

ATTACHMENT 3:

Written Instrument Report (Part 2 Explanation of Provisions)

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Executive Summary

This report is supplementary to the Liverpool LEP Principal Planning Proposal Report (the Planning Proposal), which seeks to establish a new Liverpool Local Environmental Plan.

This report expands upon Part 2 'Explanation of Provisions' of the Planning Proposal and outlines the intent of the new written instrument, having regard to the provisions of the *Standard Instrument—Principal Local Environmental Plan* (the Standard Instrument), and the proposed Local Provisions applying within the Liverpool LEP application area.

The contents of this report is intended for discussion purposes, and to assist with the legal drafting of the written instrument, which is to be undertaken by the Parliamentary Counsel Office. Any draft clauses included in this attachment will be subject to legal drafting and may alter under this process.

This report contains the following sections, as per the Standard Instrument structure:

- Part 1 Preliminary
- Part 2 Permitted or Prohibited Development
- Land Use Table & Objectives
- Part 3 Exempt and Complying Development
- Part 4 Principal Development Standards
- Part 5 Miscellaneous Provisions
- Part 6 Urban Release Areas
- Part 7 Additional Local Provisions – Division 1 Liverpool City Centre Provisions
- Part 7 Additional Local Provisions – Division 2 Other Provisions
- Schedule 1 Additional Permitted Uses
- Schedule 2 Exempt Development
- Schedule 3 Complying Development
- Schedule 4 Classification & Reclassification of Public Land
- Schedule 5 Environmental Heritage
- Schedule 6 Pond-based and Tank-based Aquaculture

Note: Sections within this report highlighted in blue note where changes are proposed in relation to the written instrument of the *Liverpool Local Environmental Plan 2008* (LLEP 2008). I.e. new, changed or amalgamated clauses. This is provided for context for the establishment of the new LEP.

Part 1 Preliminary

1.1 Name of Plan

Compulsory Standard Instrument Clause applies.
Liverpool Local Environmental Plan {YEAR TBC}.

1.1AA Commencement

Compulsory Standard Instrument Clause applies.

1.2 Aims of Plan

Compulsory Standard Instrument Clause applies. The aims of the Plan are as follows:

- To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts;
- To encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool;
- 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;
- To provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population;
- To strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south west region;
- To concentrate intensive land uses and trip-generating activities in locations most accessible to public transport and centres;
- To promote the efficient and equitable provision of public services, infrastructure and amenities;
- To conserve, protect and enhance the environmental and cultural heritage of Liverpool;
- 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;
- To minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires, by managing development in sensitive areas;
- To promote a high standard of urban design that responds appropriately to the desired future character of areas;
- 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;
- To improve public transport accessibility, and facilitate the increased use of public transport, cycling and pedestrian activity;
- To enhance the amenity and positive characteristics of established residential areas;
- To ensure the agricultural production potential of rural land and prevent its fragmentation;
- To encourage development opportunities for business and industry so as to deliver local and regional employment growth;
- **(NEW)** To increase green space, canopy cover, and vegetated connectivity across the LGA; and
- **(NEW)** To protect people from unreasonable noise impacts and protect major freight corridors and facilities from urban encroachment.

1.3 Land to which Plan applies

Compulsory Standard Instrument Clause applies.

The Local Environmental Plan (LEP) applies to land identified within the Land Application Area map.

1.4 Definitions

Compulsory Standard Instrument Clause applies.

1.5 Notes

Compulsory Standard Instrument Clause applies.

1.6 Consent authority

Compulsory Standard Instrument Clause applies.

1.7 Maps

Compulsory Standard Instrument Clause applies.

1.8 Repeal of planning instruments applying to land

Compulsory Standard Instrument Clause applies. The *Liverpool Local Environmental Plan 2008* will be added to the repealed list of instruments.

1.8A Savings provisions relating to pending development approvals

Compulsory Standard Instrument Clause applies. It is anticipated that a savings provision will apply to development applications made but not determined prior to the commencement of the new LEP. The savings provisions provided for the Employment Lands Reform will remain in force (to 26 April 2025).

1.9 Application of SEPPs

Compulsory Standard Instrument Clause applies.

1.9A Suspension of covenants, agreements and instruments

A non-Standard Instrument Clause which is currently applied to numerous LEPs and SEPPs across NSW is proposed to be used, which allows certain covenants, agreements or instruments imposed by a landowner or former landowner to be suspended, to enable for development applications made pursuant to the LEP (as per Clause 3.16 of the EP&A Act 1979).

Note: This clause is intended to be the same as Clause 1.9A 'Application of SEPPs' under the LLEP 2008.

Part 2 Permitted or Prohibited Development

2.1 Land use zones

Compulsory Standard Instrument Clause applies.

2.2 Zoning of land to which Plan applies

Compulsory Standard Instrument Clause applies.

2.3 Zone objectives and Land Use Table

Compulsory Standard Instrument Clause applies.

2.4 Unzoned land

Compulsory Standard Instrument Clause applies.

2.5 Additional permitted uses for particular land

Compulsory Standard Instrument Clause applies.

2.6 Subdivision—consent requirements

Compulsory Standard Instrument Clause applies.

2.7 Demolition requires development consent

Compulsory Standard Instrument Clause applies.

2.8 Temporary use of land

Optional Standard Instrument Clause is to be adopted within the new LEP.

2.9 Canal estate development prohibited

Compulsory Standard Instrument Clause applies.

Land Use Table

The following Land Uses are within the new LEP.

- Zone RU1 Primary Production
- Zone RU2 Rural Landscape
- Zone RU4 Primary Production Small Lots
- 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
- Zone MU1 Mixed Use
- Zone SP1 Special Activities
- Zone SP2 Infrastructure
- Zone RE1 Public Recreation
- Zone RE2 Private Recreation
- Zone C1 National Parks and Nature Reserves
- Zone C2 Environmental Conservation
- Zone C3 Environmental Management
- Zone W1 Natural Waterways

Refer to **Attachment 4** of the Planning Proposal, for the proposed Land Use Table Matrix.

Land Use Table – Objectives

SI = Standard Instrument compulsory objective

R1 General Residential Zone

- **(SI)** To provide for the housing needs of the community.
- **(SI)** To provide for a variety of housing types and densities.
- **(SI)** 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.
- **(New)** To ensure that a high level of residential amenity is achieved and maintained.

R2 Low Density Residential

- **(SI)** To provide for the housing needs of the community within a low density residential environment.
- **(SI)** 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.

R3 Medium Density Residential

- **(SI)** To provide for the housing needs of the community within a medium density residential environment.
- **(SI)** To provide a variety of housing types within a medium density residential environment.
- **(SI)** 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.

R4 High Density Residential

- **(SI)** To provide for the housing needs of the community within a high-density residential environment.
- **(SI)** To provide a variety of housing types within a high-density residential environment.
- **(SI)** 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.
- **(New)** To ensure that a high level of residential amenity is achieved and maintained.

R5 Large Lot Residential

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

- **(SI)** To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- **(SI)** To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- **(SI)** 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.

E1 Local Centre

- **(SI)** To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- **(SI)** To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- **(SI)** To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- **(SI)** 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.

E2 Commercial Centre

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

MU1 Mixed Use

- **(SI)** To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- **(SI)** To ensure that new development provides diverse and active street frontage to attract pedestrian traffic and to contribute to vibrant, diverse and functional street and public spaces.
- **(SI)** To minimise conflict between land uses within this zone and land uses with adjoining zones.
- **(SI)** 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.
- **(New)** To provide for the housing need of the community within a high density residential environment.

E3 Productivity Support

- **(SI)** To provide a range of facilities and services, light industries, warehouses and offices.
- **(SI)** To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- **(SI)** To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- **(SI)** To provide for land uses that meet the need of the community, businesses and industries but that are not suited to locations in other employment zones.
- **(SI)** To provide opportunities for new and emerging light industries.
- **(SI)** 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 larger regionally significant business development centres 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.

E4 General Industrial

- **(SI)** To provide a range of industrial warehouse, logistics and related land uses.
- **(SI)** To ensure the efficient and viable use of land for industrial uses.
- **(SI)** To minimise any adverse effect of industry on other land uses.
- **(SI)** To encourage employment opportunities.
- **(SI)** 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 activity.

E5 Heavy Industrial

- **(SI)** To provide areas for industries that need to be separated from other land uses.
- **(SI)** To ensure the efficient and viable use of land for industrial uses.
- **(SI)** To minimise any adverse effect of industry on other land use.
- **(SI)** 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.

RE1 Public Recreation

- **(SI)** To enable land to be used for public open space or recreational purposes.
- **(SI)** To provide a range of recreational settings and activities and compatible land uses.
- **(SI)** 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.

RE2 Private Recreation

- **(SI)** To enable land to be used for public open space or recreational purposes.

- (SI) To provide a range of recreational settings and activities and compatible land uses.
- (SI) To protect and enhance the natural environment for recreational purposes.
- To enable land uses that are compatible with, and complimentary to, recreational uses.

C1 National Parks and Nature Reserves

- (SI) 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.
- (SI) To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- (SI) 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.

C2 Environmental Conservation

- (SI) To protect, manage and restore areas of high ecological, scientific, cultural and aesthetic values.
- (SI) 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.

C3 Environmental Management

- (SI) To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values;
- (SI) 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.

W1 Natural Waterways

- (SI) To protect the ecological and scenic values of natural waterways.
- (SI) To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- (SI) 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.

SP1 Special Activities

- (SI) To provide for special land uses that are not provided for in other zones.
- (SI) To provide for sites with special natural characteristics that are not provided for in other zones.
- (SI) 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.

SP2 Infrastructure

- (SI) To provide for infrastructure and related uses.
- (SI) 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.

RU1 Primary Production

- (SI) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

- **(SI)** To encourage diversity in primary industry enterprises and systems appropriate for the area.
- **(SI)** To minimise the fragmentation and alienation of resource lands.
- **(SI)** 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.

RU2 Rural Landscape

- **(SI)** To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- **(SI)** To maintain the rural landscape character of the land.
- **(SI)** 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.

RU4 Primary Production Small Lots

- **(SI)** To enable sustainable primary industry and other compatible land uses.
- **(SI)** 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.
- **(SI)** To minimise conflict between land uses within this zone and land uses within adjoining zones.

Part 3 Exempt and Complying Development

3.1 Exempt development

Compulsory Standard Instrument Clause applies.

3.2 Complying development

Compulsory Standard Instrument Clause applies.

3.3 Environmentally sensitive areas excluded

Compulsory Standard Instrument Clause applies.

Part 4 Principal Development Standards

4.1 Minimum subdivision lot size

Optional Standard Instrument Clause is to be adopted within the new LEP. The new LEP will contain the “Area 1, 2, & 3 provisions currently under the LLEP 2008. This is to ensure that lot sizes are consistent with the desired residential density for different locations

Note: This clause is intended to be the same as 4.1 ‘Minimum subdivision lot size’ under the LLEP 2008.

4.1AA Minimum subdivision lot size for community title schemes

Optional Standard Instrument Clause is to be adopted within the new LEP. The new LEP will contain the “Area 1, 2, & 3 provisions currently under the LLEP 2008. This is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

Note: This clause is intended to be the same as 4.1AA ‘Minimum subdivision lot size for community title schemes’ under the LLEP 2008.

Strata subdivisions in certain rural and conservation zones

A non-Standard Instrument Clause is proposed with the objective of restricting additional dwelling entitlements through land fragmentation caused by strata subdivision. This is to apply to Rural and Conservation zones under the LEP, which are used or proposed to be used for ‘residential accommodation’ or ‘tourist and visitor accommodation’.

Note: This clause is intended to be the same as 4.1A ‘Strata subdivisions in certain rural and conservation zones’ under the LLEP 2008.

4.2 Rural subdivision

Optional Standard Instrument Clause is to be adopted within the new LEP.

Boundary changes between lots in certain rural, residential and environment protection zones

A non-Standard Instrument Clause is proposed with the intent of enabling boundary adjustments to be made between two lots, where it will achieve the objectives of the zone. The clause will apply to Rural and Conservation zoned land, as well as the R5 Large Lot Residential zone. The number of lots, dwellings or dwelling entitlements are not to be increased by this clause however. Matters for consideration will include existing and approved uses on the lots, preferred and predominant land uses, compatibility with adjoining zone, measures proposed to avoid or minimise any incompatibility, natural and physical constraints, and environmental values or agricultural viability of the land.

Note: This clause is intended to be the same as Clause 4.2A ‘Boundary changes between lots in certain rural, residential and conservation zones’ under the LLEP 2008.

4.3 Height of buildings

Optional Standard Instrument Clause is to be adopted within the new LEP. The proposed objectives of the clause include:

- To establish the maximum height limit in which buildings can be designed and floor space can be achieved;
- To permit building heights that encourage high quality urban form;
- To ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight; and
- To nominate heights that will provide an appropriate transition in built form and land use intensity.

Note: This clause is intended to be the same as Clause 4.3 ‘Height of buildings’ under the LLEP 2008.

4.4 Floor space ratio

Optional Standard Instrument Clause is to be adopted within the new LEP.

The proposed objectives of the clause include:

- 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;
- To control building density and bulk in relation to the site area in order to achieve the desired future character for different locations;
- To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;
- 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;
- To provide an appropriate correlation between the size of a site and the extent of any development on that site; and
- 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.

Note: This clause is intended to be the same as Clause 4.4 'Floor space ratio' under the LLEP 2008.

4.5 Calculation of floor space ratio and site area

Optional Standard Instrument Clause is to be adopted within the new LEP.

4.6 Exceptions to development standards

Compulsory Standard Instrument Clause applies. Exclusions are also to be applied certain development types and development within certain zones.

Note: This clause is intended to be the same as Clause 4.6 'Exceptions to development standards' under the LLEP 2008.

Part 5 Miscellaneous Provisions

5.1 Relevant acquisition authority

Compulsory Standard Instrument Clause applies. Refer to Land Acquisition Maps in Part 4 of the Planning Proposal.

Development on land intended to be acquired for a public purpose

A non-Standard Instrument Clause is proposed which seeks to limit development on land identified to be acquired for a public purpose. It is to apply to certain land zoned RE1 Public Recreation, SP2 Infrastructure, C1 National Parks and Reserves, C2 Environmental Conservation or E1 Local Centre, as shown on the Land Reservation Acquisition Map.

Note: This clause is intended to be the same as Clause 5.1A 'Development on land intended to be acquired for a public purpose' under the LLEP 2008.

5.2 Classification and reclassification of public land

Compulsory Standard Instrument Clause applies.

5.3 Development near zone boundaries

Optional Standard Instrument Clause is to be adopted within the new LEP.

5.4 Controls relating to miscellaneous permissible uses

Compulsory Standard Instrument Clause applies.

The following development standards are proposed to apply under the new LEP.

- **Bed and breakfast accommodation:** must consist of no more than 4 bedrooms;
- **Home businesses:** must not involve the use of more than 50m² of floor area;
- **Home industries:** must not involve the use of more than 50m² of floor area;
- **Industrial retail outlets:** retail floor area must not exceed 43% of the GFA of the industry or rural industry located on the same land as the retail outlet, or 400m², whichever is lesser;
- **Farm stay accommodation:** must consist of no more than 5 bedrooms;
- **Kiosks:** gross floor area must not exceed 30m²;
- **Neighbourhood shops:** retail floor area must not exceed 100m²;
- **Neighbourhood supermarkets:** gross floor area must not exceed 1,000m²;
- **Roadside stalls:** gross floor area must not exceed 20m²;
- **Secondary dwellings on land other than land in a rural zone:** the floor area must not exceed whichever of the following is the greater: 60m² or 25% of the total floor area of the principal dwelling; and
- **Artisan food and drink industry exclusion:** the floor area used for retail sales (not including any cafe or restaurant area) must not exceed 43% of the gross floor area of the industry, or 400m², whichever is the lesser.

Note: This clause is intended to be the same as Clause 5.4 'Controls relating to miscellaneous permissible uses' under the LLEP 2008.

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

Optional Standard Instrument Clause is to be adopted within the new LEP.

5.6 Architectural roof features

Optional Standard Instrument Clause is to be adopted within the new LEP.

5.7 Development below mean high water mark

Compulsory Standard Instrument Clause applies.

5.8 Conversion of fire alarms

Compulsory Standard Instrument Clause applies.

5.9 Dwelling or secondary dwelling affected by natural disaster

Optional Standard Instrument Clause is to be adopted within the new LEP.

5.10 Heritage conservation

Compulsory Standard Instrument Clause applies.

5.11 Bush fire hazard reduction

Compulsory Standard Instrument Clause applies.

5.12 Infrastructure development and use of existing buildings of the Crown

Compulsory Standard Instrument Clause applies.

5.13 Eco-tourist facilities

Non-Applicable Standard Instrument Clause.

5.14 Siding Spring Observatory—maintaining dark sky

Non-Applicable Standard Instrument Clause.

5.15 Defence communications facility

Non-applicable Standard Instrument Clause.

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

Compulsory Standard Instrument Clause applies.

5.17 Artificial waterbodies in environmentally sensitive areas in certain areas

Non-Applicable Standard Instrument Clause.

5.18 Intensive livestock agriculture

Compulsory Standard Instrument Clause applies.

5.19 Pond-based, tank-based and oyster aquaculture

Compulsory Standard Instrument Clause applies.

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

Compulsory Standard Instrument Clause applies.

5.21 Flood planning

Compulsory Standard Instrument Clause applies.

5.22 Special flood considerations

Optional Standard Instrument Clause is to be adopted within the new LEP.

5.23 Public bushland

Optional Standard Instrument Clause is to be adopted within the new LEP.

5.24 Farm stay accommodation

Optional Standard Instrument Clause is not to be adopted. Rural land matters may be addressed following the endorsement of the Rural Lands Strategy.

5.25 Farm gate premises

Optional Standard Instrument Clause is not to be adopted. Rural land matters may be addressed following the endorsement of the Rural Lands Strategy.

Part 6 Urban Release Areas

The LEP is to include a Part relating to Urban Release Areas under the LEP Application area, being Edmondson Park and certain land located in Pleasure Point and Moorebank. The aim of this Part is to allow for urban development to occur in a rational manner, with satisfactory arrangements made for public utility infrastructure that is essential for proposed development.

Part 6 is to apply to the Urban Release Areas as mapped, however, will not apply if all or any part of this area is in a special contributions area.

The following is to be addressed in this Part:

- **Public utility infrastructure**
Council is to be satisfied that any essential public utility infrastructure is available or that adequate arrangements have been made to make that infrastructure available when required.
- **Development control plan**
A DCP is to be prepared addressing matters including infrastructure and sequencing, major circulation routes and connections, landscaping, passive and active recreational areas, stormwater and water quality management, natural and environmental hazards, urban design, encouragement of higher density living and public facilities and services.

Note: This Part is intended to be the same as Part 6 Urban Release Areas under the LLEP 2008.

Part 7 Additional Local Provisions - Division 1 City Centre

1. Objectives for development in Liverpool city centre

The LEP is to include a clause containing objectives for development in the Liverpool City Centre, which are:

- To preserve the existing street layout and reinforce the street character through consistent building alignments;
- To allow sunlight to reach buildings and areas of high pedestrian activity;
- To reduce the potential for pedestrian and traffic conflicts on the Hume Highway;
- To improve the quality of public spaces in the city centre;
- 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;
- To enhance the natural river foreshore and places of heritage significance; and
- To provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.

Note: This clause is intended to be the same as Clause 7.1 'Objectives for development in Liverpool city centre' under the LLEP 2008.

2. Sun access in Liverpool city centre

The LEP is to include a clause to protect public open space areas in the City Centre from excessive overshadowing. The clause intends to restrict the height of buildings on certain land located in the vicinity of Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall, to ensure impacts of future development on overshadowing are addressed.

Note: This clause is intended to be the same as Clause 7.2 'Sun access in Liverpool city centre' under the LLEP 2008.

3. Car parking in Liverpool city centre

The LEP is to include a clause to ensure that car parking is provided for new or extended buildings on land zoned E2 Commercial Centre or MU1 Mixed Use in the Liverpool City Centre, which 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.

Note: This clause is intended to be the same as Clause 7.3 'Car parking in Liverpool city centre' under the LLEP 2008.

4. Building separation in Liverpool city centre

The LEP is to include a clause to ensure sufficient separation of buildings within the City Centre for aesthetic, privacy and solar access purposes. The clause is to provide minimum separation distances between neighbouring buildings and towers, or other separate raised parts of the same building as detailed below:

- Zone R4 High Density Residential:
 - 9 metres separation between 12 metres and 25 metres above ground level (finished)
 - 12 metres separation between 25 metres and 35 metres above ground level (finished)
 - 18 metres separation above 35 metres above ground level (finished)
- Zone E2 Commercial Centre or MU1 Mixed Use
 - 12 metres separation between 25 metres and 45 metres above ground level (finished)
 - 28 metres separation above 45 metres above ground level (finished)

Note: This clause is intended to be the same as Clause 7.4 'Building separation in Liverpool city centre' under the LLEP 2008.

Part 7 Additional Local Provisions - Division 2 Other

Part A: Residential Land Clauses

1. Minimum Lot size for Dual Occupancies in R5 Large Lot Residential Zone

The LEP is to include a clause with a minimum lot size requirement for dual occupancies in the R5 Large Lot residential zone, to ensure this development type is compatible with the surrounding neighbourhood, and in accordance with the desired future character of the zone.

Note: This clause is intended to be the same as Clause 7.10A 'Minimum lot size for dual occupancies (detached) in Zone R5' with under the LLEP 2008.

2. Minimum Dwelling Density

The LEP is to include a clause which will specify minimum dwelling density standards within growth areas under the LEP (i.e. Edmondson Park and Middleton Grange). The clause will contribute towards the efficient use of land resources, confirm the viability of public transport and other services planned for the area, and ensure adequate funds for planned recreation and community facilities for the area. The corresponding Dwelling Density Map specifies the required dwelling density per hectare.

Note: This clause is intended to be the same as Clause 7.11 'Minimum dwelling density' under the LLEP 2008, however the Dwelling Density Map will not apply to Elizabeth Hills in the new LEP.

3. Restricted Lot Yield

The LEP is to include a clause to limit the creation of new lots in areas marked as 'Restricted Lot Yield' on the Dwelling Density Map. This is to restrict further subdivision and additional development which will have an adverse impact on the environment in these areas.

Note: This clause is intended to be the same as Clause 7.12 'Maximum number of lots' under the LLEP 2008, however the Dwelling Density Map will not apply to Holsworthy in the new LEP.

4. Dwelling houses in the R4 High Density Residential zone

The LEP is to include a clause applying to dwelling houses within the R4 High Density Residential zone. The objective of the clause is to encourage the development of high density residential development in accordance with the zone objectives, and ensure dwelling houses are of a proportionate bulk and scale to the proposed use. Despite the HOB and FSR development standards, a dwelling house within this zone is to have a maximum HOB of 8.5m and FSR of 0.6:1.

Note: This clause is intended to be the same as Clause 7.33 'Dwelling houses in Zone R4—height and floor space ratio controls' under the LLEP 2008.

5. Development of serviced apartments

The LEP is to include a clause regarding the conversion of serviced apartments to residential flat buildings, with the intent to prevent development of a substandard design. The clause will require strata subdivision of a serviced apartment not be approved, unless it is demonstrated that the resulting residential flat building is in accordance with the Apartment Design Guide.

Note: This clause is intended to be the same as Clause 7.19 'Serviced apartments' under the LLEP 2008.

Part B: Employment Land Clauses

6. Ground floor development in Zones E1 and MU1 to activate frontages

The LEP is to include a clause to ensure active uses are provided at the street level within centres. The clause is to apply to development within the E1 Local Centre zone (formerly B1 Neighbourhood Centre and B2 Local Centre clauses) and MU1 Mixed Use zone (formerly B4 Mixed Use). The objective of the clause is to:

- Ensure active uses are provided at the street level to encourage the presence and movement of people; and
- Promote the economic strength of mixed use development for ground floor development in centres.

Matters for consideration include:

- Provision of active frontages to the satisfaction of the consent authority, consisting of design elements that encourage interaction and flow between the inside of the building and the external public areas of the building, not including access for fire services, or vehicular access;
- In the MU1 Mixed Use zone, the ground floor is to be used for 'business premises' or 'retail premises'; and
- In the E1 Local Centre zone, the ground floor is not to be used for the purposes of 'residential accommodation'.

Note: This clause is based on Clause 7.16 'Ground floor development in Zones E1 and MU4' under the LLEP 2008. It will no longer apply to Edmondson Park as there is no business use.

7. Certain Development in Zone E3 to encourage activated business corridors

The LEP is to include a clause applying to certain uses within land identified as 'Area A' in the E3 Productivity Support zone, formerly B6 Enterprise Corridor zone. The objective of the clause is to ensure:

- Active uses are provided at street level to encourage the presence and movement of people;
- Opportunities for business and retail types are located in high exposure locations;
- The size of retail is limited to protect sensitive interfaces and the economic viability of local centres.

Matters for consideration include:

- Provision of active frontages to the satisfaction of the consent authority, consisting of design elements that encourage interaction and flow between the inside of the building and the external public areas of the building, not including access for fire services, or vehicular access;
- 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;
- 'Specialised retail premises' are to be limited to maximum gross floor area of 2,500m²; and
- 'Retail premises' (garden centres, hardware and building supplies, landscaping material supplies, markets, plant nurseries, rural supplies, timber yards, vehicle sales or hire premises) are to be limited to gross floor area of 1,600m².
- Residential development is restricted within 50m of a classified road, or where noted on the Key Site Map, within 8m of the Hume Highway or Elizabeth Drive.

Note: This clause is based on the following LLEP 2008 clauses:

- Clause 7.22 'Development in Zone E3'
- Clause 7.23 'Specialised retail premises and retail premises in Zone E3' of the LLEP 2008.

8. Food and drink premises and shops on certain land in E1 (Neighbourhood Centres)

The LEP is to include a clause limiting the development of certain commercial uses within smaller neighbourhood centre locations, as identified under the Liverpool Centres and Corridors Strategy. This is to protect the amenity around neighbourhood centres and promote vibrant local centres by maintaining their economic strength and limiting significant out of centre development. Neighbourhood Centres listed

under the Liverpool Centres and Corridors Strategy are to restrict the gross floor area of 'food and drink premises' to 300m² and 'shops' to 1,500m².

Note: This clause is intended to be the same as Clause 7.25 'Food and drink premises on certain land in Zone E1' under the LLEP 2008.

9. Development of Middleton Grange Local Centre

The LEP is to include a clause with the intent to facilitate the development of the Middleton Grange Local Centre. The following development standards are intended to apply to land identified as the Local Centre:

- Maximum number of residential dwellings units permitted is 671;
- Maximum residential floor area of all buildings permitted is 72,000m²;
- Maximum non-residential ground floor area of all buildings permitted is 26,000m²;
- Non-residential upper floor area is permitted, but only if it is consistent with the Liverpool LSPS and is justified through an Economic Impact Assessment;
- A maximum HOB of 8.5m and minimum setback of 4m from the property boundary is applied for certain land on the Key Sites Map; and
- A minimum area of 2,500m² is provided for use as publicly accessible open space on land identified on the Key Sites Map.
- Calculations of floor space area can include land dedicated for the purpose of roads.

Note: This clause is intended to be the same as Clause 7.42 'Development of Middleton Grange town centre' under the LLEP 2008.

10. Certain development in Industrial Zones

The LEP is to include a clause regarding the development of certain uses within industrial zones. This is to ensure the scale of these uses are suitably restricted to reflect the desirable characteristics of the industrial zone, and to protect adjoining sensitive land uses.

Within the E4 General Industrial Zone, Area B (formerly IN2 Light Industrial), the following apply:

- Objective:
 - o Consider impacts of development in Industrial Land on adjoining sensitive land uses.
- Controls:
 - o Depot and transport depot total site area must not exceed 2,000m²; and
 - o Warehouse or distribution centres must not exceed 2,000m².

Within the E4 General Industrial Zone (formerly IN1 General & IN2 Light Industrial), the following applies:

- Objective:
 - o Protect Industrial zoned land for the purposes of Industrial uses; and
 - o Protect sensitive receivers within the Industrial zone.
- Controls:
 - o Restaurant or take away food and drink premises are to have maximum gross floor area of 200m²;
 - o Centre-based child care facility unless—
 - maximum floor space area of 200sqm
 - the proposed development is at least 150 metres from any land in Zone E5 Heavy Industrial, and
 - 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.

Within any Industrial Zone, the following applies:

- Objective:
 - o Protect Industrial zoned land for the purposes of Industrial uses;
- Controls:
 - o Vehicle sales or hire premises are to have hard stand space limited to 500m²;

Note: This clause is based on the following LLEP 2008 clauses:

- Clause 7.41 'Certain developments in Zone E4 or E5'
- Clause 7.26 'Restaurants, take away food and drink premises, centre-based child care facilities and hotel or motel accommodation in Zone E4'.

11. Industrial Development in parts of Moorebank

The LEP is to include a clause applying to industrial development at Moorebank under the Key Sites Map. The objective is to ensure development supports the future provision of regional public transport measures, to reduce the demand for travel by private car and commercial vehicle. Matters for consideration include:

- o 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;
- o A subdivision pattern that is accessible for pedestrians and cyclists;
- o The orientation of entrances, windows and other active frontages toward the street or paths to contribute toward creating a safer pedestrian environment; and
- o Provision of facilities that encourage walking and cycling between the development and existing or potential public transport.

Note: This clause is intended to be the same as Clause 7.27 'Development of certain land at Moorebank' under the LLEP 2008, however the Key Sites Map is to be amended to also include the Moorebank Intermodal West Precinct.

12. Gateway Sites

The LEP is to include a clause with the intent of facilitating high quality architectural design on visually prominent employment sites, which will create a positive impression when entering and/or leaving the Liverpool LGA. The clause will include the design considerations to ensure new developments:

- Enhance and reinforce gateway sites
- Contribute positively to the public domain;
- Be of a high standard of architectural design;
- Demonstrate sustainable building design principles;
- Retain and enhance the natural environment, and
- Minimise the visual impact of parking.

Matters for consideration include consideration of bulk and scale, landscaping, architectural and sustainable design and addressing interface with public and private domain. The clause is intended to be accompanied by a corresponding Key Site Map.

Note: This clause is not currently in the LLEP 2008.

13. 311 Hume Highway, Liverpool

The LEP is to include a clause relating to 311 Hume Highway, Liverpool (Lot 2 DP 1269091) and 6 Gillespie Street, Liverpool (Lot 1 DP 1269091) with the intent to ensure active ground floor uses are provided at this site. Matters for consideration include requirements that the ground floor of any building on that land within 30 metres of the Hume Highway be used only for the purposes of commercial premises, medical centres or recreation facilities (indoor), excluding car parking.

Note: This clause is intended to be the same as Clause 7.38 'Development at 311 Hume Highway, Liverpool' under the LLEP 2008, however addresses have been updated. Despite development consent being granted the clause is to be retained to ensure future uses at the site maintain ground floor activation.

14. Holsworthy Local Centre

The LEP is to include a clause relating to the Holsworthy Local Centre. The clause will prohibit development of a retail premises with a gross floor area greater than 9,000sqm at 2 Macarthur Drive, Holsworthy (Lot 5 DP 825745).

Note: This clause is intended to be the same as Clause 7.43 'Development of land at 2 Macarthur Drive, Holsworthy' under the LLEP 2008.

15. Health Service Facility land in the MU1 Zone

The LEP is to include a clause relating to "Health Service Facility" land shown on the Key Sites Map in the MU1 zone. The clause permits health service facilities with a height up to 79m and a floor space ratio of up to 6.9:1.

Note: This clause is intended to be the same as Clause 7.44 'Use of certain land in Zone MU1' under the LLEP 2008.

Part C: Environmental Clauses

16. Terrestrial Biodiversity

The LEP is to include a terrestrial biodiversity clause with the intent to protect and recover terrestrial biodiversity in the LGA, including native flora and fauna, their habitats and associated ecological processes. The clause will apply to all types of development on land identified on the proposed Terrestrial Biodiversity Map (refer to Part 4 of the Planning Proposal for mapping). The proposed map is sourced from the Liverpool Biodiversity Study 2019, and identifies strands of native vegetation that are considered to be of the highest conservation significance including 'state core or corridor', 'regional core' or 'local core'. Biocertified land, stands of vegetations of lower conservation significance (e.g., vegetation in poor condition), exotic plants /weeds were excluded from the layer.

Matters for consideration will include the impact of the development on any identified vegetation community, habitat or habitat element, wetland, biodiversity value or the stability of the land. The clause will also require consideration of future opportunities to enhance these environmentally significant areas.

Note: This clause is intended to replace Clause 7.6 'Environmentally Significant Land' and its corresponding map under the LLEP 2008.

17. Acid Sulfate Soils

The LEP is to include an acid sulfate soils clause, which will apply to areas marked in the corresponding Acid Sulfate Soils Map (Refer to Part 4 of the Planning Proposal for Mapping). Acid Sulfate Soils (Classes 1 - 5) are located along the Georges River, and future development under the new LEP is to appropriately address this environmental constraint.

Note: This clause is intended to be the same as Clause 7.7 'Acid sulfate soils' under the LLEP 2008.

18. Floodplain risk management

The LEP is to include a floodplain risk management clause, which will apply to land between the flood planning level and the probable maximum flood. The clause does not apply to land at, or below the flood planning level. This clause is to ensure safe occupation and evacuation has been considered as part of the planning process, for certain sensitive land uses in the event of a probable maximum flood.

Note: This clause is intended to be the same as Clause 7.8A 'Floodplain risk management' under the LLEP 2008.

19. Foreshore building line

The LEP is to include a clause to ensure that development along the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area. The clause will apply to land on the Foreshore Building Line Map (refer to Part 4 of the Planning Proposal for Mapping) which identifies certain land along the Nepean River (western part of the LGA) and Georges River (eastern part of the LGA).

Note: This clause is intended to be the same as Clause 7.9 'Foreshore building line' under the LLEP 2008.

20. Earthworks

The LEP is to include a clause which will require development consent for earthworks [unless it is exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*]. This is to ensure that proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land. The clause will contain matters for consideration when assessing the proposed earthworks.

Note: This clause is intended to be the same as Clause 7.31 'Earthworks' under the LLEP 2008.

21. Recycled Water

The LEP is to include a clause which requires dual water systems (potable water and recycled water pipes) in new developments. The objective of the clause is to promote sustainable water management by encouraging the use of recycled water for non-potable purposes, and to support the efficient use of potable water. Matters for consideration include requirements for the construction of a new building or significant alterations to an existing building to include both potable water pipes and recycled water pipes, for the purposes of internal and external water use. The recycled water infrastructure must be designed, installed and maintained in accordance with the requirements of the local water authority. The recycled water infrastructure must be connected to a recycled water network, where available.

Note: This clause is not currently within the LLEP 2008. Consultation with Sydney Water is ongoing.

22. Urban Heat

The LEP is to include an urban heat clause to ensure development incorporates effective design and operational measures that reduce the urban heat island effect and protects the community's health and wellbeing. The objectives of the clause include reducing and removing urban heat, encouraging innovation and environmentally responsible design, and enhancing the tree canopy. Matters for consideration will detail the inclusion of cool materials, low reflective roofing and street pavements, provision of tree canopy, open space and deep soil planting, utilisation of passive thermal performance and need for a contribution (proportionate to its scale) to renewable energy supply and/or storage, to reduce peak demands on the grid during heatwaves.

Note: This clause is not currently within the LLEP 2008. This clause is to be loosely based on Clause 7.30 of the Penrith LEP 2010 with amendments to ensure that the matters of consideration for Urban Heat align with Liverpool's intended policy outcome.

23. Stormwater Management and Water Sensitive Urban Design

The LEP is to include a Stormwater Management and Water Sensitive Urban Design (WSUD) clause to protect properties and natural environments from the stormwater impacts associated with development. The clause will apply to all land subject to the new LEP and all types of development. The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on land to which development is to be carried out, adjoining properties, native bushland, waterways and receiving water and groundwater systems. Matters for consideration include the incorporation of best practice WSUD principles, provision of onsite detention, avoidance of adverse impacts on the public drainage system and provision of a stormwater quantity and quality control management system which includes all reasonable management actions.

Note: This clause is not currently within the LLEP 2008.

24. Waste as essential service

The LEP is to include a clause which identifies waste as an essential service, to ensure proper consideration is given to waste in terms of road access to developments, the capacity to empty waste bins safely and efficiently, and the provision of adequate facilities and equipment on site, to support best waste practice.

Note: This clause is not currently within the LLEP 2008. The clause is to be based on similar provisions in clause 7.5 of the Blacktown LEP 2015 and clause 7.10 in Campbelltown LEP 2015 with amendments to ensure that the clause aligns with Liverpool's intended policy outcomes.

25. Landscaping

The LEP is to include a clause (supporting the corresponding Landscaped Area map), which requires a minimum 10% landscaped area for industrial zoned land.

Note: This clause is not currently within the LLEP 2008.

Part D: Rural Land

26. Development of Dual Occupancies in Rural Zones

The LEP is to include a clause to regulate the development of dual occupancies in rural zones by establishing a minimum lot size requirement and limiting the gross floor area of each dwelling. The objective of the clause is to manage the use of land for primary production, rural small holdings, and rural landscapes in a sustainable and appropriate manner, to maintain opportunities for productive rural and urban fringe uses. Minimum lot size for a dual occupancy on land in RU1 Primary Production is 10 hectares, RU4 Rural Landscape is 2 hectares, or dual occupancy (attached) in the RU2 Rural Landscape zone is 2 hectares.

In relation to gross floor area, consent is not to be granted for the purposes of a dual occupancy, unless the gross floor area of at least one of the dwellings is not more than the below:

- | | |
|--|-------------------|
| ○ RU4 Primary Production Small Lots: | 350m ² |
| ○ RU2 Rural Landscape (dual occupancy (attached)): | 200m ² |
| ○ RU1 Primary Production: | |
| - On Key Site Map as SWGC | 150m ² |
| - Not on Key Site Map as SWGC | Nil |

Note: This clause is intended to be the same as Clause 7.24 'Dual occupancies in Zones RU1, RU2 and RU4' and Clause 7.10 'Minimum lot size for dual occupancies in rural zones' under the LLEP 2008.

27. Rural workers' dwellings in Zones RU1 and RU4

The LEP is to include a clause to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries. It will apply to the RU1 Primary Production and RU4 Primary Production Small Lots zones, which are located in the western part of the LGA. The clause will require development to be located on the same lot as a lawfully erected dwelling and lawfully operating agricultural or rural industry land use, not impair the land for agricultural or rural industries, demonstrate economic requirement for workers, not result in more than 1 rural worker's dwelling, and gross floor area is not to exceed 100m².

Note: This clause is intended to be the same as Clause 7.24A 'Erection of rural workers' dwellings in Zones RU1 and RU4' under the LLEP 2008.

28. Requirement for amalgamation of lots prior to erection of Dwelling House

The LEP is to include a clause which will require the amalgamation of lots prior to the erection of a dwelling house on certain rural zoned land under the LEP. The intention of this clause is to ensure rural lots are of an appropriate size for residential development. It will apply to certain land located in Denham Court and Wallacia and will require the amalgamation of listed lots prior to the erection of a dwelling house.

Note: This clause is intended to be the same as Clause 7.34 'Dwelling houses at Church and Campbelltown Roads, Denham Court and Greendale Road, Wallacia—amalgamation of lots' under the LLEP 2008. This was derived from the Liverpool LEP 1997 Clause 34(2) and Schedule 7 regarding historical dwelling entitlements in rural land. An objective supporting the clause is to be included in the new LEP.

Part E: Other Clauses

29. Minimum building street frontage

The LEP is to include a clause which will establish minimum widths for certain types of developments. The objective of the clause is to ensure that buildings employ appropriate proportions, vehicular access is reasonably spaced and separated and to encourage larger development of commercial office, business, residential and mixed-use buildings. The clause will require the following developments to have a street frontage of at least 24m (with certain exceptions applying to land within the Liverpool City Centre):

- Any residential flat building;
- Any building of more than 2 storeys on land in the R4 High Density Residential or E1 Local Centre zones; and
- Any building on land in the E2 Commercial Centre or MU1 Mixed Use zones.

Note: This clause is intended to be the same as Clause 7.14 'Minimum building street frontage' under the LLEP 2008.

30. Airspace and Airport Provisions

The LEP is to include several clauses regarding airspace operations, with the intent to protect the community as well as the operation of Bankstown Airport and Western Sydney International (Nancy-Bird Walton) Airport.

The airspace operations clause is to have the objective of protecting airspace around airports, and ensuring controlled activities (e.g. construction or alterations to buildings/structures which intrude into prescribed airspace) have approvals required under the *Airports Act 1996* and *Airports (Protection of Airspace) Regulations 1996*.

The airport noise clause is to have the objective of not hindering or having an adverse impact on the development or operation of the airports, and to protect sensitive receivers from airport noise. The clause is to refer to Clause 4.17 'Aircraft noise' of the *State Environmental Planning Policy (Western Parkland City) 2021*, for the area subject to the ANEF map for the Western Sydney International (Nancy-Bird Walton) Airport. This ANEF map will also be included in the LEP, where it applies to the LEP application area. Where the Bankstown Airport map applies, the clause will restrict the development of sensitive land uses.

The hospital helicopter airspace clause is to have the objective of protecting helicopter airspace around Liverpool Hospital. The clause will have a corresponding Key Site Map and include matters for consideration such as referrals to the relevant local health district.

Note: The clauses are intended to be the same as Clause 7.17 'Airspace operations', Clause 7.17A 'Hospital helicopter airspace' and Clause 7.18 'Development in areas subject to potential airport noise' under the LLEP 2008.

31. Development of restricted premises

The LEP is to include a clause which seeks to manage the location of restricted premises. The objective is to ensure that restricted premises are not visually prominent from public places or other locations frequented by children. Matters for consideration include separation requirements between the premises and R1 General Residential, R2 Low Density Residential, Zone R3 Medium Density Residential and/or R4 High Density Residential zoned land, or land used (or containing an approved use) for a centre-based child care facility, community facility, educational establishment, place of public worship, recreation area, recreation facility (indoor, outdoor, major), restricted premises or sex service premises. Other matters for consideration include the impact on pedestrian activity, impact on land frequented by children, and discreet appearance of the premises.

Note: This clause intended to be the same as Clause '7.35 Location of restricted premises' under the LLEP 2008.

32. Public Art

The LEP is to include a clause regarding public art, meaning 'art that is painted, marked or otherwise affixed to the outside of a building and that is visible from a public place (within the meaning of the Local Government Act 1993)'. The clause will stipulate that public art will not require consent if it is consistent with Councils Public Art Policy and Public Art Strategy, meaningful and relevant to its context and developed by an artist.

Public art will not:

- Have a significant adverse impact on a heritage item or a heritage conservation area;
- Have a significant adverse impact on the amenity of the public domain, including by overshadowing, wind, noise or safety impacts;
- Have an adverse environmental impact;
- Involve the display of an advertisement, logo or discriminatory, offensive or sexually explicit material, and
- Increase the gross floor area of any building.

Note: This clause is not currently within the LLEP 2008. The clause is to be loosely based on existing provisions in the Inner West LEP 2022 and City of Sydney 2012 with amendments to ensure that the clause for Public Art aligns with the intended policy outcomes for Liverpool LGA.

33. Additional Local Provisions (currently within Schedule 1 LLEP 2008)

Use of certain land at Moorebank in Zone E4

(LLEP 2008, Sch.1 Cl.25)

- (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.

Note: This is currently located within Schedule 1 Additional Permitted Uses, however is a local provision and therefore relocated.

Schedule 1 Additional permitted uses

Use of certain land at Casula in Zone R2 (LLEP 2008, Sch.1 Cl.2)

- (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.

Use of certain land at Edmondson Park in Zone R4 (LLEP 2008, Sch.1 Cl.5)

- (1) This clause applies to land in Zone R4 High Density Residential at Edmondson Park for the development purpose of food and premises.

Use of certain land in Liverpool city centre in Zone E1 (LLEP 2008, Sch.1 Cl.6)

- (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.

Use of certain land at Moorebank in Zones R3 and R4 (LLEP 2008, Sch.1 Cl.7)

- (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.

Use of certain land in Liverpool city centre in Zone RE1 (LLEP 2008, Sch.1 Cl.8)

- (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.

Use of certain land in Liverpool city centre in Zone R4 (LLEP 2008, Sch.1 Cl.10)

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

Note: This is similar to Schedule 1 Clause 10 of the LLEP 2008.

Use of certain land at Warwick Farm in Zone E4 (LLEP 2008, Sch.1 Cl.14)

- (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.

Use of certain land at Warwick Farm in Zone R2 (LLEP 2008, Sch.1 Cl.16)

- (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.

Use of certain land at Casula in Zone E3 (LLEP 2008, Sch.1 Cl.20)

- (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.

Use of certain land at Warwick Farm

(LLEP 2008, Sch.1 Cl.21)

- (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.

Use of certain land at Casula and Moorebank

(LLEP 2008, Sch.1 Cl.22)

- (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 E3 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*.

Use of certain land at 10 Viscount Place, Warwick Farm

(LLEP 2008, Sch.1 Cl.24)

- (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

Use of certain land at Chipping Norton in Zone R2

(LLEP 2008, Sch.1 Cl.26)

- (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.

Use of certain land at Collimore Park, Liverpool

(LLEP 2008, Sch.1 Cl.28)

- (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.

Use of certain land at 25 Dwyer Road, Bringelly

(LLEP 2008, Sch.1 Cl.29)

- (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.

Use of certain land at Rossmore

(LLEP 2008, Sch.1 Cl.30)

- (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.

Use of certain land at Middleton Grange local centre (LLEP 2008, Sch.1 Cl.31)

- (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.

Use of certain land at 104 Fifteenth Avenue, West Hoxton (LLEP 2008, Sch.1 Cl.32)

- (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.

Use of certain land in Zone E1 (LLEP 2008, Sch.1 Cl.33)

- (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.

Use of certain land in Zone E2 (LLEP 2008, Sch.1 Cl.34)

- (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.

Use of certain land in Zone E3 (LLEP 2008, Sch.1 Cl.35)

- (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*.

Use of certain land in Zone E4 (LLEP 2008, Sch.1 Cl.36)

- (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

The following exempt development provisions are proposed under the new LEP.

Note: These provisions are from the LLEP 2008 Schedule 2.

Advertisements—general requirements

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

Business identification signs for businesses other than brothels in Zone E1, E3 or MU1

- Fascia signs Sign attached to the fascia or return of the awning—
 - o must meet the general requirements for advertisements, and
 - o 1 sign per premises, and
 - o 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
 - o must not be flashing.

Business identification signs for businesses other than brothels in Zone E4 or E5

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

Business identification signs in residential zones

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

Business identification signs in rural zones

- Must meet the general requirements for advertisements.
- 1 sign per premises.
- Maximum area—0.75m² (except if a pole or pylon sign).

- If a pole or pylon sign, maximum area—2m² and maximum height—2m.
- Must not be illuminated or flashing.

Advertisements in or on bus shelters

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

Public notices displayed by a public body

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

Real estate signs (advertising land development)

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

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

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

Real estate signs (advertising premises or land for sale or rent) in residential or rural zones

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

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

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

Temporary signs for religious, cultural, political, social or recreational events

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

Exempt Tree List

Exempt Tree Schedule, as follows:

Exempt Species	Common Name
<i>Edible Fruit Trees (only when <10m in height and not including Syzgium spp. Or Acmena spp.)</i>	Edible Fruit Trees
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Acacia saligna</i>	Western Australian Golden Wattle
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Ctoneaster glaucophyllus</i>	Cotoneaster
<i>Celtis sinensis</i>	Japanese Hackberry
<i>Celtis occidentalis</i>	Hackberry
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Cupressocyparis leylandii</i>	Leighton Green Cypress
<i>Cupressus macrocarpa "Brunniana"</i>	Golden Cypress
<i>Dovyalis caffra</i>	Kei Apple
<i>Erythrina crista-galli</i>	Cockscomb Coral Tree
<i>Erythrina x skyesii</i>	Coral Tree
<i>Ficus elastica and hybrids</i>	Rubber Trees
<i>Gleditsia triacanthos (not including recognised hybrids)</i>	Honey Locust
<i>Grevillea robusta</i>	Silky Oak
<i>Lagunaria petersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i>	Large Leafed Privet
<i>Ligustrum sinesis</i>	Small Leafed Privet
<i>Lycium ferocissimum</i>	African Box Thorn
<i>Melia azedarach (only when <10m in height)</i>	White Cedar
<i>Olea europea subsp. Cuspidate (syn. Olea Africana)</i>	African Olive
<i>Opuntia spp.</i>	Prickly Pear
<i>Parkinsonia aculeata</i>	Parkinsonia
<i>Poplar spp.</i>	Poplars
<i>Prosopis spp.</i>	Mesquite
<i>Robinia pseudoacacia (not including recognised hybrids)</i>	Black Locust
<i>Salix spp.</i>	Willows
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Schefflera arboricola</i>	Dwarf Umbrella Tree
<i>Syagrus romanzoffiana (syn. Cocos plumosa)</i>	Queen Palm / Cocos Palm
<i>Tamarix aphylla</i>	Athel Pine
<i>Toxicodendron succedaneium</i>	Rhus Tree
<i>Vachellia karroo</i>	Karoo Acacia
<i>Vachellia nilotica</i>	Prickly Acacia

Note: A new Exempt Tree list is proposed.

Schedule 3 Complying development

No Complying Development Provisions are proposed under the new LEP. The existing provisions under the LLEP 2008 will not be continued.

Schedule 4 Classification & reclassification of public land

Compulsory Standard Instrument Schedule applies. The new LEP will contain a blank Schedule, as it is a new EPI.

Schedule 5 Environmental heritage

Compulsory Standard Instrument Schedule applies. The new LEP is to reflect the provisions and mapping under the LLEP 2008.

Schedule 6 Pond-based and tank-based aquaculture

Compulsory Standard Instrument Schedule applies.

Dictionary

Compulsory Standard Instrument Definitions applies.