



New South Wales

Hurstville Local Environmental Plan 1994 (Amendment No 64)

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*. (S02/01745/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 616

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 64)

Hurstville Local Environmental Plan 1994 (Amendment No 64)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 64)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone part of the land to which this plan applies (being the area coloured light pink on the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 64)” (*the map*) deposited in the office of the Council of the City of Hurstville) from Zone No 5 (a) (General Special Uses Zone (School)) to Zone No 2 (Residential Zone), and
- (b) to rezone part of the land to which this plan applies (being the area coloured green on the map) from Zone No 5 (a) (General Special Uses Zone) to Zone No 6 (a) (Open Space Zone), and
- (c) to ensure that future development on the land to which this plan applies is carried out in an integrated and coordinated manner having regard to the conditions and character of the whole of the land to which this plan applies in accordance with the applicable development control plan, and
- (d) to provide for an appropriate scale and density of residential development on the land to which this plan applies, and
- (e) to provide for accommodation on the land to which this plan applies without reducing the amenity of existing and future development on surrounding land, and
- (f) to encourage more efficient use of existing services.

3 Land to which plan applies

This plan applies to land within the City of Hurstville, being Lot 1, DP 122565, Lot 1, DP 122566, Lot A, DP 339023, Lot A, DP 326495, Lots A and B, DP 327229, Lot B, DP 326495, Lot B, DP 339023, Lots E and F, DP 340451, Lots 19, 20, 26 and 27, DP 3658, and known as 100 Mountview Avenue, Narwee, as shown coloured light pink and green on the map.

4 Amendment of Hurstville Local Environmental Plan 1994

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

2006 No 616

Hurstville Local Environmental Plan 1994 (Amendment No 64)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in the definition of *the map* in clause 5 (1):

Hurstville Local Environmental Plan 1994 (Amendment No 64)

[2] Clause 26AAA

Insert after clause 26AA:

26AAA Development on certain land in Narwee

- (1) This clause applies to land in Narwee as shown coloured light pink and green on the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 64)” deposited in the office of the council.
- (2) Notwithstanding any other provision of this plan, development for the purposes of loft houses and studios may be carried out on the land to which this clause applies that is within Zone No 2 (Residential Zone), but only with the consent of the council.
- (3) Clause 11 does not apply in respect of development for residential purposes on the land to which this clause applies.
- (4) The council must not grant consent to development for the purposes of a residential subdivision of the land to which this clause applies unless satisfied that:
 - (a) adequate provision has been made in respect of means of access to and within the land via public roads, and
 - (b) the subdivision makes provision for the boundaries of the land within Zone 6 (a) (Open Space Zone).This subclause applies only to the first grant of consent after the commencement of this clause.
- (5) The council must not grant consent to development for residential purposes on land to which this clause applies if the proposed development would result in:
 - (a) more than a total of 90 separately titled dwellings being located on that land, including a maximum of 18 loft houses, but excluding any studios, and

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- (b) more than a total of 5 studios being located on that land, unless the council is satisfied that the proposed development constitutes a minor variation to the limits specified in paragraphs (a) and (b) and that the proposed development is not inconsistent with the aims of *Hurstville Local Environmental Plan 1994 (Amendment No 64)*.
- (6) Development for the purposes of providing rainwater or stormwater detention (or both) in association with residential development (including ancillary development and any subdivision for that purpose) may be carried out on the land to which this clause applies that is zoned 6 (a) (Public Open Space), but only with development consent.
- (7) The council must not grant consent to development for residential, subdivision or open space purposes on the land to which this clause applies unless it is satisfied that the land is suitable, or will be suitable following the remediation of contamination on the site, for residential, subdivision or open space purposes.
- (8) In this clause:
- loft house** means a self contained dwelling, comprised as a separate lot which is located above an existing or proposed garage, but does not include a type of dwelling elsewhere defined in this plan.
- studio** means a self contained dwelling, which is comprised in the same title as the dwelling to which the studio relates and which has a maximum gross floor area of 42m² and is located above an existing or proposed garage, but does not include a type of dwelling elsewhere defined in this plan.