



New South Wales

Hurstville Local Environmental Plan 1994 (Amendment No 71)

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*. (P06/00152/PC)

TONY KELLY, MLC
Minister for Planning

2010 No 20

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 71)

Hurstville Local Environmental Plan 1994 (Amendment No 71)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 71)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone land from part Zone No 4 (Light Industrial Zone) and part Zone No 2 (Residential Zone) to Zone No 3 (c) (Business Centre Zone), and
- (b) to provide retail and commercial development to serve the needs of the surrounding local community and enhance the Kingsgrove Commercial Centre, and
- (c) to provide for development of a scale and type compatible with the character of adjacent residential and commercial areas, and
- (d) to promote activity by providing retail and commercial activities at ground floor level.

3 Land to which plan applies

This plan applies to land generally bounded by East Hills Rail Line, Mashman Avenue, Mashman Lane and Colvin Avenue, as shown edged heavy black on Sheets 1 and 2 of the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 71)”, deposited in the office of the Council of 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 appropriate order in clause 5 (1):

contaminated land has the same meaning as it has in section 145A of the Act.

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order in the definition:

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[3] Clause 13 Floor space ratios

Omit clause 13 (2A). Insert instead:

(2A) For buildings on land within Zone No 3 (c):

- (a) except as provided by paragraphs (c) and (d), the maximum floor space ratio overall is 1.5:1, and
- (b) except as provided by paragraph (d), the maximum floor space ratio for the exclusively non-residential component is 1:1, and
- (c) if the buildings are on the land within Beverly Hills and Riverwood town centres shown edged heavy black on Sheets 1 and 2, respectively, of the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 36)”, the maximum floor space ratio overall is 2:1, and
- (d) if the buildings are on the land shown edged heavy black on Sheet 1 of the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 71)”:
 - (i) the maximum floor space ratio overall is 2:1, and
 - (ii) the minimum floor space ratio for the exclusively non-residential component is 0.5:1, and
 - (iii) the maximum floor space ratio for the exclusively residential component is 1.5:1.

[4] Clause 13 (2B)

Omit “clause 15A (2)”. Insert instead “clause 15A”.

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Schedule 1 Amendments

[5] Clause 15A Height restrictions for land within Zone Nos 3 (a) and 3 (c)

Insert “but subject to subclause (1A),” after “this plan,” in clause 15A (1).

[6] Clause 15A (1A)

Insert after clause 15A (1):

- (1A) Consent may be granted for development for the purposes of the erection of a building that exceeds 2 storeys in height on the land shown edged heavy black on Sheet 2 of the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 71)” but only if:
- (a) the building will not exceed the number of storeys shown on that map in respect of that land, or
 - (b) the consent authority is satisfied that the proposed development:
 - (i) constitutes no more than a minor variation to the height limits indicated on that map, and
 - (ii) is not inconsistent with the aims of *Hurstville Local Environmental Plan 1994 (Amendment No 71)*.

[7] Clause 15A (2), definition of “height map for Zones Nos 3 (a) and 3 (c)”

Insert at the end of the definition:

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[8] Clause 22B

Insert after clause 22A:

22B Remediation of contaminated land

- (1) This clause applies to any development on contaminated land.
- (2) Consent must not be granted for development to which this clause applies unless the consent authority is satisfied:
 - (a) that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (b) if the land requires remediation to be made suitable for that purpose, that the land will be remediated before the land is used for that purpose.
- (3) Nothing in this clause affects the application of *State Environmental Planning Policy No 55—Remediation of Land* to land to which this plan applies.