



New South Wales

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

under the

Environmental Planning and Assessment Act 1979

MARGARET BEAZLEY, 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 3rd day of November 2021.

By Her Excellency's Command,

ROB STOKES, MP
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 1 December 2021 and is required to be published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 3 commences on 1 December 2022.

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

[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 “SP4 Enterprise” after “SP3 Tourist”.

[3] Clause 2.1

Omit “**Environment Protection Zones**”. Insert instead “**Conservation Zones**”.

[4] Clause 2.1

Omit “E1”, “E2”, “E3” and “E4” from the matter relating to **Conservation Zones**, as amended by item [3].

Insert instead “C1”, “C2”, “C3” and “C4”, respectively.

[5] Clause 2.1

Insert “W4 Working Waterfront” after “W3 Working Waterways”.

[6] Land Use Table

Insert “Creative industries;” “Data centres;” and “Goods repair and reuse premises;” in alphabetical order in Direction 5.

[7] 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.

[8] Land Use Table, Zone RU5 Village, item 4

Omit “Pond-based aquaculture”.

[9] Land Use Table, Zone RU6 Transition, item 4

Omit “Pond-based aquaculture”.

[10] Land Use Table, Zone R3 Medium Density Residential, item 4

Omit “Pond-based aquaculture”.

[11] Land Use Table, Zone R4 High Density Residential, item 4

Omit “Pond-based aquaculture; Tank-based aquaculture”.

[12] 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—

Building identification signs

Business identification signs

Home businesses

Home industries

Home occupations

Recreation areas

Roads

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

3 Permitted with consent

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Zone E2 Commercial Centre

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

Building identification signs

Business identification signs

Home businesses

Home industries

Home occupations
Roads

1 Objectives of zone

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development that is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

2 Permitted without consent

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; 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 (outdoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Zone E3 Productivity Support

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

Building identification signs
Business identification signs
Home industries
Roads

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.

- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

2 Permitted without consent

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; 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

Zone E4 General Industrial

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

Building identification signs

Business identification signs

Roads

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure 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

Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; 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

Zone E5 Heavy Industrial

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

Building identification signs

Business identification signs

Roads

1 Objectives of zone

- To provide areas for industries that need to be separated from other land uses.
- To ensure 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

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

Zone MU1 Mixed Use

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

Building identification signs

Business identification signs

Home industries

Roads

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

3 Permitted with consent

Amusement centres; Boarding houses; 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

[13] Land Use Table

Insert in appropriate order—

Zone SP4 Enterprise

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 for development and land uses that support enterprise and productivity.

2 Permitted without consent

3 Permitted with consent

Building identification signs; Business identification signs; Food and drink premises

4 Prohibited

[14] Land Use Table

Omit “**Zone E1 National Parks and Nature Reserves**”.

Insert instead “**Zone C1 National Parks and Nature Reserves**”.

[15] Land Use Table

Omit “**Zone E2 Environmental Conservation**”.

Insert instead “**Zone C2 Environmental Conservation**”.

[16] Land Use Table

Insert “Local distribution premises;” in alphabetical order in Zone C2 Environmental Conservation, item 4, as amended by item [15].

[17] Land Use Table

Omit “**Zone E3 Environmental Management**”.

Insert instead “**Zone C3 Environmental Management**”.

[18] Land Use Table

Insert “Local distribution premises;” in alphabetical order in Zone C3 Environmental Management, item 4, as amended by item [17].

[19] Land Use Table

Omit “**Zone E4 Environmental Living**”.

Insert instead “**Zone C4 Environmental Living**”.

[20] Land Use Table

Insert “Local distribution premises;” in alphabetical order in Zone C4 Environmental Living, item 4, as amended by item [19].

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

Insert “Local distribution premises;” in alphabetical order.

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

Insert “Local distribution premises;” in alphabetical order.

[23] Land Use Table

Insert in appropriate order—

Zone W4 Working Waterfront

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

Roads

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.
- To ensure that development does not have an adverse impact on the environment and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

2 Permitted without consent

3 Permitted with consent

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

4 Prohibited

[24] Clause 4.6 Exceptions to development standards [compulsory]

Omit “Zone E2”, “Zone E3” and “Zone E4” from clause 4.6(6).

Insert instead “Zone C2”, “Zone C3” and “Zone C4”, respectively.

[25] Clause 5.1 Relevant acquisition authority [compulsory]

Omit “Zone E1” from clause 5.1(2), table. Insert instead “Zone C1”.

[26] Clause 5.3 Development near zone boundaries [optional]

Omit “Zone E1”, “Zone E2” and “Zone E3” from clause 5.3(3)(a).

Insert instead “Zone C1”, “Zone C2” and “Zone C3”, respectively.

[27] 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 Waterfront or” after “Plan in” in clause 5.4(10).

[28] Clause 5.16, heading

Omit “environment protection”. Insert instead “conservation”.

[29] Clause 5.16(1)

Omit “environment protection”. Insert instead “conservation”.

[30] Clause 5.16(2)(g)

Omit “Zone E2”. Insert instead “Zone C2”.

[31] Clause 5.16(2)(h)

Omit “Zone E3”. Insert instead “Zone C3”.

[32] Clause 5.16(2)(i)

Omit “Zone E4”. Insert instead “Zone C4”.

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

Omit “Zone E3” and “Zone E4” from clause 5.18(7), definition of *residential zone*.

Insert instead “Zone C3” and “Zone C4”, respectively.

[34] Clause 5.19 Pond-based, tank-based and oyster aquaculture [compulsory]

Omit “or tank-based aquaculture” from clause 5.19(2)(b)(i).

[35] Clause 5.19(2)(b)(i)

Omit “Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential”.

Insert instead “Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use”.

[36] Clause 5.19(2)(b)(ii) and (iii)

Omit “Zone E3” and “Zone E4” wherever occurring.

Insert instead “Zone C3” and “Zone C4”, respectively.

[37] Clause 5.19(2)(b)(iii)

Omit “Zone R3 Medium Density Residential,”.

Insert instead “Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential,”.

[38] Dictionary

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

Insert instead “certain”.

[39] Dictionary, definition of “business premises”

Omit “a funeral home”. Insert instead “funeral homes, goods repair and reuse premises”.

[40] Dictionary, definition of “business premises”

Omit “internet access facilities,”.

[41] Dictionary, definition of “centre-based child care facility”

Insert at the end of the definition—

Note— Centre-based child care facilities are a type of *early education and care facility*—see the definition of that term in this Dictionary.

[42] Dictionary

Insert in alphabetical order—

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design 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 the principal purpose of which is 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.

goods repair and reuse premises means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note— Goods repair and reuse premises are a type of *business premises*—see the definition of that term in this Dictionary.

[43] 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.

[44] Dictionary, definition of “high technology industry”

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

[45] Dictionary, definition of “home-based child care”, note

Omit “Note”. Insert instead “Note 1”.

[46] Dictionary, definition of “home-based child care”, note 2

Insert after note 1, as amended by item [45]—

Note 2— Home-based child care is a type of *early education and care facility*—see the definition of that term in this Dictionary.

[47] Dictionary, definition of “kiosk”

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

[48] Dictionary, definition of “light industry”

Insert after paragraph (c)—

(d) creative industry.

[49] Dictionary, definition of “local distribution premises”

Omit the note.

[50] Dictionary, definition of “neighbourhood shop”

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

[51] Dictionary, definition of “school-based child care”, note

Omit “Note”. Insert instead “Note 1”.

[52] Dictionary, definition of “school-based child care”, note 2

Insert after note 1, as amended by item [51]—

Note 2— School-based child care is a type of *early education and care facility*—see the definition of that term in this Dictionary.

[53] Dictionary, definition of “shop top housing”

Omit “ground floor retail premises or business premises”.

Insert instead “the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities”.

[54] Dictionary, definition of “storage premises”

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

[55] 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 (Local Environmental Plans) Order 2006

Clause 10

Insert after clause 9—

10 Transitional provisions consequent on making of Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021

- (1) In a document, a reference to a land use zone specified in Column 1 is taken to include a reference to a land use zone specified in Column 2—

Column 1	Column 2
Zone E1 National Parks and Nature Reserves	Zone C1 National Parks and Nature Reserves
Zone E2 Environmental Conservation	Zone C2 Environmental Conservation
Zone E3 Environmental Management	Zone C3 Environmental Management
Zone E4 Environmental Living	Zone C4 Environmental Living

- (2) This clause does not limit the operation of clause 8.
- (3) In this clause—
document means an Act, statutory or other instrument, contract or agreement, and includes a document issued or made under or for the purposes of an Act or statutory or other instrument.

Schedule 3 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*.