

Part 9 Reservation zones provisions

52 General controls for development—Zone 9 (c) (Arterial Road Reservation Zone)

(1) Land within the zone

Land is within Zone 9 (c) (the Arterial Road Reservation Zone) if it is shown lettered 9 (c) on the zoning map.

(2) Objectives of the zone

The objectives of Zone 9 (c) are as follows:

- (a) to provide for the acquisition and development of land principally for arterial roads,
- (b) to provide for other land uses if they do not affect the usefulness of the land for the purposes for which it is zoned.

(3) Allowed without development consent

Development for the purpose of:

arterial roads; arterial road widening.

(4) Allowed only with development consent

Development for the purpose of:

clearing of land; utility installations.

(5) Prohibited

Any development not included in subclause (3) or (4).

53 General controls for development—Zone 9 (d) (Local Road Reservation Zone)

(1) Land within the zone

Land is within Zone 9 (d) (the Local Road Reservation Zone) if it is shown lettered 9 (d) on the zoning map.

(2) Objectives of the zone

The objectives of Zone 9 (d) are as follows:

- (a) to provide for the acquisition and development of land principally for local roads,
- (b) to provide for other land uses if they do not affect the usefulness of the land for the purposes for which it is zoned.

(3) Allowed without development consent

Development for the purpose of:

local roads; local road widening.

(4) Allowed only with development consent

Development for the purpose of:

clearing of land; utility installations.

(5) Prohibited

Any development not included in subclause (3) or (4).

54 Acquisition of land within Zone 9 (c)

NOTE: Nothing in this clause is to be construed as requiring a public authority to acquire land – see section 27 (3) of the Act[#]

- (1) The owner of any land within Zone 9 (c) may, by notice in writing, require the Roads and Traffic Authority (the RTA) to acquire the land.
- (2) On receipt of such a notice, the RTA must acquire the land if:
 - (a) the land is vacant, or
 - (b) the land is not vacant but:
 - (i) the land is included in the 5-year works program of the RTA current at the time of the receipt of the notice, or

[#] Amendment: Repeal of Concurrence and Referral Provisions SEPP clause amended

- (ii) the RTA has decided not to give concurrence required by subclause (3) to an application for consent to the carrying out of development on the land, or
 - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable period of time, but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for public road.
- (3) A person may, with development consent,[#] carry out development on land within Zone 9 (c) if:
 - (a) the development may be carried out on land in an adjoining zone, or
 - (b) the development is compatible with development which may be carried out on land in an adjoining zone.
- (4) [#]
- (5) Land acquired under this clause may be developed, with development consent, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (6) In this clause:

vacant land means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings other than fences.

55 Acquisition of land within Zone 9 (d)

- (1) The owner of land within Zone 9 (d) may, by notice in writing, require the Council to acquire the land. On receipt of such a notice, the Council shall acquire the land.
- (2) Despite any other provision of this plan, until it is acquired, land within Zone 9 (d) may be developed with development consent if:
 - (a) the development may be carried out on land in an adjoining zone, or

[#] Amendment: Repeal of Concurrence and Referral Provisions SEPP clause amended

- (b) the development is compatible with development that may be carried out on land in an adjoining zone.
- (3) Conditions may be imposed on such a consent requiring:
 - (a) the removal of any building or work for which consent is granted, and
 - (b) the reinstatement of the land or removal of any waste materials or refuse.