



Hurstville Local Environmental Plan 1994 (Amendment No 41)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/00336/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 758

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 41)

Hurstville Local Environmental Plan 1994 (Amendment No 41)

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Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 41)*.

2 Aims of plan

The aims of this plan are:

- (a) to introduce a definition of *subdivision of land* (which adopts the meaning given in the *Environmental Planning and Assessment Act 1979*), and
- (b) to modify certain controls relating to minimum sizes and frontages for allotments for dwelling houses within Zone No 2 (Residential Zone) under *Hurstville Local Environmental Plan 1994*.

3 Land to which plan applies

This plan applies to all land within the City of Hurstville.

4 Amendment of Hurstville Local Environmental Plan 1994

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

subdivision of land has the same meaning as in the Act.

[2] Clause 11 Minimum lot sizes for dwelling houses on land within Zone No 2

Omit “18 metres” from clause 11 (2). Insert instead “15 metres”.

[3] Clause 11 (3) and (4)

Omit the subclauses. Insert instead:

- (3) Notwithstanding subclauses (1) and (2), the minimum allotment size for the erection of a dwelling house on land within Zone No 2 that is located within a foreshore scenic protection area (as referred to in clause 19B) is 550m² for the allotment at the front and 650m² for the battleaxe allotment.
- (4) The width or area of any access corridor, accessway, right of carriageway or the like is not to be included in the calculation of the width or area of an allotment.

[4] Clause 26B

Insert after clause 26A:

26B Savings and transitional provision

A development application made (but not finally determined) before the commencement of *Hurstville Local Environmental Plan 1994 (Amendment No 41)* may be determined and have effect as if that plan had not been made.