



New South Wales

# **State Environmental Planning Policy (Transport and Infrastructure) Amendment (Land Use Zones) 2022**

under the

Environmental Planning and Assessment Act 1979

Her 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 (Transport and Infrastructure) Amendment (Land Use Zones) 2022**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Transport and Infrastructure) Amendment (Land Use Zones) 2022*.

### **2 Commencement**

This Policy commences on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022*.

### **3 Maps**

The maps adopted by the following local environmental plans are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy—

- (a) *Albury Local Environmental Plan 2010*,
- (b) *Inner West Local Environmental Plan 2022*,
- (c) *Narrabri Local Environmental Plan 2012*,
- (d) *Port Stephens Local Environmental Plan 2013*,
- (e) *Queanbeyan-Palerang Regional Local Environmental Plan 2022*,
- (f) *Richmond Valley Local Environmental Plan 2012*.

### **4 Repeal of Policy**

This Policy is repealed at the beginning of the day following the day on which this Policy commences.

## **Schedule 1      Amendment of State Environmental Planning Policy (Transport and Infrastructure) 2021**

**[1] Section 2.24 Development permitted without consent**

Insert after section 2.24(1)(g)—

- (h) W4 Working Waterfront.

**[2] Section 2.24(2)(c1) and (c2)**

Insert after section 2.24(2)(c)—

- (c1) E4 General Industrial,
- (c2) E5 Heavy Industrial,

**[3] Section 2.24(2)(l)**

Insert after section 2.24(2)(k)—

- (l) W4 Working Waterfront.

**[4] Section 2.26 Definitions**

Insert after the definition of *prescribed zone*, paragraph (c)—

- (c1) MU1 Mixed Use,

**[5] Section 2.31 Development permitted with consent**

Insert before section 2.31(2), definition of *prescribed zone*, paragraph (a)—

- (a1) E3 Productivity Support,
- (a2) E4 General Industrial,
- (a3) E5 Heavy Industrial,

**[6] Section 2.31(2), definition of “prescribed zone”, paragraph (g)**

Insert after the definition of *prescribed zone*, paragraph (f)—

- (g) Zone SP4 Enterprise under the following local environmental plans—
  - (i) *Canada Bay Local Environmental Plan 2013*,
  - (ii) *Central Coast Local Environmental Plan 2022*,
  - (iii) *Penrith Local Environmental Plan 2010*,
  - (iv) *Pittwater Local Environmental Plan 2014*,
  - (v) *Port Macquarie-Hastings Local Environmental Plan 2011*,
  - (vi) *Sutherland Shire Local Environmental Plan 2015*,
  - (vii) *The Hills Local Environmental Plan 2019*,
  - (viii) *Warringah Local Environmental Plan 2011*.

**[7] Section 2.35 Definitions**

Omit the definition of *prescribed rural, industrial or special use zone*.

Insert in alphabetical order—

*prescribed non-residential zone* means any of the following land use zones or a land use zone that is equivalent to any of those zones—

- (a) RU1 Primary Production,
- (b) RU2 Rural Landscape,
- (c) RU3 Forestry,

- (d) RU4 Primary Production Small Lots,
- (e) E4 General Industrial,
- (f) E5 Heavy Industrial,
- (g) IN1 General Industrial,
- (h) IN2 Light Industrial,
- (i) IN3 Heavy Industrial,
- (j) IN4 Working Waterfront,
- (k) SP1 Special Activities,
- (l) SP2 Infrastructure,
- (m) W4 Working Waterfront.

**[8] Sections 2.36(1)(b), 2.39(1)(h) and 2.41(2)(g)**

Omit “prescribed rural, industrial or special use zone” wherever occurring.  
Insert instead “prescribed non-residential zone”.

**[9] Section 2.49 Definitions**

Insert after the definition of *prescribed zone*, paragraph (e)—

- (e1) E1 Local Centre,
- (e2) E2 Commercial Centre,
- (e3) E3 Productivity Support,
- (e4) E4 General Industrial,
- (e5) E5 Heavy Industrial,
- (e6) MU1 Mixed Use,

**[10] Section 2.49, definition of “prescribed zone”, paragraphs (t)–(v)**

Insert after the definition of *prescribed zone*, paragraph (s)—

- (t) SP4 Enterprise,
- (u) SP5 Metropolitan Centre,
- (v) W4 Working Waterfront.

**[11] Section 2.59 Definitions**

Insert after the definition of *prescribed zone*, paragraph (h)—

- (h1) E1 Local Centre,
- (h2) E2 Commercial Centre,
- (h3) E3 Productivity Support,
- (h4) MU1 Mixed Use,

**[12] Section 2.59, definition of “prescribed zone”, paragraphs (s) and (t)**

Insert after the definition of *prescribed zone*, paragraph (r)—

- (s) Zone SP4 Enterprise under the following local environmental plans—
  - (i) *Canada Bay Local Environmental Plan 2013*,
  - (ii) *Central Coast Local Environmental Plan 2022*,
  - (iii) *Penrith Local Environmental Plan 2010*,
  - (iv) *Pittwater Local Environmental Plan 2014*,

- (v) *Port Macquarie-Hastings Local Environmental Plan 2011*,
- (vi) *Sutherland Shire Local Environmental Plan 2015*,
- (vii) *The Hills Local Environmental Plan 2019*,
- (viii) *Warringah Local Environmental Plan 2011*,
- (t) SP5 Metropolitan Centre.

**[13] Section 2.61 Development permitted without consent**

Omit “zone or” from section 2.61(3)(b)(i). Insert instead “zone, or”.

**[14] Section 2.78 Definitions**

Insert before the definition of *prescribed zone*, paragraph (a)—

- (a1) E4 General Industrial,
- (a2) E5 Heavy Industrial,
- (a3) MU1 Mixed Use,

**[15] Section 2.78, definition of “prescribed zone”, paragraphs (h1) and (h2)**

Insert after the definition of *prescribed zone*, paragraph (h)—

- (h1) SP4 Enterprise,
- (h2) SP5 Metropolitan Centre,

**[16] Section 2.78, definition of “prescribed zone”, paragraph (l)**

Insert after the definition of *prescribed zone*, paragraph (k)—

- (l) W4 Working Waterfront,

**[17] Section 2.85 Definitions**

Insert before the definition of *prescribed zone*, paragraph (a)—

- (a1) E2 Commercial Centre,
- (a2) E3 Productivity Support,
- (a3) MU1 Mixed Use,

**[18] Section 2.85, definition of “prescribed zone”, paragraphs (i) and (j)**

Insert after the definition of *prescribed zone*, paragraph (h)—

- (i) Zone SP4 Enterprise under the following local environmental plans—
  - (i) *Canada Bay Local Environmental Plan 2013*,
  - (ii) *Central Coast Local Environmental Plan 2022*,
  - (iii) *Penrith Local Environmental Plan 2010*,
  - (iv) *Pittwater Local Environmental Plan 2014*,
  - (v) *Port Macquarie-Hastings Local Environmental Plan 2011*,
  - (vi) *Sutherland Shire Local Environmental Plan 2015*,
  - (vii) *The Hills Local Environmental Plan 2019*,
  - (viii) *Warringah Local Environmental Plan 2011*,
- (j) SP5 Metropolitan Centre.

**[19] Section 2.91 Definitions**

Insert before section 2.91(1), definition of *prescribed zone*, paragraph (a)—

- (a1) E4 General Industrial,

(a2) E5 Heavy Industrial,

**[20] Section 2.104 Definitions**

Insert after the definition of *prescribed zone*, paragraph (j)—

(k) W4 Working Waterfront.

**[21] Section 2.108 Definitions**

Insert before the definition of *prescribed zone*, paragraph (a)—

(a1) E3 Productivity Support,

(a2) E4 General Industrial,

(a3) E5 Heavy Industrial,

(a4) MU1 Mixed Use,

**[22] Section 2.108, definition of “prescribed zone”, paragraph (i)**

Insert after the definition of *prescribed zone*, paragraph (h)—

(i) SP4 Enterprise,

(j) SP5 Metropolitan Centre.

**[23] Section 2.125 Definitions**

Insert after the definition of *prescribed zone*, paragraph (c)—

(c1) E4 General Industrial,

(c2) E5 Heavy Industrial,

**[24] Section 2.152 Definitions**

Insert after the definition of *prescribed zone*, paragraph (b)—

(b1) E4 General Industrial,

(b2) E5 Heavy Industrial,

**[25] Section 2.153 Development permitted with consent**

Insert before section 2.153(2)(b)(i)—

(ia) E3 Productivity Support,

**[26] Section 2.153(2)(b)(iv) and (v)**

Omit “or” from section 2.153(2)(b)(iv) and insert after section 2.153(2)(b)(iv)—

(v) W4 Working Waterfront, or

**[27] Section 2.158 Definitions**

Insert after the definition of *prescribed zone*, paragraph (c)—

(c1) E4 General Industrial,

(c2) E5 Heavy Industrial,

**[28] Section 3.24, heading**

Omit “Zone IN1 or IN2”. Insert instead “**certain zones**”.

**[29] Section 3.24(1) and (2)**

Omit “Zone IN1 General Industrial or Zone IN2 Light Industrial” wherever occurring.

Insert instead “a prescribed zone”.

**[30] Section 3.24(4)**

Insert after section 3.24(3)—

(4) In this section—

*prescribed zone* means any of the following land use zones—

- (a) Zone E4 General Industrial,
- (b) Zone E5 Heavy Industrial,
- (c) Zone IN1 General Industrial,
- (d) Zone IN2 Heavy Industrial.

**[31] Section 3.34 Interpretation**

Insert after section 3.34(1), definition of *prescribed zone*, paragraph (i)—

- (i1) Zone E1 Local Centre,
- (i2) Zone E2 Commercial Centre,
- (i3) Zone E3 Productivity Support,
- (i4) Zone MU1 Mixed Use,

**[32] Section 3.34(1), definition of “prescribed zone”, paragraphs (s1) and (s2)**

Insert after the definition of *prescribed zone*, paragraph (s)—

- (s1) Zone SP4 Enterprise under the following local environmental plans—
  - (i) *Canada Bay Local Environmental Plan 2013*,
  - (ii) *Central Coast Local Environmental Plan 2022*,
  - (iii) *Penrith Local Environmental Plan 2010*,
  - (iv) *Pittwater Local Environmental Plan 2014*,
  - (v) *Port Macquarie-Hastings Local Environmental Plan 2011*,
  - (vi) *Sutherland Shire Local Environmental Plan 2015*,
  - (vii) *The Hills Local Environmental Plan 2019*,
  - (viii) *Warringah Local Environmental Plan 2011*,
- (s2) Zone SP5 Metropolitan Centre,

**[33] Section 3.44 Interpretation**

Insert after section 3.44(1), definition of *prescribed zone*, paragraph (b)(ix)—

- (ixa) Zone E1 Local Centre,
- (ixb) Zone E2 Commercial Centre,
- (ixc) Zone E3 Productivity Support,
- (ixd) Zone MU1 Mixed Use,

**[34] Section 3.44(1), definition of “prescribed zone”, paragraph (b)(xix) and (xixb)**

Insert after the definition of *prescribed zone*, paragraph (b)(xix)—

- (xixa) Zone SP4 Enterprise under the following local environmental plans—
  - (A) *Canada Bay Local Environmental Plan 2013*,
  - (B) *Central Coast Local Environmental Plan 2022*,
  - (C) *Penrith Local Environmental Plan 2010*,
  - (D) *Pittwater Local Environmental Plan 2014*,

- (E) *Port Macquarie-Hastings Local Environmental Plan 2011,*
- (F) *Sutherland Shire Local Environmental Plan 2015,*
- (G) *The Hills Local Environmental Plan 2019,*
- (H) *Warringah Local Environmental Plan 2011,*
- (xixb) Zone SP5 Metropolitan Centre,

**[35] Section 3.51 Interpretation**

Insert after section 3.51(1), definition of *prescribed zone*, paragraph (b)(x)—

- (xa) Zone E1 Local Centre,
- (xb) Zone E2 Commercial Centre,
- (xc) Zone E3 Productivity Support,
- (xd) Zone E4 General Industrial,
- (xe) Zone MU1 Mixed Use,

**[36] Section 3.51(1), definition of “prescribed zone”, paragraph (b)(xxiia) and (xxiib)**

Insert after the definition of *prescribed zone*, paragraph (b)(xxii)—

- (xxiia) Zone SP4 Enterprise under the following local environmental plans—
  - (A) *Canada Bay Local Environmental Plan 2013,*
  - (B) *Central Coast Local Environmental Plan 2022,*
  - (C) *Penrith Local Environmental Plan 2010,*
  - (D) *Pittwater Local Environmental Plan 2014,*
  - (E) *Port Macquarie-Hastings Local Environmental Plan 2011,*
  - (F) *Sutherland Shire Local Environmental Plan 2015,*
  - (G) *The Hills Local Environmental Plan 2019,*
  - (H) *Warringah Local Environmental Plan 2011,*
- (xxiib) Zone SP5 Metropolitan Centre,

**[37] Schedule 4 Exempt and complying development in relation to telecommunications facilities—Chapter 2**

Insert “E4, E5,” before “IN1” wherever occurring in Part 2, item 5.



## **Schedule 2 Amendment of State Environmental Planning Policy (Housing) 2021**

**[1] Section 4 Interpretation—general**

Insert after section 4(2)—

- (3) A reference in this Policy to a business zone is taken, on and from 26 April 2023, to include a reference to Zones E1, E2, E3, MU1 and SP5.

**[2] Section 16 Development to which Division applies**

Insert before section 16(1)(d)(i)—

- (ia) Zone E1 Local Centre,  
(ib) Zone MU1 Mixed Use.

**[3] Sections 23(2)(b) and 28(2)(b)**

Insert “Zone E1 Local Centre, Zone MU1 Mixed Use,” after “land in” wherever occurring.

**[4] Section 36 Land to which Division applies**

Insert “Zone E2 Commercial Centre, Zone MU1 Mixed Use,” after “400m of land in” in section 36(1)(b).

**[5] Section 60 Definitions**

Insert after the definition of *prescribed zone*, paragraph (a)(iv)—

- (iva) Zone MU1 Mixed Use,

**[6] Section 72 Development for the purposes of build-to-rent housing permitted with consent**

Insert after section 72(2)(a)(i)—

- (ia) Zone E2 Commercial Centre,  
(ib) Zone MU1 Mixed Use,

**[7] Section 72(2)(iv) and (v)**

Omit “or” from section 72(2)(iv) and insert after section 72(2)(iv)—

- (v) Zone SP5 Metropolitan Centre, or

**[8] Section 73 Conditions of build-to-rent housing to apply for at least 15 years**

Insert “Zone E2 Commercial Centre or” after “land in” wherever occurring in section 73(1)(a) and (3), definition of *relevant period*, paragraph (a).

**[9] Section 79 Land to which Part applies**

Insert after section 79(e)—

- (e1) Zone E1 Local Centre,  
(e2) Zone E2 Commercial Centre,  
(e3) Zone E3 Productivity Support,  
(e4) Zone MU1 Mixed Use,

**[10] Section 79(o1) and (o2)**

Insert after section 79(o)—

- (o1) Zone SP4 Enterprise under the following local environmental plans—

- (i) *Canada Bay Local Environmental Plan 2013,*
- (ii) *Central Coast Local Environmental Plan 2022,*
- (iii) *Penrith Local Environmental Plan 2010,*
- (iv) *Pittwater Local Environmental Plan 2014,*
- (v) *Port Macquarie-Hastings Local Environmental Plan 2011,*
- (vi) *Sutherland Shire Local Environmental Plan 2015,*
- (vii) *The Hills Local Environmental Plan 2019,*
- (viii) *Warringah Local Environmental Plan 2011,*
- (o2) Zone SP5 Metropolitan Centre,

**[11] Section 87 Additional floor space ratios**

Insert “Zone E2 Commercial Centre or” after “land in” in section 87(1)(b).

**[12] Section 90 Subdivision**

Insert “Zone E2 Commercial Centre or” after “land in” in section 90(2).

## **Schedule 3      Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

### **Clause 1.18 General requirements for complying development under this Policy**

Insert after the note to clause 1.18(3)—

- (4) Development is not permissible with consent for the purposes of subclause (1)(b) if the development is permissible only because of the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 5.

## Schedule 4 Amendment of local environmental plans

### 4.1 Albury Local Environmental Plan 2010

#### Land Use Table

Insert after the note—

**Note 2—** Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 6(2), this Plan is, until 26 April 2025, taken to apply to land identified as “Land subject to Albury Regional Jobs Precinct Process” on the Land Zoning Map (the **subject land**) as if certain amendments to this Plan had not commenced on 26 April 2023. As a result, until 26 April 2025 and to the extent this Plan applies to the subject land, this Plan is taken to include the references to business and industrial zones that were in this Plan immediately before 26 April 2023.

### 4.2 Deniliquin Local Environmental Plan 2013

#### Land Use Table

Insert after the note—

**Note 2—** Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 6(1), this Plan is, until 26 April 2025, taken to apply as if the *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021*, Schedule 3[1]–[4] had not commenced on 26 April 2023. As a result, until 26 April 2025, the Land Use Table is taken to include business and industrial zones that were in the Land Use Table immediately before 26 April 2023.

### 4.3 Inner West Local Environmental Plan 2022

#### Land Use Table

Insert after the note—

**Note 2—** Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 6(2), this Plan is, until 26 April 2025, taken to apply to land identified as “DM–Camperdown Health and Education Precinct” or “DM–St Peters Triangle” on the Land Zoning Map (the **subject land**) as if certain amendments to this Plan had not commenced on 26 April 2023. As a result, until 26 April 2025 and to the extent this Plan applies to the subject land, this Plan is taken to include the references to business and industrial zones that were in this Plan immediately before 26 April 2023.

### 4.4 Narrabri Local Environmental Plan 2012

#### Land Use Table

Insert after the note—

**Note 2—** Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 6(2), this Plan is, until 26 April 2025, taken to apply to land identified as “Land subject to Narrabri Special Activation Precinct Process” on the Land Zoning Map (the **subject land**) as if certain amendments to this Plan had not commenced on 26 April 2023. As a result, until 26 April 2025 and to the extent this Plan applies to the subject land, this Plan is taken to include the references to business and industrial zones that were in this Plan immediately before 26 April 2023.

### 4.5 Port Stephens Local Environmental Plan 2013

#### Land Use Table

Insert after the note—

**Note 2—** Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 6(2), this Plan is, until 26 April 2025, taken to apply to land identified as “Land subject to Williamstown Special Activation Precinct Process” on the Land Zoning Map (the **subject land**) as if certain amendments to this Plan had not commenced on 26 April 2023. As a result, until 26 April 2025 and to the extent this Plan

applies to the subject land, this Plan is taken to include the references to business and industrial zones that were in this Plan immediately before 26 April 2023.

#### 4.6 Queanbeyan-Palerang Regional Local Environmental Plan 2022

##### Land Use Table

Insert after the note—

**Note 2—** Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 6(2), this Plan is, until 26 April 2025, taken to apply to land identified as “Land subject to South Jerrabomberra Regional Jobs Precinct Process” on the Land Zoning Map (the **subject land**) as if certain amendments to this Plan had not commenced on 26 April 2023. As a result, until 26 April 2025 and to the extent this Plan applies to the subject land, this Plan is taken to include the references to business and industrial zones that were in this Plan immediately before 26 April 2023.

#### 4.7 Richmond Valley Local Environmental Plan 2012

##### Land Use Table

Insert after the note—

**Note 2—** Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 6(2), this Plan is, until 26 April 2025, taken to apply to land identified as “Land subject to Richmond Valley Regional Jobs Precinct Process” on the Land Zoning Map (the **subject land**) as if certain amendments to this Plan had not commenced on 26 April 2023. As a result, until 26 April 2025 and to the extent this Plan applies to the subject land, this Plan is taken to include the references to business and industrial zones that were in this Plan immediately before 26 April 2023.

#### 4.8 Willoughby Local Environmental Plan 2012

##### Land Use Table

Insert after the note—

**Note 2—** Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 6(1), this Plan is, until 26 April 2025, taken to apply as if the *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021*, Schedule 3[1]–[4] had not commenced on 26 April 2023. As a result, until 26 April 2025, the Land Use Table is taken to include business and industrial zones that were in the Land Use Table immediately before 26 April 2023.