



Hurstville Local Environmental Plan 1994 (Amendment No 47)

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*. (S03/02158/S69)

DIANE BEAMER, M.P.,

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

2004 No 132

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 47)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 47)*.

2 Aims of plan

The aims of this plan are as follows:

- (a) to describe Council's objectives regarding advertising and signage in Hurstville,
- (b) to prohibit certain types of development relating to advertising and signage,
- (c) to apply certain criteria for proposed advertising that must be satisfied prior to Council granting development consent,
- (d) to remove the requirement that advertising is only permitted with development consent in Zone Nos 2 (Residential Zone), 6 (a) (Open Space Zone) and 6 (b) (Private Open Space Zone) in accordance with *State Environmental Planning Policy No 64—Advertising and Signage*,
- (e) to amend the definition of **commercial sign** in clause 5 (1) of *Hurstville Local Environmental Plan 1994* to remove references to illuminated signs.

3 Land to which plan applies

This plan applies to all land to which *Hurstville Local Environmental Plan 1994* applies.

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

Omit “means an advertisement, whether illuminated or not,” from the definition of *commercial sign* in clause 5 (1).

Insert instead “means a non-illuminated advertisement,”

[2] Part 2 General restrictions on development of land

Omit “Advertising; animal” from item 2 (Only with development consent) of the matter relating to Zone No 2 (Residential Zone) in the Table to the Part.

Insert instead “Animal”.

[3] Part 2, Table

Omit “Advertising; buildings” from item 2 (Only with development consent) of the matter relating to Zone No 6 (a) (Open Space Zone).

Insert instead “Buildings”.

[4] Part 2, Table

Omit “Advertising; buildings” from item 2 (Only with development consent) of the matter relating to Zone No 6 (b) (Private Open Space Zone).

Insert instead “Buildings”.

[5] Clause 25A

Insert after clause 25:

25A Advertising and signage

- (1) The objectives of this clause are as follows:
 - (a) to provide for a variety of advertising that is compatible with the purpose for which the land is zoned and with the character of the area,
 - (b) to permit advertising that is complementary in scale, form and location with the surrounding natural or built environment,

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Schedule 1 Amendments

- (c) to ensure that advertising does not detract from the safety, efficiency or appearance of any public thoroughfare.
- (2) Before granting consent for development that will result in the displaying of an advertisement, the council must consider the objectives of this clause.
- (3) The council must not grant consent for any such development unless it is satisfied that:
 - (a) the advertisement will not detract from the amenity of the local environment because of its appearance, size, design, illumination or location, or as a result of the number and location of other advertisements within the vicinity, and
 - (b) the size and likely impacts of the advertisement are compatible with the size and design of the premises on which the advertisement is to be placed or constructed and with the size and design of the surrounding buildings, and
 - (c) the advertisement will not detract from any item of scenic, historic, architectural, scientific or cultural interest, and
 - (d) appropriate setbacks, clearances and structural features are incorporated into the proposed advertisement to ensure safe pedestrian and vehicular traffic circulation.
- (4) Development that will result in the display of the following kinds of advertisements is prohibited:
 - (a) posters on poles or other structures in public places,
 - (b) temporary signs of a commercial nature on land whether zoned or unzoned,
 - (c) flag pole signs,
 - (d) advertisements that uses flashing lights,
 - (e) advertisements in a foreshore scenic protection area, within the meaning of clause 19B.

BY AUTHORITY
