



New South Wales

Standard Instrument (Local Environmental Plans) Amendment Order 2019

under the

Environmental Planning and Assessment Act 1979

MARGARET BEAZLEY, Governor

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

Dated, this 11th day of December 2019.

By Her Excellency's Command,

ROBERT STOKES, MP
Minister for Planning and Public Spaces

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Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is *Standard Instrument (Local Environmental Plans) Amendment Order 2019*.

2 Commencement

This Order commences on 15 January 2020 and is required to be published on the NSW legislation website.

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

[1] Clause 2 Purpose of Order

Omit the note to the clause. Insert instead—

Note. Under section 3.20 of the Act, an environmental planning instrument may be made in the form of—

- (a) a declaration that the applicable mandatory provisions of a standard instrument are adopted, and
- (b) the prescription of matters required to be prescribed for the purposes of the application of the mandatory provisions, and
- (c) the prescription of other permitted matters.

[2] Clauses 2, 8(3), definition of “amending order” and 9(3)

Omit “section 33A” wherever occurring. Insert instead “section 3.20”.

[3] Clause 4 Mandatory provisions of the standard instrument

Omit “section 33A(4)” from the note to the clause. Insert instead “section 3.20(4)”.

[4] Clause 8 Application of amending orders

Omit clause 8(2).

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

- [1] **Clause 1.2 Aims of Plan [compulsory]**
Omit “section 33A” from clause 1.2(1). Insert instead “section 3.20”.
- [2] **Clause 1.9 Application of SEPPs [compulsory]**
Omit “section 36” from clause 1.9(1). Insert instead “section 3.28”.
- [3] **Clause 2.3 Zone objectives and Land Use Table [compulsory]**
Omit “or, if applicable, Part 3A of the Act” from note 2 to clause 2.3.
- [4] **Land Use Table**
Insert “in alphabetical order” after “particular uses” in paragraph (a) of Direction 3.
- [5] **Land Use Table, Direction 3**
Insert after paragraph (c)—
(d) particular uses in alphabetical order followed by the words “Any other development not specified in item [*specify item number or numbers*]”,
- [6] **Land Use Table, Direction 5**
Insert the following in alphabetical order—
; Oyster aquaculture
Pig farms;
Pond-based aquaculture;
Poultry farms;
Tank-based aquaculture;
- [7] **Land Use Table, Direction 6**
Insert after Direction 5—
Direction 6. A direction in this Land Use Table that requires a land use to be included as either “Permitted without consent” or “Permitted with consent” in a particular zone is taken to be a direction that the land use be included as “Permitted with consent” but only—
(a) for the purposes of the automatic adoption of amendments to the mandatory provisions of this standard instrument by a local environmental plan that has adopted those mandatory provisions (a **standard plan**), and
(b) if the direction commences after the commencement of the standard plan.
- [8] **Land Use Table, Zone SP1 Special Activities**
Omit the direction.
- [9] **Land Use Table, Zone SP1, item 3**
Insert “Aquaculture;” before “The purpose”.
- [10] **Clause 3.1 Exempt development [compulsory]**
Omit the note to the clause.

- [11] **Clauses 3.3(2), paragraph (i) of the definition of “environmentally sensitive area for exempt or complying development” and 5.2(5)(c)**
Omit “*Crown Lands Act 1989*” wherever occurring.
Insert instead “*Crown Land Management Act 2016*”.
- [12] **Clauses 4.6(4)(b) and (5) and 5.14(2)(e), (5), (7) and (10)**
Omit “Secretary” wherever occurring. Insert instead “Planning Secretary”.
- [13] **Clause 5.1 Relevant acquisition authority [compulsory]**
Omit “section 27” from clause 5.1(1). Insert instead “section 3.15”.
- [14] **Clause 5.1(2)**
Omit “section 8” from the table to the subclause. Insert instead “section 2.5”.
- [15] **Clause 5.1(2), direction**
Omit “section 26(1)(c)”. Insert instead “section 3.14(1)(c)”.
- [16] **Clause 5.2 Classification and reclassification of public land [compulsory]**
Omit “roads, Crown reserves and commons” from the note to clause 5.2(1).
Insert instead “roads and certain Crown land”.
- [17] **Dictionary**
Omit “section 146(2)” from the note to the definition of *bush fire prone land*.
Insert instead “section 10.3(2)”.
- [18] **Dictionary, definition of “Crown reserve”**
Omit the definition.
- [19] **Dictionary, definition of “public land”, note**
Omit the note.