

Implementing employment zones

Answers to common questions about the new employment zones.

What changes are being introduced?

[The Standard Instrument \(Local Environmental Plans\) Amendment \(Land Use Zones\) Order 2021](#) (Amending Order) was published on 5 November 2021. The Amending Order introduces the new employment zones alongside the existing business and industrial zones and enables the implementation into individual local environmental plans (LEP) to begin.

Changes are also being made to the Standard Instrument LEP Dictionary and Direction 5 to accommodate the new employment zones and other associated land use amendments. These land use term changes commence 1 December 2021 except for the changes to 'local distribution premises' which commences 30 June 2022. The changes to 'local distribution premises' were delayed as part of [Standard Instrument \(Local Environmental Plans\) Further Amendment \(Land Use Zones\) Order 2021](#) (Further Amending Order). Ahead of that commencement date, councils will need to identify any open zones where local distribution premises should not be permitted with consent so that consequential amendments to those zones can be made. For further information councils should refer to the Return Translation Detail emailed to councils end of October/early November.

An open zone is one where a broad variety of land use can be considered. An open zone is identified in the Land Use Table with the words 'Any development not specified in Item 2 or 4'. A closed zone is one where the diversity of land uses is more restrictive, meaning development types are chosen primarily from only one or two 'key' group terms. A closed zone is identified in the Land Use Table with the words 'Any development not specified in Item 2 or 3'. More information about open and closed zones is available [here](#).

What are the changes to Pond-based and Tank-based aquaculture?

The Amending [Order](#) will make changes to the existing permissibility of Pond-based and Tank-based aquaculture in all councils LEPs. These changes will come into effect on 1 December 2021. The changes will remove the mandated prohibition of Pond-based aquaculture from the B1-B8, IN1-IN3 and RU5, RU6 and R3 zones and Tank-based aquaculture in the R4 zone. Councils are being asked to determine whether they want to 'permit with consent' or 'prohibit' Pond-based and Tank-based aquaculture in those zones.

Until the amendments are made to every councils' LEP, a development application will be required for any open zones where Pond-based or Tank-based aquaculture becomes 'permitted with consent'.

What are the land uses changes within the Amending Order?

The Amending [Order](#) introduces new lands uses into the Standard Instrument Order Direction 5 and Dictionary. The Dictionary now includes definitions for Creative industries, Data centres and Goods repair and reuse premises. Additionally, amendments have been made to the following existing land use terms: Business premises, Crematorium, High technology industry, Home based child care, Kiosk, Light industry, Local distribution premises, Neighbourhood shop, School based child care, Shop top housing, Storage premises and Warehouse or distribution centre. Most of these changes are consequential to changes to parent terms, to improve clarity or to remove redundant land use functions.

The new land use term 'data centres' has been introduced to accommodate upcoming changes to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, intended to introduce a complying development approval path for this land use. Ahead of that change please refer to 'data storage' under *State Environmental Planning Policy (Infrastructure) 2007*.

What do councils need to provide back to the department after review of the preliminary translation detail?

Councils will need to provide the Employment zones team the 'Return Translation Detail' document which details changes to the permissibility of local land uses, additional permitted uses, local provisions, and mapping amendments. Councils should discuss proposed changes to the translation of land use zones **prior** to providing the Return Translation Detail document.

Any changes that council is proposing to mapping must be discussed with the Employment zones team as soon as practicable and before any draft GIS detail being prepared and forwarded to the ePlanning team. Councils who have flagged changes to the land use zone translation should get in touch with the Employment zones team before the end of 2021.

When should council endorsement be sought?

Councils have until the end January 2022 to review and finalise the land use tables, additional permitted uses, local provisions, and mapping, and return it to the Employment zones team. Councils should consider whether they will need the translation detail endorsed by Council ahead of public exhibition. Councils may not need to have this detail endorsed if the substance of the proposed LEP change remains unchanged and if key aspects of the LEP have been recently endorsed such as for a comprehensive LEP or as part of the endorsement of a recent employment lands strategy.

In instances where a council resolution will be necessary, councils should identify a March council meeting, list the matter as an agenda item and prepare a business paper based on the returned translation detail.

Following exhibition of the LEP amendment, again councils should determine whether they will need a further council resolution to finalise the translation detail before the department in consultation with councils commences legal drafting. It is envisaged that this would need to be a meeting in June or July 2022.

What will be exhibited?

A self-repealing State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE) will be exhibited in April 2022. The SEPP EIE will outline each council's proposed LEP amendment. The department is building a web platform so that communities can readily identify their local changes and make a specific submission on the proposed translation and associated detail relevant to their local areas.

How will exhibition submissions be received and reviewed?

The purpose of the web platform is to focus submissions relevant to each council and the areas subject to zone translation. This will enable both councils and the department to review the detailed feedback and enable policy finalisation for each LEP amendment. The department will share all submission detail with councils relevant to their LEP. Post exhibition changes to the LEPs will be agreed to by council and the Employment zones team.

Will all LEP amendments be made under the one Self Repealing SEPP?

It is likely that the majority of LEP amendments will form part of a single Self Repealing SEPP. However, in instances where councils are currently preparing a comprehensive or consolidated LEP, councils can exhibit their translation as part of that process, if this is an option for your council please get in contact with the employment zones teams as soon as practicable. The department will work with individual councils who have complex translation matters that require additional considerations and to support them to meet implementation timeframes while also ensuring satisfactory policy resolution. Again, if your council falls into this category please get in touch with the employment zones team before the end of 2021.

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