



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022

under the

Environmental Planning and Assessment Act 1979

ANDREW SCOTT BELL

By Deputation from Her Excellency the Governor

I, the Honourable Margaret Beazley AC KC, 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 30th day of November 2022.

By Her Excellency's Command,

ANTHONY ROBERTS, MP
Minister for Planning

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is the *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

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

- [1] **Clause 2.1 Land use zones [compulsory]**
Insert “SP5 Metropolitan Centre” after “SP4 Enterprise”.
- [2] **Land Use Table**
Omit “included as either “Permitted without consent” or “Permitted with consent” ” from
direction 6.
Insert instead “permitted with or without development consent”.
- [3] **Land Use Table, direction 6**
Omit “included as “Permitted with consent” ”.
Insert instead “permitted with development consent”.
- [4] **Land Use Table, Zones RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3, R4, R5, E1, E2,
E3, E4, E5, MU1, SP2, SP3, SP4, RE1, RE2, C2, C3, C4, W1, W2, W3 and W4**
Omit “included as either “Permitted without consent” or “Permitted with consent” for”
wherever occurring in the directions.
Insert instead “permitted with or without development consent in”.
- [5] **Land Use Table, Zones C3 and C4**
Omit “may (but need not) be included as permitted with consent” wherever occurring.
Insert instead “may, but need not be, permitted with development consent”.
- [6] **Land Use Table, Zone E1 Local Centre, item 1, first dot point**
Omit “live, work”. Insert instead “live in, work in”.
- [7] **Land Use Table, Zone E2 Commercial Centre, item 1, fourth dot point**
Omit “residential development that is”.
Insert instead “residential development only if it is”.
- [8] **Land Use Table, Zone E2 Commercial Centre, item 3**
Omit “Educational establishments;”.
- [9] **Land Use Table, Zone MU1 Mixed Use, item 3**
Omit “Educational establishments;” and “Seniors housing;”.
- [10] **Land Use Table, Zone SP4 Enterprise, item 3**
Omit “Food and drink premises”. Insert instead “Take away food and drink premises”.
- [11] **Land Use Table**
Insert after Zone SP4 Enterprise—
Zone SP5 Metropolitan Centre
Direction 1— This zone may only be used in the following local government areas—
City of Sydney

North Sydney

Direction 2— The following must be permitted with or without development consent in this zone—

Roads

1 Objectives of zone

- To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.
- To provide opportunities for an intensity of land uses commensurate with Sydney's global status.
- To permit a diversity of compatible land uses that are characteristic of Sydney's global status and that serve the workforce, visitors and wider community.

2 Permitted without consent

3 Permitted with consent

Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Tourist and visitor accommodation

4 Prohibited

Schedule 2 Amendment of Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021

[1] Clause 2 Commencement

Omit “1 December 2022” from clause 2(2).

Insert instead “26 April 2023”.

**[2] Schedule 3 Amendment of Standard Instrument prescribed by Standard Instrument
(Local Environmental Plans) Order 2006**

Insert after Schedule 3[4]—

[5] Clause 5.18(7), definition of “residential zone”

Insert “Zone E3 Productivity Support, Zone MU1 Mixed Use,” before “Zone
C3 Environmental Management”.

Schedule 3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

[1] Schedule 1

Insert after clause 8—

Schedule 1 Savings, transitional and other provisions

Part 1 Provision consequent on Standard Instrument (Local Environmental Plans) Amendment Order 2011

[2] Clause 9 Transitional provisions consequent on making of Standard Instrument (Local Environmental Plans) Amendment Order 2011

Renumber clause 9 as clause 1 and relocate to Schedule 1, Part 1, as inserted by item [1].

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

Omit the clause.

[4] Clause 11 Transitional provisions consequent on making of Standard Instrument (Local Environmental Plans) Amendment (Canal Estate Development and Public Bushland) Order 2022

Renumber clause 11 as clause 7 and relocate to Schedule 1, Part 3, as inserted by item [6].

[5] Schedule 1, Part 2

Insert at the end of Schedule 1, as inserted by item [1]—

Part 2 Provisions consequent on Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021

2 Preliminary

(1) In this Part—

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.

former zone means Zone B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3 or IN4.

new zone means Zone E1, E2, E3, E4, E5, MU1, SP4, SP5 or W4.

(2) This Part does not limit the operation of clause 8.

3 Conservation zones

In a document, a reference to a land use zone specified in Column 1 of the following table 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

4 Equivalent zones

In a document other than a State environmental planning policy, a reference to a former zone under an environmental planning instrument is taken to include a reference to a new zone under the environmental planning instrument if—

- (a) the Planning Secretary determines, by order published in the Gazette, that the former zone is substantially equivalent to the new zone, or
- (b) if the Planning Secretary has not made a determination under paragraph (a) for the former zone—the consent authority determines that the former zone is substantially equivalent to the new zone.

5 Continuation of permitted development

Development that is permitted with development consent on land in a former zone under a local environmental plan, as in force immediately before 26 April 2023, continues to be permitted with development consent on the land until 26 April 2025.

6 Continuation of business and industrial zones

- (1) The following local environmental plans apply, until 26 April 2025, as if the *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021*, Schedule 3[1]–[4] had not commenced—
 - (a) *Bankstown Local Environmental Plan 2015*,
 - (b) *Canterbury Local Environmental Plan 2012*,
 - (c) *Canterbury-Bankstown Local Environmental Plan 2022*,
 - (d) *Deniliquin Local Environmental Plan 2013*,
 - (e) *Willoughby Local Environmental Plan 2012*.
- (2) A local environmental plan specified in Column 1 of the following table is taken, until 26 April 2025, to apply to the land specified in Column 2 as if the relevant amendments had not commenced—

Column 1	Column 2
<i>Albury Local Environmental Plan 2010</i>	Land identified as “Land subject to Albury Regional Jobs Precinct Process” on the Albury Local Environmental Plan 2010 Land Zoning Map
<i>Inner West Local Environmental Plan 2022</i>	Land identified as “DM–Camperdown Health and Education Precinct” or “DM–St Peters Triangle” on the Inner West Local Environmental Plan 2022 Land Zoning Map
<i>Narrabri Local Environmental Plan 2012</i>	Land identified as “Land subject to Narrabri Special Activation Precinct Process” on the Narrabri Local Environmental Plan 2012 Land Zoning Map

Column 1	Column 2
<i>Port Stephens Local Environmental Plan 2013</i>	Land identified as “Land subject to Williamstown Special Activation Precinct Process” on the Port Stephens Local Environmental Plan 2013 Land Zoning Map
<i>Queanbeyan-Palerang Regional Local Environmental Plan 2022</i>	Land identified as “Land subject to South Jerrabomberra Regional Jobs Precinct Process” on the Queanbeyan-Palerang Regional Local Environmental Plan 2022 Land Zoning Map
<i>Richmond Valley Local Environmental Plan 2012</i>	Land identified as “Land subject to Richmond Valley Regional Jobs Precinct Process” on the Richmond Valley Local Environmental Plan 2012 Land Zoning Map

- (3) In this clause—
- relevant amendments**, in relation to a local environmental plan, means—
- (a) the amendments made by the *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021*, Schedule 3[1]–[4], and
 - (b) the amendments made to the local environmental plan by one of the following—
 - (i) *State Environmental Planning Policy Amendment (Land Use Zones) 2022*,
 - (ii) *State Environmental Planning Policy Amendment (Land Use Zones) (No 2) 2022*,
 - (iii) *State Environmental Planning Policy Amendment (Land Use Zones) (No 3) 2022*,
 - (iv) *State Environmental Planning Policy Amendment (Land Use Zones) (No 4) 2022*,
 - (v) *State Environmental Planning Policy Amendment (Land Use Zones) (No 5) 2022*,
 - (vi) *State Environmental Planning Policy Amendment (Land Use Zones) (No 6) 2022*.

[6] Schedule 1, Part 3

Insert after Schedule 1, Part 2, as inserted by item [5]—

Part 3 Provision consequent on Standard Instrument (Local Environmental Plans) Amendment (Canal Estate Development and Public Bushland) Order 2022