



New South Wales

# Hurstville Local Environmental Plan 1994 (Amendment No 7)

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*. (R96/00132/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 143

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 7)

---

# Hurstville Local Environmental Plan 1994 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 7)*.

## 2 Aims of plan

This plan aims:

- (a) to define ***sex services*** and ***sex services premises*** for the purposes of *Hurstville Local Environmental Plan 1994*, and
- (b) to exclude sex services premises from the definition of ***home activity*** for the purposes of *Hurstville Local Environmental Plan 1994*, and
- (c) to allow, with the consent of Hurstville City Council, the carrying out of development for the purposes of sex services premises only on land within Zone No 4 (Light Industrial Zone) of the City of Hurstville, and
- (d) to provide for other controls on the carrying out of development for the purposes of sex services premises.

## 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 “and” at the end of the paragraphs (a) and (b) of the definition of *home activity* in clause 5 (1).

**[2] Clause 5 (1) Definition of “home activity”**

Insert “or” at the end of paragraph (c) (i) and (ii).

**[3] Clause 5 (1) Definition of “home activity”**

Insert at the end of paragraph (d):

, and

(e) the premises do not constitute sex services premises.

**[4] Clause 5 (1)**

Insert in alphabetical order:

*sex services* means sexual acts or sexual services in exchange for payment.

*sex services premises* means premises habitually used for the purposes of sex services.

**[5] Part 2 General restrictions on development of land**

Insert “sex services premises;” in alphabetical order in item 3 of the matter relating to Zone Nos 3 (a), 3 (b), 3 (c) and 5 (b) in the Table to the Part.

**[6] Clause 16A**

Insert after clause 16:

**16A Sex services premises**

(1) The objectives of this clause are as follows:

- (a) to specify appropriate planning controls relating to the use of premises as sex services premises,
- (b) to ensure that sex services premises are not located near or within view of a school, church or hospital or any place frequented by children, or within or near land that is within a residential zone or used for residential purposes,
- (c) to provide for sufficient separation between sex services premises so that there is not a concentration of those premises in any one locality,

## 2006 No 143

Hurstville Local Environmental Plan 1994 (Amendment No 7)

Schedule 1 Amendments

---

- (d) to limit the size of sex services premises.
- (2) Despite any other provision of this plan, the council may grant consent to the carrying out of development for the purposes of sex services premises only if:
  - (a) the council is satisfied that the premises will not be near, or within view of, any educational establishment, place of public worship or hospital or any place frequented by children, and
  - (b) the premises will not be located within 100 metres of:
    - (i) land within Zone No 2, or
    - (ii) land within Zone No 5 (a) used for the purposes of an educational establishment, place of public worship or hospital, or
    - (iii) land used for residential purposes, and
  - (c) the premises will not be located within 200 metres of the boundary of any land on which there is one or more than one sex services premises lawfully operating, and
  - (d) the council is satisfied that the premises will not contain more than five rooms used, or capable of being used, for the purposes of sex services.
- (3) For the purposes of subclause (2) (d), any room with an area exceeding 18m<sup>2</sup> is taken to comprise two rooms.

BY AUTHORITY

---