



New South Wales

Hurstville Local Environmental Plan 1994 (Amendment No 43)

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*. (S03/01669/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 778

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 43)

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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 43)*.

2 Aims of plan

This plan aims to establish standards to be complied with in relation to the provision of seniors housing within the Hurstville local government area.

3 Land to which plan applies

This plan applies to the whole of the 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 the definition of *housing for aged or disabled persons* from clause 5 (1).

[2] Clause 5 (1), definitions of “permanent group home” and “transitional group home”

Omit “but does not include a building to which *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons* applies.” wherever occurring.

[3] Clause 6A

Insert after clause 6:

6A Transitional provisions for certain development applications

The amendments to this plan made by *Hurstville Local Environmental Plan 1994 (Amendment No 43)* do not apply to development the subject of a development application that had been made, but had not been finally determined, before the commencement of those amendments.

[4] Part 2, Table

Omit “; housing for aged or disabled persons” from item 2 (Only with development consent) of the matter relating to Zone No 2.

[5] Part 2, Table

Omit “; housing for aged or disabled persons” wherever occurring in item 3 (Prohibited) of the matter relating to Zone Nos 3 (a), 3 (c), 4 and 5 (b).

[6] Clause 11AA

Insert after clause 11A:

11AA Multiple dwellings for seniors and people with a disability

- (1) This clause applies to development carried out on land within Zone No 2 for the purposes of multiple dwellings for occupation by seniors or people with a disability (*seniors housing*).
- (2) The minimum allotment size for the erection of seniors housing is 1,500 square metres, and the allotment must have a width of at least 15 metres.

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Schedule 1 Amendments

- (3) The average floor space of the dwellings in any seniors housing must be:
 - (a) if the seniors housing is situated in a foreshore scenic protection area, at least 435 square metres, or
 - (b) in any other case, at least 275 square metres.
- (4) Before granting consent to development for the purposes of seniors housing, the council must be satisfied, by written evidence, that there is reasonable access between the proposed development and the following services and facilities:
 - (a) shops, banks and other retail and commercial services that residents may reasonably require,
 - (b) community services and recreation facilities,
 - (c) the premises of a general medical practitioner's practice.
- (5) For the purposes of subclause (4), there is reasonable access between the proposed development and any such service or facility if:
 - (a) the facility or service is less than 400 metres' walking distance from the site of the proposed development, or
 - (b) a bus, train or other transport service will be available to take prospective residents of the proposed development to and from the place where the facility or service is situated, being a transport service:
 - (i) that picks up and sets down passengers at a location within 400 metres' walking distance of the site of the proposed development, and
 - (ii) that picks up and sets down passengers at a location within 400 metres' walking distance of the facility or service, and
 - (iii) that is available to take passengers to and from the the place where the facility or service is situated during daylight hours at least once a day from Monday to Friday (both days inclusive).
- (6) Development for the purposes of seniors housing may be carried out for the accommodation of the following only:
 - (a) seniors or people with a disability,
 - (b) people who live within the same household as seniors or people with a disability,
 - (c) staff employed to assist in the administration or provision of services to people living in seniors housing.

- (7) The council must not consent to development for the purposes of seniors housing unless the consent is made subject to a condition to the effect that the only people who may occupy the seniors housing are people of the kind referred to in subclause (6).
- (8) In this clause:
people with a disability means people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life.
seniors means people aged 55 years or more.