



New South Wales

State Environmental Planning Policy Amendment (Land Use Terms) 2018

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy Amendment (Land Use Terms) 2018

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Land Use Terms) 2018*.

2 Commencement

- (1) This Policy commences on 31 August 2018 (except as provided by subclause (2)) and is required to be published on the NSW legislation website.
- (2) Schedules 1.3 [1], 1.4 [1], 1.5 [1], 2.2 [1] and 2.3 [1] commence on the day on which this Policy is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of local environmental plans

1.1 Land Use Table amendments

[1] Land Use Table

Omit “Bulky goods premises;”, wherever occurring, in the matter relating to each of the zones in the local environmental plans shown in the table below.

Insert instead in alphabetical order “Specialised retail premises;”.

Name of local environmental plan	Zones
<i>Albury Local Environmental Plan 2010</i>	B6
<i>Armidale Dumaresq Local Environmental Plan 2012</i>	RU5
<i>Ashfield Local Environmental Plan 2013</i>	B6, IN2
<i>Auburn Local Environmental Plan 2010</i>	B1, B6
<i>Ballina Local Environmental Plan 2012</i>	B1
<i>Bankstown Local Environmental Plan 2015</i>	B1, B6
<i>Bathurst Regional Local Environmental Plan 2014</i>	RU5, B1
<i>Bega Valley Local Environmental Plan 2013</i>	RU5, IN2
<i>Bellingen Local Environmental Plan 2010</i>	B1
<i>Blacktown Local Environmental Plan 2015</i>	B1
<i>Bland Local Environmental Plan 2011</i>	B1, B6
<i>Blue Mountains Local Environmental Plan 2015</i>	B7, IN1
<i>Bombala Local Environmental Plan 2012</i>	IN1, IN2
<i>Boorowa Local Environmental Plan 2012</i>	RU5, IN1
<i>Burwood Local Environmental Plan 2012</i>	B6
<i>Byron Local Environmental Plan 2014</i>	B1, B7, IN2
<i>Campbelltown Local Environmental Plan 2015</i>	IN2
<i>Canada Bay Local Environmental Plan 2013</i>	R1, B1
<i>Cessnock Local Environmental Plan 2011</i>	B1, B7
<i>Clarence Valley Local Environmental Plan 2011</i>	B1
<i>Cooma-Monaro Local Environmental Plan 2013</i>	B1
<i>Cootamundra Local Environmental Plan 2013</i>	RU5, B6, IN1, IN2
<i>Corowa Local Environmental Plan 2012</i>	B1
<i>Cowra Local Environmental Plan 2012</i>	B1
<i>Dubbo Local Environmental Plan 2011</i>	B1
<i>Dungog Local Environmental Plan 2014</i>	R1, IN1
<i>Eurobodalla Local Environmental Plan 2012</i>	IN1
<i>Fairfield Local Environmental Plan 2013</i>	B6
<i>Gosford Local Environmental Plan 2014</i>	B1
<i>Goulburn Mulwaree Local Environmental Plan 2009</i>	RU5, B1

Name of local environmental plan	Zones
<i>Great Lakes Local Environmental Plan 2014</i>	IN2
<i>Greater Taree Local Environmental Plan 2010</i>	RU5, B1, B6, IN4
<i>Gundagai Local Environmental Plan 2011</i>	RU1, R3
<i>Guyra Local Environmental Plan 2012</i>	RU5
<i>Harden Local Environmental Plan 2011</i>	SP3
<i>Hawkesbury Local Environmental Plan 2012</i>	IN1, IN2
<i>Holroyd Local Environmental Plan 2013</i>	B6
<i>Hornsby Local Environmental Plan 2013</i>	B1, B6
<i>Inverell Local Environmental Plan 2012</i>	B1
<i>Kempsey Local Environmental Plan 2013</i>	RU5, B1, B6
<i>Kogarah Local Environmental Plan 2012</i>	B6
<i>Ku-ring-gai Local Environmental Plan 2015</i>	B1
<i>Kyogle Local Environmental Plan 2012</i>	IN2
<i>Lake Macquarie Local Environmental Plan 2014</i>	B1, IN1, IN2
<i>Leeton Local Environmental Plan 2014</i>	RU5, B1
<i>Leichhardt Local Environmental Plan 2013</i>	B1, B7
<i>Lismore Local Environmental Plan 2012</i>	RU5, B1, B6, IN1, IN2
<i>Lithgow Local Environmental Plan 2014</i>	B6
<i>Maitland Local Environmental Plan 2011</i>	B1
<i>Manly Local Environmental Plan 2013</i>	B6
<i>Marrickville Local Environmental Plan 2011</i>	R1, R2, R3, R4
<i>Mid-Western Regional Local Environmental Plan 2012</i>	B1
<i>Moree Plains Local Environmental Plan 2011</i>	B6
<i>Mosman Local Environmental Plan 2012</i>	B1
<i>Nambucca Local Environmental Plan 2010</i>	B7
<i>Narrabri Local Environmental Plan 2012</i>	B1
<i>Newcastle Local Environmental Plan 2012</i>	B1
<i>Oberon Local Environmental Plan 2013</i>	B6
<i>Palerang Local Environmental Plan 2014</i>	IN2
<i>Parkes Local Environmental Plan 2012</i>	IN1
<i>Parramatta Local Environmental Plan 2011</i>	B1, B6
<i>Pittwater Local Environmental Plan 2014</i>	B6
<i>Port Macquarie-Hastings Local Environmental Plan 2011</i>	RU5, B1
<i>Port Stephens Local Environmental Plan 2013</i>	B1
<i>Queanbeyan Local Environmental Plan 2012</i>	IN2
<i>Queanbeyan Local Environmental Plan (South Tralee) 2012</i>	B1
<i>Randwick Local Environmental Plan 2012</i>	IN2

Name of local environmental plan	Zones
<i>Rockdale Local Environmental Plan 2011</i>	B1, B6, SP3
<i>Ryde Local Environmental Plan 2010</i>	B1
<i>Ryde Local Environmental Plan 2014</i>	B1
<i>Shellharbour Local Environmental Plan 2013</i>	IN2
<i>Shoalhaven Local Environmental Plan 2014</i>	B7, IN1, IN2
<i>Snowy River Local Environmental Plan 2013</i>	IN1
<i>Strathfield Local Environmental Plan 2012</i>	B6
<i>Sutherland Shire Local Environmental Plan 2015</i>	B1, B7
<i>Sydney Local Environmental Plan 2012</i>	B1
<i>Tamworth Regional Local Environmental Plan 2010</i>	B1, SP3
<i>Temora Local Environmental Plan 2010</i>	B6, IN1
<i>Tumbarumba Local Environmental Plan 2010</i>	RU1, RU4, IN2
<i>Tumut Local Environmental Plan 2012</i>	IN1
<i>Tweed Local Environmental Plan 2014</i>	RU5, B1, B7, SP3
<i>Upper Hunter Local Environmental Plan 2013</i>	IN1, IN2
<i>Uralla Local Environmental Plan 2012</i>	B6
<i>Wagga Wagga Local Environmental Plan 2010</i>	B6
<i>Warren Local Environmental Plan 2012</i>	B6
<i>Waverley Local Environmental Plan 2012</i>	B1
<i>Wentworth Local Environmental Plan 2011</i>	RE2
<i>Wingecarribee Local Environmental Plan 2010</i>	B1, IN2, SP3
<i>Wollondilly Local Environmental Plan 2011</i>	B1
<i>Wollongong Local Environmental Plan 2009</i>	B1, B6
<i>Wyong Local Environmental Plan 2013</i>	B6
<i>Yass Valley Local Environmental Plan 2013</i>	B1
<i>Young Local Environmental Plan 2010</i>	RU5

[2] Land Use Table

Omit “bulky goods premises” wherever occurring in clause 1 of the matter relating to each of the zones in the local environmental plans shown in the table below.

Insert instead “specialised retail premises”.

Name of local environmental plan	Zones
<i>Ku-ring-gai Local Environmental Plan (Local Centres) 2012</i>	B4
<i>Lake Macquarie Local Environmental Plan 2014</i>	B7
<i>Wagga Wagga Local Environmental Plan 2010</i>	B6
<i>Wellington Local Environmental Plan 2012</i>	B6

[3] Amendment of Ballina Local Environmental Plan 2012

Land Use Table

Omit “Bulky goods premises;” from Note 2.

Insert in alphabetical order “Specialised retail premises;”.

1.2 Local provision amendments

Provisions containing “bulky goods premises”

Omit “bulky goods premises”, wherever occurring, in each of the provisions of the local environmental plans shown in the table below.

Insert instead “specialised retail premises”.

Name of local environmental plan	Zones
<i>Armidale Dumaresq Local Environmental Plan 2012</i>	Clauses 6.9 (2) and 6.10 (2); Schedule 1, clause 4 (2)
<i>Auburn Local Environmental Plan 2010</i>	Clause 4.4 (2B) (a) and (2C) (a)
<i>Ballina Local Environmental Plan 2012</i>	Schedule 1, clause 6 (2)
<i>Bathurst Regional Local Environmental Plan 2014</i>	Schedule 2, clauses 5.2 (1) and 18.1 (e)
<i>Camden Local Environmental Plan 2010</i>	Schedule 1, clause 18 (2)
<i>Coffs Harbour Local Environmental Plan 2013</i>	Schedule 1, clauses 5 (2) and 9 (2)
<i>Fairfield Local Environmental Plan 2013</i>	Schedule 1, clause 12 (2)
<i>Gosford Local Environmental Plan 2014</i>	Schedule 1, clauses 5A (2), 10 (2), 11 (2) (a) and 12 (2)
<i>Hornsby Local Environmental Plan 2013</i>	Schedule 1, clause 5 (2)
<i>Kyogle Local Environmental Plan 2012</i>	Schedule 3, Part 1, subclauses 10 (a) and 12 (a) in the matter relating to Industrial sheds (new and additions to)
<i>Liverpool Local Environmental Plan 2008</i>	Clause 7.23 (including the heading) and Schedule 1, clause 14 (2)
<i>Marrickville Local Environmental Plan 2011</i>	Schedule 1, clauses 15 (2) (a), 16 (2) and 17 (2) (a)
<i>Penrith Local Environmental Plan 2010</i>	Clause 9.3 (3) (c) and Schedule 1, clause 27 (2)
<i>Port Macquarie-Hastings Local Environmental Plan 2011</i>	Clause 7.12 (2)
<i>Ryde Local Environmental Plan 2010</i>	Schedule 1, clause 5 (2) (b)
<i>Ryde Local Environmental Plan 2014</i>	Schedule 1, clause 8 (2)
<i>Shoalhaven Local Environmental Plan 2014</i>	Schedule 1, clause 13 (2)
<i>Sydney Local Environmental Plan 2012</i>	Schedule 1, clause 3 (2)
<i>Tamworth Regional Local Environmental Plan 2010</i>	Schedule 1, clause 1 (2)
<i>Wagga Wagga Local Environmental Plan 2010</i>	Schedule 1, clauses 1 (2), 3 (2) and 4 (2)
<i>Warringah Local Environmental Plan 2011</i>	Schedule 1, clause 3 (2)
<i>Willoughby Local Environmental Plan 2012</i>	Schedule 1, clauses 2 (2) and 34 (2)

Name of local environmental plan	Zones
<i>Wollongong Local Environmental Plan 2009</i>	Schedule 1, clause 6 (2)
<i>Wyong Local Environmental Plan 2013</i>	Clauses 7.16 (including the heading) and 7.17 (4)
<i>Young Local Environmental Plan 2010</i>	Schedule 1, clause 2 (2) (c)

1.3 Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011

[1] Clause 1.8A Savings provision relating to development applications

Insert at the end of the clause:

- (2) The amendments made to this Plan by *State Environmental Planning Policy Amendment (Artisan Food and Drink Industries) 2018* and *State Environmental Planning Policy Amendment (Land Use Terms) 2018* do not apply to a development application made but not determined before the commencement of those amendments.

[2] Clause 5.4 Controls relating to miscellaneous permissible uses

Insert after clause 5.4 (7):

(7AA) **Neighbourhood supermarkets**

If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.

[3] Dictionary

Omit the definition of *bulky goods premises*.

Insert in alphabetical order:

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Note. Local distribution premises are a type of ***warehouse or distribution centre***—see the definition of that term in this Dictionary.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note. See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of ***shop***—see the definition of that term in this Dictionary.

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

- (a) a large area for handling, display or storage, or

- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note. Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

[4] Dictionary, definition of “neighbourhood shop”

Insert “neighbourhood supermarkets or” after “does not include”.

[5] Dictionary, definition of “retail premises”

Omit paragraph (a). Insert after paragraph (1):

- (la) specialised retail premises,

[6] Dictionary, definition of “shop”

Insert “and neighbourhood supermarket” after “neighbourhood shop”.

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

Insert “, and includes local distribution premises” after “made”.

1.4 Sydney Local Environmental Plan (Green Square Town Centre) 2013

[1] Clause 1.8A Savings provision relating to development applications

Insert at the end of the clause:

- (2) The amendments made to this Plan by *State Environmental Planning Policy Amendment (Artisan Food and Drink Industries) 2018* and *State Environmental Planning Policy Amendment (Land Use Terms) 2018* do not apply to a development application made but not determined before the commencement of those amendments.

[2] Clause 5.4 Controls relating to miscellaneous permissible uses

Insert after clause 5.4 (7):

(7AA) **Neighbourhood supermarkets**

If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.

[3] Dictionary

Omit the definition of **bulky goods premises**.

Insert in alphabetical order:

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Note. Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note. See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of ***shop***—see the definition of that term in this Dictionary.

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note. Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of ***retail premises***—see the definition of that term in this Dictionary.

[4] Dictionary, definition of “neighbourhood shop”

Insert “neighbourhood supermarkets or” after “does not include”.

[5] Dictionary, definition of “retail premises”

Omit paragraph (a). Insert after paragraph (1):

- (la) specialised retail premises,

[6] Dictionary, definition of “shop”

Insert “and neighbourhood supermarket” after “neighbourhood shop”.

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

Insert “, and includes local distribution premises” after “made”.

1.5 Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013

[1] Clause 1.8A Savings provision relating to development applications

Insert at the end of the clause:

- (2) The amendments made to this Plan by *State Environmental Planning Policy Amendment (Artisan Food and Drink Industries) 2018* and *State Environmental Planning Policy Amendment (Land Use Terms) 2018* do not apply to a development application made but not determined before the commencement of those amendments.

[2] Clause 5.4 Controls relating to miscellaneous permissible uses

Insert after clause 5.4 (7):

(7AA) Neighbourhood supermarkets

If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.

[3] Dictionary

Omit the definition of *bulky goods premises*.

Insert in alphabetical order:

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Note. Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note. See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note. Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

[4] Dictionary, definition of “neighbourhood shop”

Insert “neighbourhood supermarkets or” after “does not include”.

[5] Dictionary, definition of “retail premises”

Omit paragraph (a). Insert after paragraph (l):

- (la) specialised retail premises,

[6] Dictionary, definition of “shop”

Insert “and neighbourhood supermarket” after “neighbourhood shop”.

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

Insert “, and includes local distribution premises” after “made”.

Schedule 2 Amendment of State environmental planning policies

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

[1] Clause 2.20A Specified development

Insert “(other than local distribution premises)” after “warehouse or distribution centre” wherever occurring in the Table to the clause.

[2] Clause 5.1 Specified complying development

Insert “local distribution premises,” after “heavy industry,”.

[3] Clause 5.3 Specified complying development

Omit “bulky goods premises” from Column 1 of Category 1 in the Table to the clause.
Insert instead “specialised retail premises”.

[4] Clause 5.3

Insert “(other than local distribution premises)” after “warehouse or distribution centre” wherever occurring in the Table to the clause.

[5] Clause 5.5 Specified development

Insert after clause 5.5 (1) (m):
(n) local distribution premises.

[6] Clause 5A.2 Alterations or additions to an existing building or construction of new building

Insert “(other than a local distribution premises)” after “warehouse or distribution centre” wherever occurring in clause 5A.2 (1) (a), (b) and (c).

[7] Schedule 8 Conditions applying to complying development certificates under the Commercial and Industrial Alterations Code, the Commercial and Industrial (New Buildings and Additions) Code and the Container Recycling Facilities Code

Omit “bulky goods premises” wherever occurring in clause 21 (2).
Insert instead “specialised retail premises”.

2.2 State Environmental Planning Policy (State Significant Precincts) 2005

[1] Clause 16 Savings and transitional provisions

Insert after clause 16 (2F):

- (2G) The amendments made to this Policy by *State Environmental Planning Policy Amendment (Artisan Food and Drink Industries) 2018* and *State Environmental Planning Policy Amendment (Land Use Terms) 2018* do not apply to a development application made but not determined before the commencement of those amendments.

[2] Schedule 3 State significant precincts

Insert at the end of clause 2 of Part 9:

(2) In this Part:

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any of the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

[3] Schedule 3, Part 22, clause 2 (1)

Insert in alphabetical order:

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any of the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

[4] Schedule 3, Part 31, clause 9 (4)

Omit “bulky goods premises;”. Insert in alphabetical order “specialised retail premises;”.

2.3 State Environmental Planning Policy (Three Ports) 2013

[1] Clause 11A

Insert after clause 11:

11A Savings provision relating to development applications

The amendments made to this Policy by *State Environmental Planning Policy Amendment (Artisan Food and Drink Industries) 2018* and *State Environmental Planning Policy Amendment (Land Use Terms) 2018* do not apply to a development application made but not determined before the commencement of those amendments.

[2] Land Use Table

Omit “Bulky goods premises;” from item 4 of Zone SP1 Special Activities.

Insert in alphabetical order “Specialised retail premises;”.