
Department of Planning and Environment

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Employment Zones Reform Implementation

Explanation of Intended Effect

May 2022



Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Introduction

Making it easier for businesses to establish

Small and medium sized business are the backbone to a productive economy. Employment zones should guide and direct businesses to establish and grow, not be a roadblock. The NSW Government has been implementing a series of reform to the planning system to help businesses build back better.

Employment zones reform is a two year reform program announced in the NSW 2020 Budget.

The need for the reform came from the NSW Productivity Commission's 2021 [White Paper Rebooting the Economy](#). Recommendation 7.4, Consolidate Employment Zones, relates to the Employment zones reform and the White Paper published the final Employment zones framework as made in December 2021. A full outline of the background to the reform is available within the Employment Zones [Position Paper](#) exhibited May 2021.

The Employment zones framework:

- provides greater certainty for the community, councils and the development industry
- supports councils' long-term strategic planning objectives
- supports businesses, industry and society to grow, respond and adapt as necessary
- facilitates innovation and changes in business processes now and into the future.

The Employment zones aims to better align to the way cities and regions are evolving. It includes:

- three centres-focused zones and two industrial zones (down from 12 currently)
- three supporting zones that capture land uses and locations that have a focus beyond jobs (mixed uses, enterprise and waterways)
- A clear strategic intent for each zone that builds on strategic work by the State and councils over the past five years.

We welcome your feedback on how the employment zones will be applied in the local context within LEPs across NSW. The translation detail will be on exhibition for 6 weeks.

What is an employment zone?

An Employment zone is a zone in which the primary objective is to promote employment-generating activities.

Other zones, including the rural, special purpose and residential zones, may permit employment generating activities as secondary to their primary objectives. This EIE and reform focuses on the current B and IN zones.

Purpose of this exhibition

This explanation of intended effect (EIE) provides an overview of how the Employment zones will be introduced into individual local environmental plans (LEPs) through a self-repealing State Environmental Planning Policy (SEPP) by 1 December 2022. This EIE should be read alongside the LEP translation detail that is also being exhibited through the [planning portal](#), including a searchable web tool and the spatial viewer, which outlines how existing areas zoned with a Business or Industrial zone will be zoned under the Employment zones.

In December 2021 the Standard Instrument Local Environmental Plan Order 2006 (SI LEP Order) was amended to introduce the Employment zones alongside the existing Business and Industrial zones for a 12 month period. At the end of that 12 month period the Business and Industrial zones will be repealed from the SI LEP Order.

The SI LEP Order is the template that specifies the content and format of LEPs in New South Wales. The amendment of the SI LEP Order to replace Business (B) and Industrial (IN) zones with Employment zones means that each Standard Instrument local environmental plan needs to be amended in line with the Order. This exhibition includes detail of how each SI LEP that includes a Business or Industrial zone will be amended ahead of 1 December 2022.

The Employment zones framework

Five Employment zones are:

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial¹

The Local Centre and Commercial Centre zones represent zoning for centres; the General Industrial and Heavy Industrial are the key industrial zones; and Productivity Support provides a transition between the centres and industrial zones.

To accommodate land uses in existing B or IN zones that are not primarily productivity related, three further zones are proposed:

- MU1 Mixed Use
- W4 Working Waterfront
- SP4 Enterprise

Table 1 outlines the intent of each of the Employment zones. For further information on how the Employment zones were developed please refer to the [Position Paper](#) dated May 2021.

Please note that the Employment zones reform does not propose to change the density controls for land – the existing height and floor space ratio standards within LEPs remain unaffected.

Table 1: Employment zone intent

Employment zone	Strategic intent	Desired characteristics	Longer term considerations
E1 Local Centre	<p>To provide centres of all size and scales that offer:</p> <ul style="list-style-type: none"> • a diversity of retail, business, office, community, accommodation and entertainment uses to the community • a focus for active vibrant communities to come together • employment opportunities in accessible locations • where available, a focus for public transport 	<ul style="list-style-type: none"> • Commercial focus, either as offices, retail and business premises or mix of uses • A range of uses and services commensurate to the size of the centre • Entertainment and dining options, tourist and visitor accommodation, after hour uses, community and social infrastructure. 	<ul style="list-style-type: none"> • Facilitate centres as community hubs, offering shopping, services and events • Support the night-time economy • Accommodate collaborative and co-working spaces • Potentially include residential development on upper levels to establish a population catchment for a vibrant centre • Accommodate some local light industries.
E2 Commercial Centre	<p>To provide commercially focused centres that offer:</p> <ul style="list-style-type: none"> • a diversity of retail, business and office uses, with entertainment, community and other suitable land uses for the wider community • a focus for active vibrant communities to come together • where available, public transport nodes • employment opportunities in accessible locations 	<ul style="list-style-type: none"> • Commercial focus for a district and/or regional catchment, including full-line supermarket(s), entertainment and dining options • Tourist and visitor accommodation • Public transport, particularly in metropolitan areas • Out-of-business hour uses/night-time economy • Clusters community and social infrastructure, such as government services, 	<ul style="list-style-type: none"> • Facilitate centres as community hubs, offering shopping, events and services • Support longer trading hours and night-time economy • Accommodate collaborative and co-working spaces • Accommodate some light industries

Employment zone	Strategic intent	Desired characteristics	Longer term considerations
		<p>medical centres and child care.</p>	
<p>E3 Productivity Support</p>	<p>To provide land and floor space for:</p> <ul style="list-style-type: none"> • a range of urban or rural services that cater to and support the local population and businesses • businesses not suited to a centre location • industries and activities that are lower on the land value hierarchy than retail and commercial office uses 	<ul style="list-style-type: none"> • Fine grain and/or large format employment • Land and floorspace responds to local business need • Mix of specialised, niche or trade focused retail, including business focused retail • Mix of light industrial, office, infrastructure and other urban services uses • Capability to service the needs of local workers with food and drink, convenience retail and child care • Low impact creative and emerging industries 	<ul style="list-style-type: none"> • Allow a broader range of permissible land uses to accommodate emerging and changing industries • Cater to a range of floor plate and floor to ceiling requirements across a variety of locations
<p>E4 General Industrial</p>	<p>To provide suitable land and floor space for a range of industrial activities</p>	<ul style="list-style-type: none"> • General and light industries, warehousing and supporting businesses • Complementary uses including office (associated with industrial), auto-related industry (excluding sales), large format indoor recreation, artisan food and drink • Capability to service the needs of local workers • Access to arterial roads and freight routes • Diversity of lot sizes, with capability to support a mix of fine 	<ul style="list-style-type: none"> • Protect land for industrial purposes • Accommodate new industries and changing requirements of industries • Allow for industries to innovate and evolve • Co-locate industry with businesses that directly support industry or have similar amenity impacts

Employment zone	Strategic intent	Desired characteristics	Longer term considerations
		grain and large format industrial uses	
E5 Heavy Industrial	<ul style="list-style-type: none"> To provide suitable areas for industries that need to be separated from other land uses To minimise the impact of heavy industry on other land uses To protect land suited to heavy industries 	<ul style="list-style-type: none"> Capability to support hazardous or offensive industry and storage with buffers to sensitive receivers Capability to support depots, warehousing and storage premises that support heavy industry Physically separate from other higher amenity land uses Good access to arterial roads and freight routes Large lot as required by safety and amenity 	<ul style="list-style-type: none"> Continue to provide sites suited to heavy industry
MU1 Mixed Use	<ul style="list-style-type: none"> To support a mix of compatible land uses including residential, commercial and light industrial To transition between uses (e.g., a centre and another land use such as residential) To apply to mixed use centres, along corridors, or surrounding centres where genuine mixed uses are sought Can continue to be applied to existing B4 areas that are primarily residential 	<ul style="list-style-type: none"> Activities at ground floor and on street fronts Differentiation between a centre and urban support areas in a mix of zones to manage the impacts of out of centre development Well-designed mixed use developments are vibrant and support community needs 	<ul style="list-style-type: none"> Manage out of centre development Use permitted land uses to shape the intent and desired outcome of the area
W4 Working Waterfront	To provide suitable protections for working waterfront areas that are adjacent to waterways	<ul style="list-style-type: none"> Manage land use conflicts and environmental protections of waterways 	<ul style="list-style-type: none"> Determine the longer-term needs of the working waterfront and protect productive

Employment zone	Strategic intent	Desired characteristics	Longer term considerations
			<p>functions of these area</p> <ul style="list-style-type: none"> • Manage competing higher order land uses seeking to maximise waterfront locations
<p>SP4 Enterprise</p> <p><i>Discuss application with the department</i></p>	<p>To support unique areas that require tailored land use planning</p>	<ul style="list-style-type: none"> • Supports precinct planning where a specific enterprise outcome is sought beyond the strategic intent of another zone • Unique precincts with an enterprise focus 	<ul style="list-style-type: none"> • Determine if an area is truly unique or if another zone with local provisions can achieve the same outcome • Determine the timeframe for the planned process, and whether the area can eventually transition to an alternative zone

Process for translating existing local environmental plans

Each land use table that is on exhibition has been uniquely prepared combining the mandated components of the land use table from the SI LEP Order with the land use table of the in force Business or Industrial zone being translated.

Generally, we took an approach to capture the land uses of the more expansive zone (for example, we captured the land uses of the B2 zone instead of the B1 zone). Where we identified a conflict between permitted individual land uses in a combined land use table, we adopted a productivity focus. Councils were provided with this 'preliminary translation' alongside indicative zone translation maps.

Councils have reviewed the preliminary translation and where necessary revised them for consistency with the strategic intent of their existing zones and the direction set by recent strategic planning. Councils provided specific feedback and requested modifications to the land use tables including objectives and land use permissibility. The modifications were checked by the Department for alignment with the intent of the reform as well as consistency with drafting conventions for local environmental plans to ensure what is exhibited reflects as closely as possible what will likely come into effect in December 2022.

It should be noted that there will be instances where a council has sought changes to the prepared land use tables to address land use conflicts and therefore has removed some land use that may have been previously permitted in the more expansive zone and instead relied on Additional permitted uses to minimise land use conflicts. Similarly, other councils have sought to address land use conflicts by introducing Local Provisions that introduce additional development assessment considerations.

The land use tables provided in the web tool have not been through a legal drafting process. This means the land uses as displayed and the wording of Objectives, Schedule 1 Additional permitted uses and Local Provisions, when finalised, may differ from what was exhibited. The exhibition detail should be taken as an intent that alongside submissions will inform the legal drafting of amendments to the LEP.

Translating the existing zones

Standard Instrument LEPs that currently include B and IN zones need to be amended ahead of these zones being replaced with the Employment zones in December 2022. The B and IN zones need to be translated to an Employment zone. For most B or IN zoned areas this translation is relatively straightforward and in accordance with Figure 1. This translation is the direct zone translation. In some instances, a council has requested an alternative translation. In these instances, justification has been provided including alignment with the strategic direction for the area and reviewed by the Department's Place Teams (often referred to as the Region Team) and in Sydney, the Greater Cities Commission. Where an alternative translation has been provided this has been included in the [translation summary](#) provided for each local government area.

Figure 1 Translating zones into the Employment zones



Constructing land use tables

How a land use table is structured

Land use tables under a Standard Instrument LEP must be prepared in accordance with the SI LEP order. The Order sets a template for the structure, what aspects are mandated and therefore cannot be varied, as well as what local detail can be included. This detail is shown within the Principal Standard Instrument Local Environmental Plan and for the E1 Local Centre Zone appears as per Figure 2.

Figure 2 Land use tables explained

Zone E1 Local Centre → Name of the zone

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

These uses are mandated uses in this zone, they must be included in 2 or 3 below.

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.

Objectives set strategic intent & guide development assessment decisions. These are mandated, council can add local objectives too

2 Permitted without consent → Any land uses listed here are ‘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

These are mandated land uses that must remain as permitted, councils can also list these as ‘permitted without consent’ (in 2 above). Council can add to this list as local land uses that are ‘permitted with consent’

4 Prohibited → Any local land uses listed here are ‘prohibited’ development

Group terms

The Standard Instrument dictionary groups land use terms that are broadly related by type of use, as included in the ‘group term’ definition.

The intent of these group terms is to minimise longer land use tables by enabling SI LEP land use tables or other provisions to easily refer to a number of land uses without needing to list them individually. [Practice Note 11-003](#) provides further detail on group terms.

The following flow charts provide further detail on mandated group terms and local group terms and how they are applied in the land use table.

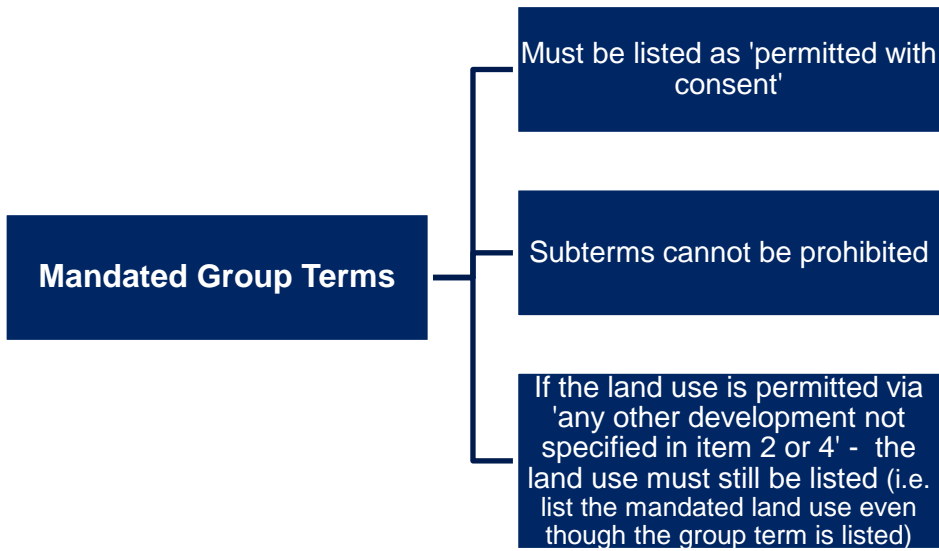


Figure 3: Mandated group terms

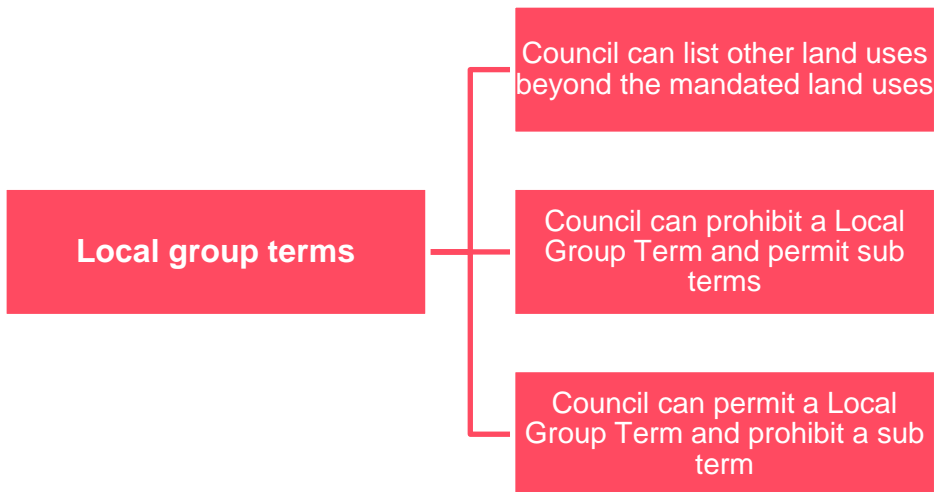


Figure 4: Local group terms

In preparing land use tables, the Department has utilised the group terms and not listed every permitted use. This means that when looking at the draft land use table for a particular zone, to understand the complete list of permitted development, you are encouraged to refer to the draft Land Use Matrix (Appendix A) which shows the sub terms of group terms.

Common employment land uses group terms and their sub terms are highlighted in Figure 5.

Figure 5 Commercial premises group term

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) **retail premises**,

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
 - (b) cellar door premises,
 - (c) food and drink premises,
 - (d) garden centres,
 - (e) hardware and building supplies,
 - (f) kiosks,
 - (g) landscaping material supplies,
 - (h) markets,
 - (i) plant nurseries,
 - (j) roadside stalls,
 - (k) rural supplies,
 - (l) **shops**,
 - (la) specialised retail premises,
 - (m) timber yards,
 - (n) vehicle sales or hire premises,
- but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Figure 6 Tourist & visitor accommodation group term

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) **serviced apartments**,

but does not include—
(f) camping grounds, or
(g) caravan parks, or
(h) eco-tourist facilities.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Figure 7 Industry group term

industry means any of the following—

- (a) general industry,
 - (b) heavy industry,
 - (c) **light industry**,
- but does not include—
(d) rural industry, or
(e) extractive industry, or
(f) mining.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Local provisions and additional permitted uses

Under the SI LEP Order councils are able to add ‘additional local provisions’. These are usually listed in part 6 or part 7 of a SI LEP. These provisions generally provide for additional planning matters or considerations relevant to local circumstances to be considered as part of development assessment. As part of the translation of Employment zones councils have reviewed local provisions to ensure they remain relevant under the Employment zone translation. A number of councils have proposed local provisions to manage land use conflicts or to align to strategic planning resulting from the reduction in the number of land use zones. These amended provisions or intent for proposed local provisions are outlined for each local government area.

Please note that where there is no change proposed to a local provision, including an update to the new zone name, this will not be shown. For example, if a council has an existing local provision to provide additional considerations for centres that were previously zoned B2, if no change is proposed to the provision other than to change the reference B2 to E1 zone, this change will not be outlined as these are consequential changes that do not need to be exhibited.

Additional permitted uses are listed in Schedule 1 of SI LEPs. These are additional land uses that go beyond the permissibility set out in the land use zone’s table for the applicable zone. These land uses are otherwise prohibited in the zone, but permissibility is set through this schedule for individual lots, areas or precincts. Similar to the changes to local provisions if the change only relates to the name of the zone, this is a consequential amendment and will not be outlined. If an additional permitted use is identified as being ‘deleted’, this is generally because the increased permissibility of the Employment zone means the additional use is now captured in the land use table and no longer needs to be separately identified.

If neither a local provision or additional permitted use is listed, this means there is no change proposed to the substance of the provision or clause for that local government area. Please note that only an intent has been shown for changes to local provisions and additional permitted uses as this will need to be subject to a legal drafting process. Please also note that mapping has not been completed for these aspects of the LEP.

Relationship with other work on industrial lands

Region and District plans

The translation of zones to the Employment zones framework has been broadly considered against the intent for employment areas outlined in region plans and in Greater Sydney, district plans. This has generally been done through a referral of a non-direct zone translation to the Region / Place Teams and in Greater Sydney the Greater Cities Commission.

In the coming years a number of region plans are to be updated including the Greater Sydney Region Plan. This update will trigger sequential updates to associated strategic planning including to District plans, local strategic planning statements and employment lands studies. As a

consequence, for many councils this means that the draft translation is an initial translation that may be reviewed when council next undertakes a comprehensive LEP to align to updated strategic planning.

Retain and manage

The Greater Cities Commission is finalising a review of their current industrial lands policy commonly referred to as 'retain and manage'. The work on Employment zones reform has been cognisant of this review and has provided a suitable range of zones for industrial and urban services land that can be applied once the policy approach for existing 'retain and manage' land is finalised. Ahead of the review being finalised the Department has referred the proposed zone translation for 'retain and manage' industrial land to the Greater Cities Commission for advice and this has informed discussions with councils.

Council employment lands strategies

Employment lands strategies guideline

The Department has released a draft Employment Lands Strategy Guideline to assist councils with preparing an employment lands strategy. A number of councils have also submitted an employment lands strategy to the Department for endorsement. The purpose of endorsement of these strategies is to streamline future planning proposals for industrial land lodged in accordance with an endorsed employment lands strategy. The translation of existing B and IN zones to an employment zone has not sought to implement any employment lands strategies. However, in instances where a direct zone translation was not possible council has relied on employment lands strategies to justify an alternative zone selection.

The Department is finalising the guideline to ensure it aligns with the employment zones and will be released in the coming weeks.

Understanding the land use tables

Zone translation detail

Land use table translation detail for a particular site and address is shown through the planning portal. The easiest way to view this detail is by entering an address. If the address is an employment zone it will show the existing zone and associated land use table and the proposed zone and associated land use table. Please refer to Figure 2 for an explanation of what is included in a land use table. In addition to the zone and land use table detail we have also provided a translation summary which broadly summarises how the Employment zones are proposed to be applied for a particular local government area.

Below the land use table, we will also provide detail of any proposed changes to Local Provisions and Schedule 1 Additional permitted uses.

SEPPs and other permitted land uses

There are a number of SEPPs that establish land use permissibility for certain uses. These land uses override permissibility for the same use within LEP land use tables. The permissibility prescribed by SEPPs has occurred subsequent to many LEPs being drafted which means there is legacy permissibility within land use tables which the Department is seeking to address so that rather than having a land use table inconsistent with a SEPP, permissibility should be addressed through the SEPP. For example, State Environmental Planning Policy (Transport and Infrastructure) 2021 identifies prescribed zones for 'health services facilities' that covers all of the Business zones. There are examples of land use tables for existing Business zones that seek to prohibit 'health services facilities'

Areas not captured as part of this exhibition

There are a limited number of areas with a current B or IN zone that are not covered by this public exhibition. Further there are areas that will also be deferred from the self-repealing SEPP.

Areas not included as part of this public exhibition:

- Land that does not have a Business or Industrial zone (there are some limited exceptions)
- Precincts that are subject to a Special Activation Precinct
- Certain precincts that are subject to a Regional Jobs Precinct
- Councils that are exhibiting Employment zones translations as part of the exhibition of a Comprehensive or Consolidating LEP:
 - Edward River
 - Randwick
 - Willoughby
- Canterbury Bankstown will be exhibited following the making of its Consolidating LEP
- A limited number of sites where further strategic planning is required before a translation can occur including areas within the following local government areas:
 - Dubbo
 - Inner West
 - City of Sydney areas zoned B8
- Councils with an LEP that does not include a B or IN zone
- Areas zoned by a SEPP.

Implementation

What is a self-repealing SEPP?

SEPPs are environmental planning instruments that deal with matters of state or regional environmental planning significance. SEPPs are also used as a tool by the Minister for Planning to make operational changes to lower order Environmental Planning Instruments such as LEPs. A self-repealing SEPP can cover amendments to LEPs and be removed from legislation (repealed) once this purpose is complete. This mechanism removes the need for a council to prepare a planning proposal to amend their LEP. The amendment of council LEPs will occur either through a self-repealing SEPP or as part of a councils comprehensive LEP finalisation.

Planning proposals and development applications

Planning proposals already underway should be unimpeded by the implementation process – they should continue to progress through the LEP plan-making process. Gateway determinations issued since mid-2021 have included a condition to advise how the site will be translated. The Department will work with councils to ensure an appropriate translation occurs as part of planning proposal finalisation depending on timing with the publishing of the self-repealing SEPP.

Savings and transitional arrangements will extend to undetermined development applications.

Consequential amendments to other Environmental Planning Instruments

Implementation of Employment zones primarily relates to local environmental plans and will not extend to SEPPs that zone land. The self-repealing SEPP that will amend LEPs will also make consequential changes to SEPPs that reference land use zones to add references to the Employment zones alongside the Business and Industrial zones. This will enable any SEPPs that include provisions and requirements for land to apply to land that is being zoned differently as a result of Employment zones implementation. References to Business and Industrial zones will need to continue to ensure the provisions continue to apply to land that will continue to have a B or IN zoning either because the land is deferred as part of this implementation or is land zoned under a SEPP not captured as part of this reform.

A comprehensive list of consequential amendments is being prepared for environmental planning instruments that interact with the SI LEP zones. Where an instrument – such as the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (previously called Three Ports) SEPP – uses the SI LEP zones in name only, there is no intention to translate it into the employment zones framework. While every intention will be to update references to the Employment zones by 1 December there may be delay in drafting. To capture unmade consequential changes a savings and transitional provision will apply to ensure SEPP provisions will continue to apply.

Future amendments to the Standard Instrument Order

As part of translation discussions with councils, policy issues have been raised where a modification to the Employment zones framework is proposed to resolve them. Three identified matters include:

- Amendment to the mandated Objective for the E2 Commercial Centre Zone;
- Changes to land uses that gain permissibility from a SEPP; and
- Change to mandated permitted with consent land uses for the SP4 Enterprise Zone.

E2 mandated objective

The wording of a current mandated objective has been raised as being inconsistent with strategic planning for councils where the E2 zone will not permit residential accommodation.

To enable residential development that is consistent with the Council's strategic planning for residential development in the area.

To address this concern the objective will be amended to include 'where 'permissible' to put it beyond doubt that the objective would not provide an alternative mechanism to permit residential accommodation where it is not permitted as part of the land use table.

SEPP based permissibility

A number of land uses currently gain their permissibility through a SEPP. Examples of these uses where permissibility should rely on the SEPP and not the LEP include:

- Seniors housing (MU1)
- Educational establishments (E2 & MU1)

Accordingly, it is proposed that these currently identified mandated land uses be removed from the SI LEP Order and instead the SEPPs be relied on for permissibility.

As part of consequential provisions the employment zones will be included as prescribed zones in SEPPs where land use permissibility is set.

SP4 Enterprise Zone land uses that are permitted with consent

In the application of the SP4 Enterprise Zone land use table, issue was raised with the mandated permitted with consent land use 'food and drink premises', as this could erode the strategic intent of certain precincts where food and drink premises could conflict with the strategic intent for the area. Consequently, this land use will be omitted and replaced with 'take away food and drink premises'.

Retain a Metropolitan Centre Zone for the City of Sydney

The employment zones framework when published in the SI LEP Order in December 2021 included the repeal of the existing B8 Metropolitan Centre Zone. This zone currently is only in place within the City of Sydney LEP. The translation of the City of Sydney LEP highlighted the need to maintain a

specific zone for the largest commercial centre within NSW so as to maintain strategic clarity and to continue the land use planning approach for the Sydney CBD linked to a dedicated zone. An amendment to the SI LEP Order is proposed which will retain and rename the existing B8 Metropolitan Centre Zone to SP5 Metropolitan Centre Zone.

An Amending Order covering these matters and any other housekeeping issues that arise as part of implementation will be made ahead of 1 December 2022 when the employment zones will come into effect into individual LEPs.

Included detail within a planning certificate

A section 10.7 planning certificate is issued by a council and outlines all the information regarding the development potential of a parcel of land including the zoning. The Environmental Planning & Assessment Regulation 2021 specifies what must be included in a planning certificate and lists proposed environmental planning instruments and development control plan. This public exhibition is for an Explanation of Environmental Effects and not a proposed environmental planning instrument, as such the Department has formed the view that councils are not required to list the proposed zone translation within planning certificates. However, when issuing a planning certificate for a Business or Industrial zone following the commencement of the exhibition of this EIE councils can opt to provide within the certificate a link to the planning portal and the searchable web tool that displays the current and proposed zone for land covered in this public exhibition.

Next steps

The Department will review feedback received during exhibition and will share this detail with councils along with policy recommendations. This is anticipated to occur from July to enable sufficient time to finalise the policy and complete drafting of the LEP amendments. It is anticipated that the self-repealing SEPP will be made in October with a commencement date of 1 December 2022 to enable sufficient time for councils to update their property information systems.

How to get involved

The Department welcomes your feedback on the draft Employment zones translation and amendments to SI LEPs.

Search by address

The best way to give feedback is by searching for a particular location with an existing Business or Industrial zone. The searchable web tool will provide you with a translation summary for the LEP, show the existing and draft zone and the existing and draft land use tables. Local provisions and additional permitted uses for the local government area will also be shown.

Search by local government area

If you do not have a particular location, then the zone translation can be viewed on the spatial viewer and searched by local government area or by free scrolling. This will enable you to toggle between the current and the draft zone. Once a particular zone and local government area has been identified then the searchable web tool (search by address) can be used to pull up the applicable land use tables. Open ended fields are provided under each section of the land use table to enable feedback on the draft translation. There is also an option for search by local government area which will bring up all LEPs captured by this reform and enable you to view the proposed land use tables.

This focused form for making a submission will enable the relevant local government area, zone and where selected, site to be linked to feedback.

Have your say

We encourage submissions to be made on the translation detail by utilising the planning portal web tool to search the draft zone and associated land use table. Feedback should be focused on the extent of change proposed to translate existing zones to the Employment zones. Submissions on existing land use planning and associated requirements is outside of scope. Submissions are sought on the translation and the extent of change proposed. Feedback on existing land use planning including current zones, existing permissibility and local provisions that are already in place will not be revisited as part of this process. Further, general feedback on the employment zones framework is also outside of scope of this exhibition as that detail was exhibited in May 2021 and has since been finalised and included within the SI LEP Order.

Should you require assistance with reviewing the translation detail please email employment.zones@planning.nsw.gov.au.

Submission summaries will be made public in line with our objective to promote an open and transparent planning system. Names will not be published.

Appendix 1 – Employment zones land use matrix

Please note that the matrix includes notes which can only be viewed when opened in excel. The planning portal includes an excel version of the employment zones land use matrix.

Legend

- o permitted without consent [mandated under the SI].
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- c permitted with consent [mandated under the SI].
- c permitted with consent.
- x prohibited [mandated under the SI].
- x prohibited.
- H permitted under SEPP (Housing) 2021.
- TI permitted under SEPP (Transport and Infrastructure) 2021.
- fill colours in green or red mandated under the SI.
- fill colour in purple public infrastructure permitted under a SEPP.

Local Centre	Commercial Centre	Productivity Support	General Industrial	Heavy Industrial	Mixed Use	Enterprise	Working Waterfront
E1	E2	E3	E4	E5	MU1	SP4	W4

Is the zone used? [please select Y/N for each zone]

-	-	-	-	-	-	-	-
---	---	---	---	---	---	---	---

(LAND USE terms WITHIN agriculture group term)

agriculture							
aquaculture							c
Oyster aquaculture	c	c	c	c	c	c	c
Pond-based aquaculture							c
Tank-based aquaculture	c	c	c	c	c	c	c
extensive agriculture [eg grazing of livestock etc]							
bee keeping							
dairy (pasture-based)							
intensive livestock agriculture							
feedlots							
dairies (restricted)							
pig farm							
poultry farm							
intensive plant agriculture [eg cultivation of irrigated crops]							
horticulture							
turf farming							
viticulture							

(LAND USE terms OUTSIDE agriculture group term)

animal boarding or training establishments			c				
farm buildings							
forestry							

(LAND USE terms WITHIN residential accommodation group term)

residential accommodation							
attached dwellings							
boarding houses	c					c	
co-living housing							
dual occupancies							
dual occupancies (attached)							
dual occupancies (detached)							
dwelling houses							
group homes						H	
group homes (permanent)						H	
group homes (transitional)						H	
hostels							
multi dwelling housing							
residential flat buildings							
rural worker's dwellings							
secondary dwellings							
semi-detached dwellings							

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Local Centre	Commercial Centre	Productivity Support	General Industrial	Heavy Industrial	Mixed Use	Enterprise	Working Waterfront
E1	E2	E3	E4	E5	MU1	SP4	W4

seniors housing	H	H	H		c		
independent living units	H	H	H		c		
residential care facilities	H	H	H		c		
shop top housing	c				c		
(LAND USE terms OUTSIDE residential accommodation group term)							
home business							
home occupations							
home occupation (sex services)							
(LAND USE terms WITHIN tourist and visitor accommodation group term)							
tourist and visitor accommodation					c		
backpackers' accommodation		c			c		
bed & breakfast accommodation					c		
farm stay accommodation					c		
hotel or motel accommodation	c	c	c		c		
serviced apartments					c		
(LAND USE terms OUTSIDE tourist and visitor accommodation group term)							
camping grounds							
caravan parks							
eco-tourist facilities							
(LAND USE terms WITHIN commercial premises group term)							
commercial premises	c	c			c		
business premises [eg banks, post offices, hairdressers, etc]	c	c	c		c		
funeral homes	c	c	c		c		
goods repair and reuse premises	c	c	c	c	c		
office premises	c	c	c		c		
retail premises	c	c			c		
cellar door premises	c	c			c		
food & drink premises	c	c			c	c	
pubs	c	c			c		
restaurants or cafes	c	c			c		
take-away food & drink premises	c	c	c	c	c		
small bars	c	c			c		
garden centres	c	c	c	c	c		
hardware & building supplies	c	c	c	c	c		
kiosks	c	c			c		
landscaping material supplies	c	c	c		c		
markets	c	c	c		c		
plant nurseries	c	c	c		c		
roadside stalls	c	c			c		
rural supplies	c	c	c		c		
shops	c	c			c		
neighbourhood shops	c	c	c	c	c		

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Local Centre	Commercial Centre	Productivity Support	General Industrial	Heavy Industrial	Mixed Use	Enterprise	Working Waterfront
E1	E2	E3	E4	E5	MU1	SP4	W4

neighbourhood supermarkets	c	c				c	
specialised retail premises	c	c	c			c	
timber yards	c	c	c			c	
vehicle sales or hire premises	c	c	c			c	

(LAND USE terms OUTSIDE commercial premises group term)

amusement centres	c	c				c	
entertainment facilities	c	c				c	
function centres	c	c	c			c	
highway service centres							
industrial retail outlets			c	c			
registered clubs		c				c	
restricted premises		c				c	
service stations	c		c				
sex services premises							
veterinary hospitals	c	c	c				
wholesale supplies			c				

(LAND USE terms WITHIN rural industry group term)

rural industries [eg use of composting facilities and works]							
agricultural produce industries							
livestock processing industries							
sawmill or log processing industries							
stock & sale yards							

(LAND USE terms WITHIN industry group term)

industries							
heavy industries				c			
hazardous industry				c			
offensive industry				c			
light industries			c	c		c	c
artisan food and drink industry		c	c	c		c	c
creative industries			c	c		c	c
high technology industries			c	c		c	c
data centre			c	c	c	c	c
home industry				c			c
general industries				c	c		

(LAND USE terms OUTSIDE industry group term)

boat building and repair facilities			c				c
vehicle body repair workshops			c				
vehicle repair stations		c	c			c	

(LAND USE terms WITHIN heavy industrial storage establishment group term)

heavy industrial storage establishments							
hazardous storage establishments				c			
liquid fuel depots							

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Local Centre	Commercial Centre	Productivity Support	General Industrial	Heavy Industrial	Mixed Use	Enterprise	Working Waterfront
E1	E2	E3	E4	E5	MU1	SP4	W4

offensive storage establishments

(LAND USE terms WITHIN storage premises group term)

storage premises

self storage units

(LAND USE terms OUTSIDE storage premises group term)

depots

warehouse or distribution centres

local distribution premises

(LAND USE terms WITHIN sewerage system group term)

sewerage systems

biosolids treatment facilities

sewage reticulation systems

sewage treatment plants

water recycling facilities

(LAND USE terms WITHIN waste or resource management facility group term)

waste or resource management facilities

resource recovery facilities

waste disposal facilities

waste or resource transfer stations

(LAND USE terms WITHIN water supply system group term)

water supply systems

water reticulation systems

water storage facilities

water treatment facilities

(LAND USE terms WITHIN air transport facility group term)

air transport facilities

airport

heliport

(LAND USE terms OUTSIDE air transport facility group term)

airstrip

helipad

(Other LAND USE terms relating to infrastructure)

car parks

electricity generating works

freight transport facilities

passenger transport facilities

port facilities

roads

transport depots

truck depots

wharf or boating facilities

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Local Centre	Commercial Centre	Productivity Support	General Industrial	Heavy Industrial	Mixed Use	Enterprise	Working Waterfront
E1	E2	E3	E4	E5	MU1	SP4	W4

(LAND USE terms WITHIN educational establishment group term)

educational establishments [eg TAFE establishment etc]	TI	c	TI			TI	
schools	TI	c	TI			TI	

(LAND USE terms WITHIN health services facility group term)

health services facilities	TI	TI	TI			TI	
hospitals	TI	TI	TI			TI	
medical centres	c	c	TI			c	
health consulting rooms	TI	TI	TI			TI	

(Other LAND USE terms relating to community infrastructure)

early education & care facilities							
centre-based child care facilities	c	c	c			c	
home-based child care							
school-based child care	TI	TI	TI			TI	
community facilities	c	c	c			c	
correctional centres							
emergency services facilities	TI	TI	TI	TI	TI	TI	TI
industrial training facilities			c	c	c		
information and education facilities	c	c	c			c	
places of public worship	c	c	c			c	
public administration building	c						
research stations			c				
respite day care centres	c	c	c			c	

(LAND USE terms WITHIN signage group term)

signage							
advertising structure							
building identification sign	*	*	*	*	*	*	c
business identification sign	*	*	*	*	*	*	c

(LAND USE terms relating to recreation)

boat launching ramps							c
boat sheds							
charter & tourism boating facilities							
environmental facilities							
jetties							c
marinas							
mooring							
mooring pens							
recreation areas	*	c	c			c	
recreation facilities (indoor)	c	c	c			c	
recreation facilities (major)			c				
recreation facilities (outdoor)		c	c				
water recreation structures							

(Other miscellaneous LAND USE terms)

Appendix 2 Land use table explainer

Mandatory Group Terms and Mandated land uses

Question	Response	Information
Does a Mandated Group Term need to be listed?	Yes	Even if the mandated group term is permitted via 'Any other development not specified in item 2 or 4', the use must still be listed.
Can councils prohibit sub terms of a Mandated Group Term?	No	If a group term is mandated, councils must permit all sub terms. For example, if tourist and visitor accommodation is mandated permitted with consent, all sub terms including hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation are also mandated permitted and cannot be prohibited.
Do the sub-terms of a mandated group term need to be listed?	No	If the department has mandated the group term, sub terms do not need to be listed.
Does a mandated land use always have to be listed as permitted with consent?	Yes	A mandated land use must always be listed as permitted with consent. This is the case even if a local group term permits the mandated sub term. For example, takeaway food and drink premises is mandated permitted with consent in the E3 zone. However, councils may still list the group term 'Food and drink premises' as permitted with consent.

Local group terms – group terms that are not mandated

Question	Response	Information
Can councils prohibit a local group term?	Yes	For example, residential accommodation can be prohibited.
Can councils permit sub terms where a local group term is prohibited?	Yes	For example, dwelling houses, a sub term of residential accommodation, can be permitted even where residential accommodation is prohibited.

Question	Response	Information
Can councils prohibit a sub term where the local group term is permitted?	Yes	For example, a council wants to prohibit farm stay accommodation. If the local group term tourist and visitor accommodation is permitted, council can prohibit farm stay accommodation.

Other land uses

Land use	Information
Pond based aquaculture	Pond-based aquaculture was previously mandated prohibited. This has been removed. Councils can decide whether to include pond-based aquaculture as permitted with consent or prohibited in the land use table.
Local distribution premises	Local distribution premises is no longer a sub term of warehouse or distribution centres.

Permitted with and without consent

Question	Information
Can land uses be added to permitted without consent?	Yes, councils may decide to add any land uses to permitted without consent.
Why does the department direct council to list certain land uses as permitted without consent or permitted with consent?	Directions in relation to certain zones also require specified uses to be permitted either without consent under Item 2 or with consent under Item 3.
Can councils change a 'closed' zone to an 'open' zone?	Yes, a council can set a zone to open or closed where councils have set a zone to closed, they have been encouraged to set them to open as it enables innominate uses to be permissible. Changing a land use table from closed to open requires a bit of work so a number of councils have opted to look into this as part of a future housekeeping LEP.

Local objectives

Question	Response	Information
Can councils amend or not include core objectives?	No	All mandated objectives must be included. We have drafted new mandated objectives to reflect the strategic intent of each zone and to recognise the differences between regions and metropolitan areas.
Can councils add local objectives?	Yes	Councils may decide to add local objectives provided these are not inconsistent with the mandated objectives and mandated land uses. In many instances we envisage that councils will not need to add local additional objectives.

Question	Information
What assessment has the department made of council's current objectives?	<p>We have incorporated local objectives from council LEPs and made an initial assessment of their consistency in terms of the strategic intent of the new zone.</p> <p>Alongside each local objective in the shared preliminary land use tables is a recommendation either to retain, amend or delete these local objectives. We now seeking councils' responses to the recommendations in the Land Use Table Instructions.</p>

Local provisions

Question	Information
Can councils amend an existing or propose a new local provisions to introduce additional considerations arising from the employment zones reform?	<p>We have worked with councils to ensure that existing local provisions have been amended to reflect the employment zones.</p> <p>Additionally, council and the department have utilised local provisions where land use sensitivities need to be managed or a strategic intent for an area strengthened as a result of a reduced suite of zones.</p>

Schedule 1 – Additional permitted uses

Question	Response	Information
Do councils need to remove a lot in Schedule 1 because the use is now permissible?	Yes	Councils must update Schedule 1 to remove any lots which are now permissible in an employment zone because of the translation.