



New South Wales

Hurstville Local Environmental Plan 2012 (Amendment No 3)

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*.

MARCUS RAY

As delegate for the Minister for Planning

Hurstville Local Environmental Plan 2012 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Hurstville Local Environmental Plan 2012 (Amendment No 3)*.

2 Commencement

This Plan commences 14 days after the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to certain land in Hurstville City Centre.

4 Maps

The maps adopted by *Hurstville Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Hurstville Local Environmental Plan 2012

[1] Clause 1.2 Aims of Plan

Omit “protect and conserve” from clause 1.2 (2) (d).

Insert instead “conserve, protect and enhance”.

[2] Clause 1.2 (2) (g)

Omit the paragraph. Insert instead:

- (g) to ensure development is carried out in such a way as to promote the efficient and equitable provision of public services, infrastructure and community facilities,

[3] Clause 1.2 (2) (j)

Omit “ecological sustainability”. Insert instead “ecologically sustainable development”.

[4] Clause 1.2 (2) (k)–(n)

Insert after clause 1.2 (2) (j):

- (k) to strengthen the role of Hurstville City Centre as a major business, retail and cultural centre of southern Sydney,
- (l) to encourage a range of employment, services, housing and recreation to meet the needs of existing and future residents of the Hurstville City Centre,
- (m) to concentrate intensive land uses and trip-generating activities in locations most accessible to transport and centres,
- (n) to foster economic, environmental and social well being so that the Hurstville City Centre continues to develop as a sustainable and prosperous place to live, work and visit.

[5] Clause 1.3 Land to which Plan applies

Insert at the end of the clause:

- (1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” on the Land Application Map.

[6] Clause 1.8 Repeal of planning instruments applying to land

Omit the note. Insert instead:

Note. While *Hurstville Local Environmental Plan 1994* no longer applies to the land to which this Plan applies, it will continue to apply to the land identified as “Deferred matter” under clause 1.3 (1A).

[7] Clause 2.1 Land use zones

Insert in appropriate order in the matter relating to **Business Zones**:

- B3 Commercial Core
- B4 Mixed Use

[8] Land Use Table

Insert after the matter relating to Zone B2 Local Centre:

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Nil

3 Permitted with consent

Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Telecommunications facilities; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow for residential development in the Hurstville City Centre while maintaining active retail, business or other non-residential uses at street level.

2 Permitted without consent

Nil

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Dual occupancies; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

[9] Clause 4.3 Height of buildings

Insert after clause 4.3 (1) (d):

- (e) to establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre,
- (f) to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,
- (g) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.

[10] Clause 4.4 Floor space ratio

Insert after clause 4.4 (1) (e):

- (f) to establish maximum floor space ratios that ensure the bulk and scale of development is compatible with the major centre status of the Hurstville City Centre.

[11] Clause 4.6 Exceptions to development standards

Insert after clause 4.6 (8) (c):

- (ca) clause 6.6.

[12] Clause 5.3 Development near zone boundaries

Insert “Zone B3 Commercial Core, Zone B4 Mixed Use,” after “Zone B2 Local Centre,” in clause 5.3 (3) (a1).

[13] Clause 5.6 Architectural roof features

Insert after clause 5.6 (3):

- (3A) This clause does not apply to land in Zone B3 Commercial Core or Zone B4 Mixed Use.

[14] Clause 6.7 Essential services

Insert “road and” after “suitable” in clause 6.7 (e).

[15] Clause 6.9

Insert after clause 6.8:

6.9 Airspace operations

- (1) The objective of this clause is to protect airspace around airports.
- (2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the *Airports Act 1996* of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.

Note. Controlled activities include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace (being generally airspace around airports). Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of Division 4 of Part 12 of the *Airports Act 1996* of the Commonwealth.

[16] Schedule 5 Environmental heritage

Insert the following in appropriate order:

Hurstville	Victory House	8 Crofts Avenue	SP 46769	Local	I118
Hurstville	Semi-detached Victorian terraces	33–47 Dora Street	Lots 5–8, DP 237059; Lot 34, DP 836363; Lot 1, DP 794227	Local	I119
Hurstville	War Memorial Monument	Forest Road		Local	I134
Hurstville	Advance House (facade only)	127–137 Forest Road	Lots 2–9, Section B, DP 2752	Local	I120

Hurstville	Shop and residence	140–142 Forest Road	Lot 1, DP 82544	Local	I121
Hurstville	St George Anglican Church	144 Forest Road	Lot 2, DP 207467	Local	I122
Hurstville	Front facade of building	160 Forest Road	Lot 69, DP 1595	Local	I123
Hurstville	Shop and residence	166 Forest Road	Lot 1, DP 901305	Local	I124
Hurstville	HT Wills & Co.	167–169 Forest Road	Lots 1 and 2, DP 219375	Local	I125
Hurstville	John Fretus Building	173a Forest Road	Lot 12, Section 1, DP 3232	Local	I126
Hurstville	Wingello	176 Forest Road	Lot 1, DP 901842	Local	I127
Hurstville	Shop and residence	178 Forest Road	Lot B, DP 392780	Local	I128
Hurstville	Glenvale Court	183b Forest Road	Lots 10 and 11, DP 15996	Local	I129
Hurstville	Front facade of building	184 Forest Road	Lot 1, DP 974595	Local	I130
Hurstville	Inter-war Art Deco building	185A Forest Road	Lot 1, DP 82309; Lots 1 and 2, DP 15996	Local	I131
Hurstville	Berkley building	195–197 Forest Road	Lots A and B, DP 411059	Local	I132
Hurstville	Electricity House building	213 Forest Road	Lot 1, DP 700214	Local	I133
Hurstville	Old Propellor building	218 Forest Road	Lot 30, DP 7051	Local	I135
Hurstville	Meridian Hotel	220–230 Forest Road	Lot 10, DP 852346	Local	I136
Hurstville	Soul Pattinson Building	225 Forest Road	Lot 22, DP 10296	Local	I137
Hurstville	Rendered facade of building	232–242 Forest Road	Lot 5, DP 651591; Lots 1–4, DP 17612	Local	I138
Hurstville	Shop and residence	235 Forest Road	Lot 18, DP 10296; Lot 1, DP 82936	Local	I139
Hurstville	Shop	237 Forest Road	Lot 17, DP 455600; Lot 1, DP 83416	Local	I140
Hurstville	Shop and residence	239 Forest Road	Lot 16, DP 10296; Lot 1, DP 81168; Lots 1 and 2, DP 327296	Local	I141
Hurstville	Shop	244 Forest Road	Lot Y, DP 403117	Local	I142
Hurstville	Rendered facade of building	248 Forest Road	Lot 7, DP 9115; Lot X, DP 403117	Local	I143
Hurstville	Front facade of building	255–257 Forest Road	Lots 7 and 8, DP 10296	Local	I144

Hurstville	Rendered facade of building	263–273 Forest Road	Lots C, D, E, F and G, DP 304794; Lot 1, DP 611044	Local	I145
Hurstville	Rendered facade of building	272 Forest Road	Lot 23, DP 4799	Local	I146
Hurstville	Shops	277–285 Forest Road	Lot B, DP 331187; Lots A and B, DP 331185	Local	I147
Hurstville	Ritchie House	289–291 Forest Road	Lot 4, DP 331186	Local	I148
Hurstville	Rendered facade of building	307 Forest Road	Lots E and D, DP 17670	Local	I149
Hurstville	Hurstville Railway Substation	Between 309 and 309A Forest Road	Lot 1, DP 1157208	Local	I150
Hurstville	Centennial Bakery	319–321 Forest Road	Lot 40, DP 746355	Local	I151
Hurstville	Rendered facade of building	338–340 Forest Road	Lot 1, DP 517273; Lot 1, DP 502856	Local	I152
Hurstville	Rendered facade of building	342–344 Forest Road	Lots A and B, DP 168743	Local	I153
Hurstville	Hurstville Hotel	350 Forest Road	Lots L, M, N and O, DP 27426; Lots C, D and E, DP 168743	Local	I154
Hurstville	Belmontes Pizza Shop	372 Forest Road	Lot A, DP 399606	Local	I155
Hurstville	Presbyterian Church	1 MacMahon Street	Lots 26–28, Section A, DP 1297; Lot 67, DP 7051	Local	I156
Hurstville	Hurstville City Museum and Gallery	14 MacMahon Street	Lot 201, DP 831931	Local	I157
Hurstville	Friendly Societies' Dispensary Building	17 MacMahon Street	Lot 2, SP 58631; Lots 70 and 71, SP 72896	Local	I158
Hurstville	Fire Station	27 MacMahon Street	Lot 78, SP 58395	Local	I159
Hurstville	Federation house	12 The Avenue	Lot 195, DP 1595	Local	I160
Hurstville	Lorne	18 The Avenue	Lot 192, DP 1595	Local	I161
Hurstville	Hurstville City Uniting Church	20–22 The Avenue	Lots 190 and 191, DP 1595	Local	I162
Hurstville	Commercial building	18 Treacy Street	Lot 2, Section 1, DP 3232	Local	I163