



New South Wales

Kogarah Local Environmental Plan 1998 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/00447/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 150

Clause 1 Kogarah Local Environmental Plan 1998 (Amendment No 23)

Kogarah Local Environmental Plan 1998 (Amendment No 23)

1 Name of plan

This plan is *Kogarah Local Environmental Plan 1998 (Amendment No 23)*.

2 Aims of plan

This plan aims to:

- (a) rezone the Hurstville Supercentre from the Special Uses 5 (b)—Special Uses (Railway) Zone to the Business 3 (b)—Business (Town Centre) Zone, and
- (b) ensure that development within the Special Uses 5 (b)—Special Uses (Railway) Zone is compatible with the existing and future use of the land and will not conflict with the use of surrounding land.

3 Land to which plan applies

This plan applies:

- (a) in respect of the aim set out in clause 2 (a)—to the land shown edged heavy black and coloured dark blue on the map marked “Kogarah Local Environmental Plan 1998 (Amendment No 23)” deposited in the office of Kogarah Municipal Council, and
- (b) in respect of the aim set out in clause 2 (b)—to all land within the local government area of Kogarah that is within Zone 5 (b)—Special Uses (Railway) Zone.

4 Amendment of Kogarah Local Environmental Plan 1998

Kogarah Local Environmental Plan 1998 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Zoning control table

Insert “attached dual occupancies;”, “bed and breakfast accommodation;”, “dwelling houses;”, “housing for older people or people with a disability;”, “motels; multi-unit housing;” in alphabetical order in Item 4 (Prohibited) of the matter relating to Zone Special Uses 5 (b) (the Special Uses (Railway) Zone) in the table to the clause.

[2] Clause 21A

Insert after clause 21:

21A Development in the Special Uses 5 (b) Zone

Land to which this clause applies

This clause applies to land in Zone Special Uses 5 (b) (the Special Uses (Railway) Zone).

Objective of the provision

To ensure that development within the railway corridor is compatible with the existing and future use of the land and will not conflict with the use of surrounding land.

Matters for consideration

The Council must not grant consent to the carrying out of development on land to which this clause applies unless it has taken into consideration all of the following:

- (a) the need for the proposed development on that land,
- (b) whether the impact of the proposed development will be detrimental to the existing or future use of the land,
- (c) whether the proposed development is compatible with the uses, character and built form of adjacent land or land within the general vicinity in relation to its height, bulk, noise generation, traffic generation and any other aspects that might conflict with surrounding land uses,
- (d) whether the height of any proposed building or structure is visually sympathetic to existing vegetation and topography,

2002 No 150

Kogarah Local Environmental Plan 1998 (Amendment No 23)

Schedule 1 Amendments

- (e) whether the noise or vibration levels will be unacceptable for the proposed use of the land. The Council may decline to grant consent unless it has considered a report from a suitably qualified consultant that assesses noise or vibration levels and recommends appropriate alleviation measures, if necessary.

[3] Clause 25 Dictionary

Insert in appropriate order at the end of the definition of *land use map* in clause 25 (1):

Kogarah Local Environmental Plan 1998 (Amendment No 23)

BY AUTHORITY