

Liverpool Local Environmental Plan 2008

[2008-403]



New South Wales

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About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Liverpool Local Environmental Plan 2008



New South Wales

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Liverpool Local Environmental Plan 2008*.

1.1AA Commencement

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

Editorial note—

This Plan was published in the Gazette before the insertion of this clause by amendments to the *Standard Instrument (Local Environmental Plans) Order 2006*.

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Liverpool in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,
 - (b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work, study and visit,
 - (c) to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,
 - (d) to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south west region,
 - (e) to concentrate intensive land uses and trip-generating activities in locations most

accessible to public transport and centres,

- (f) to promote the efficient and equitable provision of public services, infrastructure and amenities,
- (g) to conserve, protect and enhance the environmental and cultural heritage of Liverpool,
- (h) to protect, connect, maintain and enhance the natural environment in Liverpool, and promote ecologically sustainable development which takes into account the environmental constraints of the land,
- (i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires, by managing development in sensitive areas,
- (j) to promote a high standard of urban design that responds appropriately to the desired future character of areas,
- (k) to improve public access along waterways and vegetated corridors while ensuring the natural environmental values of riparian and bushland corridors and the habitat they provide are protected and enhanced,
- (l) to improve public transport accessibility, and facilitate the increased use of public transport, cycling and pedestrian activity,
- (m) to enhance the amenity and positive characteristics of established residential areas,
- (n) to ensure the agricultural production potential of rural land and prevent its fragmentation,
- (o) to encourage development opportunities for business and industry so as to deliver local and regional employment growth.

1.3 Land to which Plan applies

This Plan applies to the land identified on the [Land Application Map](#).

1.4 Definitions

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

1.5 Notes

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

1.6 Consent authority

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

1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
 - (a) approved by the local plan-making authority when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.
- (1AA) (Repealed)
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note—

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

1.8 Repeal of planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note—

The following local environmental plans are repealed under this provision—

- (a) [Liverpool Local Environmental Plan 1997](#),
- (b) [Liverpool City Centre Local Environmental Plan 2007](#).

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1.8A Savings provisions relating to pending development approvals

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this

Plan had been exhibited but had not commenced.

- (2) An amendment made to this Plan by *Liverpool Local Environmental Plan 2008 (Amendment No 82)* does not apply to a development application made but not finally determined before the commencement of the amendment.

1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows—

Rural Zones

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

Residential Zones

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

Employment Zones

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial

Mixed Use Zones

- MU1 Mixed Use

Special Purpose Zones

- SP1 Special Activities
- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Conservation Zones

C1 National Parks and Nature Reserves

C2 Environmental Conservation

C3 Environmental Management

Waterway Zones

W1 Natural Waterways

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone—
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes—

- 1** Schedule 1 sets out additional permitted uses for particular land.
- 2** Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3** Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4** Clause 2.6 requires consent for subdivision of land.
- 5** Part 5 contains other provisions which require consent for particular development [see clauses 5.7, 5.8 and 5.10].

5A Part 7 also contains other provisions which require consent for particular development.

2.4 Unzoned land

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

2.5 Additional permitted uses for particular land

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

2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes—

- 1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.6A, 2.6B (Repealed)

2.7 Demolition requires development consent

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

Note—

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—

- (a) a constructed canal, or other waterway or waterbody, that—
 - (i) is inundated by surface water or groundwater movement, or
 - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
- (b) the erection of a dwelling, and
- (c) one or both of the following—
 - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
 - (ii) excavation to create a waterway.
- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
 - (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
 - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—

flood planning area has the same meaning as in clause 5.21.

Land Use Table

Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

[State Environmental Planning Policy \(Resources and Energy\) 2021](#), Chapter 2

[State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Industry and Employment\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Primary Production\) 2021](#), Chapter 2

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To ensure that development does not hinder the development or operation of Western Sydney International (Nancy-Bird Walton) Airport.
- To preserve bushland, wildlife corridors and natural habitat.

2 Permitted without consent

Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Health consulting rooms; Helipads; Heliports; Home businesses; Home industries; Landscaping material supplies; Offensive storage establishments; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RU2 Rural Landscape

1 Objectives of zone

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

2 Permitted without consent

Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone R1 General Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses;

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

Any other development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a high concentration of housing with good access to transport, services and facilities.
- To minimise the fragmentation of land that would prevent the achievement of high density residential development.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing

4 Prohibited

Any other development not specified in item 2 or 3

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that a high level of residential amenity is achieved and maintained.
- To provide for complementary uses that are of low impact and do not unreasonably increase the demand for public services or public facilities.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.

- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To facilitate a high standard of urban design and a unique character that contributes to achieving a sense of place for the local community.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Horticulture; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Commercial Centre

1 Objectives of zone

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.

- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To strengthen the role of Liverpool city centre as the regional business, retail and cultural centre of south western Sydney.
- To ensure that, for key land in Liverpool city centre, opportunities for retail, business and office uses exist in the longer term.
- To facilitate a high standard of urban design and exceptional public amenity.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Heliports; Home businesses; Home industries; Home occupations; Horticulture; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Signage; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone E3 Productivity Support

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with,

land uses in surrounding local and commercial centres.

- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.
- To provide primarily for businesses along key corridors entering Liverpool city centre, regionally significant business development centres, major local centres or retail centres.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Helipads; Home businesses; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Roads; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Vehicle

body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To allow other land uses that are compatible with industry and that can buffer heavy industrial zones while not detracting from centres of activity.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Crematoria; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Helipads; Heliports; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Local distribution premises; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Service stations; Sex services premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations;

Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone E5 Heavy Industrial

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Boat building and repair facilities; Building identification signs; Business identification signs; Crematoria; Data centres; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Horticulture; Industrial training facilities; Kiosks; Mortuaries; Offensive storage establishments; Oyster aquaculture; Recreation areas; Roads; Rural industries; Tank-based aquaculture; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone MU1 Mixed Use

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land

uses that generate employment opportunities.

- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To allow for residential and other accommodation in Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Horticulture; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.

- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; Environmental protection works; Roads

4 Prohibited

Any other development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide sufficient and equitable distribution of public open space to meet the needs of residents.
- To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Aquaculture; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Hotel or motel accommodation; Information and education facilities; Kiosks; Landscaping material supplies; Marinas; Mooring pens; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Stock and sale yards; Veterinary hospitals; Water recreation structures

4 Prohibited

Any other development not specified in item 2 or 3

Zone C1 National Parks and Nature Reserves

1 Objectives of zone

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

2 Permitted without consent

Uses authorised under the [National Parks and Wildlife Act 1974](#)

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone C2 Environmental Conservation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Environmental facilities; Flood mitigation works; Information and education facilities; Oyster aquaculture Roads

4 Prohibited

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

Zone C3 Environmental Management

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

Building identification signs; Cellar door premises; Dwelling houses; Environmental facilities; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roads; Roadside stalls; Tank-based aquaculture

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.
- To enable the recreational enjoyment or scientific study of the natural environment.
- To allow development for water recreation purposes that does not have a significant adverse effect on the natural values of waterways in this zone.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

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

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat

buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3 Exempt and complying development

3.1 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development—
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (e) (Repealed)
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if—
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (4A) (Repealed)
- (5) To be exempt development, the development must—
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in

accordance with a permit, development consent or other approval.

Note—

See *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 and the *Local Land Services Act 2013*, Part 5A.

(6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

(1) The objective of this clause is to identify development as complying development.

(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—

- (a) the development standards specified in relation to that development, and
- (b) the requirements of this Part,

is complying development.

Note—

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

(3) To be complying development, the development must—

- (a) be permissible, with development consent, in the zone in which it is carried out, and
- (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

(3A) To be complying development, the development must also—

- (a) be consistent with an approved koala plan of management, within the meaning of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 4 that applies to the land, and
- (b) not be carried out on land subject to any easement for a public sewer main, and
- (c) be undertaken in accordance with any relevant Sydney Water requirements that relate to building over sewers, and
- (d) not require a tree to be removed, and
- (e) not be carried out on land that has been used for any one or more of the following

purposes unless notice of completion of remediation work for the proposed use has been given to the Council in accordance with *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4—

asbestos or asbestos products, extractive industries, intensive livestock agriculture, manufacturing of chemicals, mining, service stations, sheep or cattle dips, waste disposal land fill operations, waste management facilities, and

(f) not be carried out on land—

(i) that is within 40 metres of a waterway, or

(ii) that is at or below the flood planning level, or

(iii) that is bush fire prone land, or

(iv) that is subject to subsidence, slip or erosion, or

(v) that is in C2 Environmental Conservation or Zone C3 Environmental Management, or

(vi) that is environmentally significant land, or

(vii) that is a special area or outer catchment area within the meaning of the *Water NSW Act 2014*, or

(viii) that is within 200 metres of a poultry farm.

(4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.

(4A) (Repealed)

(5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded

(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause—

environmentally sensitive area for exempt or complying development means any of the following—

(a) the coastal waters of the State,

(b) a coastal lake,

- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
 - (a) to ensure that lot sizes are consistent with the desired residential density for different locations,
 - (b) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,
 - (c) to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,
 - (d) to minimise traffic impacts resulting from any increase in the number of lots on classified roads,
 - (e) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
 - (f) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,

- (g) to ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
- (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
 - (b) by any kind of subdivision under the [Community Land Development Act 2021](#).
- (4A) Despite subclause (3), the size of any lot resulting from the subdivision of land shown on the [Lot Size Map](#) to be within Area 1, Area 2 or Area 3 for the purposes of—
- (a) a dual occupancy that was approved before the making of this Plan and that satisfies any conditions of that approval, or
 - (b) multi dwelling housing, or
 - (c) attached dwellings, or
 - (d) semi-detached dwellings,
- must not be less than the area shown in Column 2 of the Table to this subclause opposite the relevant Area, or if the lot adjoins a rear or side lane that provides vehicular access to the lot, not less than the area shown in Column 3 of the Table opposite the relevant Area.

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

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows—
- (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements,

- (b) to ensure that lot sizes in community title schemes are consistent with the desired residential density for different locations,
 - (c) to ensure that lot sizes in community title schemes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,
 - (d) to prevent fragmentation of land that would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,
 - (e) to prevent an increased traffic and safety impact as a result of increased lots on classified roads,
 - (f) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
 - (g) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
 - (h) to ensure that lot sizes in community title schemes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) of land in any of the following zones—
- (a) a rural zone,
 - (b) a residential zone,
 - (c) an employment zone,
 - (d) a mixed use zone,
 - (e) a special purpose zone,
 - (f) a recreation zone,
 - (g) a conservation zone,
 - (h) a waterway zone,
 - (i)–(y) (Repealed)
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the

Community Land Development Act 2021) is not to be less than the minimum size shown on the *Lot Size Map* in relation to that land.

- (3A) Despite subclause (3), the size of any lot resulting from the subdivision of land shown on the *Lot Size Map* to be within Area 1, Area 2 or Area 3 for the purposes of—
- (a) a dual occupancy that was approved before the making of this Plan and that satisfies any conditions of that approval, or
 - (b) 2 or more dwellings where each dwelling is attached to another dwelling by a common wall, or
 - (c) 3 or more dwellings, or
 - (d) attached dwellings, or
 - (e) semi-detached dwellings,

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

Column 1	Column 2	Column 3
Area 1	225 square metres	180 square metres
Area 2	250 square metres	200 square metres
Area 3	300 square metres	240 square metres

- (4) This clause applies despite clause 4.1.

4.1A Strata subdivisions in certain rural and conservation zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivision that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—
 - (a) a rural zone,
 - (b) a conservation zone.
 - (c)–(f) (Repealed)
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies under a strata plan that would create lots below the minimum size shown on the *Lot Size Map* for that land.

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (baa) Zone RU3 Forestry,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition.

Note—

When this Plan was made it did not include all of these zones.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

Note—

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

4.2A Boundary changes between lots in certain rural, residential and conservation zones

- (1) The objective of this clause is to permit the boundary between 2 lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.
- (2) This clause applies to land in any of the following zones—
 - (a) a rural zone,
 - (b) Zone R5 Large Lot Residential,
 - (c) a conservation zone.
 - (d)-(g) (Repealed)
- (3) Despite clause 4.1(3), development consent may be granted to the subdivision of 2

adjoining lots, being land to which this clause applies, if the subdivision will not result in either of the following—

- (a) an increase in the number of lots,
 - (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply—
- (a) in relation to the subdivision of individual lots in a strata plan or community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
 - (b) to permit building heights that encourage high quality urban form,

- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
 - (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

Note—

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

4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
- (a) to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic,
 - (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,
 - (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
 - (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,
 - (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
 - (f) to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).
- (2A) Despite subclause (2)—
- (a) a 3 storey building containing dwellings, or
 - (b) a building used for the purposes of an attached dwelling, multi dwelling housing, semi-detached dwellings, a secondary dwelling or 2 or more dwellings where each dwelling is attached to another dwelling by a common wall,

that is on land shown to be within Area 2 or Area 3 on the [Floor Space Ratio Map](#), may have a maximum floor space ratio of—

(c) up to 0.05:1 greater than that shown on the Map, or

(d) if the building is on a lot that adjoins a rear or side lane that provides vehicular access to the lot, up to 0.1:1 greater than that shown on the Map.

(2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is—

(a) on a site area greater than 1,000 square metres, and

(b) on land in a zone specified in the Table to this clause, and

(c) on land for which the maximum building height shown on the [Height of Buildings Map](#) is as specified in Column 1 of the Table under the heading for that zone,

is the amount specified opposite that height in—

(d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or

(e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres.

(2C) For the purposes of Column 2 of the Table to this clause, X is to be calculated in accordance with the following formula—

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

Column 1	Column 2	Column 3
Zone E2 Commercial Centre		
35m	(4 + X):1	5:1
100m	(5 + 3X):1	8:1
Zone E1 Local Centre, MU1 Mixed Use, SP1 Special Activities or SP2 Infrastructure		
18m	(1.5 + 0.5X):1	2:1
35m	(2.5 + X):1	3.5:1
45m	(2.5 + 1.5X):1	4:1
80m	(2.5 + 3.5X):1	6:1

Zone R4 High Density Residential

18m	(1 + X):1	2:1
24m	(1.5 + X):1	2.5:1
35m	(2 + X):1	3:1
45m	(2 + 1.5X):1	3.5:1

4.5 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this clause are as follows—

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

(2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—

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

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

(4) **Exclusions from site area** The following land must be excluded from the site area—

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

- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and
 - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this clause, ***public place*** has the same meaning as it has in the [Local Government Act 1993](#).

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
- (a) the consent authority is satisfied that—
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land

in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Plan was made it did not include all of these zones.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (caa) clause 5.5,
 - (ca) clause 6.4, 6.5, 6.6, 7.5A, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (**the owner-initiated acquisition provisions**).

Note—

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) requires the authority to

acquire the land.

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

Type of land shown on Map	Authority of the State
Zone E1 Local Centre and marked "Community facilities"	Council
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone SP2 Infrastructure and marked "Educational establishment"	Department of Education and Training
Zone SP2 Infrastructure and marked "Local road"	Council
Zone SP2 Infrastructure and marked "Drainage"	Council
Zone SP2 Infrastructure and marked "Railway"	The corporation constituted under section 8 of the Act
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the National Parks and Wildlife Act 1974
Zone C2 Environmental Conservation and marked "Local open space"	Council

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

Note—

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

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

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

Column 1 Land	Column 2 Authority	Column 3 Development
Zone RE1 Public Recreation and marked "Local open space"	Council	Earthworks; Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act	Earthworks; Recreation areas
Zone E1 Local Centre and marked "Community facilities"	Council	Earthworks; Community facilities

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

Note—

Under the [Local Government Act 1993](#), "public land" is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the [Local Government Act 1993](#). Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (4) The public land described in Part 1 of Schedule 4—

- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the [Crown Land Management Act 2016](#)).

Note—

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

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 10 metres from any zone boundary shared with Zone E5 Heavy Industrial and 25 metres from any other zone boundary.
- (3) This clause does not apply to—
 - (a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses

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

Note—

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
 - (a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 30 square metres.

- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
- (a) 60 square metres,
 - (b) 25% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—
- (a) 43% of the gross floor area of the industry, or
 - (b) 400 square metres,
- whichever is the lesser.

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
 - (i) 60 square metres,
 - (ii) 25% of the total floor area of the principal dwelling, and
- (b) [Not adopted]

5.6 Architectural roof features

- (1) The objectives of this clause are as follows—
 - (a) to permit variations to maximum building height standards for roof features of

visual interest, and

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

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.7 Development below mean high water mark

(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.

(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of

another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3) Development to which subclause (2) applies is complying development if it consists only of—

(a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Dwelling house or secondary dwelling affected by natural disaster

(1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.

(2) This clause applies to land in the following zones—

(a) a rural zone,

(b) a residential zone,

(c) Zone C2 Environmental Conservation,

(d) Zone C3 Environmental Management.

(e)-(j) (Repealed)

(3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—

(a) the dwelling house or secondary dwelling was lawfully erected, and

- (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

5.9AA (Repealed)

5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this clause are as follows—

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

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or

- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this clause is not required if—
 - (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
 - (b) the development is in a cemetery or burial ground and the proposed development—
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
 - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
 - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28

days after the notice is sent.

- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
 - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without development consent.

Note—

The [Rural Fires Act 1997](#) also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

[Not applicable]

5.14 Siding Spring Observatory—maintaining dark sky

[Not adopted]

5.15 Defence communications facility

[Not adopted]

5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU3 Forestry,
 - (d) Zone RU4 Primary Production Small Lots,
 - (e) Zone RU6 Transition,
 - (f) Zone R5 Large Lot Residential,
 - (g) Zone C2 Environmental Conservation,
 - (h) Zone C3 Environmental Management,
 - (i) Zone C4 Environmental Living.
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
 - (a) subdivision of land proposed to be used for the purposes of a dwelling,
 - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
 - (a) the existing uses and approved uses of land in the vicinity of the development,
 - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,

- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations

[Not applicable]

5.18 Intensive livestock agriculture

- (1) The objectives of this clause are—
 - (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
 - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
 - (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
 - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
 - (c) the potential for the pollution of surface water and ground water,
 - (d) the potential for the degradation of soils,
 - (e) the measures proposed to mitigate any potential adverse impacts,
 - (f) the suitability of the site in the circumstances,
 - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
 - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the

establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.

- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
- (a) the development is of a type specified in subclause (5), and
 - (b) the consent authority is satisfied that the development will not be located—
 - (i) in an environmentally sensitive area, or
 - (ii) within 100 metres of a natural watercourse, or
 - (iii) in a drinking water catchment, or
 - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
 - (v) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
 - (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5km of a poultry farm used for breeding poultry, or
 - (B) within 1km of a poultry farm not used for breeding poultry, or
 - (vii) for a pig farm—within 3km of another pig farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
 - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
 - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
 - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
 - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
 - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any

other environmental planning instrument.

(7) In this clause—

environmentally sensitive area has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

residential zone means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E3 Productivity Support, Zone MU1 Mixed Use, Zone C3 Environmental Management or Zone C4 Environmental Living.

5.19 Pond-based, tank-based and oyster aquaculture

(1) **Objectives** The objectives of this clause are as follows—

- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
- (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.

(2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of—
 - (i) pond-based aquaculture in Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
 - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
 - (iii) tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density

Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and

(iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.

(3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.

(4) **Extensive pond-based aquaculture permitted without consent in certain zones**
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—

(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and

(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.

(5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—

(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and

(b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

(6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**
Development for the purpose of oyster aquaculture may be carried out without development consent—

(a) on land that is wholly within a priority oyster aquaculture area, or

(b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) **Definitions** In this clause—

aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

extensive aquaculture has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

5.20 Standards that cannot be used to refuse consent—playing and performing music

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
 - (a) the playing or performance of music, including the following—
 - (i) the genre of music played or performed, or
 - (ii) whether the music played or performed is live or amplified, or
 - (iii) whether the music played or performed is original music, or
 - (iv) the number of musicians or live entertainment acts playing or performing, or
 - (v) the type of instruments played,
 - (b) whether dancing occurs,
 - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
 - (d) the direction in which a stage for players or performers faces,
 - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—

licensed premises has the same meaning as in the *Liquor Act 2007*.

5.21 Flood planning

- (1) The objectives of this clause are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
 - (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
 - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Floodplain Development Manual.

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

5.22 Special flood considerations

[Not adopted]

5.23 Public bushland

- (1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—
 - (a) preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and
 - (b) preserving bushland as a natural stabiliser of the soil surface, and
 - (c) preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and
 - (d) preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and
 - (e) mitigating disturbance caused by development.
- (2) Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.
- (3) Development consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied of the following—
 - (a) the disturbance of the bushland is essential for a purpose in the public interest,
 - (b) there is no reasonable alternative to the disturbance,
 - (c) the development minimises the amount of bushland to be disturbed,

- (d) the development includes measures to remediate the disturbed bushland.
- (4) Despite subclause (2), development that will disturb, or is reasonably likely to disturb, public bushland is permitted without development consent if the development is for the following purposes—
 - (a) the construction, operation or maintenance of pipelines to carry water, sewerage or gas or pipelines licensed under the *Pipelines Act 1967*,
 - (b) the construction, operation or maintenance of electricity or telecommunication lines,
 - (c) bush fire hazard reduction,
 - (d) the construction or maintenance of classified roads,
 - (e) facilitating the recreational use of the public bushland.
- (5) Development specified in subclause (4)(e) is permitted without development consent only if it is carried out in accordance with a plan of management for the public bushland, adopted by the Council in the same way a plan of management is required to be adopted for community land under the *Local Government Act 1993*, Chapter 6, Part 2, Division 2, that includes measures for the following—
 - (a) the recreational use of the land,
 - (b) bush fire hazard reduction,
 - (c) the prevention of degradation, including the alteration of drainage patterns, rubbish dumping, vehicle intrusion and infestation with weeds or non-native plants,
 - (d) the remediation of degraded public bushland.
- (6) This clause does not require development consent for clearing of native vegetation if the clearing is of a kind that is authorised under the *Local Land Services Act 2013*, section 600.
- (7) In deciding whether to grant development consent to development on land adjoining public bushland, the consent authority must consider the following—
 - (a) the need to retain public bushland adjoining the site of the development,
 - (b) the likely effect of the development on public bushland, including the following—
 - (i) the erosion of soil,
 - (ii) the siltation of streams and waterways,
 - (iii) the spread of weeds and non-native plants within public bushland,

(c) other matters the consent authority considers relevant to the protection and preservation of public bushland.

(8) This clause does not apply to the following land that is public bushland—

(a) land in Zone RU1, RU2, RU3, RU4 or RU5,

(b) land reserved, dedicated or acquired under the *National Parks and Wildlife Act 1974*,

(c) land within a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 2012*,

(d) land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7 applies.

(9) In this clause—

disturb public bushland means—

(a) remove vegetation from public bushland, or

(b) cause a change in the natural ecology of public bushland that results in the destruction or degradation of the public bushland.

non-native plant means a plant that is not native vegetation.

public bushland means land—

(a) on which there is vegetation that is—

(i) a remainder of the natural vegetation of the land, or

(ii) representative of the structure and floristics of the natural vegetation of the land, and

(b) that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority.

5.24 Farm stay accommodation

[Not adopted]

5.25 Farm gate premises

[Not adopted]

Part 6 Urban release areas

6.1 Aims of Part

This Part aims—

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

6.2 Relationship between Part and remainder of Plan

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

6.3 Application of Part

This Part applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 7.1 of the Act).

6.4 Arrangements for designated State public infrastructure

- (1) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (2) Subclause (1) does not apply to—
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities, or any other public purpose, or

- (d) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.

6.4A (Renumbered as clause 7.1A)

6.5 Public utility infrastructure

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

6.6 Development control plan

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

- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

Part 7 Additional local provisions

Division 1 Liverpool city centre provisions

7.1 Objectives for development in Liverpool city centre

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

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

7.1A Arrangements for designated State public infrastructure in intensive urban development areas

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.

(3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).

(4) In this Part—

intensive urban development area means the area of land identified as “Area 7”, “Area 8”, “Area 9”, “Area 10”, “Area 12” or “Area 13” on the [Floor Space Ratio Map](#).

7.2 Sun access in Liverpool city centre

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

Column 1

Location

Land within 9m of the public right of way on the northern side of Elizabeth Street, opposite Bigge Park, between Bigge Street and College Street

Land within 9m of the public right of way on the northern side of Elizabeth Drive, opposite St Luke’s Church Grounds between Northumberland Street and Macquarie Street

Land within 4m of the public right of way on either side of Macquarie Street, between Elizabeth Street and Memorial Avenue (except the most southern 60m)

Land within 17m of the northern boundary of Apex Park between the Hume Highway and Castlereagh Street

Land within 9m of the public right of way on the western side of Northumberland Street opposite Liverpool Pioneers’ Memorial Park between Lachlan and Campbell Streets

Column 2

Maximum height

20m

20m

21m

15m

30m

Land within 9m of the public right of way on the eastern side of Macquarie Street opposite Liverpool Pioneers' Memorial Park 30m between Lachlan and Campbell Streets

7.3 Car parking in Liverpool city centre

- (1) The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre.
- (2) Development consent must not be granted to development on land in the Liverpool city centre that is in Zone E2 Commercial Centre or MU1 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless—
 - (a) at least one car parking space is provided for every 200 square metres of any new gross floor area that is on the ground floor level of the building, and
 - (b) in respect of any other part of the building—
 - (i) at least one car parking space is provided for every 100 square metres of any new gross floor area that is to be used for the purposes of retail premises, and
 - (ii) at least one car parking space is provided for every 150 square metres of any new gross floor area that is to be used for any other purpose.
- (3) Despite subclause (2), development consent may be granted to a development with less or no on site car parking if the consent authority is satisfied that the provision of car parking on site is not feasible.
- (4) In this clause, the following are to be included as part of a building's gross floor area—
 - (a) any area of the building that is used for car parking and is at or above ground level (existing), except to the extent permitted by a development control plan made by the Council,
 - (b) any area of the building that is used for car parking below ground level (existing), except where the car parking is provided as required by this clause.
- (5) Council owned public car parking and parts of a building used for residential purposes must not be included as part of a building's gross floor area for the purposes of this clause.

7.4 Building separation in Liverpool city centre

- (1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.

- (2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least—
 - (a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and
 - (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and
 - (c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and
 - (d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use, and
 - (e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use.

7.5 Design excellence in Liverpool city centre

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),
 - (e) any relevant requirements of applicable development control plans,
 - (f) how the proposed development addresses the following matters—

- (i) the suitability of the site for development,
- (ii) existing and proposed uses and use mix,
- (iii) heritage issues and streetscape constraints,
- (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (v) bulk, massing and modulation of buildings,
- (vi) street frontage heights,
- (vii) environmental impacts such as sustainable design, waste and recycling infrastructure, overshadowing, wind and reflectivity,
- (viii) the achievement of the principles of ecologically sustainable development,
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (x) the impact on, and any proposed improvements to, the public domain.

(4)-(8) (Repealed)

7.5A Additional provisions relating to certain land at Liverpool city centre

- (1) This clause applies to land development on land that—
 - (a) is identified as “Area 8”, “Area 9” or “Area 10” on the [Floor Space Ratio Map](#), and
 - (b) has a lot size exceeding 1500m², and
 - (c) has 2 or more street frontages.
- (2) Despite clauses 4.3 and 4.4, if at least 20% of the gross floor area of a development is used for the purpose of centre-based child care facilities, commercial premises, community facilities, educational establishments, entertainment facilities, functions centres, hotel or motel accommodation, information and education facilities, medical centres or public administration buildings—
 - (a) the height of the building may exceed the maximum height shown for the land on the [Height of Buildings Map](#), and
 - (b) the maximum floor space ratio of the building may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) but must not exceed—
 - (i) in relation to a building on land identified as “Area 8” or “Area 10” on the

map—10:1, or

(ii) in relation to a building on land identified as “Area 9” on the map—7:1.

(3) Development consent must not be granted under this clause unless—

(a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, and

(b) the site on which the building is located also includes recreation areas, recreation facilities (indoor), community facilities, information and education facilities, through site links or public car parks.

(4) The development control plan must include provision for how proposed development is to address the following matters—

(a) the impact on conservation areas,

(b) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,

(c) achieving appropriate interface at ground level between buildings and the public domain,

(d) the excellence and integration of landscape design,

(e) the matters specified in clause 7.5(3)(f)(i)-(viii) and (x).

Division 2 Other provisions

7.6 Environmentally significant land

(1) The objectives of this clause are as follows—

(a) to maintain bushland, wetlands and wildlife corridors of high conservation value,

(b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,

(c) to protect rare and threatened native flora and native fauna,

(d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

(2) Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant—

- (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,
- (b) the importance of the vegetation in that particular location to native fauna,
- (c) the sensitivity of the land and the effect of clearing vegetation,
- (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream,
- (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity),
- (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.

7.7 Acid sulfate soils

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

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

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.

- (4) Development consent is not required under this clause for the carrying out of works if—
- (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan need not be carried out for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Also, development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Development consent is not required under this clause to carry out any works unless—
- (a) the works involve the disturbance of 1 tonne or more of soil, or
 - (b) the works are likely to lower the watertable.
- (7) (Repealed)

7.8 (Repealed)

7.8A Floodplain risk management

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

probable maximum flood, but does not apply to land at or below the flood planning level.

- (3) Development consent must not be granted to development for any of the following purposes on land to which this clause applies unless the consent authority is satisfied that the development is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual, and will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—
- (a) caravan parks,
 - (b) centre-based child care facilities,
 - (c) correctional centres,
 - (d) emergency services facilities,
 - (e) group homes,
 - (f) hospitals,
 - (g) residential care facilities,
 - (h) respite day care centres,
 - (i) tourist and visitor accommodation.

- (4) In this clause—

probable maximum flood has the same meaning as it has in the Floodplain Development Manual.

Note—

The probable maximum flood is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

7.9 Foreshore building line

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

- (b) the development involves the extension, alteration or rebuilding of an existing building that is erected wholly or partly in the foreshore area and the consent authority is satisfied that the building as extended, altered or rebuilt will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, or
 - (c) the development is for the purposes of any of the following—
 - (i) boat sheds,
 - (ii) sea walls,
 - (iii) wharves, slipways, jetties,
 - (iv) waterway access stairs,
 - (v) swimming pools at or below ground level (existing),
 - (vi) fences,
 - (vii) picnic facilities, cycleways, walking trails or other outdoor recreation facilities.
- (3) Development consent must not be granted to development referred to in subclause (2) unless the consent authority is satisfied that the development—
- (a) will contribute to achieving the objectives for development in the zone in which it is to be carried out, and
 - (b) will be compatible in its appearance with the surrounding area, as viewed from both the waterway concerned and the adjacent foreshore areas, and
 - (c) will not cause environmental harm, such as—
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
 - (e) will not compromise opportunities for the provision of continuous public access along the foreshore and to the waterway, and
 - (f) will maintain any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land.

7.10 Minimum lot size for dual occupancies in rural zones

- (1) The objective of this clause is to maintain opportunities for productive rural and urban fringe uses by providing certainty about the land area required for two dwellings to be on a single lot in rural zones.
- (2) Development consent for the purposes of a dual occupancy on land in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots, or a dual occupancy (attached) on land in Zone RU2 Rural Landscape, may be granted only if the lot—
 - (a) is a lot on which a dwelling house can lawfully be erected, and
 - (b) has an area of not less than—
 - (i) 10 hectares, if in Zone RU1 Primary Production, or
 - (ii) 2 hectares, if in Zone RU2 Rural Landscape or Zone RU4 Primary Production Small Lots.

7.10A Minimum lot size for dual occupancies (detached) in Zone R5

- (1) The objective of this clause is to establish a minimum lot size for dual occupancies (detached) on land in Zone R5 Large Lot Residential.
- (2) Development consent for the purposes of a dual occupancy (detached) on land in Zone R5 Large Lot Residential may be granted only if the lot—
 - (a) is a lot on which a dwelling house can lawfully be erected, and
 - (b) has an area of not less than 2 hectares.

7.11 Minimum dwelling density

- (1) The objectives of this Plan for the control of dwelling densities are as follows—
 - (a) to contribute toward the efficient use of land resources,
 - (b) to ensure the viability of public transport and other services planned for the area,
 - (c) to ensure adequate funds for the recreation and community facilities planned for the area.
- (2) Development consent must not be granted for the subdivision of land shown on the [Dwelling Density Map](#) unless the consent authority is satisfied that the dwelling density likely to be achieved by the subdivision is not less than the dwelling density shown for the land on that Map.
- (3) In this clause—

dwelling density means the ratio of the number of dwellings to the area of the land

to be occupied by the development, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land used for public open space and non-residential purposes.

7.12 Maximum number of lots

The total number of lots created by the subdivision of land in an area of land identified as “Restricted Lot Yield” on the [Dwelling Density Map](#) must not exceed the number shown on that map for that area.

7.13 (Repealed)

7.14 Minimum building street frontage

- (1) The objectives of this clause for the control of building frontage to streets are as follows—
 - (a) to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,
 - (b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,
 - (c) to provide appropriate dimensions for the design of car parking levels,
 - (d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.
- (2) Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres—
 - (a) any building on land in Zone E2 Commercial Centre or MU1 Mixed Use, or
 - (b) any building of more than 2 storeys on land in Zone R4 High Density Residential or E1 Local Centre, or
 - (c) any residential flat building.
- (3) This clause does not apply in respect of development on land identified as “Area 7” or “Area 8” on the [Floor Space Ratio Map](#).

7.15 (Repealed)

7.16 Ground floor development in Zones E1 and MU4

- (1) The objective of this clause is to—

- (a) ensure active uses are provided at the street level to encourage the presence and movement of people, and
 - (b) promote the economic strength of mixed use development for ground floor development in zones to which this clause applies.
- (2) This clause applies to land in E1 Local Centre or MU1 Mixed Use.
- (3) This clause does not apply to land at Edmondson Park.
- (4) Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building—
- (a1) if the development is on land in Zone MU1 Mixed Use—will be used for the purposes of business premises or retail premises, and
 - (a) if the development is on land in Zone E1 Local Centre—will not be used for the purposes of residential accommodation, and
 - (b) will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.

7.17 Airspace operations

- (1) The objective of this clause is to protect airspace around airports.
- (1A) This clause does not apply to development on land to which [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021](#), section 4.22 applies.
- (2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the [Airports Act 1996](#) of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.

Note—

Controlled activities include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace (being generally airspace around airports). Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of Division 4 of Part 12 of the [Airports Act 1996](#) of the Commonwealth.

7.17A Hospital helicopter airspace

- (1) The objective of this clause is to protect hospital helicopter airspace.
- (2) Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—
- (a) refers the application for development consent to the chief executive of the relevant local health district, and

(b) considers any submission to the consent authority by the chief executive made within 21 days of the referral, and

(c) is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.

(3) In this clause—

hospital helicopter airspace means the airspace above the Helicopter OIS Contours shown for the land hatched red on the [Key Sites Map](#).

relevant local health district means the local health district constituted in respect of the area above which hospital helicopter airspace is located.

Note—

See sections 17 and 18 of, and Schedule 1 to, the [Health Services Act 1997](#).

7.18 Development in areas subject to potential airport noise

(1) The objectives of this clause are to ensure that development in the vicinity of Bankstown Airport and Western Sydney International (Nancy-Bird Walton) Airport—

(a) has regard to the use or potential future use of each site as an airport, and

(b) does not hinder or have any other adverse impact on the development or operation of the airports on those sites.

(1A) This clause does not apply to development on land to which [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021](#), Chapter 4 applies.

(2) Development consent is required for the erection of a building on land where the ANEF exceeds 20 if it is erected for residential purposes or for any other purpose involving regular human occupation.

(3) The following development is prohibited unless it meets the requirements of AS 2021-2015, *Acoustics—Aircraft noise intrusion—Building siting and construction* with respect to interior noise levels—

(a) residential accommodation on land where the ANEF exceeds 20,

(b) business premises, entertainment facilities, office premises, public administration buildings, retail premises and tourist and visitor accommodation on land where the ANEF exceeds 25.

(4) The following development is prohibited—

(a) educational establishments, hospitals and places of public worship on land where the ANEF exceeds 20,

(b) dwellings on land where the ANEF exceeds 25 (other than development consisting

of the alteration, extension or replacement of an existing dwelling house where the development is consistent with the objectives of this clause),

- (c) business premises, entertainment facilities, office premises, public administration buildings, retail premises and tourist and visitor accommodation on land where the ANEF exceeds 30.

(5) In this clause—

ANEF means Australian Noise Exposure Forecast as shown on the [Airport Noise Map](#).

7.19 Serviced apartments

- (1) The objective of this clause is to prevent substandard residential building design occurring by way of converted serviced apartment development.
- (2) Development consent must not be granted for the subdivision under a strata scheme of a building or part of a building that is being, or has been, used for serviced apartments unless the consent authority is satisfied that the following are achieved for the development as if it were development to which clause 4 of [State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development](#) applies—
 - (a) the design quality principles set out in Schedule 1 to that Policy,
 - (b) the design principles of the Apartment Design Guide (within the meaning of that Policy).

7.20 Council infrastructure development

- (1) Development may be carried out by or on behalf of the Council without development consent on any land, other than land in a heritage conservation area, land containing a heritage item or land that is an environmentally sensitive area for exempt and complying development.
- (2) Development may be carried out by or on behalf of the Council without development consent on land in a heritage conservation area or land containing a heritage item if the development is in accordance with a heritage conservation management plan that has been approved by the Council.
- (3) Subclauses (1) and (2) do not apply to development for the following—
 - (a) the erection of a class 1–9 building under the *Building Code of Australia*,
 - (b) development having a capital value of more than \$1,000,000.

7.21 (Repealed)

7.22 Development in Zone E3

- (1) The objectives of this clause are—
 - (a) to maintain opportunities for business and retail types that are suited to high exposure locations while ensuring that centres remain the focus for business and retail activity, and
 - (b) (Repealed)
 - (c) to ensure active uses are provided at street level to encourage the presence and movement of people.
- (2) This clause applies to land identified as “Area A” on the [Land Zoning Map](#).
- (3) Except as provided by subclause (4), development consent must not be granted to development for the purposes of a dwelling unless the dwelling is at least 50 metres from any boundary of the land that adjoins a classified road.
- (4) Development consent must not be granted to development for the purposes of a dwelling on land shown edged heavy green on the [Key Sites Map](#) and that adjoins the Hume Highway or Elizabeth Drive unless the dwelling is at least 8 metres from any boundary of the land that adjoins either of those roads.
- (5) Development consent must not be granted to development that would result in total gross floor area of all retail premises (other than garden centres, hardware and building supplies, landscaping material supplies or vehicle sales or hire premises) in a single building being more than 8,000 square metres.
- (6) Development consent must not be granted for development for the purposes of a building on land to which this clause applies that is within 50 metres of a classified road unless the consent authority is satisfied that the ground floor of the building will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.

7.23 Specialised retail premises and retail premises in Zone E3

- (1) Development consent must not be granted to development for the purposes of specialised retail premises on land identified as “Area A” on the [Land Zoning Map](#) if the gross floor area of the specialised retail premises is more than 2,500 square metres.
- (2) Development consent must not be granted to development for the purposes of retail premises on land identified as “Area A” on the [Land Zoning Map](#) if the gross floor area of the retail premises is more than 1,600 square metres.

7.24 Dual occupancies in Zones RU1, RU2 and RU4

- (1) Development consent must not be granted to development for the purposes of a dual

occupancy on land in Zone RU4 Primary Production Small Lots unless the gross floor area of at least one of the dwellings is not more than 350 square metres.

- (2) Development consent must not be granted to development for the purposes of a dual occupancy (attached) on land in Zone RU2 Rural Landscape unless the gross floor area of at least one of the dwellings is not more than 200 square metres.
- (3) Development consent may be granted to development for the purposes of a dual occupancy—
 - (a) on land in Zone RU1 Primary Production within the area identified as **SWGC area** on the [Key Sites Map](#), but only if at least one of the dwellings has a gross floor area of not more than 350 square metres, and
 - (b) on land within the area identified as **SWGC released precinct** on the [Key Sites Map](#), but only if at least one of the dwellings has a gross floor area of not more than 150 square metres, and
 - (c) on land in Zone RU1 Primary Production within the area not identified as **SWGC area** or **SWGC released precinct** on the [Key Sites Map](#).

7.24A Erection of rural workers' dwellings in Zones RU1 and RU4

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted for the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that—
 - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
 - (b) the development will not impair the use of the land for agricultural or rural industries, and
 - (c) the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and
 - (d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and

- (e) the development will not result in more than 1 rural worker's dwelling being erected on the land comprising the agricultural or rural industry, and
- (f) the gross floor area of the rural worker's dwelling does not exceed 100 square metres.

7.25 Food and drink premises and shops on certain land in Zone E1

- (1) This clause applies to land identified as "Area G" on the [Land Zoning Map](#).
- (2) Development consent must not be granted to development for the following purposes—
 - (a) food and drink premises if the gross floor area of the premises will be more than 300m²,
 - (b) a shop if the gross floor area of the shop will be more than 1,500m².

7.26 Restaurants, take away food and drink premises, centre-based child care facilities and hotel or motel accommodation in Zone E4

- (1) Development consent must not be granted to development for the purposes of a restaurant or take away food and drink premises on land in Zone E4 General Industrial if the gross floor area of the restaurant or take away food or drink premises is more than 200 square metres.
- (2) Development consent must not be granted to development for the purposes of a centre-based child care facility or hotel or motel accommodation on land in Zone E4 General Industrial unless—
 - (a) the proposed development is at least 150 metres from any land in Zone E5 Heavy Industrial, and
 - (b) if any heavy industry is in the vicinity of proposed development, the consent authority has considered whether the development will be sited, designed and constructed so as to minimise any impact from that heavy industry.

7.26A Residential development at former New Brighton Golf Course

- (1) This clause applies to the land identified as "Former New Brighton Golf Course" on the [Lot Size Map](#).
- (2) The total number of dwellings on land to which this clause applies must not exceed 310.
- (3) Development for the purposes of a studio loft is permitted with development consent on land to which this clause applies.
- (4) Development consent must not be granted to development for the purposes of a

residential flat building or multi dwelling housing (including any form of housing involving a studio loft) on land to which this clause applies unless—

- (a) each parcel on which the residential flat building or housing is erected or proposed to be erected—
 - (i) has an area of at least 600 square metres, and
 - (ii) is a corner parcel, and
 - (iii) adjoins a rear or side lane that provides vehicular access to the parcel, and
- (b) in the case of development for the purposes of a residential flat building—the number of dwellings contained or proposed to be contained in the building does not exceed 3, and
- (c) in any other case—the number of dwellings erected or proposed to be erected on the parcel does not exceed 3.

(5) This clause has effect despite anything to the contrary in any other provision of this Plan.

(6) In this clause—

parcel has the same meaning as in the [Strata Schemes Development Act 2015](#).

studio loft means a dwelling that is erected—

- (a) above a garage, and
- (b) on a lot that is comprised in a parcel (being a parcel on which 2 or more other dwellings are erected on other lots).

7.27 Development of certain land at Moorebank

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

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

7.28, 7.29 (Repealed)

7.30 Maximum floor area that may be used for retail premises for certain land in Zone E1 at Hoxton Park

For development of a site on land identified as “Area P” on the [Floor Space Ratio Map](#), no more than 35% of the gross floor area of all buildings on the site may be used for the purposes of retail premises.

7.31 Earthworks

- (1) The objectives of this clause are as follows—
 - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
 - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless—
 - (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note—

The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

7.32 Maximum floor space that may be used for retail premises for certain land in Zone E1 at Hinchinbrook

For development of a site on land shown as being within Area 6 on the [Floor Space Ratio Map](#), the maximum gross floor area that may be used for the purposes of retail premises on that land is 1,000 square metres.

7.33 Dwelling houses in Zone R4—height and floor space ratio controls

- (1) This clause applies to land in Zone R4 High Density Residential.
- (2) Despite clauses 4.3(2) and 4.4(2), development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless—
 - (a) the dwelling house will not exceed a height of 8.5 metres, and
 - (b) the floor space ratio of the dwelling house will not exceed 0.6:1.

7.34 Dwelling houses at Church and Campbelltown Roads, Denham Court and Greendale Road, Wallacia—amalgamation of lots

- (1) This clause applies to the following land—
 - (a) land at Denham Court, being—
 - (i) Lots 10, 20 and 21, Section B, DP 1443, being land fronting Church and Campbelltown Roads,
 - (ii) Lots 11 and 19, Section B, DP 1443, being land fronting Church and Campbelltown Roads,
 - (iii) Lots 17 and 18, Section B, DP 1443, Campbelltown Road,
 - (iv) Lots 27 and 28, Section B, DP 1443, Campbelltown Road,
 - (v) Lots 29–31, Section B, DP 1443, Campbelltown Road,
 - (vi) Lots 32–34, Section B, DP 1443, Campbelltown Road,

(vii) Lots 35-37, Section B, DP 1443, Campbelltown Road,

(b) land at Greendale Road, Wallacia, being—

(i) Lots 101 and 102, DP 1174458,

(ii), (iii) (Repealed)

(iv) Lots 50 and 51, DP 18891.

(2) Despite any other provision of this Plan, development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies, being land comprising the lots referred to in subclause (1)(a)(i), (ii), (iii), (iv), (v), (vi) or (vii) or (b)(i) or (iv) unless the land comprising the lots referred to in that subparagraph has been amalgamated into a single lot.

7.35 Location of restricted premises

(1) The objective of this clause is to ensure that restricted premises are not visually prominent from public places or other locations regularly frequented by children.

(2) Development consent must not be granted to development for the purposes of restricted premises if the premises would be located on land that adjoins land, or is separated only by a road from land—

(a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential, or

(b) that is used for the purposes of a centre-based child care facility, a community facility, an educational establishment, a place of public worship, a recreation area, a recreation facility (indoor), a recreation facility (major) or a recreation facility (outdoor), or

(c) that is used for the purposes of restricted premises or sex services premises, or

(d) in relation to which development consent has been granted for the purposes of a centre-based child care facility, a community facility, an educational establishment, a place of public worship, a recreation area, a recreation facility (indoor), a recreation facility (major), a recreation facility (outdoor), restricted premises or sex service premises.

(3) Before granting development consent for the purposes of restricted premises, the consent authority must take into account—

(a) the impact of the proposed development on places of high pedestrian activity, and

(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and

(c) whether the appearance of the restricted premises is sufficiently discreet.

7.36 Arrangements for infrastructure arising out of development of intermodal terminal at Casula and Moorebank

- (1) The object of this clause is to require satisfactory arrangements to be made for the provision of relevant State public infrastructure, before the carrying out of development on the land in the IMT Area, to satisfy needs that arise from development on the land, but only if that land is developed intensively for an IMT.
- (2) This clause applies to the IMT Area.
- (3) This clause does not apply to land if the whole or any part of it is in a special contributions area (as defined by section 7.1 of the Act).
- (4) Development consent must not be granted to development for the purposes of an IMT on land in the IMT Area unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of relevant State public infrastructure in relation to that land.
- (5) Subclause (4) does not apply in relation to development if the consent authority is satisfied that—
 - (a) the development will not result in a significant net increase in traffic to or from the IMT Area, or
 - (b) the development is of a minor nature or is a precursor to development for an IMT.
- (6) In this clause—

IMT means an intermodal terminal for the connection of rail and road freight services, and includes road and rail works and associated commercial infrastructure.

IMT Area means the area identified as “IMT Area” on the [Key Sites Map](#).

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

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) rail infrastructure and land.

7.37 Floor space ratio of buildings on certain land at Bigge, Elizabeth and George Streets

- (1) This clause applies to the following land at Liverpool—
 - (a) 148 George Street, being Lot 1, DP1261270,

(b) 26–28 Elizabeth Street, being Lot 2, DP 1261270,

(c) 133 Bigge Street, being Lot 3, DP 1261270.

(2) Despite any other provision of this Plan, development consent must not be granted to the erection of a building on land at 148 George Street, being Lot 1, DP 1261270, unless the consent authority is satisfied that the gross floor area of that part of the building that is to be used for non-residential purposes is at least 2.5 times the site area.

(3) Despite any other provision of this Plan, development consent must not be granted to the erection of a building on land at 26–28 Elizabeth Street, being Lot 2, DP 1261270, or 133 Bigge Street, being Lot 3, DP 1261270, unless the consent authority is satisfied that the gross floor area of that part of the building that is to be used for non-residential purposes is at least 1.5 times the site area.

7.38 Development at 311 Hume Highway, Liverpool

(1) The objectives of this clause are as follows—

(a) to promote uses that attract pedestrian traffic along the ground floor street frontages on the Hume Highway,

(b) to provide employment opportunities,

(c) to prevent excessive noise and poor amenity for residents near the Hume Highway.

(2) This clause applies to 311 Hume Highway, Liverpool, being Lot 71, DP 1004792.

(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the ground floor of any building on that land that is within 30 metres of the Hume Highway will be used only for the purposes of commercial premises, medical centres or recreation facilities (indoor), excluding car parking.

(4) Despite subclause (3), the ground floor may be used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicular access.

(5) Clause 7.16 does not apply to the land to which this clause applies.

7.39 Rural workers' dwellings at Leppington Pastoral Company

(1) The objectives of this clause are—

- (a) to ensure the provision of adequate accommodation for persons employed for the purpose of agriculture or a rural industry on the land to which this clause applies, and
 - (b) to limit the maximum number of dwellings on the land to which this clause applies to protect the land's rural amenity.
- (2) This clause applies to Lot 11, DP 1092165 and Lots 100 and 101, DP 1171843, being land at The Northern Road, Greendale.
- (3) Despite clause 7.24A(3)(e), development for the purpose of up to 20 rural workers' dwellings is permitted with development consent on the land shown coloured light brown on the [Key Sites Map](#).
- (4) The consent authority must not grant development consent to development for the purpose of a rural worker's dwelling on the land to which this clause applies unless the consent authority is satisfied that the rural worker's dwelling is necessary to ensure the provision of adequate accommodation for persons employed for the purpose of agriculture or a rural industry on the land.
- (5) The consent authority must not grant development consent to development that results in either or both of the following on the land to which this clause applies—
- (a) more than 20 rural workers' dwellings,
 - (b) more than 5 dwellings other than rural workers' dwellings.

7.40 (Repealed)

7.41 Certain developments in Zones E4 and E5

- (1) **Depots in Zones E4** If development for the purposes of a depot is permitted under this Plan on land identified as "Area B" on the [Land Zoning Map](#), the total site area must not exceed 2,000 square metres.
- (2) **Transport depots** If development for the purposes of a transport depots is permitted under this Plan on land identified as "Area B" on the [Land Zoning Map](#), the total site area must not exceed 2,000 square metres.
- (3) **Warehouse or distribution centres** If development for the purpose of a warehouse or distribution centre is permitted under this Plan on land identified as "Area B" on the [Land Zoning Map](#), the gross floor area must not exceed 2,000 square metres.
- (4) **Vehicle sales or hire premises** If development for the purpose of vehicle sales or hire premises is permitted under this plan in Zone E4 General Industrial or Zone E5 Heavy Industrial, the floor area used for hard stand space must not exceed 500 square metres.

7.42 Development of Middleton Grange town centre

- (1) This clause applies to the following land—
 - (a) Lots 2-5 and 6, DP 1207518,
 - (b) Lot 1, DP 1078564,
 - (c) Lot 12, DP 1108343,
 - (d) Lot 102, DP 1128111.
- (2) Development consent must not be granted to development if the development will result in any of the following—
 - (a) the total number of residential apartments on the land exceeding 671,
 - (b) the total residential floor area of all buildings on the land exceeding 72,000m²,
 - (c) the total non-residential ground floor area of all buildings on the land exceeding 26,000m².
- (3) Development consent may be granted to development that includes non-residential upper floor area of a building, but only if—
 - (a) the development will not result in the total non-residential upper floor area of all buildings on the land exceeding 10,000m², and
 - (b) the consent authority is satisfied that—
 - (i) the development is consistent with *Connected Liverpool 2040* as published by the Council in March 2020, and
 - (ii) the inclusion of non-residential upper floor area of buildings in the development is justified having regard to the economic impact assessment prepared in relation to the development application.
- (4) Development consent must not be granted to development on land in Zone E1 Local Centre that has a property boundary shown with a dark blue dotted line on the [Key Sites Map](#) that will result in—
 - (a) despite clause 4.3—a building on the land that will exceed a height of 8.5m, or
 - (b) a setback of less than 4m from the property boundary as shown with a dark blue dotted line on the [Key Sites Map](#).
- (5) Development consent must not be granted to development on the land unless the development includes an area of not less than 2500m² to be used for the purposes of a public park.

(6) The land to be used as a public park under subclause (5) must be located on the land shown as coloured light pink on the [Key Sites Map](#) that is in Zone E1 Local Centre.

(7) In this clause—

non-residential floor area, of a building, means floor area used for non-residential purposes.

non-residential ground floor area, of a building, means the non-residential floor area on the ground floor of the building.

non-residential upper floor area, of a building, means the non-residential floor area on a floor above the ground floor level of the building.

residential floor area, of a building, means floor area used for residential purposes.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at Bringelly in Zone RU1

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

2 Use of certain land at Casula in Zone R2

- (1) This clause applies to Part Lot 86, DP 1135093 in Zone R2 Low Density Residential at 2295 Camden Valley Way, Casula.
- (2) Development for the purposes of emergency services facilities is permitted with consent.

3, 4 (Repealed)

5 Use of certain land at Edmondson Park in Zone R3

- (1) This clause applies to land in Zone R3 Medium Density Residential at Edmondson Park.
- (2) (Repealed)

(3) In Zone R3 Medium Density Residential, development for the purpose of food and drink premises is permitted with consent.

(4) (Repealed)

6 Use of certain land in Liverpool city centre in Zone E1

(1) This clause applies to land in Zone E1 in the Liverpool city centre adjacent to the Hume Highway between Forbes Street and Goulburn Street.

(2) Development for the purpose of residential flat buildings is permitted with consent if part of a mixed use development that contains retail premises.

7 Use of certain land at Moorebank in Zones R3 and R4

(1) This clause applies to land shown coloured pink on the [Key Sites Map](#).

(2) Development for the purposes of entertainment facilities and restaurants or cafes is permitted with consent if it is part of a mixed use development that contains multi dwelling housing.

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

(1) This clause applies to land in Zone RE1 Public Recreation in the Liverpool city centre, bounded by the Hume Highway, Macquarie Street, Campbell Street and Northumberland Street.

(2) Development for the purposes of restaurants or cafes is permitted with consent if the gross floor area of any restaurant or cafe is not greater than 125m².

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

(1) This clause applies to land shown coloured yellow on the [Key Sites Map](#).

(2) Development for the following purposes is permitted with consent—

(a) service stations,

(b) take away food and drink premises if—

(i) there will be no more than 1 take away food and drink premises at each of the areas shown coloured yellow on the [Key Sites Map](#), and

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

10 Use of certain land in Liverpool city centre in Zones MU1 and R4

(1) This clause applies to the following land in the Liverpool city centre—

(a) land in Zone MU1 Mixed Use, bounded by Bigge Street, Campbell Street, Goulburn

Street and Elizabeth Street,

(b) land in Zone R4 High Density Residential, bounded by Bigge Street, Lachlan Street, Goulburn Street and Campbell Street.

- (2) Development for the purposes of light industry is permitted with consent but only if the industry is medical research and development.
- (3) Development for the purposes of office premises is permitted with consent but only with respect to the medical or health industries.

11 (Repealed)

12 Use of certain land at Voyager Point in Zone R2

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

13 (Repealed)

14 Use of certain land at Warwick Farm in Zone E4

- (1) This clause applies to Lot 10, DP 788368 in Zone E4 General Industrial at Sappho Road Warwick Farm, known as "Hometown Bulky Goods Centre".
- (2) Development for the purposes of specialised retail premises is permitted with consent but only if the gross floor area of the premises is not greater than 4,000m².

15 Use of certain land at Warwick Farm in Zone E4

- (1) This clause applies to land in Zone E4 General Industrial in the following locations—
 - (a) north of the Hume Highway and east of the southern rail line at Warwick Farm,
 - (b) east of Orange Grove Road and north of the Hume Highway at Warwick Farm.
- (2) Development for the purposes of vehicle sales or hire premises is permitted with development consent.

16 Use of certain land at Warwick Farm in Zone R2

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

(c) veterinary hospitals.

17-19 (Repealed)

20 Use of certain land at Casula in Zone E3

- (1) This clause applies to part of Lot 20, DP 1180366 in Zone E3 at the corner of Beech Road and Parkers Farm Place, Casula, as shown coloured green on the [Key Sites Map](#).
- (2) Development for the purposes of retail premises, business premises, a service station and a vehicle repair station is permitted with consent if the total gross floor area of that development is not greater than 14,000m².

21 Use of certain land at Warwick Farm

- (1) This clause applies to part of Lot 23, DP 1190437, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the [Key Sites Map](#).
- (2) Development for the purposes of retail premises is permitted with consent if—
 - (a) the total gross floor area of all retail premises on the site does not exceed 21,000m², and
 - (b) the gross floor area of any individual retail premises on the site does not exceed 1,200m².

22 Use of certain land at Casula and Moorebank

- (1) This clause applies to certain land at Casula and Moorebank.
- (2) Development for the purposes of rail infrastructure is permitted with development consent but only on land in Zone RE1 Public Recreation, Zone C3 Environmental Management and Zone W1 Natural Waterways identified as “IMT Rail Corridor” on the [Key Sites Map](#).
- (3) Development for the purposes of drainage is permitted with development consent but only on land in Zone C3 Environmental Management identified as “IMT Riparian Corridor” on the [Key Sites Map](#).
- (4) Development for the purposes of a recreation facility (outdoor) or recreation area is permitted with development consent but only on land in Zone C3 Environmental Management identified as “IMT Recreation Area” on the [Key Sites Map](#).

23 (Repealed)

24 Use of certain land at 10 Orange Grove Road, Warwick Farm

- (1) This clause applies to part of Lot 101, DP 1043160, 10 Orange Grove Road, Warwick Farm, as shown coloured green on the [Key Sites Map](#).

- (2) Development for the purposes of business premises and shops is permitted with development consent if the total gross floor area of business premises and shops on land to which this clause applies does not exceed 21,000m².

25 Use of certain land at Moorebank in Zone E4

- (1) This clause applies to Lots 1 and 3, DP 626253 in Zone E4 General Industrial at 4 and 2A Helles Avenue, Moorebank.
- (2) Development for the purpose of vehicle sales or hire premises is permitted with development consent if—
 - (a) the gross floor area of the vehicle sales or hire premises is not greater than 5,780m², and
 - (b) the consent authority is satisfied that the vehicle sales or hire premises will be located entirely within an existing building.

26 Use of certain land at Chipping Norton in Zone R2

- (1) This clause applies to Lot 3, DP 602936 in Zone R2 Low Density Residential at 123 Epsom Road, Chipping Norton.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent.

27 (Repealed)

28 Use of certain land at Collimore Park, Liverpool

- (1) This clause applies to land at Collimore Park, Liverpool, as shown coloured red on the [Key Sites Map](#).
- (2) Development for the purpose of a car park is permitted with development consent.

29 Use of certain land at 25 Dwyer Road, Bringelly

- (1) This clause applies to Lot 80, DP 27550, 25 Dwyer Road, Bringelly.
- (2) Development for the purposes of recreation facilities (outdoor) is permitted with development consent.

30 Use of certain land at Rossmore

- (1) This clause applies to Lot 1016, DP 258344, 40 Ramsay Road, Rossmore, shown coloured brown on the [Key Sites Map](#).
- (2) Development for the purposes of animal boarding or training establishments is permitted with development consent, but only if—

- (a) the site area of the development is not more than 2 hectares, and
- (b) the development does not fragment the land to which the clause applies in a way that unreasonably limits the use of the land for recreational purposes.

31 Use of certain land at Middleton Grange town centre

- (1) This clause applies to land shown as coloured light blue on the [Key Sites Map](#) in Zone R1 General Residential.
- (2) Development for the purposes of restaurants or cafes is permitted with development consent.

32 Use of certain land at 104 Fifteenth Avenue, West Hoxton

- (1) This clause applies to Lot 2, DP 1074727, 104 Fifteenth Avenue, West Hoxton, shown coloured dark purple on the [Key Sites Map](#).
- (2) Development for the following purposes is permitted with development consent—
 - (a) a single service station with a gross floor area not greater than 300m²,
 - (b) a single take away food and drink premises with a gross floor area not greater than 300m².
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied there will be appropriate vehicular access to and from the land.

33 Use of certain land in Zone E1

- (1) This clause applies to land identified as “Area C” on the [Land Zoning Map](#).
- (2) Development for the purposes of residential flat buildings is permitted with development consent.

34 Use of certain land in Zone E2

- (1) This clause applies to land identified as “Area D” on the [Land Zoning Map](#).
- (2) Development for the purposes of group homes is permitted with development consent.

35 Use of certain land in Zone E3

- (1) Development for the following purposes is permitted with development consent on land identified as “Area A” on the [Land Zoning Map](#)—
 - (a) commercial premises,
 - (b) serviced apartments,

(c) shop top housing.

(2) Development for the purposes of food and drink premises is permitted with development consent on land identified as “Area E” on the [Land Zoning Map](#).

36 Use of certain land in Zone E4

(1) Development for the purposes of pubs is permitted with development consent on land identified as “Area B” or “Area F” on the [Land Zoning Map](#).

(2) Development for the purposes of registered clubs is permitted with development consent on land identified as “Area B” on the [Land Zoning Map](#)

Schedule 2 Exempt development

(Clause 3.1)

Note 1—

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2—

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners’ property rights and the common law still apply.

Advertisements—general requirements

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

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

E1, E3 or MU1

(1)–(4) (Repealed)

(5) **Fascia signs** Sign attached to the fascia or return of the awning—

- (a) must meet the general requirements for advertisements, and
- (b) 1 sign per premises, and
- (c) must not project above or below, or more than 300mm from the fascia or return end of the awning to which it is attached, and
- (d) must not be flashing.

Advertisements—business identification signs for businesses other than brothels in Zone E4 or E5

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

Advertisements—business identification signs in residential zones

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

Advertisements—business identification signs in rural zones

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

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

Advertisements—in or on bus shelters

- (1) Maximum height—2.5m.
- (2) Maximum width—1.5m.
- (3) 2 signs per bus shelter.
- (4) Must not be flashing.
- (5) Must have the consent of the owner of the property on which the sign is located.

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

- (1) Must meet the general requirements for advertisements.
- (2) Maximum height—5m.
- (3) Maximum area—5m².
- (4) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (5) Must not be flashing.

Advertisements—real estate signs (advertising land development)

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

Advertisements—real estate signs (advertising premises or land for sale or rent) in employment or mixed use zones

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—4.5m².
- (3) Must be within the boundary of the advertised property.
- (4) Must not be flashing.
- (5) Must be removed within 14 days after the premises or land is sold or let.

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

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—2.5m².
- (3) Must not be flashing.
- (4) Must be removed within 14 days after the premises or land is sold or let.

Advertisements—signs behind the glass line of a shop window in Zone E1, E2, E3, E4 or MU1 (other than brothels)

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

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

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

Advertisements—in a site, but not visible from outside of that site (other than brothels)

Must meet the general requirements for advertisements.

Schedule 3 Complying development

(Clause 3.2)

Note—

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

Additions to industrial and warehouse buildings in Zone E4 or E5

- (1) Must not be on lots that are adjacent to land in residential or recreation zones.
- (2) Must not involve change to the use of the premises.
- (3) Maximum additional floor area—1,000m² or 25% of existing floor area (whichever is the lesser).
- (4) Maximum floor space ratio—1:1.
- (5) Maximum height of any structure—8.5m.
- (6) Minimum setback for any structure—
 - (a) from an arterial road (or arterial road widening)—20m, or
 - (b) from a local road (or local road widening)—10m, or
 - (c) from other boundaries—5m.
- (7) Minimum setback for any paved area wider than 1.5m—
 - (a) from an arterial road (or arterial road widening)—5m, or
 - (b) from a local road (or local road widening)—5m, or
 - (c) from other boundaries—3.5m.
- (8) Must have at least one window opening, door opening or other wall variation of more than 50mm for every 20m of wall length facing the front boundary.
- (9) Earthworks must not extend more than—
 - (a) 900mm above ground level (existing), or
 - (b) 600mm below ground level (existing).
- (10) Any roof or surface drainage area must have a drainage system that—
 - (a) captures the roof or surface water, and
 - (b) discharges that water into the inter-allotment or street stormwater drainage system, and
 - (c) limits the rate of discharge into Council's kerb and gutter to less than 20 litres per second without using on-site detention systems, and
 - (d) caters for a 1 in 20 year storm event and directs excess water over land to the

street.

- (11) Must provide and maintain, adjacent to any street, a landscaped area with a minimum width of 5m that is designed by a suitably qualified landscape architect and that has mounding to a height of at least 600mm along the majority of any frontage to an arterial road.
- (12) Must ensure that there are in each landscaped area at least 3 trees (that grow to a mature height of over 5m and are not exempt trees), 6 shrubs (that grow to a mature height of over 1.5m) and 20 smaller plants.
- (13) Must provide a landscaped bay with a minimum width of 1.5m containing at least 1 tree that is not an exempt tree, at the end of, at least, every 10 car parking spaces in the front setback.
- (14) Must provide at least 1 car parking space for every 40m² of gross floor area of any building used for the purpose of office premises and at least 1 car parking space for every 70m² of gross floor of any building used for any other purpose.
- (15) Must not reduce any vehicle loading area or remove any such area.
- (16) Must not change the location or number of driveway entries onto the property.
- (17) Driveways must—
 - (a) be at least 10m from any road intersection, and
 - (b) be no wider than 7m crossing any landscaped strip to the front street or a side street, and
 - (c) permit all vehicles to enter and exit the site in a forward direction.
- (18) Must locate garbage and storage areas behind the building line for each street frontage.

Demolition or removal of dwelling houses or ancillary development

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

Dwelling houses in Zones R1, R2, R3 and R4 on a property that is equal to or greater than 400m² and less than 450m²

- (1) Must be the construction of a dwelling house including any ancillary development related to that house.
- (2) The property must be entirely in a residential zone other than Zone R5 Large Lot

Residential.

- (3) Minimum width of property street frontage—12m.
- (4) (Repealed)
- (5) Maximum floor space ratio—0.5:1.
- (6) The setback from the front property boundary—
 - (a) to the dwelling house must be between 4.5m and 7m or at least 7m if the front property boundary fronts a classified road, and
 - (b) to any part of a second storey of the dwelling house must be at least 5.5m.
- (7) Minimum setback from the rear property boundary—
 - (a) to the rear ground floor walls of the dwelling house—5m, and
 - (b) to the rear second storey walls of the dwelling house—8m.
- (8) Maximum height of any structure (other than a structure that is exempt development)—8.5m.
- (9) Maximum height of a single storey structure (other than a structure that is exempt development)—5m.
- (10) Maximum height of a structure in the front setback—1.2m.
- (11) Maximum height of a structure within 2.5m of the rear property boundary—2.4m.
- (12) Maximum height of a structure within 3m of a side property boundary—7m.
- (13) Maximum height of a structure within 900mm of a side property boundary—3.3m.
- (14) Maximum height of a structure within 450mm of side or rear property boundary—2.1m.
- (15) Must not prevent at least 3 hours of direct sunlight between 9:00 am and 5:00 pm on 21 June—
 - (a) to the main living area windows of any dwelling on adjoining properties, and
 - (b) to at least 50% of the main area of private open space on the property or any neighbouring properties.
- (16) Maximum number of storeys—2.
- (17) Maximum height of the ground floor level—800mm above ground level (existing).
- (18) Maximum height of any raised platform (associated with a deck, retaining wall, fill or

otherwise) behind the front setback—800mm but if within 3m of any property boundary—300mm.

- (19) Earthworks must not extend more than—
- (a) 300mm above ground level (existing), or
 - (b) 500mm above ground level (existing) if retained behind an edge beam wall of the dwelling, or
 - (c) 500mm below ground level (existing).
- (20) (Repealed)
- (21) Maximum second storey depth within 5m of either side boundary (not including balconies)—12m.
- (22) Maximum depth of any second storey balcony—2.2m.
- (23) Any second storey balcony more than 9m from the front property boundary must be at least 5m from any side property boundary.
- (24) Any second storey balcony must be at least 8m from the rear property boundary.
- (25) Maximum height between a floor and the ceiling above—4.5m.
- (26) Minimum height between a floor in a habitable area and the ceiling above—2.4m.
- (27) Minimum window sill heights for windows on the second storey that face, or are less than 3m from, a side boundary—1.5m.
- (28) Materials, colours and finishes must be visually compatible with those existing in the surrounding area.
- (29) Must provide and maintain, on the rear half of the property, a soft landscaped area of at least 50m² with a minimum width of 3m that has no hard paved surface other than garden edging or a retaining or other similar structure.
- (29A) Must provide and maintain on the front setback a landscaped area of at least 20m² with a minimum width of 3m that has no hard paved surface other than garden edging or a retaining or other similar structure.
- (29B) A lot on which a new dwelling is erected must have at least 24m² of principal private open space. In this subclause, **principal private open space** has the same meaning as it has in [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).
- (30) Must ensure that there are at least 1 tree (that grows to a mature height of over 5m and is not an exempt tree), 5 shrubs (that grow to a mature height of over 1.5m) and

15 smaller plants.

- (31) Must provide and maintain at least 2 car parking spaces, 1 that is behind the building line and is at least 3m wide and 5.5m long (that must be covered) and 1 that is at least 2.5m wide and 5.5m long (that may be covered but only if it is behind the building line).
- (32) Maximum width of driveways at the property boundary—
 - (a) if to the front street—3.5m, or
 - (b) if to a side or rear street—6m.
- (32A) If the door or doors on a garage face a primary road, a secondary road or a parallel road, the total width of all door openings must not be more than—
 - (a) 6m, and
 - (b) 50% of the width of the building, measured at the building line to the relevant property boundary.
- (32B) Any garage or carport must be set back at least 1m behind the front wall of the dwelling closest to the street.
- (33) Minimum distance of driveways from any road intersection—6m.
- (34) Driveways outside the property boundary must be constructed at right angles to the kerb and guttering and must be at least 500mm from any telegraph pole, street furniture or drainage structure.
- (35) Maximum gradient of driveways—1:5.
- (36) Driveways with a gradient of more than 1:12 must have (within the property boundary) a transition zone of at least 2m that has a maximum average gradient of 1:12.
- (37)-(42) (Repealed)

Dwelling houses in Zone R5 Large Lot Residential

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

- (5) The setback from the front property boundary—
 - (a) to the front wall of the dwelling house closest to the street must be between 12m and 25m, and
 - (b) to any other front walls of the dwelling house that are over 2m wide must be between 4.5m and 8m.
- (6) Maximum width of the dwelling (not including ancillary components)—20m.
- (7) Maximum depth of the dwelling (not including ancillary components)—20m.
- (8) Minimum setback from the rear property boundary to the rear walls of the dwelling—12m.
- (9) Minimum setback from side property boundaries to the walls of the dwelling—5m.
- (10) Maximum height of any structure (other than a structure that is exempt development)—8.5m.
- (11) Maximum height of a single storey structure (other than a structure that is exempt development)—5m.
- (12) Maximum number of storeys—2.
- (13) Maximum height of the ground floor level—800mm above ground level (existing).
- (14) Maximum height of any raised platform (associated with a deck, retaining wall, fill or otherwise) behind the front setback—800mm but if within 3m of any property boundary—300mm.
- (15) Earthworks must not extend more than—
 - (a) 300mm above ground level (existing), or
 - (b) 500mm above ground level (existing) if retained behind an edge beam wall of the dwelling, or
 - (c) 500mm below ground level (existing).
- (16) Maximum depth of any second storey balcony—3m.
- (17) Any second storey balcony must be at least 10m from the rear property boundary.
- (18) Maximum height between a floor and the ceiling above—4.5m.
- (19) (Repealed)
- (20) Materials, colours and finishes must be visually compatible with those existing in the surrounding area.

- (21) Must provide and maintain, on the rear half of the property, private open space of at least 300m² with a minimum width of 6m.
- (22) Must provide and maintain, on the rear half of the property, a soft landscaped area of at least 100m² with a minimum width of 5m that has no hard paved surface other than garden edging, retaining structure or similar.
- (23) Must provide and maintain, on the front setback, a soft landscaped area of at least 15m² with a minimum width of 2.5m that has no hard paved surface other than garden edging, retaining structure or similar.
- (24) Must ensure that there are on the property at least 3 trees (that grow to a mature height of over 5m and are not exempt trees), 6 shrubs (that grow to a mature height of over 1.5m) and 20 smaller plants.
- (25) Must provide and maintain at least 2 car parking spaces, 1 that is behind the building line and is at least 3m wide and 5.5m long (that must be covered) and 1 that is at least 2.5m wide and 5.5m long (that may be covered but only if behind the building line).
- (26) Maximum width of any garage or carport (including walls)—7m (unless entirely behind the dwelling).
- (27) Any garage or carport must be set back at least 1m behind the front wall of the dwelling closest to the street.
- (28) Maximum width of driveways at the property boundary—6m.
- (29) Minimum distance of driveways from any road intersection—6m.
- (30) Driveways outside the property boundary must be constructed at right angles to the kerb and guttering and must be at least 500mm from any telegraph pole, street furniture or drainage structure.
- (31) Any covered outdoor area (including awnings, pergolas, gazebos, verandahs, entry foyers or similar) must be open for at least 50% of its perimeter between 1m and 2m above the inside floor level.
- (32) Any structure with a roof area of more than 10m² must have guttering and downpipes that capture the water from the roofed area and discharge that water—
 - (a) into the inter-allotment or street stormwater drainage system, or
 - (b) into rainwater tanks that discharge any overflow into any such stormwater system.
- (33)-(36) (Repealed)

Part 2 Complying development certificate conditions

Note—

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Survey certificate

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

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

Required payments

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

- (a) road reserve deposits,
- (b) opening of roads,
- (c) inspections,
- (d) registration.

Notification to Council on completion

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

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1

Column 2

Locality	Description
Cartwright, 1A Bellbird Place	Lot 709, DP 238939
Cartwright, 13 Kemira Place	Lot 708, DP 238939
Hinchinbrook, Lot 241 Warialda Way	Lot 241, DP 1191341
Liverpool, Pearce Street	Lot 14, DP 1090122
Middleton Grange, Genairco Park	Lots 2-3, DP 1184259

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

Column 1	Column 2	Column 3
Locality	Description	Any trust etc not discharged
Busby, 16A Coonong Street	Lot 1, DP 805582	Nil
Cartwright, 155 Willan Drive	Lot 306, DP 233164	Nil
Green Valley, Wilson Road	Lot 4221, DP 1163525	Nil
Hammondville, 150 Heathcote Road	Lot 8, DP 246745	Nil
Hammondville, Stewart Avenue	Part of Lot 52, DP 717957, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Hammondville Park, Hammondville	Part of Lot 10, DP 1162812, identified as —Operational Land’ on the Land Reclassification (Part Lots) Map	Easement for sewerage purposes (V610445) and easement for transmission line (DP747513) as noted on Certificate of Title Folio Identifier 10/1162812
Hinchinbrook, 1A and 2 Robin Street	Lot 850, DP 803527	Nil
Hoxton Park, 20 First Avenue	Part of Lot 1, DP 510863, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Hoxton Park, 54 Nineteenth Avenue	Lot 536, DP 865435	Nil
Liverpool, 46 Apex Street	Lot 100, DP 30136	Nil

Liverpool, 24 Atkinson Street	Part of Lot 78, DP 27242, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Reservations and conditions in the Crown grant, easements for underground mains and transmission lines (T152200), easement for underground cables (AE873373) and easements for underground cables (AI266768) as identified on Certificate of Title Folio Identifier Auto Consol 9341-170
Liverpool, 24 Bulbul Avenue	Lot 2028, DP 809931	Nil
Liverpool, 37 Carboni Street	Lot 40, DP 711956	Nil
Liverpool, 37 Carboni Street	Part of Lot 42, DP 230194, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Liverpool, 181 Elizabeth Drive	Lot 1, DP 534648	Nil
Liverpool, 9 Grimson Crescent	Lot 101, DP 30136	Nil
Liverpool, 7C Lewis Road	Lot 52, DP 23856	Nil
Liverpool, 9 McLean Street	Lot 7, DP 238364	Nil
Liverpool, 203 Memorial Avenue	Part of Lot 236, DP 25142, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Liverpool, Tepper Park	Part of Lot 17, DP 31863, identified as "Operational Land" on the Land Reclassification (Part Lots) Map	Nil
Lurnea, 9A Monica Close	Lot 16, DP 248376	Nil
Moorebank, 82 Junction Road	Part of Lot 138, DP 917207, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Moorebank, 29 Stockton Avenue and 14 Thompson Avenue	Lots 2 and 1, DP 1150469	Nil
Prestons, Bernera Road	Lot 154, DP 867979	Reservations and conditions in the Crown grant, easement for transmission line (J914486) vested in New South Wales Electricity Transmission Authority (O858390) and easement for underground mains (DP867979) as identified on Certificate of Title Folio Identifier 154/867979

Prestons, Bernera Road	Lot 3046, DP 869842	Reservations and conditions in the Crown grant, restriction on the use of land (DP855480) and easement for underground mains (DP869842) as identified on Certificate of Title Folio Identifier 3046/869842
Prestons, 4 Marulan Way	Part of Lot 104, DP 876128, identified as "Operational Land" on the Land Reclassification (Part Lots) Map	Nil
Prestons, 6 Skipton Lane	Part Lot 3, DP 1045043, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Warwick Farm, Lot 10 Sappho Road	Lot 10, DP 776165	Easement for sewerage purposes (J182313) as noted on Certificate of Title Folio Identifier 10/776165
West Hoxton, Chapman Street	Lots 27 and 28, DP 1069623	Nil
West Hoxton, Forcett Close	Part of Lot 1001, DP 1006332, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Reservations and conditions in the Crown grant and easement for transmission line (J476016) vested in New South Wales Electricity Transmission Authority (O858395) as shown on Certificate of Title Folio Identifier 1001/1006332

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Chipping Norton, 38 Newbridge Road	Part of Lot 66, DP 1050611, identified as "Community Land" on the Land Reclassification (Part Lots) Map

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Division 1 Outside Liverpool City Centre

Suburb	Item name	Address	Property description	Significance	Item No
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Ashcroft	Memorial gates, Ashcroft High School (former Ashcroft Homestead, St Luke's Rectory gates)	108-130 Maxwells Avenue	Lot 904, DP 225306	Local	1
Austral	Brown Memorial and water trough	380 Bringelly Road	Lots 6-8, DP 1203671	Local	40
Bringelly	Bringelly Public School Group, including schoolhouse and former headmaster's residence	1205 The Northern Road	Lot 50, DP 746911	Local	7
Cartwright	Bridge (former Pitt Street Road Bridge)	Hoxton Park Road	Lot 16, DP 1036695	Local	55
Casula	Federation timber weatherboard bungalow, including interiors	28 Canberra Avenue	Lot 4, Sec C, DP 7633	Local	9
Casula	Casula Powerhouse Arts Centre (former power station)	Casula Road	Lots 21-24 DP 1132574; Lot 1, DP 1115187	Local	10
Casula	Railway Viaduct	300m south of Casula Powerhouse, Main Southern Railway Line		Local	11
Casula	Two railway viaducts	Woodbrook Road, Main Southern Railway Line		Local	12
Casula	Dwelling ("Dockra")	8 Dunmore Crescent	Lot 1, DP 530893	Local	13
Casula	Post-war brick dwelling	443 Hume Highway	Lot 9, DP 4158	Local	13A
Casula	Glenfield Farm Group, including homestead, barn and interiors (former dairy and stables)	Leacocks Lane	Lots 1 and 2, DP 1126484	State	14

Cecil Hills	Cecil Hills Farm Group, including site landscaping, homestead, shearing shed, archaeological sites, garage, stables, cow bails, outbuildings, sheep dip, gallows and stockyards (former kitchen and dairy)	7 Sandringham Drive	Lot 163, DP 880335	State	16
Chipping Norton	Chipping Norton Public School, including weatherboard classrooms, administration buildings and classroom and building interiors	4 Central Avenue	Lot 1, DP 194411; Lot 1, DP 601876; Lot 299, DP 752034	Local	18
Chipping Norton	The Homestead Group, including main house, interiors, remnant landscape features and cistern	18 Charlton Avenue and 1 Homestead Avenue	Part Lot 354, DP 752034; Lot 1, DP 644571	State	19
Chipping Norton	Inter-war brick bungalow ("Cooloola"), including interiors	2 and 4 Epsom Road	Cnr Lot 2000, DP 1140651	Local	20
Chipping Norton	Palm trees (<i>Phoenix canariensis</i>)	Corner of Governor Macquarie Drive and Epsom Road	Adjacent to Lot 3, DP 602936	Local	21
Chipping Norton	Avenue of trees	Riverside Park, fronting Riverside Road	Lots 62 and 63, Sec 2, DP 2411; Lot 7017, DP 1028106; Lot 17, DP 662900	Local	22

Denham Court	St Mary the Virgin Church and Cemetery Group, including church and churchyard	30 Church Road	Lot 19, DP 725739	Local	23
Greendale	Shadforth Monument (former pioneer's monument)	Greendale Road	Western side of Greendale Road, adjacent to the common boundary of Lot 1, DP 520904 and Part Lot 1, DP 236562	Local	24
Greendale	Greendale Roman Catholic Cemetery	986 Greendale Road	Lot 1, DP 195955	Local	26
Greendale	Former St Mark's Anglican Church Group, including cottage, church cemetery and interiors	1120 Greendale Road	Lot 1, DP 742417	Local	25
Greendale	Bents Basin Inn site	Wolstenholme Avenue	Lots 203 and 204, DP 249320; Lots 84 and 85, DP 751294	Local	28
Hammondville	Hammondville Home for Senior Citizens	68-82 Stewart Avenue	Cnr Lot 152, DP 717956	Local	29
Hammondville	St Anne's Anglican Church and hall, including interiors	60-66 Walder Road	Lot 4, DP 238694	Local	30
Holsworthy	Holsworthy pedestrian bridge (former railway bridge)	Harris Creek and Heathcote Road		Local	31

Holsworthy	Holsworthy Group, including powder magazine and former officers' mess, corporals' club, internment camp, Holsworthy railway station lock-up/gaol, German concentration camp	Heathcote Road (off)	Lot 1, DP 825745	Local	32
Holsworthy	Remount Park	Heathcote Road	Lot 258, DP 854592; Lot 1, DP 825745	Local	33
Holsworthy	Cubbitch Barta National Estate	Old Illawarra Road	Lot 1, DP 825745	Local	34
Horningsea Park	Horningsea Park Group, including site, main house, interiors and archaeological features	Horningsea Park Drive	Lots 1 and 2, DP 1018964	State	35
Ingleburn	Ingleburn Military Heritage Precinct	Campbelltown Road	Part Lot 2, DP 831152	State	37
Leppington	Edmondson Cottage and rural lot, including interiors	1720 Camden Valley Way	Lot 6, DP 205472	Local	41
Liverpool	Discovery Park and Milestone, including Collingwood Heritage Precinct and Aboriginal Place	40 Atkinson Street	Lot 77, DP 27242	Local	42
Liverpool	Federation timber weatherboard cottage, including interiors	122 Atkinson Street	Lot 52, DP 1090837	Local	49

Liverpool	Collingwood Heritage Precinct Group, including homestead, service wing, interiors, horse trough, cistern, gardens and grounds	Birkdale Crescent (off)	Lot 803, DP 244820; Lot 77, DP 27242; Lots 100 and 101, DP 788434; Lot 2, DP 730829; Lot 781, DP 244820; Lot 184, DP 241158	State	43
Liverpool	2 railway viaducts	Adjacent to 71 and 79A Congressional Drive		Local	44
Liverpool	Mainsbridge School (former "Maryvale")	118 Flowerdale Road	Lot 1, DP 441857	Local	45
Liverpool	Liverpool General Cemetery	Moore and McLean Streets and Flowerdale Road	Lots 6, 7 and 13, Ms 652 Sy; Lots 3 and 10 and Part Lots 4 and 5, Ms 10005 Sy; Lot 14, Ms 22433 Sy; Lot 11, Ms 20611 Sy; Lots 16 and 17, DP 40453; Lots 425 and 426, DP 48284; Lots 443-445, DP 822281; Lot 7030, DP 1059048; Lot 7044, DP 1045353; Lots 7047 and 7048, DP 1059854	Local	47
Liverpool	Federation timber weatherboard cottage, including interiors	10 Passefield Street	Lot 1, DP 129637	Local	48
Lurnea	Federation timber weatherboard cottage, including interiors	147 Reilly Street	Lot 7, DP 26166	Local	54
Lurnea	Corrugated iron cottage	20 Webster Road	Lot 2, DP 519683	Local	54A

Moorebank	Liverpool Fire Station (former Australian Army Engineers Group)	Anzac Road	Lot 3003, DP 1125930	Local	57
Moorebank	Clinch's Pond	Heathcote and Church Roads	Lot 1, DP 664816	Local	56
Moorebank	Kitchener House (formerly "Arpafeelie"), including interiors	162 Moorebank Avenue	Lot 1001, DP 1050177	Local	58
Rossmore	Bellfield Farm Group, including homestead, slab kitchen, slab cottage, smoke house and interiors	33 Rossmore Avenue	Lot 1, DP 580979	Local	61
Rossmore	Church of the Holy Innocents Group, including church, interior and churchyard	130 Rossmore Avenue West	Lots 1-4, DP 117688	State	60
Sadleir	Memorial stone and plaque	147 Cartwright Avenue (corner of Maxwells Avenue)	Part Lot 735, DP 533701	Local	62
Voyager Point	Sandstone Weir	Williams Creek		Local	63
Warwick Farm	Milestone	Hume Highway (southern side of Hume Highway between George Street and Browne Parade)		Local	64
Warwick Farm	Milestone	Hume Highway (southern side of Hume Highway between Warwick Farm Racecourse Gates A and B)		Local	65

Warwick Farm	Warwick Farm Racecourse Group, including grandstand, race track, stables, interiors and landscape	2 Hume Highway	Lot 3, DP 1172051; Part Lot 2, DP 1172051; Lot 1, DP 250138; Lot 2, DP 1162276; Lot 14, DP 578199	Local	66
West Hoxton	West Hoxton Union Church	Kirkpatrick Avenue	Lot 474, DP 666892	Local	68

Division 2 Liverpool City Centre

Suburb	Item name	Address	Property description	Significance	Item no
Liverpool	Light Horse Park	Atkinson Street	Lots 3, 7, 11 and 15, DP 1129945	Local	70
Liverpool	Liverpool Railway Station Group, including station building, goods shed and jib crane	Bigge Street	Lot 1, DP 1053994	State	72
Liverpool	Commercial Hotel (former Marsden's Hotel)	Bigge and Scott Streets	Lot 17, DP 1050799; Lots 15, 16 and 18, DP 979379	Local	74
Liverpool	Dwelling	13 Bigge Street	Lots 1 and 2, DP 13930	Local	75
Liverpool	Liverpool Courthouse (former), including interiors and grounds	201 Bigge Street	Lot 442, DP 831058	State	73
Liverpool	Former MM Cables Factory and Cable Makers Australia Factory Pty Ltd Group, including inter-war administration building, factory and interiors	3 Bridges Road	Lot 200, DP 1009044	Local	76
Liverpool	Inter-war brick bungalow	115 Castlereagh Street	Lot 4, SP 39972	Local	77

Liverpool	Lyndeer House, including stables, interiors, front fence and landscaping	2 Charles Street	Lot 2527, DP 1111436	Local	78
Liverpool	Cast-iron letterbox	College Street	Adjacent to north-west corner of Lot 1, DP 863491	Local	79
Liverpool	Liverpool College (TAFE) site, including Blocks A-G, chimneystack, fences, gatehouses and archaeological features (formerly Liverpool Hospital and Benevolent Asylum)	College Street	Lot 1, DP 863491	State	80
Liverpool	Apex Park (first Liverpool Cemetery)	Elizabeth Drive and Castlereagh Street	Lot 7027, DP 1027999	Local	81
Liverpool	Bigge Park Group, including the Captain Cook Obelisk, T.G. Scott Memorial Gateway, Rotary Clocktower, Liverpool Regional War Memorial, Liverpool Foundation Commemorative Obelisk and Thomas Moore Memorial Drinking Fountain	Elizabeth, College, Moore and Bigge Streets	Lot 701 and 702, DP 1056246	Local	82
Liverpool	Milestone	Corner of Elizabeth Drive and George Street		Local	83

Liverpool	All Saints Roman Catholic Church, including interiors	48 George Street	Lot 1, DP 782355	Local	85
Liverpool	Pylons (former Liverpool railway bridge)	Georges River (near Haig Avenue)	Near Lot 7002, DP 1073063	Local	86
Liverpool	Liverpool Weir	Georges River (near Haig Avenue)	Near Lot 7002, DP 1073063	State	87
Liverpool	Collingwood Hotel	321 Hume Highway	Land in DP 83770; Lots 1 and 2, DP 563488; Lot 5, DP 201018; Lot D, DP 374057	Local	88
Liverpool	Plan of Town of Liverpool (early town centre street layout-Hoddle 1827)	Streets in the area bounded by the Hume Highway, Copeland Street, Memorial Avenue, Scott Street, Georges River and Main Southern Railway Line (excluding Tindall Avenue and service ways)		Local	89
Liverpool	Liverpool Pioneers' Memorial Park (formerly St Luke's Cemetery and Old Liverpool Cemetery)	Macquarie, Campbell and Northumberland Streets and the Hume Highway	Lots 7035-7037, DP 1073993; Part Lots 1 and 2, Sec 24, DP 758620; Lots 1-4, Sec 34, DP 758620	Local	90
Liverpool	Boer War Memorial, including memorial to Private A.E Smith	Corner of Macquarie Street and Memorial Avenue (Macquarie Street public footpath adjacent to 297 Macquarie Street)		Local	92

Liverpool	Macquarie Statue	Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street)		Local	93
Liverpool	Row of 3 palm trees	Macquarie Street median strip, opposite 306 Macquarie Street	Lot 1, DP 119905	Local	94
Liverpool	St Luke's Anglican Church Group, including landscaping, church, hall, interiors, headstone and memorial gates (former St Luke's Church of England)	127 Macquarie Street	Lot 111, DP 552031	State	84
Liverpool	The Corner Pub (former Liverpool Hotel)	214 Macquarie Street (corner of Moore Street)	Lot 1, DP 111765	Local	95
Liverpool	Commercial building	261-263 Macquarie Street	Lot 1, DP 200052; Lot 8, DP 1103087	Local	96
Liverpool	Legend Hotel	269 Macquarie Street	Lot 1, DP 519133	Local	97
Liverpool	Commercial building	275-277 Macquarie Street	Lot 2, DP 519133	Local	98
Liverpool	Former Rural Bank and State Bank	291 Macquarie Street	Pt/Cnr Lot 11, DP 20730; Lots 9-10, DP 20730	Local	91
Liverpool	Soldier's Memorial School of Arts, including interiors and palm trees	306-310 Macquarie Street	Lot 101, DP 1143458; Part Lot 101, DP 1143458	Local	99

Liverpool	Dr James Pirie Child Welfare Centre Building (formerly Child Welfare Centre), including interiors and front landscaping	124 Bigge Street	Lot 701, DP 1056246	Local	100
Liverpool	Liverpool Fire Station (former)	9 Pirie Street	Lot 11, DP 1161981	Local	109
Liverpool	Liverpool Public School, including interiors and grounds	1 Railway Street	Lots 8-9, DP 758620; Lots 1-2, DP 878452; Lot 4, DP 878452; Lot 1, DP 50779; Lot 1, DP 178206; Lot 1, DP 178665; Lot 10, DP 303625; Lot 1, DP 956168; Lots 4-7, DP 797682; Lots 30-31, DP 1117676; Lot 441, DP 831058; Lot 1, DP 799619	Local	71
Liverpool	Commercial building	14 Scott Street	Lot 1, DP 208270	Local	101
Liverpool	Commercial building (former out-building to former Golden Fleece Hotel and former Eugene's laundry)	16 Scott Street	Lot 3, DP 588103	Local	102
Liverpool	Golden Fleece Hotel	20 Scott Street	Cnr Lot 100, DP 716185	Local	103
Liverpool	Railway Viaduct	Shepherd Street and Mill Road, Main Southern Railway Line		Local	105
Liverpool	Former Challenge Woollen Mills and Australian Paper Company's Mill	20 Shepherd Street	Lot 1, DP 247485	Local	104

Liverpool	Inter-war Mediterranean brick dwelling ("Del Rosa"), including interiors	7 Speed Street	Lots 13 and 14, DP 13536	Local	106
Liverpool	Victorian villa ("Rosebank"), including interiors	17 Speed Street	Lot 1, DP 567283	State	107
Liverpool	Timber weatherboard workers' cottage	27 Speed Street	Lot 40, DP 1091733	Local	108
Warwick Farm	Berryman Reserve	4 Remembrance Drive	Lot 1, DP 744448; Lot A, DP 432628	Local	110

Part 2 Heritage conservation areas

Division 1 Liverpool other than Liverpool city centre

Suburb	Item name	Address	Property description	Significance	Item no
Nil					

Division 2 Liverpool city centre

Suburb	Item name	Address	Property description	Significance	Item no
Liverpool	Bigge Park Conservation Area	Area bounded by and including College, Goulburn, Railway, Scott and Bigge Streets as shown hatched red on the Heritage Map	Lot 1, DP 234608; Lot 2, DP 579808	Local	C01

Part 3 Archaeological sites

Suburb	Item Name	Address	Property Description	Significance	Item no
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Greendale	Bents Basin Inn site	Wolstenholme Avenue	Lots 203 and 204, DP 249320; Lots 84 and 85, DP 751294	Local	A01
Luddenham	Lawson's Inn site (former "The Thistle" site)	2215 The Northern Road	Lot 9-11, Part Lot 14 and Lot 17, DP 1233751	Local	A02
Wallacia	Remnants of former farm homestead ("Pemberton")	1530 Greendale Road	Lots 11 and 12, DP 1169162	Local	A03

Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
 - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
 - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

Division 2 Operational requirements

2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

5 Outlets from culture ponds etc

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

6 Definition

In this Division—

intensive aquaculture has the same meaning as it has in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

7 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#),
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

8 Flood liability

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

Division 2 Operational requirements

9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

11 Culture water

Must use freshwater.

Schedule 7 Exempt trees

(Dictionary)

Botanical Name	Common Name
<i>Salix</i> species	Willow
<i>Populus</i> species	Poplar
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Erythrina x sykesii</i>	Coral Tree
<i>Ficus elastica</i> and hybrids	Ornamental Rubber Tree
<i>Cupressus macrocarpa</i>	Golden Cypress
<i>Lagunaria patersonia</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i> species	Large-leaved Privet
<i>Ligustrum sinense</i> species	Small-leaved Privet
<i>Olea africana</i>	African Olive

<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Syagrus romanzoffiana</i>	Cocos Palm
<i>Toxicodendron succedaneum</i>	Rhus Tree
<i>Gleditsia triacanthos</i>	Honey Locust

Dictionary

(Clause 1.4)

Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

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

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is—

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

Note—

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

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

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

Acid Sulfate Soils Map means the [Liverpool Local Environmental Plan 2008 Acid Sulfate Soils Map](#).

advertisement has the same meaning as in the Act.

Note—

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

advertising structure has the same meaning as in the Act.

Note—

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

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

Note—

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

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

Note—

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

agriculture means any of the following—

- (aaa) agritourism,
- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note—

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note—

Agritourism is a type of **agriculture**—see the definition of that term in this Dictionary.

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

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any

heliport that is part of the airport.

Note—

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

Airport Noise Map means the [Liverpool Local Environmental Plan 2008 Airport Noise Map](#).

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

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing—

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

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

aquaculture has the same meaning as in the [Fisheries Management Act 1994](#). It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

Note—

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

archaeological site means a place that contains one or more relics.

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

Note—

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

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

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Note—

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

backpackers' accommodation means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note—

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

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

Note—

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.

Note—

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

biodiversity or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

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

Note—

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

boarding house means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

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

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

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

brothel has the same meaning as in the Act.

Note—

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

building has the same meaning as in the Act.

Note—

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or height of building) means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

Note—

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

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

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

whichever distance is the shortest.

bush fire hazard reduction work has the same meaning as in the [Rural Fires Act 1997](#).

Note—

The term is defined as follows—

bush fire hazard reduction work means—

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

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

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

Note—

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

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

business identification sign means a sign—

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

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

Note—

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of

services directly to members of the public on a regular basis, or

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

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note—

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

camping ground means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

(a) a caravan park, or

(b) farm stay accommodation.

canal estate development—see clause 2.9.

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

caravan park means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

catchment action plan has the same meaning as in the [Catchment Management Authorities Act 2003](#).

Note—

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

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

Note—

Cellar door premises are a type of **farm gate premises**—see the definition of that term in this Dictionary.

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

centre-based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

(i) long day care,

- (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note—

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

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

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

Note—

The term is defined as follows—

classified road means any of the following—

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

(See [Roads Act 1993](#) for meanings of these terms.)

clearing native vegetation has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

clearing vegetation has the same meaning as in [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2.

coastal hazard has the same meaning as in the [Coastal Management Act 2016](#).

coastal lake means a body of water identified in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Schedule 1.

coastal protection works has the same meaning as in the [Coastal Management Act 2016](#).

coastal waters of the State—see section 58 of the [Interpretation Act 1987](#).

coastal zone has the same meaning as in the [Coastal Management Act 2016](#).

co-living housing means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

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

Note—

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

commercial farm means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the [Local Government Act 1993](#), section 515, or
- (b) a primary production business within the meaning of the [Income Tax Assessment Act 1997](#) of the

Commonwealth, or part of a primary production business, including a business that—

- (i) was a primary production business, and
- (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

community facility means a building or place—

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

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

community land has the same meaning as in the [Local Government Act 1993](#).

correctional centre means—

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

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

Council means the Liverpool City Council.

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

Note—

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note—

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note—

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

Note—

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

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

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

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

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

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

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note—

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note—

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note—

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

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

Dwelling Density Map means the [Liverpool Local Environmental Plan 2008 Dwelling Density Map](#).

dwelling house means a building containing only one dwelling.

Note—

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

early education and care facility means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note—

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

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

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

- (a) making or generating electricity, or
- (b) electricity storage.

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

emergency services organisation means any of the following—

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

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

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

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

environmentally significant land means the land identified as environmentally significant on the [Environmentally Significant Land Map](#).

Environmentally Significant Land Map means the [Liverpool Local Environmental Plan 2008 Environmentally Significant Land Map](#).

estuary has the same meaning as in the [Water Management Act 2000](#).

Note—

The term is defined as follows—

estuary means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the [Water Management Act 2000](#)) to be an estuary,

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

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

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

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

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

extensive agriculture means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

Note—

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

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

Note—

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

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

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

farm experience premises means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
 - (i) horse riding,
 - (ii) farm tours,
 - (iii) functions or conferences,
 - (iv) farm field days.

Note—

Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a commercial farm, and
 - (ii) ancillary to the farm, and
 - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
 - (C) tastings or workshops,
 - (D) the provision of information or education related to the products, and
- (b) includes cellar door premises.

Note—

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Note—

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

Note—

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

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

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

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

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

fish has the same meaning as in the [Fisheries Management Act 1994](#).

Note—

The term is defined as follows—

Definition of “fish”

(1)

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

(2)

Fish includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

Fish also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

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

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

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

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

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

Note—

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

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the [Liverpool Local Environmental Plan 2008 Floor Space Ratio Map](#).

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,

(d) a small bar.

Note—

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

foreshore building line means the foreshore building line shown on the [Foreshore Building Line Map](#).

Foreshore Building Line Map means the [Liverpool Local Environmental Plan 2008 Foreshore Building Line Map](#).

forestry means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

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

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

funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note—

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note—

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note—

General industries are a type of **industry**—see the definition of that term in this Dictionary.

goods repair and reuse premises means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note—

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

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

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

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

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

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

group home means a permanent group home or a transitional group home.

Note—

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home (permanent) or permanent group home means a dwelling—

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

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Note—

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

group home (transitional) or transitional group home means a dwelling—

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

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Note—

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note—

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

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

Note—

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

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

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

Note—

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

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

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

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note—

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

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

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note—

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

Height of Buildings Map means the [Liverpool Local Environmental Plan 2008 Height of Buildings Map](#).

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

heliport means a place open to the public that is 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.

Note—

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

heritage conservation area means an area of land of heritage significance—

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

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of—

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

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note—

An inventory of heritage items is also available at the office of the Council.

heritage management document means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or

- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the [Liverpool Local Environmental Plan 2008 Heritage Map](#).

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

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note—

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

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

home-based child care means a family day care residence (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note 1—

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

Note 2—

Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) 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, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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

Note—

See clause 5.4 for controls relating to the floor area used for a home business.

home industry means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) 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, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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

Note—

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

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

- (a) the employment of persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
 - (c) the display of goods, whether in a window or otherwise, or
 - (d) the exhibition of any signage (other than a business identification sign), or
 - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,
- but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

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

- (a) the employment of persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
 - (c) the exhibition of any signage, or
 - (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,
- but does not include a home business or sex services premises.

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

Note—

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

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

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,

- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note—

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

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

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

Note—

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
 - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

independent living unit means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

Note—

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note—

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

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

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),

- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note—

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following—

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

Note—

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

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

Key Sites Map means the [Liverpool Local Environmental Plan 2008 Key Sites Map](#).

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

Note—

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

Land Application Map means the [Liverpool Local Environmental Plan 2008 Land Application Map](#).

Land Reclassification (Part Lots) Map means the [Liverpool Local Environmental Plan 2008 Land Reclassification \(Part Lots\) Map](#).

Land Reservation Acquisition Map means the [Liverpool Local Environmental Plan 2008 Land Reservation Acquisition Map](#).

Land Zoning Map means the [Liverpool Local Environmental Plan 2008 Land Zoning Map](#).

landholding means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—

- (i) contiguous, or
- (ii) separated only by a road or watercourse.

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

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note—

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Note—

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

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

Note—

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

Liverpool city centre means the land shown edged heavy broken red and marked “Liverpool city centre” on the [Key Sites Map](#).

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note—

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Lot Size Map means the [Liverpool Local Environmental Plan 2008 Lot Size Map](#).

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage

significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

manufactured home has the same meaning as in the [Local Government Act 1993](#).

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

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

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

Note—

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

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

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

Note—

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

mezzanine means an intermediate floor within a room.

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

mine subsidence district means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

mining means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes—

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

Note—

Mining is not a type of *industry*—see the definition of that term in this Dictionary.

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

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

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

moveable dwelling has the same meaning as in the [Local Government Act 1993](#).

Note—

The term is defined as follows—

moveable dwelling means—

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

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note—

Multi dwelling housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.

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

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

native vegetation has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

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

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of

people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

Note—

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note—

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

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

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note—

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

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

Note—

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

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

Note—

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

operational land has the same meaning as in the [Local Government Act 1993](#).

oyster aquaculture means the cultivation of any species of edible oyster for a commercial purpose.

Note—

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

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

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

people who are socially disadvantaged means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

pig farm means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

Note—

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

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

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note—

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

pond-based aquaculture means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

Note—

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

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

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

poultry farm means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

Note—

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

primitive camping ground means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

Note—

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

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

property vegetation plan mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

pub means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note—

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

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

public authority has the same meaning as in the Act.

public land has the same meaning as in the [Local Government Act 1993](#).

public reserve has the same meaning as in the [Local Government Act 1993](#).

public utility infrastructure includes infrastructure for any of the following—

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

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

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

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

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

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

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

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

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

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

recreation facility (outdoor) means a building or place (other than a recreation area) used

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

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

registered club means a club that holds a club licence under the [Liquor Act 2007](#).

registered community housing provider has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

relic has the same meaning as in the [Heritage Act 1977](#).

Note—

The term is defined as follows—

relic means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

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

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,

(j) secondary dwellings,

(k) semi-detached dwellings,

(l) seniors housing,

(m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes—

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note—

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Note—

Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

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

Note—

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

(a) an artisan food and drink industry, or

(b) farm gate premises.

Note—

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

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

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

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

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

Note—

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

road means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an

adjacent property.

Note—

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

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

Note—

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

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

Note—

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note—

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

Note—

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the [Education Act 1990](#).

Note—

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

Note 1—

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

Note 2—

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

Note—

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note—

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5, or
- (c) a group of independent living units, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
and that is, or is intended to be, used permanently for—
 - (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note—

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

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

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note—

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note—

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

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

Note—

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,

- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

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

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

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note—

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

Note—

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note—

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

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

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

(d) unenclosed balconies, decks, pergolas and the like.

small bar means a small bar within the meaning of the *Liquor Act 2007*.

Note—

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

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

Note—

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

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

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

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note—

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

Note—

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or distribution centre.

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

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

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

Note—

The term is defined as follows—

swimming pool means an excavation, structure or vessel—

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

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

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

Note—

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

tank-based aquaculture means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

Note—

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

telecommunications facility means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

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

temporary structure has the same meaning as in the Act.

Note—

The term is defined as follows—

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

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

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note—

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

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

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

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

Note—

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

underground mining means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

urban release area means an area of land shown hatched and lettered "Urban Release Area" on the [Urban Release Area Map](#).

Urban Release Area Map means the [Liverpool Local Environmental Plan 2008 Urban Release Area Map](#).

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

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

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

Note—

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

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

Note—

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

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

Note—

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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

Note—

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a

direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

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

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

Note—

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

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

Note—

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

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

Note—

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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

Note—

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

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

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

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

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

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

wetland means—

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

wharf or boating facilities means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

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

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