



Hurstville Local Environmental Plan 1994 (Amendment No 38)

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*. (S02/01567/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

2002 No 660

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 38)

Hurstville Local Environmental Plan 1994 (Amendment No 38)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 38)*.

2 Aims of plan

This plan aims:

- (a) to rationalise and simplify all controls for land within the General Business and Business Centre zones within the City of Hurstville, and
- (b) to reflect the hierarchy of centres within the City of Hurstville, and
- (c) to rezone the town centres of Riverwood and Beverly Hills from Zone No 3 (a) to Zone No 3 (c), and
- (d) to take into account the existing character of individual commercial precincts, and
- (e) to minimise environmental impacts of commercial development.

Note. This plan will reinstate the amendments contained in *Hurstville Local Environmental Plan 1994 (Amendment No 23)* which was found to be invalid by the Court of Appeal in *El Cheikh v Hurstville City Council and Ors* [2002] NSWCA 173.

3 Land to which plan applies

- (1) To the extent that this plan rezones land to the Business Centre Zone under *Hurstville Local Environmental Plan 1994*, it applies to land shown coloured navy blue on sheets 1 and 2 of the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 38)" deposited in the office of the Council of the City of Hurstville.
- (2) To the extent that this plan sets a maximum height limit for land within Zones Nos 3 (a) and 3 (c) under *Hurstville Local Environmental Plan 1994*, it applies to the land shown edged heavy

black on sheets 3 to 12 of the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 38)” deposited in the office of the Council of the City of Hurstville.

4 Amendment of Hurstville Local Environmental Plan 1994

Hurstville Local Environmental Plan 1994 is amended in the manner set out in Schedule 1.

2002 No 660

Hurstville Local Environmental Plan 1994 (Amendment No 38)

Schedule 1 Amendment of Hurstville Local Environmental Plan 1994

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(Clause 4)

[1] Clause 5 Interpretation

Insert at the end of the definition of “the map” in clause 5 (1):

Hurstville Local Environmental Plan 1994 (Amendment No 38)—
Sheets 1 and 2

[2] Clause 13 Floor space ratios

Omit “, except for land within Zone No 3 (a) situated in Riverwood and Beverly Hills” from clause 13 (2) (c).

[3] Clause 13 (2B)

Insert after clause 13 (2A):

(2B) Nothing in subclause (2) or (2A) shall be construed as removing the need for compliance with clause 15A (2).

[4] Clause 15A

Omit the clause. Insert instead:

15A Height restrictions in certain Business Zones

- (1) This clause applies to:
 - (a) all land within Zone No 3 (a), and
 - (b) all land within Zone No 3 (c), except land within that zone at the town centres of Riverwood, Beverly Hills, Penshurst, Mortdale, Narwee and Kingsgrove,
as shown edged heavy black on the map marked “Hurstville Local Environmental plan 1994 (Amendment No 38)”.
- (2) Despite any other provision of this plan, the Council must not consent to the erection of any building exceeding 2 storeys in height on land to which this clause applies.

BY AUTHORITY