



New South Wales

Kogarah Local Environmental Plan 2012 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

PAUL WOODS, GENERAL MANAGER, KOGARAH CITY COUNCIL
As delegate for the Minister for Planning and Infrastructure

Kogarah Local Environmental Plan 2012 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Kogarah Local Environmental Plan 2012 (Amendment No 1)*.

2 Commencement

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

3 Land to which Plan applies

This Plan applies to the land to which *Kogarah Local Environmental Plan 2012* applies.

4 Maps

Each map adopted by *Kogarah Local Environmental Plan 2012* that is specified in Column 1 of the following table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Plan:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Kogarah Local Environmental Plan 2012 Heritage Map (4450_COM_HER_003_010_20120816)	Kogarah Local Environmental Plan 2012 Heritage Map (4450_COM_HER_003_010_20130930)
Kogarah Local Environmental Plan 2012 Heritage Map (4450_COM_HER_004_010_20121113)	Kogarah Local Environmental Plan 2012 Heritage Map (4450_COM_HER_004_010_20130930)
Kogarah Local Environmental Plan 2012 Heritage Map (4450_COM_HER_006_010_20120816)	Kogarah Local Environmental Plan 2012 Heritage Map (4450_COM_HER_006_010_20130930)
Kogarah Local Environmental Plan 2012 Heritage Map (4450_COM_HER_008_010_20120816)	Kogarah Local Environmental Plan 2012 Heritage Map (4450_COM_HER_008_010_20130930)
Kogarah Local Environmental Plan 2012 Land Zoning Map (4450_COM_LZN_004_010_20121128)	Kogarah Local Environmental Plan 2012 Land Zoning Map (4450_COM_LZN_004_010_20131105)
Kogarah Local Environmental Plan 2012 Land Zoning Map (4450_COM_LZN_006_010_20121113)	Kogarah Local Environmental Plan 2012 Land Zoning Map (4450_COM_LZN_006_010_20131105)

Schedule 1 Amendment of Kogarah Local Environmental Plan 2012

- [1] **Clause 4.1 Minimum subdivision lot size**
Omit “a lot to create a battle-axe lot, if the battle-axe lot” from clause 4.1 (3A).
Insert instead “land to create a lot, if the lot”.
- [2] **Clause 4.1 (3A) (a) (iii), (b) (iii), (c) (iii), (d) (iii) and (e) (iii)**
Insert “if the lot is a battle-axe lot—” before “minimum lot size” wherever occurring.
- [3] **Clause 4.1 (3A) (e) (iv)**
Omit “must not be located behind”. Insert instead “must be located above”.
- [4] **Clause 4.1 (3B)**
Omit the subclause. Insert instead:
 (3B) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating:
 (a) the lot size for the purpose of subclauses (3) and (3A) (a) and (b), or
 (b) the lot width for the purpose of subclause (3A).
- [5] **Clause 6.4 Limited development on foreshore area**
Omit “waterway access stairs” from clause 6.4 (2) (c).
Insert instead “works to enable pedestrian access to the waterway”.
- [6] **Clause 6.7 Location of sex services premises**
Omit clause 6.7 (3) (a). Insert instead:
 (a) the impact of the proposed development on land that is frequented by children or any land referred to in subclause (2),
- [7] **Schedule 1 Additional permitted uses**
Insert after clause 16 (1) (r):
 (r1) 401 and 403 Rocky Point Road, Sans Souci, being Lots B and C, DP 25589,
- [8] **Schedule 1, clause 16 (2) (e) and (f)**
Insert after clause 16 (2) (d):
 (e) shop top housing,
 (f) multi dwelling housing.
- [9] **Schedule 1, clause 16 (3) (b)**
Omit “development permitted by subclause (2)”.
Insert instead “purpose of business premises, office premises or shops”.
- [10] **Schedule 1, clause 18 (1) (bw)**
Omit the paragraph.

[11] Schedule 1, clause 18 (1) (cd)

Omit the paragraph. Insert instead:

(cd) 4 and 6 William Street, South Hurstville, being Lots 65 and 66,
DP 6862.

[12] Schedule 1, clause 19 (1) (z)

Omit “part of”.

[13] Schedule 1, clause 20 (1) (ae1)

Insert after clause 20 (1) (ae):

(ae1) 36 Anglo Square, Carlton, being Lot 19, Section E, DP 5409 and
Lot 21A, DP 9409,

[14] Schedule 1, clause 20 (1) (by1)

Insert after clause 20 (1) (by):

(by1) 113 Hurstville Road, Oatley, being Lot 1, DP 566062,

[15] Schedule 5 Environmental heritage

Omit item no I82 from Part 1.