

A.1 Proposed Listing in SEPP Major Development – Schedule 3

Black Hill and Tank Paddock Site

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 Black Hill and Tank Paddock 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 (Principle 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,) – Black Hill and Tank Paddock – 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 Black Hill and Tank Paddock site is zoned:

- IN1 – General Industrial Zone
- E1 – National Parks and Nature Reserves

Zone IN1 General Industrial

1. Objectives of zone

- To provide a wide range of industrial and warehouse land use.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To provide an appropriate scale of supporting retail, recreational and service facilities to meet the daily needs of the local workforce.

2. Permitted without consent

Bush fire hazard reduction works, earthworks, electricity transmission or distribution networks, environmental protection works, drainage, flood mitigation works, public utility undertakings, roads, sewerage system, substations, telecommunication facilities, water supply system

3. Permitted with consent

Advertising structure, business identification sign, car park, depot, extractive industry, food and drink premises, freight transport facility, hazardous storage establishment, industry, industrial retail outlets, light industry, neighbourhood shop, office premises (that are ancillary to development for another permitted purpose), passenger transport facility, service station, signage, standard industry, take away food or drink premises, timber and building supplies, transport depot, truck depot, vehicle repair station, warehouse or distribution centre.

4. Prohibited

Except as otherwise provided by this Policy, development is prohibited within Zone IN1 General Industrial unless it is permitted by subclause (2) (3) (5) or (6).

5. Neighbourhood shops in Zone IN1 General Industrial

(1) The consent authority must not grant consent to development for the purpose of a neighbourhood shop on land within Zone IN1 General Industrial (outside of the Core Supporting Facility Area) if the retail floor area of the neighbourhood shop exceeds 150 square metres.

6. Additional Permitted Uses

The following uses are permissible with development consent within the 'Core Supporting Facility Area Additional Permitted Use Map'.

Business premises; child care centre; community facility; health consulting rooms; hotel accommodation; medical centre; recreation area; recreation facility (indoor); restaurant.

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 Exempt and Complying Development

Development on land within the Black Hill site that satisfies the requirements for exempt development or complying development specified the Exempt and Commercial Code is exempt or complying development.

5. Public Utility Undertakings excepted

Development for the purpose of a public utility undertaking that is carried out on land within the Black Hill and Tank Paddock 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.

6. Subdivision

(1) Land within the Black Hill site 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) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
- (c) a minor realignment of boundaries that does not create additional lots,
- (d) a consolidation of lots that does not create additional lots,
- (e) rectifying an encroachment on a lot,
- (f) creating a public reserve,
- (g) 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 conveniences.

7. 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 Black Hill site 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.

8. Subsequent Applications

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

Future development	Process	Consent Authority
Employment development and other permissible development in the 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	Minister for Planning/Planning Assessment Commission
	Local development <ul style="list-style-type: none">Part 4 Complying development	Accredited Certifier
	Local development <ul style="list-style-type: none">Part 4 Development consent – if the development does not meet the provisions of the	The relevant Council or Joint Regional Planning Panel depending on threshold

	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	
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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.

9. 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 Black Hill and Tank Paddock, 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 IN1 General Industrial Zone	The relevant council
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 IN1 General Industrial Zone	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).

8. Definitions

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