

A.1 Proposed Listing in SEPP Major Development – Schedule 3 Minmi/Link Road and Stockrington Estates

Division 1 Preliminary

1. Land to which Part applies

This Part applies to the land identified on the Land Zoning Map to this Part, referred to in this Schedule as the Minmi/Link Road and Stockrington site.

2. Definitions

1. A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the Standard Instrument (Principal Local Environmental Plan) unless it is otherwise defined in this part.
2. In this part **Land Zoning Map** means the map marked “State Environmental Planning Policy (Major Development) 2005 (Amendment No,) – Minmi/Link Road and Stockrington – Land Zoning Map.

Division 2 Permitted or prohibited development

3. Zoning of land to which part applies

For the purposes of this Part, land is within the zones shown on the Land Zoning Map.

4. Zone objectives and land use Table

Zone objectives and land use table

(1) The Table at the end of this Division specifies for each zone:

- the objectives for development, and
- development that may be carried out without consent, and
- development that may be carried out only with consent, and
- development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Land Use Table and Objectives

For the purposes of this part, land within the Minmi/Link Road estates is zoned:

- R2 - Low Density Residential Zone
- B2 - Local Centre Zone
- E1 – National Parks and Nature Reserves

Zone R2 Low Density Residential

1 Objectives of Zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Bushfire protection requirements, earthworks, electricity generating works, environmental protection works, drainage, flood mitigation works, home occupation, public utility undertakings, roads, sewerage system, telecommunication facilities, water supply system.

3 Permitted with consent

Advertisements, advertising structures, attached dwellings; bed and breakfast accommodation, car parking, child care centres; community facilities; dwelling houses; environmental facilities, filming, food and drink premises (not exceeding floor space 200m²), group homes; health consulting rooms (not exceeding floor space 200m²), home based child care of family day care homes, home business, home industries, information and education facilities, multi dwelling housing; neighbourhood shops; places of public worship; recreation areas, recreation facilities (outdoor); residential care facilities; schools, seniors housing; semi detached dwellings, signage, takeaway food premises (not exceeding floor space 200m²)

4 Prohibited

Except as otherwise provided by this Policy, development is prohibited within the General Residential Zone unless it is permitted by subclause (2) and (3).

4. If development for the purposes of a neighbourhood shop is permitted under this Part, the retail floor area must not exceed 200m².

Zone B2 Local Centre Zone

1. Objectives of Zone

- To provide a range of retail, business, entertainment, residential and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2. Permitted without consent

Bushfire protection requirements, earthworks, electricity generating works, environmental protection works, drainage, flood mitigation works, home occupation, public utility undertakings, roads, sewerage system, telecommunication facilities, water supply system.

3. Permitted with consent

Advertisements, advertising structures, business premises; car parks, child care centres; community facilities; entertainment facilities; environmental facilities, filming, food and drink premises, function centres; funereal chapels, funereal homes, health consulting rooms, home business, hotel or motel accommodation; information and education facilities; kiosks, markets, medical centres, mixed use development, neighbourhood shops, office premises; passenger transport facilities; places of public worship, public administration buildings, pub, recreation area, recreation facilities (indoor); recreation facilities (outdoor), registered clubs; residential flat buildings, restaurants, retail premises; schools, seniors housing; service stations, shop top housing, signage, take away food and drink premises, tourist and visitor accommodation, veterinary hospitals.

4 Prohibited

Except as otherwise provided by this Policy, development is prohibited within the Local Centre Zone unless it is permitted by subclause (2) and (3).

Zone E1 National Parks and Nature Reserves

1. Objectives of Zone

- To enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act.
- To enable uses authorised under the National Parks and Wildlife Act 1974.

- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2. Permitted without consent

- Uses authorised under the *National Parks and Wildlife Act 1974*.

3. Permitted with consent

- Nil.

4. Prohibited

Any development not specified in item 2 or 3

Division 3 Miscellaneous

5. Exempt and Complying Development

Development on land within the Minmi/Link Road estates that satisfies the requirements for exempt development or complying development specified in State Environmental Planning Policy (Exempt and Complying Development) 2008 is exempt development or complying development as per the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

6. Public Utility Undertakings excepted

Development for the purpose of a public utility undertaking that is carried out on land within the Minmi/Link Road site does not require development consent.

Note. As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.

7. Subdivision

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size as illustrated in the layout of the Minmi/Link Road Concept Plan Design Guidelines, Drawing A.1.4 in relation to the land concerned,
 - (c) consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) excising from a lot land that is, or is intended to be used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Subdivision of any land into a lot less than 280 square metres is permissible only if:

- the land is 2,000 square metres or more and/or the subdivision is integrated with dwelling development.
- in relation to shoptop housing lots, it relates to the subdivision of a dwelling from the shop.

8. Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to or in respect of development within the Minmi/Link Road estates are as follows:

(a) in the case of development that is a project to which Part 3A of the Act applies—this Policy and all other State environmental planning policies otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards,

(b) in the case of all other development—all environmental planning instruments otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards, but only to the extent that those instruments are not inconsistent with this Policy.

9. Subsequent Applications

The proposed approvals process for future development is set out below.

Future development	Process	Consent Authority
Residential development and other permissible development in the residential subdivision	Major Project Application (Concept Plan/Project Application) <ul style="list-style-type: none">Part 3A if the development meets state significant or development criteria	<ul style="list-style-type: none">Minister for Planning/Planning Assessment Commission
	Local development <ul style="list-style-type: none">Part 4 Complying development – if it meets the Complying Development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	<ul style="list-style-type: none">Accredited Certifier
	Local development <ul style="list-style-type: none">Part 4 Development consent – if the development does not meet the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	<ul style="list-style-type: none">The relevant Council or Joint Regional Planning Panel depending on threshold.

The Minister of Planning is the consent authority to consider any modifications to the concept plan approval.

For future stages of the project assessed under the provisions of Part 4, the following is to occur:

- Determination of any future development application should be generally consistent with the terms of approval of the Concept Plan and the associated Statement of Commitments.
- The future stages of the project are not to be considered as integrated development.

10. Land acquisitions within certain zones

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land within Minmi/Link Road and Stockrington, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Public open space or recreational areas, including riparian corridors within Zone R2 Low Density Residential and B2 Local Centre	To be in accordance with the land ownership map
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <u>National Parks and Wildlife Act 1974</u>
Local Roads within Zone R2 Low Density Residential and B2 Local Centre	The relevant council

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than the land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, this clause is required to be amended to designate the acquiring authority for that land (see section 27 of the Act). The Minister of Planning is required to take action to enable the designation of the acquiring authority of that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition Just Terms Compensation Act 1991*).

11. Definitions

The dictionary in the Standard Instrument (Principal Local Environmental Plan) defines words and expressions for the purpose of controls affecting the land covered by the concept plan