wetlands which provide a habitat for indigenous and migratory wildlife.

69 Restrictions on development

Development for the purpose of a building may be carried out on land within the 7 (a) zone only if, in the opinion of the Council:

- (a) it would be compatible with the character and amenity of the water body in terms of:
 - (i) its scale, bulk, design, siting and landscaping, and
 - (ii) its operation, and
 - (iii) any noise, light, dust and odour nuisance it creates, and
 - (iv) its effect on stormwater drainage and flooding, and
 - (v) its effect on water quality, and
- (b) it would be compatible with the character and amenity of land in the vicinity that is in an adjoining zone in terms of:
 - (i) its scale, bulk, design, siting and landscaping, and
 - (ii) its operation, and
 - (iii) its effect on traffic generation and car parking, and
 - (iv) any noise, light, dust and odour nuisance it creates, and
 - (v) its effect on privacy, and
 - (vi) its effect on stormwater drainage and flooding, and
 - (vii) its hours of operation, and
 - (viii) any overshadowing it creates.

70 Minimum allotment sizes

Land in the 7 (b) zone may be subdivided to create allotments of any size if the subdivision is only for the purpose of:

- (a) widening a public road,
- (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment,
- (c) rectifying an encroachment upon an allotment,

- (d) creating a public reserve,
- (e) consolidating allotments, or
- (f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes.

Part 11A Smart Growth Precincts

70A Land acquisition within a smart growth precinct

- (1) The owner of any land identified on the smart growth precinct acquisition map for a land use specified in the Table to this subclause may, in writing, request the Minister or public authority shown in that Table as the acquisition authority corresponding to the land use, to acquire the land.

Table

Identified land use	Acquisition authority
School—public	Minister for Education and Training
Community Purposes	the Council
Water Management	the Council
Open Space	the Council
Environmental Corridor	the Council

- (2) On receipt of the request, the Minister or public authority concerned must make arrangements to acquire the land, except where the land might be required to be dedicated to the Council as a condition of consent to the carrying out of development, but only if:
 - (a) the land is included in a 5-year works program of a public authority for whose administration the Minister concerned is responsible, or the public authority concerned, that is current at the time of receipt of the request, or
 - (b) the Minister or public authority concerned is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) In this Part:

smart growth precinct acquisition map means:

for the Southern Hoxton Park Aerodrome Smart Growth Precinct, Sheet 3 of the map marked "*Liverpool Local Environmental Plan 1997 (Amendment No 71)*".

70B Restrictions on development of land identified for acquisition for public purposes

- (1) Consent must not be granted for development of land identified for a land use on the smart growth precinct acquisition map before it is acquired pursuant to this Part, unless the consent authority has considered the following:
 - (a) the need for the proposed development on the land,
 - (b) the impact of the proposed development on the existing or likely future use of the land,
 - (c) the need to retain the land for its existing or likely future use,
 - (d) the effect of the proposed development on the costs of acquisition,
 - (e) the imminence of acquisition,
 - (f) the costs of reinstatement of the land for the land use for which the land may be required.
- (2) Consent must not be granted to the development of any such land unless the concurrence of the Minister or other public authority, who or which may be required to acquire the land, has been obtained.
- (3) The consent authority must give notice of a development application that requires such a concurrence to the Minister or public authority concerned and, before granting consent, must consider any comments received in response to the notice within 28 days after the notice was sent.
- (4) The Minister or other public authority concerned must, in determining whether or not to grant that concurrence, consider the following:
 - (a) the effect of the proposed development on the costs of development,
 - (b) the imminence of acquisition,
 - (c) the costs of reinstatement of the land for the land use for which the land is to be acquired.
- (5) After land has been acquired pursuant to this Part, consent for development on the land must not be granted unless the consent authority has considered whether the proposed development would be compatible with the existing and likely future character and amenity of adjoining land in terms of:
 - (a) its scale, bulk, design, siting and landscaping, and
 - (b) its operation, and
 - (c) traffic generation and car parking, and

- (d) noise, light, dust and odour nuisance, and
- (e) privacy, and
- (f) stormwater drainage and flooding, and
- (g) hours of operation, and
- (h) overshadowing.

70C Density requirements—Medium Density Residential sector

- (1) Land in a smart growth precinct Medium Density Residential sector may, subject to this clause, be subdivided only if each allotment created has:
 - (a) an area of not less than 180 square metres, not including the area of any access way in the case of a hatchet shaped allotment, and
 - (b) an area of not more than 300 square metres, not including the area of any access way in the case of a hatchet shaped allotment.
- (2) Consent may be granted to a subdivision of land referred to in subclause (1) to create allotments with lot sizes of more than 300 square metres or less than 180 square metres, but only if the consent authority is satisfied that an average density of at least 40 dwellings per hectare of residential land will be achieved by the subdivision.

70D Density requirements—Small Lot Residential sector

- (1) Land in a smart growth precinct Small Lot Residential sector may, subject to this clause, be subdivided only if each allotment created has:
 - (a) an area of not less than 300 square metres, not including the area of any access way in the case of a hatchet shaped allotment, and
 - (b) an area of not more than 450 square metres, not including the area of any access way in the case of a hatchet shaped allotment.
- (2) Consent may be granted to a subdivision of land referred to in subclause (1) to create allotments with lot sizes of more than 450 square metres or less than 300 square metres, but only if the consent authority is satisfied that an average density of at least 30 dwellings per hectare of residential land will be achieved by the subdivision.

70E Density requirements—Standard Residential sector

- (1) Land in a smart growth precinct Standard Residential sector may, subject to this clause, be subdivided only if each allotment created has:
 - (a) an area of not less than 450 square metres, not including the area of any access way in the case of a hatchet shaped allotment, and

(b) an area of not more than 600 square metres, not including the area of any access way in the case of a hatchet shaped allotment.

(2) Consent may be granted to a subdivision of land referred to in subclause (1) to create allotments with lot sizes of more than 600 square metres or less than 450 square metres, but only if the consent authority is satisfied that an average density of at least 20 dwellings per hectare of residential land will be achieved by the subdivision.

70F Development of land within a smart growth precinct

Consent must not be granted to the carrying out of development on land within a smart growth precinct, or the subdivision of any such land to create additional allotments unless:

- (a) the consent authority is satisfied that stormwater on the land will be managed in accordance with a stormwater management plan approved by the Council and, when it leaves the land, will be adequately managed downstream of the land, and
- (b) all downstream stormwater management systems required to deal with stormwater from the land have been satisfactorily constructed or the consent authority is satisfied that those management systems will be satisfactorily constructed.

Part 12 Heritage provisions

71 Objectives of the heritage provisions

The objectives of this Part are:

- (a) to conserve the environmental heritage of the City of Liverpool, and
- (b) to integrate heritage conservation into the planning and development control processes, and
- (c) to provide for public involvement in matters relating to the conservation of the environmental heritage of the City of Liverpool, and
- (d) to ensure that new development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and their settings, as well as streetscapes and landscapes and the distinctive character that they impart to the City of Liverpool.

72 Restrictions on heritage items

- (1) Before determining an application for consent involving a heritage item, the Council must consider the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.
- (2) The Council must not consent to development involving a heritage item unless it has considered a statement of heritage impact or a conservation plan relating to the item

and the proposed development.

73 Restrictions on development near heritage items

The Council may consent to development on land in the vicinity of a heritage item only if, in the opinion of the Council:

- (a) it would not diminish the heritage significance of the item and its setting, and
- (b) it would be compatible with the existing heritage item in terms of:
 - (i) height, scale and proportions, and
 - (ii) overall form and massing, including pitch and form of the roof, if any, and
 - (iii) the setting, including any building alignment affected, and
 - (iv) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building, if any.

74 Restrictions on development in heritage conservation areas

The Council may consent to the erection of a building or the alteration of an existing building within a heritage conservation area only if:

- (a) it would not diminish the heritage significance of the conservation area, and
- (b) it would be compatible with the existing character of buildings and other items in the conservation area in terms of:
 - (i) height, scale and proportions, and
 - (ii) overall form and massing, including pitch and form of roof, and
 - (iii) the setting, including any building alignment affected, and
 - (iv) the colour, texture, size and type of finish of the materials to be used on the exterior of the building, and
 - (v) the character, size, proportion and arrangement of door and window openings.

75 Incentives for heritage conservation

- (1) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or is on the site of a heritage item, even though that use would be otherwise prohibited by this plan, but only if it is satisfied that:
 - (a) the condition of the building is such that the use of the building for any purpose that is permissible would be impractical or undesirable, and

- (b) the building requires a substantial amount of capital expenditure (other than for maintenance work) in order to conserve the heritage significance of the building, and
 - (c) the proposed use of the building is in accordance with a conservation management plan that has been endorsed by the Council, and
 - (d) the cost of the conservation work identified in the conservation management plan is such that there is no reasonable possibility that any of the uses of the building that are permissible would be economically viable for the current or any future owner, and
 - (e) the granting of consent to the proposed use of the building would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
 - (f) the proposed use of the building, if approved, would not affect the heritage significance of the building or its setting, and
 - (g) the proposed use of the building would not adversely affect the amenity of the surrounding area, and
 - (h) the conservation of the building or its site depends on the Council granting that consent.
- (2) When considering an application for consent to erect a building on land on which there is situated a building which is a heritage item, the Council may, for the purpose of determining the number of parking spaces to be provided on the site, exclude from its calculation of the gross floor space of the buildings erected on the land the floor space of the heritage item, but only if the Council is satisfied that the conservation of the building depends on the Council making the exclusion.
- (3) The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of the use of a building or land referred to in this clause in the same way as those provisions apply to and in respect of designated development.

76 Demolition

- (1) The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
- (a) the demolition, defacing or damaging of a heritage item, and
 - (b) the demolition, defacing or damaging of a building, work, relic, tree or place within a heritage conservation area,
- in the same way as those provisions apply to and in respect of designated development.

- (2) The Council must not grant consent to an application to demolish, deface or damage a heritage item until:
 - (a) 28 days after the Heritage Council has received notice of the Council's intention to grant that consent, or
 - (b) the Heritage Council has notified the Council that it has no objection to the granting of that consent,whichever first occurs.
- (3) This clause does not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item or heritage conservation area in relation to the environmental heritage of the City of Liverpool.

77 Development of known or potential archaeological sites

- (1) The Council may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the *National Parks and Wildlife Act 1974*) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:
 - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and
 - (b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and
 - (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.
- (2) The Council may grant consent to carry out development involving the excavation or filling of land or the erection (involving disturbance of the land) or demolition of buildings on land which is an archaeological site that has non-Aboriginal significance or a potential archaeological site that is reasonably likely to have non-Aboriginal significance only if:
 - (a) it has considered an archaeological report, and
 - (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

78 Cecil Hills Farm Group

- (1) This clause applies to Lots 161, 162, 163 and 164, DP 880335, Sandringham Drive, Cecil Hills.
- (2) The Council must not grant consent to development on land to which this clause applies unless the Council has taken into consideration the *Cecil Hills Farm Plan of Management* prepared on behalf of the Department of Urban Affairs and Planning and dated March 1996.

Schedule 1 Repealed instruments

(Clause 4)

Liverpool Planning Scheme Ordinance

Interim Development Order 16—City of Liverpool
Interim Development Order 17—City of Liverpool
Interim Development Order 18—City of Liverpool
Interim Development Order 19—City of Liverpool
Interim Development Order 23—City of Liverpool
Interim Development Order 25—City of Liverpool
Interim Development Order 26—City of Liverpool
Interim Development Order 27—City of Liverpool
Interim Development Order 28—City of Liverpool
Interim Development Order 30—City of Liverpool
Interim Development Order 35—City of Liverpool
Interim Development Order 36—City of Liverpool
Interim Development Order 37—City of Liverpool
Interim Development Order 38—City of Liverpool
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Interim Development Order 63—City of Liverpool
Interim Development Order 65—City of Liverpool

Interim Development Order 66—City of Liverpool
 Interim Development Order 67—City of Liverpool
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 Interim Development Order 74—City of Liverpool
 Interim Development Order 75—City of Liverpool
 Interim Development Order 77—City of Liverpool
 Interim Development Order 79—City of Liverpool
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 Interim Development Order 93—City of Liverpool
 Interim Development Order 95—City of Liverpool
 Interim Development Order 97—City of Liverpool
 Interim Development Order 98—City of Liverpool
 Liverpool Local Environmental Plan 80
 Liverpool Local Environmental Plan 88
 Liverpool Local Environmental Plan 103
 Liverpool Local Environmental Plan 108
 Liverpool Local Environmental Plan 149
 Liverpool Local Environmental Plan 201
 Liverpool Local Environmental Plan 251

Schedule 2 Heritage items

(Clause 6)

Item No	Address	Property Description	Item Name (Current)	Other Name
1	56 Anzac Road Moorebank	Lot 1403, DP 848565	56 Anzac Road Moorebank	
2	Discovery Park, Atkinson Street, Liverpool	Lot 4, DP 711240	Obelisk	Milestone
3	Badgery's Creek Road, Bringelly	Lots 1 & 2, DP 109666	OTC Site Group incl. road receiving station staff housing	
4	Badgerys Creek Road, Bringelly	Lot 2, DP 109666	Water Tanks (2)	

5	Bents Basin	Lot 203, DP 249320	Bents Basin Inn Site
6	Between Denham Court and Cecil Hills		Sydney Water Supply Upper Canal
7	251 Bigge Street, Liverpool	R100159	Liverpool Community Aid & Resource Centre (former) Liverpool Courthouse
8	Bigge & Scott Streets, Liverpool	Lot 1 DP 86597	Commercial Hotel
9	Bigge Street, Liverpool	Lots 8 & 9, Sec 61, Town of Liverpool; Lots 1-7, DP 797682; Land in DP 50779; Lot 1, DP 178206; Lot 1, DP 178665; Lot 10, DP 303625; Land in DP 956168; Lot 38, DP 77562	Liverpool Public School
10	Bigge Street (off), Liverpool	Lots 30 & 31, DP 859887, Pt Lot 5, DP 226933	Liverpool Railway Station Group incl. station building goods shed/jib crane
11	13 Bigge Street, Liverpool	Lot 1, DP 13930	13 Bigge Street, Liverpool
12	Birkdale Crescent (off), Liverpool	Lot 803, DP 244820	Collingwood Group incl. homestead service wing, horse trough & cistern (former) Captain Bunker's Cottage (former) kitchen block
13	Bringelly Road, Austral	Land in DP 19406	Bringelly Road Row of Bunya Pines
14	Camden Valley Way, Hoxton Park	Lot 1, DP 120492	Horningsea Park Group incl. site, main house and archaeological features
15	28 Canberra Avenue, Casula	Lot 4, Sec C, DP 7633	28 Canberra Avenue, Casula
16	Carnes Hill, off Bringelly Road, Austral	Lot 8, DP 231528	Carnes Hill Vegetation Group
17	96 Castlereagh Street, Liverpool	Lot 6, DP 7451	96 Castlereagh Street, Liverpool
18	65 Castlereagh Street, Liverpool	Lot 18, DP 5935	65 Castlereagh St, Liverpool
19	115 Castlereagh Street, Liverpool	Lot 4, SP 39972	115 Castlereagh Street, Liverpool

20	Casula Road, Casula	DP 106957 DP 365529	Powerhouse Regional Arts Centre, Casula	(former) Power Station
21	2 Charles Street, Liverpool	Lots 25 & 27, DP 192311	Lyndeer House & Stables	
22	Charlton Avenue, Chipping Norton	Land in Por 354, Parish of Holsworthy	Homestead, The Group incl. main house former landscape features and cistern	
23	Church Road, Denham Court	Lot 19, DP 725739	St Mary the Virgin Church and Cemetery Group incl. church & churchyard	
24	Church Road, Rossmore	Lots 1-4, DP 117688	Church of the Holy Innocents Group incl. church & churchyard	
25	College Street, Liverpool	Cast Iron Letter Box		
26	College Street, Liverpool	Lot 2, DP 571990 Lots 1 & 2, DP 555189	Liverpool College of TAFE Group incl. site Block A, Block B, Block C, Block D, Block E, Block F, chimney stack, fences, gatehouses & archaeological features	(original) Liverpool Hospital & (former) Benevolent Asylum
27	Copeland Street, cnr Memorial Avenue, Liverpool	R 83468	Liverpool Memorial Olympic Pool	
28	Dunmore Crescent, Casula	Lot 1, DP 530893	Dockra	
29	Elizabeth Drive, Macquarie Street & Northumberland Street, Liverpool	Lot 111, DP 552031	St Luke's Anglican Church Group incl. site landscaping, church, hall, headstone & memorial gates	St Luke's Church of England
30	Elizabeth & George Streets, Liverpool	Milestone		
31	Elizabeth Drive, Cecil Park	Lot 1, DP 606858	Liverpool Offtake Reservoir	Liverpool Dam

32	Sandringham Drive, Cecil Hills	Lots 162 and 163, DP 880335	Cecil Hills Farm Group incl. site landscaping, homestead, shearing shed, archaeological sites, garage, stables, cow bails, outbuildings, sheep dip, gallows & stockyards	(former) kitchen (former) dairy
33	Elizabeth Drive & Castlereagh Street, Liverpool	Act No 20 1950	Apex Park	(former or first) Liverpool Cemetery
34	Elizabeth, College, Moore & Bigge Streets, Liverpool	Sec 49 Town of Liverpool	Bigge Park	(former Bigge Square)
35	Epsom Road, Chipping Norton	Por 299, Parish of Holsworthy	Lot 1, DP 194411; Lot 1, DP 601876	Chipping Norton Public School
36	Lot 351, Fifteenth Avenue, West Hoxton	Lot 351, DP 409032	Lot 351 Fifteenth Avenue, West Hoxton	
37	101 Flowerdale Road, Liverpool	Lot 5, DP 20515	101 Flowerdale Road, Liverpool	
38	118 Flowerdale Road, Liverpool	Lot 35, DP 25694	Mainsbridge School	(former) Maryvale
39	George Street, Liverpool	Lot 1, DP 782355	All Saints Roman Catholic Church	
40	Georges River, Liverpool (near Liverpool Weir)	Liverpool Footbridge	(former) Liverpool Railway Bridge	
41	Governor Macquarie Drive/Epsom Road, Chipping Norton	Lot 3, DP 602936	Governor Macquarie Drive/Epsom Road	Vegetation Group
42	2 Governor Macquarie Drive, Warwick Farm	Part Lot 1, DP 970591 & Lot 2, DP 581037	2 Governor Macquarie Drive, Warwick Farm	
43	Greendale Road, Greendale	Shadforth Monument	Pioneers' Monument	
44	Greendale Road, Greendale	Lot 1, DP 742417	(former) St Mark's Anglican Church group incl. church cemetery	
45	Greendale Road, Greendale	Lot 1, DP 195955	Greendale Roman Catholic Cemetery	
46	Greendale Road, Greendale	Part Lot 1, DP 82072	Pemberton	

47	Gurners Ave, (off) Kemps Creek	Lot 11, DP 806494	Kemps Creek Natural Area
48	Heathcote & Church Roads, Moorebank	MS 2762 SY	Clinch's Pond
49	Heathcote Road (off), Holsworthy	Acquired by Commonwealth Vide Com 992 5/10/1912	Holsworthy Group incl. officer's mess (former), corporal's club (former), powder magazine & the Bailey bridge (former) internment camp Holsworthy railway station lock-up/gaol (former) German Concentration Camp (GCC) railway bridge
50	39 Heathcote Road, Moorebank	Lot 2, DP 364023	39 Heathcote Road, Moorebank
51	Hume Highway, Liverpool	Lots 1 & Pt 10, DP 250138; Lots Pt 1, Pt 2 & 3, DP 581034; Lot 1, DP 970591; Lots Pt 1 & Pt 2, DP 581037	Warwick Farm Racecourse Group
52	Hume Highway, Liverpool	Land in DP 83770	Collingwood Inn Hotel
53	Hume Highway, Casula	Lot 9, DP 4158	443 Hume Highway, Casula
54	Ingleburn	Lot 2, DP 801456	Ingleburn Army Camp
55	Judd Avenue, Hammondville	Lot 93, DP 628844, Lot 152, DP 717956	Hammondville Homes for Senior Citizens
56	Kelvin Park Drive (off), Bringelly	Lot 271, DP 803167	Kelvin Park Group incl. site landscaping, homestead, kitchen wing, servant's quarters, coach house, slab barns (2) & other works/relics The Retreat (former) Cottage Vale (former) stables & lock-up (former)
57	Kirkpatrick Avenue, West Hoxton	Pt Lot 474, DP 2475	West Hoxton Union Church
58	Leacocks Lane, Casula	Lot 22, DP 552488	Glenfield Farm Group incl. homestead. barn (former) stables dairy (former)
59	275-277 Macquarie Street, Liverpool	Lot 2, DP 519133	Murrays Pharmacy & Massongs Jewellery
60	306 Macquarie Street, Liverpool	Lot 1, DP 119905	Memorial School of Arts
61	261-263 Macquarie Street, Liverpool	Lot 1, DP 200052, Lot Pt B, DP 159431	Dimos Aristocrat & the Southwest Newsagency

62	269 Macquarie Street, Liverpool	Lot 1, DP 519133	Alexander's Bar & Bistro	
63	Macquarie & Campbell Streets, Liverpool	Act 49—1970	Liverpool Pioneers' Memorial Park	(former) St Luke's Cemetery (former) Liverpool Cemetery
64	Macquarie & Memorial Streets, Liverpool	Lot 11, DP 20730	State Bank	(former) Rural Bank
65	Macquarie & Moore Streets, Liverpool	Lot 1, DP 111765	Liverpool Hotel	
66	108-130 Maxwells Avenue, Ashcroft	Lot 904, DP 225306	Memorial Gates Ashcroft High School	(former) St Luke's Rectory Gates
67	Memorial Avenue, Liverpool West	R 83468	Memorial to Private AE Smith	
68	47 Mill Road, Liverpool	DP 84953	47 Mill Road, Liverpool	
69	Moore & Bigge Streets, Liverpool	R 71395	Dr James Pirie Child Welfare Centre	
70	Moore Street & Flowerdale Road, Liverpool	Lots Pt 4, Pt 5, 6, 7, 9 & 13, Ms 652 Sy; Lot 11, Ms 20611 Sy; Lots 3, 8 & 10 Ms 10005 Sy; Lots 2 & 12 Ms 21093 Sy; Lot 14 Ms 22433 Sy; Lots 16 & 17, DP 40453; Lots 425, 426 & 427, DP 48284	Liverpool General Cemetery	
71	Moorebank Avenue, Moorebank	Part Lot 1403, DP 848565	Australian Army Engineers Group, Moorebank incl. RAE Memorial Chapel RAE Monument Major General Sir Clive Steele Memorial Gates Cust Hut	
72	Moorebank Avenue, Moorebank	Lot 3, DP 832269	Kitchener House	
73	Newbridge Road (off), Liverpool	Lot 101, DP 775780	MM Cables Factory	(former) Cable Makers Australia Pty Ltd Factory
74	Newbridge Road, Liverpool	R51734	Liverpool Dam	Liverpool Weir
75	43 Passefield Street, Liverpool	Lot 21, Sec 2, DP 978884	Innisvale	
76	Pitt Street, Badgerys Creek		Road Bridge	

77	Pitt Street & Badgerys Creek Road, Badgerys Creek	Lot 30, Sec D, DP 1841	Badgerys Creek Public School	
78	Pitt Street, Badgerys Creek	Lot 1, DP 795707	St John's Anglican Church Group incl. Church and Cemetery	Badgerys Creek Anglican Church Group
79	Reilly Street, Lurnea	Lot 7, DP 26166	147 Reilly Street, Lurnea	
80	Riverside Road, Chipping Norton	Lot 62, DP 2411	Karm Farm Landscaping	
81	Riverside Road, Chipping Norton	Riverside Road, Chipping Norton Avenue of Trees		
82	Rossmore Avenue West, Rossmore	Lot 1, DP 580979	Bellfield Farm Group incl. homestead, slab kitchen & slab cottage	smoke house
83	14 Scott Street, Liverpool	Lot 1, DP 208270	14 Scott Street, Liverpool	(former) H&R Block tax agent
84	Scott & Terminus Streets, Liverpool	Lot 100, DP 716185	Golden Fleece Hotel	
85	Scott Street, Liverpool	Lot 3, DP 588103	Eugen's Self Service Laundry	Out-building to former Golden Fleece Hotel
86	Second Avenue/Muller Avenue, West Hoxton	Lot 1, DP 219698	Second Avenue Cottage	
87	Shannon Road, Bringelly	Lot 44, DP 581187	Mount Pleasant	
88	Shepherd & Atkinson Streets, Liverpool	Lot 1, DP 247485	McGrath Services Centre	(former) Challenge Woollen mills (former) Australian Paper Company's mill
89	Shepherd Street/Mill Road	Main southern railway line	Railway viaduct	
90	near Congressional Drive, Casula	Main southern railway line	Railway viaduct	
91	near Casula Powerhouse	Main southern railway line	Railway viaduct	
92	Shepherd Street and Mill Road, Liverpool	Railway Viaduct (former)		
93	7 Speed Street, Liverpool	Lots 13 & 14, DP 13536	Del Rosa	
94	17 Speed Street, Liverpool	Lot 1, DP 567283	Rosebank	(former) Queen's College

95	25-29 Speed Street, Liverpool	Pt Lots 38 & 40, Sec 6, DP 975483; Lot C, DP 162630	Speed Street Cottages Group	
96	Streets that fall within the area bounded by Hume Hwy, Copeland Street, Memorial Avenue, Scott Street, Georges River & Main Southern Railway with the exception of Tindall Avenue & serviceways	Early town centre street layout	Plan of Town of Liverpool (Hoddle 1827)	
97	37 Terminus Street, Liverpool	Lot 1, DP 512293	37 Terminus Street, Liverpool	
98	70-78 Terminus Street, Liverpool	Lot 1, DP 91748	Liverpool Fire Station	
99	The Northern Road, Luddenham	Lots 10 & 11, DP 251656	Vicary's Winery Group incl. Woolshed, Slab Horse Shed, Land area & Main house (and garden)	
100	The Northern Road, Luddenham	Lot 1, DP 793566	Lawson's Inn site	The Thistle site
101	The Northern Road, Luddenham	Lot 1, DP 194409	Luddenham Public School	
102	The Northern Road, Bringelly	Lot 50, DP 746911	Bringelly Public School Group including school house former headmaster's residence	
103	Walder Road/Stewart Avenue, Hammondville	Lot 4, DP 238694	St Anne's Anglican Church	
104	20 Webster Road, Liverpool	Lot 2, DP 519683	20 Webster Road, Liverpool	
105	Williams Creek, Voyager Point		Sandstone weir	
106	Yarrunga Road, Prestons	Lot 34, DP 2359	Benera (site of)	

Schedule 3 Potential archaeological sites

(Clause 6)

Item No	Address	Property Description	Item Name
1	5-15 Atkinson Street	Lot 2, DP 579808	Lighthorse Park
2	11B Bigge Street	Lot 28, DP 35236	
3	31B Bigge Street	Lot 11, DP 36340	
4	171 Bigge Street	Lot 1, DP 580844	Dept. of Social Security
5	191 Bigge Street	Lot 11, DP 849783	Hilda Davis Senior Citizens Centre
6	251 Bigge Street	Lot 442, DP 831058	(Former) Liverpool Court House
7	Bigge Street	Lot 30, DP 859887	Liverpool Station Commuter Carpark
8	Bigge Street	Lot 31, DP 859887	Liverpool Railway Station
9	Bigge Street	Lots 8 & 9, DP 758820	Liverpool Public School
10	Campbell Street	Lot 3, DP 596770	Liverpool Hospital—Outpatients Clinic and Drugs and Alcohol Service
11	29 Campbell Street	Lot 10, DP 36430	
12	Castlereagh Street	Public Reserve, Act 20, 1950	Apex Park
13	4-6 Charles Street	Lot 101, DP 773652	
14	35-37 Charles Street	Lot 1, DP 734713	
15	College Street	Part Lot 2, DP 863491	Liverpool TAFE
16	13 Elizabeth Street	Lot 1, DP 532023	SWAHS Pediatrics Liverpool Hospital
17	Elizabeth Street	Lot 21, DP 717632	SWAHS Pediatrics Liverpool Hospital
18	26 Elizabeth Street	Lot 1, DP 217460	Warren Toyota
19	Elizabeth Street	Lot 2, DP 90210	Spectrum Way
20	53 Elizabeth Street	Lot 2, DP 596770	Liverpool Hospital —Emergency Building—Part of eastern section
21	Forbes Street	Lot 1, DP 581947	Liverpool High School
22	Georges River		Liverpool Weir
23	Section of George Serviceway	between Pt Lot 1, DP 87256, lot 1, DP 513067, lot 1, DP 22065, Pt lot 10, DP 510737	(Roadway)

24	142 George Street	Lot 1, DP 198602	Liverpool Police Station (Section of town drain)
25	140 George Street	Lot 4, DP 592346	(Section of town drain)
26	138 George Street	Lot 2, 3 DP 700219	(Section of town drain)
27	18-20 Goulburn Street	Lot 18, DP 740027	
28	Goulburn Serviceway	Section of serviceway adjoining lot 11, DP 777992 (45-47 Goulburn Street)	(Roadway)
29	Hanwell Serviceway		(Roadway)
30	Huckstepp Serviceway	Section adjoining lot 22, DP 612442 (104 Moore Street)	(Roadway)
31	49 Lachlan Street	Lot 7, DP 35828	
32	35 Lachlan Street	Lot 29, DP 35236	
33	37 Lachlan Street	Lot 30, DP 35236	
34	39 Lachlan Street	Lot 31, DP 35236	
35	Laurantus Serviceway	Section of serviceway between lot 61, DP 807507 (137 Northumberland St) and lot 71, DP 785535 (147 Northumberland St)	(Roadway)
36	53 Macquarie Street	Lot 5, DP 35828	
37	Macquarie Street	Sec 24/Sec 34	Liverpool Pioneers Memorial Cemetery
38	186 Macquarie Street	Lot 1, DP 218107	
39	193 Macquarie Street	Lot 1, DP 547162	Liverpool City Central (LCC)
40	213 Macquarie Street	Lot 1, DP 208462	
41	215-219 Macquarie Street	Pt Lot B, DP 335211 & Lot 1, DP 654811	
42	221 Macquarie Street	Lot 1, DP 596899	
43	225 Macquarie Street	Lot 1, DP 703752	
44	227 Macquarie Street	Lot 10, DP 817094	
45	229 Macquarie Street	Lot 1, DP 222504	Richards Fabrics
46	231 Macquarie Street	Lot 1, DP 805950	
47	Macquarie Street Junction with Terminus Street		(Roadway)

48	Moore Street	Lot 38, DP 77562	Liverpool Public School
49	Moore Street	Lot 1, DP 178665	Liverpool Public School
50	Moore Street	Lot 1, DP 799619	Liverpool Public School
51	6 Moore Street	Lot 10, DP 606130	Bowling Club Car Park
52	131 Northumberland Street	Lot 5, DP 13678	
53	137 Northumberland Street	Lot 61, DP 807507	Council carpark
54	120 Northumberland Street	Lot 1, DP 219987	Northumberland Street carpark
55	218-228 Northumberland Street	Lot 1, DP 615066	
56	Northumberland Serviceway	Section of serviceway between Lot 1, DP 845465 (279-291 Macquarie Street) and Lot 1, DP 219987 (120 Northumberland Street)	(Roadway)
57	Railway Serviceway	Section of serviceway adjoining southern side of Lots 10 & 11, DP 856858	(Roadway)
58	18 Terminus Street	Lot 1, DP 547866	Liverpool Telephone Exchange
59	70-78 Terminus Street	Lot 1, DP 91748	Liverpool Fire Station
60	Warren Serviceway	Section of serviceway adjoining southern side of Lot 11, DP 84973 (191 Bigge Street)	(Roadway)

Schedule 4 Additional uses

(Clause 10 (13))

Item No	Address	Property Description	Use
1	Camden Valley Way, Prestons	Part Lot G, DP 395121 and part Portion 276, as shown with diagonal cross hatching on the map	retail plant nursery
2	Camden Valley Way, Horningsea Park	Part Lot 1, DP 652387, as shown with diagonal cross hatching on the map	market and picnic grounds
3	Cowpasture Road, Hoxton Park	Part Lot 9, DP 21656, as shown with diagonal cross hatching on the map	poultry processing factory

4	Camden Valley Way, Horningsea Park	Lot 2, DP 813864, as shown with diagonal cross hatching on the map	ice rink
5	Camden Valley Way, Horningsea Park	Part Lot 1, DP 652387, as shown with stipple on the map	golf course
6	Martin Road, Badgery's Creek	Lot 59, DP 3050, as shown with diagonal cross hatching on the map	concrete batching plant
7	Willowdene Avenue, Luddenham	Lot 2, DP 2480609	subdivision of land into lots each having an area of not less than 25ha
8	Hume Highway, Warwick Farm	Lot 41, DP 594510 Lot 1, DP 128988, Lots 4, 5 & 6, DP 776165	retail sale of motor vehicles, trailers, boats, spare parts and accessories
9	Cowpasture Road, West Hoxton	Lot 326, DP 771200	lawn mower sales; service and repair of related equipment
10	Rose Street, Liverpool	Lot 13, DP 39417 and part Lot 1, DP 996631, as shown with diagonal cross hatching on the map	light industry, business premises or office premises
11	Cumberland Highway, Liverpool	Part Lot 1, DP 232685, as shown with diagonal cross hatching on the map	service station, convenience store, restaurant (not involving take away food) and facilities for receptions and functions
12	Spencer Road, Cecil Park	Part lot 6022, DP 849231, as shown with diagonal cross hatching on the map	bus depot
13	(Repealed)		
14	441 Hoxton Park Road, Hoxton Park	Part Lot B, DP 434461, as shown with diagonal cross hatching on the map	service station, convenience store and restaurant and subdivision for the purpose of excising an allotment of land around that service station, convenience store and restaurant
16	220 Heathcote Road, Hammondville	Part of Lot 2, DP 747513, as shown edged heavy black on the map marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 7)</i> "	Car parking, in association with the use of Lot 1, DP 747513 as a club

17	Camden Valley Way, Casula	Lot 71, DP 653446, as shown edged heavy black with diagonal cross hatching on the map marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 2)</i> "	shop not exceeding 80 sq m in floor area
18	Camden Valley Way, Leppington	Part Lot E, DP 28997, as shown edged heavy black with diagonal cross hatching on the map marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 11)</i> "	service station, convenience store and restaurant
19	Cowpasture Road, West Hoxton	Part Lot 328, DP 2475, as shown edged heavy black with diagonal cross hatching on the map marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 24)</i> "	service station, convenience store, restaurant and car wash facility and subdivision for the purpose of excising an allotment of land around that service station, convenience store, restaurant and car wash facility
20	Hoxton Park Road, Liverpool	Part Lots 103 and 104, DP 877139, as shown with stipple on the map marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 9)</i> "	entertainment facility
21	Hoxton Park Road and Memorial Avenue, Liverpool	Lot 3, DP 574089, Lot 27, DP 218400, Lots 102 and 105, DP 877139, and Part Lots 103 and 104, DP 877139, as shown with diagonal cross hatching on the map marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 15)</i> "	hotel
22	820-830 Bringelly Road, Rossmore	Lot 21, DP 805011 as shown edged heavy black with diagonal cross hatching on the map Marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 29)</i> "	produce and hardware store

25	Heathcote Road, between Harris Creek and Macarthur Drive, Holsworthy.	Lot 4, DP 825745 as shown diagonally cross hatched on the map marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 45)</i> ".	Residential flat buildings, provided that not more than 300 dwellings (whether or not the dwellings are contained in residential flat buildings) are developed on the land and the buildings have a height of not more than 3 storeys. Temporary use of the site for car parking during the construction of a multi-storey car park on land immediately adjoining the site to the south.
26	Part of 13 Hume Highway, Warwick Farm	Part of Lot 12, DP 578199, as shown edged Heavy black with diagonal cross hatching on the map marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 49)</i> ".	retail sale of motor vehicles, trailers, boats, spare parts and accessories convenience store, provided that: (a) the use is ancillary to and dependant on the operation of a highway service centre on the land, and
27	M5 Motorway corridor, Casula	So much of the land zoned 5 (c) Special Uses—Arterial Road as is shown distinctively coloured, edged heavy black with diagonal cross hatching and lettered "5 (c)" on the map marked " <i>Liverpool Local Environmental Plan 1997 (Amendment No 78)</i> ".	(b) the convenience store is attached to or is situated within the highway service centre, and (c) the gross floor area used for retail sale (not including floor space used for the sale of petrol, oil, petroleum products or automotive products) does not exceed 240 square metres

Schedule 5 Development by public authorities

(Clause 11 (1))

1 Rail transport

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
- (b) the erection within the limits of a railway station of buildings for any purpose,

but excluding:

- (c) the construction of new railways, railway stations and bridges over roads, and
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
- (e) the formation or alteration of any means of access to a road, and
- (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2 Water, sewerage, drainage, electricity and gas

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

- (a) development of any description at or below the surface of the ground,
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the council,
- (f) any other development except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
 - (ii) the formation or alteration of any means of access to a road.

3 River transport

The carrying out by persons carrying on utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

4 Air transport

The carrying out by persons carrying on utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and their reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

5 Road transport

The carrying out by persons carrying on utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by roads, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

6 Mines

The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:

- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction,

alteration or extension of buildings, so as materially to affect their design or external appearance, or

(b) the formation of any means of access to a road.

7 Roads

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

8 Forestry

The carrying out of any forestry work by the Forestry Commission or a School Forest Trust empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under those Acts or on any Crown land temporarily reserved from sale as a timber reserve under the [Forestry Act 1916](#).

9 Pastures protection

The carrying out by a Rural Lands Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

(a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose, or

(b) any development designed to change the use or purpose of any such reserve.

10 Water resources

The carrying out or causing to be carried out by the Council when engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the [Water Act 1912](#), the [Irrigation Act 1912](#), the [Farm Water Supplies Act 1946](#), or the [Rivers and Foreshores Improvement Act 1948](#), except:

(a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

Schedule 5A Exempt trees

(Clause 15 (3))

Botanical Name	Common Name
<i>Salix</i> species	Willow

<i>Populus species</i>	Poplar
<i>Acacia balleyana</i>	Cootamundra Wattle
<i>Erythrina x sykesii</i>	Coral Tree
<i>Ficus elastica</i> and hybrids	Ornamental Rubber Tree
<i>Cupressus macrocarpa Brunniana</i>	Golden Cypress
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum species</i>	Large Leafed Privet
<i>Ligustrum species</i>	Small Leafed 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>Robinea pseudoacacia</i>	Honey Locust

Schedule 6 Land classified or reclassified as operational land

(Clause 29)

Item No	Address	Property Description
1	Graham Avenue, Lurnea	Part Lot 418, DP 236012, commencing at the north east corner of Lot 399 DP 229061 and proceeding on a bearing of 56 degrees 22 minutes 40 seconds for a distance of 6.7m to the north western corner of Lot 398 DP 229061, then on a bearing of 146 degrees 22 minutes 40 seconds for a distance of 38.1m to the south western corner of Lot 398 DP 229061, then on a bearing of 228 degrees 21 minutes 30 seconds for a distance of 6.7m to the south east corner of Lot 399 DP 229061, then on a bearing of 326 degrees 22 minutes 40 seconds for a distance of 38.6m to the point of commencement.
2	Coonong Street, Busby	Lot 1, DP 805582
3	Green Valley Road, Green Valley	Lot 9, DP 207979
4	Hoxton Park Road and Memorial Avenue, Liverpool	Lot 3, DP 574089, Lot 27, DP 218400, Lot A, DP 26897, Lot 26, DP 210637, Lot 13, DP 601126 and so much of Lots 102 and 105, DP 877139 as was not already operational land when <i>Liverpool Local Environmental Plan 1997 (Amendment No 15)</i> commenced.

5	Beech Rd, Casula	Lot 31, DP 852070
6	Beech Rd and Camden Valley Way, Casula	Lot 22, DP 238650
7	Brallos Avenue, Holsworthy	Lot 1, DP 1007569
8	Bardia Parade, Holsworthy	Lot 2, DP 1007569
9	Bardia Parade, Holsworthy	Lot 1, DP 870386
10	297-327 Macquarie Street, Liverpool	Lots 18-22, SP 20777
11	Corner of Bathurst Street and Norfolk Lane, Liverpool	Lot 12, DP 854177
12	Kurrajong Road between Beech Road and Skipton Lane, Prestons	Lot 26, DP 876139

Schedule 7 Minimum allotment sizes

(Clause 36 (2))

Item No	Property Description	Address
1	Lots 1-4 (inclusive) DP 18891	Greendale Rd, Greendale
2	Lots 13-16 (inclusive), DP 18891	Greendale Rd, Greendale
3	Lots 17-20 (inclusive), DP 18891	Greendale Rd, Greendale
4	Lots 38-48 (inclusive), DP 18891	Greendale Rd, Greendale
5	Lots 50-51 (inclusive), DP 18891	Greendale Rd, Greendale
6	Lots 4-9 (inclusive), Sec B, DP 1443	Church Rd, Denham Court
7	Lots 10-11 and Lots 17-21 (inclusive), Sec B, D P 1443	Church Rd and Campbelltown Rd, Denham Court
8	Lots 12-16 (inclusive), Sec B, DP 1443	Campbelltown Rd, Denham Court
9	Lots 27-28 (inclusive), Sec B, DP 1443	Campbelltown Rd, Denham Court
10	Lots 29-31 (inclusive), Sec B, DP 1443	Campbelltown Rd, Denham Court
11	Lots 32-39 (inclusive), Sec B, DP 1443	Campbelltown Rd, Denham Court
12	Lots 35-37 (inclusive), Sec B, DP 1443	Campbelltown Rd, Denham Court

Schedule 8 Land to be acquired by the Corporation

(Clause 62 (1))

Item No	Property Description	Address
1	Lots 195 and 196, DP 17641	Arthur Street, Chipping Norton

2	Lot 81, DP 17254	Newbridge Road, Chipping Norton
3	Lot 113, DP 17134	Newbridge Road, Chipping Norton
4	Lot 2, DP 596141	Newbridge Road, Chipping Norton
5	Pt Lot 364, DP 752060	Off Copeland Street, Liverpool
6	Pt Lot 365, DP 653736	Off Copeland Street, Liverpool
7	Lot 2, DP 588173	Campbell Street, Liverpool
8	Lots 22 and 23, DP 552488	Leacocks Lane, Casula

Schedule 9 Environmentally significant land

(Clause 16 (2))

Property Description	Address
Part Lot 5A, DP 976384	Elizabeth Drive, Kemps Creek
Part Lot 6A, DP 976384	Elizabeth Drive, Kemps Creek
Lots 131-138, DP 15226	Green Street, Pleasure Point
Part Lot 139, DP 15226	Green Street, Pleasure Point
Lots 1-3, DP 239468	Pleasure Point Road, Pleasure Point
Lots 153-157, DP 15226	Pleasure Point Road, Pleasure Point
Lots 159-164, DP 15226	Pleasure Point Road, Pleasure Point
Lots 167-172, DP 15226	Pleasure Point Road, Pleasure Point
Lot 1-37, DP 15226	Riverview Road, Pleasure Point
Part Lots 99-130, DP 15226	Riverview Road, Pleasure Point
Lots 140-145, DP 15226	Riverview Road, Pleasure Point
Part Lot 146, DP 15226	Riverview Road, Pleasure Point
Lot 72, DP 661069	Sirius Road, Voyager Point
Lot 75, DP 67236	Sirius Road, Voyager Point

Schedule 10 Smart growth precinct objectives

(Clause 8 (4))

Part 1 General objectives for smart growth precincts

1 General objectives

The general objectives for smart growth precincts are as follows:

- (a) to encourage compact building design that is also sensitive to the environment,
- (b) to ensure that land use is appropriate and that any development uses the development site to its best advantage,
- (c) to relate the density of development to access to transport and the provision of open space,
- (d) to provide a variety of transport choices,
- (e) to create a range of housing opportunities and choices,
- (f) to create livable neighbourhoods and ensure a civic focus,
- (g) to foster distinctive, vibrant communities with a strong sense of place,
- (h) to preserve and enhance open space, natural features, riparian corridors and critical environment areas,
- (i) to strengthen existing communities and have regard to employment opportunities,
- (j) to address issues such as safety and provision of recreational facilities for the wider community.

Part 2 Southern Hoxton Park Aerodrome Smart Growth Precinct

2 Precinct to which this Part applies

This Part applies to the land within the Southern Hoxton Park Aerodrome Smart Growth Precinct.

3 Objectives

The objectives for the Southern Hoxton Park Aerodrome Smart Growth Precinct are:

(a) In relation to accessibility

To encourage the safe, convenient and appropriate movement of people and goods by developing innovative solutions to ensure a clear relationship between the need for accessibility and land uses.

The objective in relation to accessibility are to be achieved by the following **strategies**:

- (i) promoting a movement system that gives appropriate priority to walking, cycling, public transport and private vehicles,
- (ii) promoting a movement system that relates accessibility demand to the location of development type,

- (iii) ensuring that servicing is able to be carried out appropriately,
- (iv) ensuring movement priorities, traffic speeds and street and road signs are appropriate to location and giving priority to pedestrians and children,
- (v) providing adequate accessibility for emergency vehicles,
- (vi) building on existing movement patterns and infrastructure by utilising the existing street layout.

(b) In relation to community services and facilities

To promote a balanced community that provides a full and diverse range of social, community and recreational resources.

The objective in relation to community services and facilities is to be achieved by the following **strategies**:

- (i) establishing affordable and accessible facilities and resources that allow people to maintain well-being, to live and to engage in recreational activities,
- (ii) providing appropriate provision for social and community needs,
- (iii) ensuring a full range of housing types and forms,
- (iv) establishing a hierarchy of recreational facilities and parks and reserves,
- (v) ensuring that a place for people is created by giving priority to people and human relationships through housing mix and regard for personal safety,
- (vi) accommodating life-long educational and learning needs.

(c) In relation to the environment

To create a community with high quality urban design and high environmental standards that values and enhances its natural and built environment.

The objective in relation to the environment is to be achieved by the following **strategies**:

- (i) ensuring a clean, safe and healthy environment that builds on existing resources and produces high quality built and natural assets,
- (ii) establishing appropriate drainage and floodplain management that, where appropriate, contributes positively to the area,
- (iii) providing solutions to manage environmental issues on site,
- (iv) ensuring that waste disposal is effective and efficient and that recycling is utilised at every opportunity,

- (v) ensuring a high standard of water and air pollution management and water quality,
- (vi) maintaining and enhancing the quality of the natural environment,
- (vii) connecting and enhancing vegetation corridors and providing links between regional open space and the Hinchinbrook Creek Corridor,
- (viii) promoting the conservation of flora and fauna, including the retention of Cumberland Plain Woodland,
- (ix) promoting the development of a place with a high quality of built environment, and with people and human relationships as a central consideration.

(d) In relation to employment

To promote a community that provides a full range of employment and training opportunities for its inhabitants.

The objective in relation to employment is to be achieved by the following **strategies**:

- (i) establishing economic capital that is accessible and meets the needs of the community,
- (ii) ensuring appropriate accessibility to employment,
- (iii) ensuring neighbourhood centre needs are identified in a local context through provision of local facilities and services,
- (iv) ensuring infrastructure is sufficient to meet current and predicted need,
- (v) providing appropriate locations for local institutions.