

## **PART 2 - RESERVES**

### **2.1 RESERVES**

Certain lands within the Scheme Area are shown on the Scheme Map and classified into either:

- (a) Metropolitan Region Scheme Reserves; or
- (b) Local Reserves.

### **2.2 METROPOLITAN REGION SCHEME RESERVES**

2.2.1 The land shown as “Metropolitan Region Scheme Reserves” on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act, 1959, as amended. Those lands are not reserved by this Scheme. The provisions of the Metropolitan Region Scheme continue to apply to such reserves.

#### 2.2.2 Amendment of Metropolitan Region Scheme

Where, after the gazettal date, the Metropolitan Region Scheme is amended to zone a Regional Reserve, the Council shall treat an application for Planning Approval on such land as though the development involves a “D” use, and such of the provisions of Part 3 and Part 6 as are relevant to “D” uses shall apply until the Scheme has been amended to include the land in a zone or Local Reserve (see subclause 3.2.2).

### **2.3 LOCAL RESERVES**

#### 2.3.1 Local Reserves

Local Reserves are delineated and depicted on the Scheme Map according to the legend thereon.

#### 2.3.2 Use and Development of Local Reserves

A person shall not use, commence or carry out development on a local reserve without first having obtained planning approval under part 6 of the Scheme.

2.3.3 Without affecting the generality of the preceding sub clause and without limiting the meaning of the term, "development", for the purpose of sub clause 2.3.2, shall include:

- (a) The demolition of or damage to any building or works;
- (b) The removal of or damage to any tree;

- (c) The excavation, spoil or waste of land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved;
- (d) The construction, extension, or alteration of any building or structure other than a boundary fence.

#### 2.3.4 Applications for Planning Approval on Local Reserves

- 2.3.4.1 The Council when considering applications for Planning Approval for land within a Local Reserve shall have due regard to the ultimate purpose intended for the Local Reserve and the relevant matters set out in Clause 6.8 (“Matters to be Considered by Council”).
- 2.3.4.2 Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.
- 2.3.4.3 The Council shall treat an application for planning approval for land within a local reserve as though the development involves a ‘D’ use and such of the provisions of Part 3 and Part 6 as are relevant to ‘D’ uses shall apply.
- 2.3.4.4 To the extent that it is reasonable to do so, the Council shall apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the Council shall for that purpose stipulate the zone most relevant for comparison.
- 2.3.4.5 Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned, and where the circumstances permit, the Council may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.
- 2.3.4.6 The Council shall, in the case of land reserved for the purposes of a public authority, consult with that authority before giving its approval.

#### 2.3.5 Right of Disposal

The Council may deal with or dispose of land it has acquired for a Local Reserve upon such terms and conditions as it thinks fit provided that the land is used or preserved for the use for which the land is reserved.