



New South Wales

# **Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021**

under the

Environmental Planning and Assessment Act 1979

, Governor

I, the Honourable Margaret Beazley AC QC, Governor of New South Wales, with the advice of the Executive Council, make the following Order under the *Environmental Planning and Assessment Act 1979*, section 3.20.

Dated, this                      day of                      2021.

By Her Excellency's Command,

Minister for Planning and Public Spaces

## **Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Order**

This Order is *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021*.

### **2 Commencement**

- (1) This Order commences on *[date to be inserted]*, except as provided by subclause (2), and is required to be published on the NSW legislation website.
- (2) Schedule 2 commences on *[date that is 1 year after date in subclause (1) to be inserted]*.

## **Schedule 1      Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006**

**Consultation note—** If the proposed Employment Zones are adopted, the names of the Environment Protection Zones (E1–E4) will be changed.

**[1]      Clause 2.1 Land use zones [compulsory]**

Insert after the matter relating to **Residential Zones**—

**Employment Zones**

E1 Local Centre

E2 Commercial Centre

E3 Productivity Support

E4 General Industrial

E5 Heavy Industrial

**Mixed Use Zones**

MU1 Mixed Use

**[2]      Clause 2.1**

Insert at the end of the matter relating to **Waterway Zones**—

W4 Working Foreshore

**[3]      Land Use Table**

Insert “Creative industries;” “Data centres;” and “Domestic goods repair and reuse facilities;” in alphabetical order in Direction 5.

**[4]      Land Use Table, Direction 7**

Insert after Direction 6—

**Direction 7—** At least 1 type of commercial premises or health services facilities must be permitted wherever shop top housing is permitted in the Land Use Table.

**[5]      Land Use Table**

Insert after the matter relating to **Zone R5 Large Lot Residential**—

**Zone E1 Local Centre**

**Direction—** The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Roads

**1      Objectives of zone**

- To provide a range of retail, business and community uses that meet the needs of people who live, work or visit the area.
- To encourage employment opportunities and business investment.
- To enable residential development if it will encourage a vibrant Local Centre.
- To ensure that development is compatible with the amenity, character and scale of surrounding neighbourhoods.

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**2 Permitted without consent**

**3 Permitted with consent**

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Domestic goods repair and reuse facilities; Entertainment facilities; Function centres; Home businesses; Home industries; Home occupations; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

**4 Prohibited**

Pond-based aquaculture

**Zone E2 Commercial Centre**

**Direction—** The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Roads

**1 Objectives of zone**

- To provide the principal commercial centre for surrounding areas.
- To provide a range of business, office, retail, community, entertainment and other land uses that meet the needs of the community.
- To encourage employment opportunities and business investment.
- To promote vibrant and active street frontages, including during evenings and weekends.

**2 Permitted without consent**

**3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Domestic goods repair and reuse facilities; Educational establishments; Entertainment facilities; Function centres; Home businesses; Home industries; Home occupations; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

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## 4 Prohibited

Pond-based aquaculture

### Zone E3 Productivity Support

**Direction—** The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Roads

#### 1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that meet the needs of the community, businesses and industries that are not suited to locations in other employment zones.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To encourage employment opportunities.
- To provide opportunities for new and emerging industries.
- To enable limited retail uses to meet the day to day needs of workers or to sell goods of a large size, weight or quantity or goods manufactured on-site.

#### 2 Permitted without consent

#### 3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

## 4 Prohibited

Pond-based aquaculture

### Zone E4 General Industrial

**Direction—** The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Roads

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**1 Objectives of zone**

- To provide a range of industrial, warehouse and related land uses.
- To support the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

**2 Permitted without consent**

**3 Permitted with consent**

Building identification signs; Business identification signs; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres

**4 Prohibited**

Pond-based aquaculture

## Zone E5 Heavy Industrial

**Direction—** The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Roads

**1 Objectives of zone**

- To provide areas for industries that need to be separated from other land uses.
- To support the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.

**2 Permitted without consent**

**3 Permitted with consent**

Building identification signs; Business identification signs; Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Industrial training facilities; Offensive storage establishments; Oyster aquaculture; Tank-based aquaculture; Warehouse or distribution centres

**4 Prohibited**

Pond-based aquaculture

## Zone MU1 Mixed Use

**Direction—** The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Roads

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**1 Objectives of zone**

- To provide a range of business, community, light industrial, retail and residential land uses.
- To encourage vibrant, active and safe areas.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

**2 Permitted without consent**

**3 Permitted with consent**

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations

**4 Prohibited**

Pond-based aquaculture

**[6] Land Use Table, Zone E2 Environmental Conservation, item 4**

Insert “Local distribution premises;” in alphabetical order.

**[7] Land Use Table, Zone E3 Environmental Management, item 4**

Insert “Local distribution premises;” in alphabetical order.

**[8] Land Use Table, Zone E4 Environmental Living, item 4**

Insert “Local distribution premises;” in alphabetical order.

**[9] Land Use Table, Zone W1 Natural Waterways, item 4**

Insert “Local distribution premises;” in alphabetical order.

**[10] Land Use Table, Zone W2 Recreational Waterways, item 4**

Insert “Local distribution premises;” in alphabetical order.

**[11] Land Use Table**

Insert in appropriate order—

**Zone W4 Working Foreshore**

**1 Objectives of zone**

- To retain and encourage industrial and maritime activities on foreshores.
- To identify sites for maritime purposes and for activities requiring direct foreshore access.

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- To ensure that development does not have an adverse impact on the environment and visual qualities of the foreshore.
- To encourage employment opportunities.

**2 Permitted without consent**

**3 Permitted with consent**

Aquaculture; Boat building and repair facilities; Boat launching ramps; Jetties; Light industries

**4 Prohibited**

**[12] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]**

Insert “Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Foreshore or” after “Plan in” in clause 5.4(10).

**[13] Dictionary**

Insert “Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Foreshore or” after “controls in” in the note to the definition of *artisan food and drink industry*.

**[14] Dictionary, definition of “business premises”**

Omit “internet access facilities,”.

**[15] Dictionary**

Omit the definition of *crematorium*. Insert instead—

*crematorium* means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

**[16] Dictionary**

Insert in alphabetical order—

*creative industry* means a building or place mainly used to produce arts, crafts, design, media or other creative products, and includes artists’ studios, recording studios, and set design and production facilities.

**Note—** Creative industries are a type of *light industry*—see the definition of that term in this Dictionary.

*data centre* means a building or place mainly used to collect, distribute, process or store electronic data using information technology.

**Note—** Data centres are a type of *high technology industry*—see the definition of that term in this Dictionary.

*domestic goods repair and reuse facility* means a building or place mainly used to collect, repair or refurbish domestic goods, including furniture and appliances, for the purposes of sale, lease or swap, but does not include a shop that is an op shop.

**Note—** Domestic goods repair and reuse facilities are a type of *light industry*—see the definition of that term in this Dictionary.

**[17] Dictionary, definition of “high technology industry”**

Insert “and includes a data centre,” before “but”.



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**[18] Dictionary, definition of “kiosk”**

Omit “such as newspapers, films and the like”.

**[19] Dictionary, definition of “light industry”**

Insert after paragraph (c)—

- (d) creative industry,
- (e) domestic goods repair and reuse facilities.

**[20] Dictionary, definition of “local distribution premises”**

Omit the note.

**[21] Dictionary, definition of “neighbourhood shop”**

Omit “and may include ancillary services such as a post office, bank or dry cleaning.”.

**[22] Dictionary, definition of “shop top housing”**

Omit “retail premises or business premises”.

Insert instead “commercial premises or health services facilities”.

**[23] Dictionary, definition of “storage premises”**

Insert “, local distribution premises” after “establishment”.

**[24] Dictionary, definition of “warehouse or distribution centre”**

Omit “, and includes local distribution premises”.

Insert instead “, but does not include local distribution premises”.

**Schedule 2      Amendment of Standard Instrument prescribed  
by Standard Instrument (Local Environmental  
Plans) Order 2006**

**[1]    Clause 2.1 Land use zones [compulsory]**

Omit the matter relating to **Business Zones** and **Industrial Zones**.

**[2]    Land Use Table**

Omit the matters relating to Zones B1–B8 and IN1–IN4.

**[3]    Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]**

Omit “an industrial or” from clause 5.4(10). Insert instead “a”.

**[4]    Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock  
agriculture permitted with consent]**

Omit “Zone B4 Mixed Use, Zone B6 Enterprise Corridor,” from clause 5.18(7), definition of *residential zone*.

**[5]    Dictionary**

Omit “industrial or” from the note to the definition of *artisan food and drink industry*.