

# Employment Zones commencement – additional matters

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Employment Zones commenced within 135 local environmental plans (LEPs) on 26 April 2023. This fact sheet provides guidance on the local provision ‘Development in local centres’ contained within certain LEPs as well as a savings and transitional provision to continue permissibility.

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## Development in local centres local provision

A model clause for local centre development has been included in certain Local Environmental Plans (LEPs). The local provision was drafted to include character and amenity considerations when assessing proposals for land uses not previously permitted in smaller centres (typically land previously zoned B1 Neighbourhood Centre).

### Intent of local centres provision

The intent of the local centres provision is to provide additional considerations when assessing development in smaller E1 Local Centres. These considerations are:

- (a) the impact of development on –
  - (i) the amenity of surrounding residential areas, and
  - (ii) the desired future character of the local centre, and
- (b) whether the development is consistent with the hierarchy of centres.

### How to assess the impact of development

The purpose of this subclause is to provide additional considerations to be addressed as part of development application assessment. The additional consideration has been applied to certain E1 Local Centres as the E1 Local Centre zone has expanded the range of permissible land uses from what was previously permitted. Accordingly, certain councils wanted to apply an additional consideration to ensure the operation of these uses would not have an unreasonable impact on nearby residential amenity.

Additionally, the subclause supports a council’s centres hierarchy where a hierarchy has been provided within council’s strategic plans. By calling up a council’s centres hierarchy councils are able to assess whether the development is consistent with that hierarchy and the desired future character of the centre.

### LEPs where the local centres provision applies

For LEPs that have adopted the local centres provision, the affected land will have been mapped unless otherwise stated within the LEP. Councils that have elected to include the local centres provision are:

- Camden
- Hornsby
- Kiama
- Mosman
- Newcastle
- Shoalhaven
- Sutherland
- Tweed
- Wingecarribee
- Wollongong
- Woollahra

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### Savings and transitional provision – continuation of permissibility

The *Standard Instrument (Local Environmental Plans) Order 2006* includes a two year transitional arrangement to continue land use permissibility where the translation to employment zones is altering the land use permissibility.

Until 26 April 2025, a land use that is permissible with consent under a former zone (for instance, the IN2 Light Industrial zone) that will not be permissible under the translated zone will continue to be permissible through the transitional provision.

For example, say a parcel of land was previously zoned B5 Business Development under an LEP and 'retail premises' was permitted. As part of the translation to an Employment Zone, E3 Productivity Support Zone was applied. The land use table for that particular LEP 'retail premises' is no longer permissible as the E3 zone has been applied more land parcels than the B5 zoned land, including where retail is not appropriate. Because of the savings and transitional clause 5 Continuation of permitted development, a development application for 'retail premises' can still be lodged with council in instances where the use was previously permitted.

The development application will have to be lodged and determined by 26 April 2025.

To check whether a use was previously permissible it will be necessary for the proponent/consent authority to check the historical zone and land use table that applied prior to 26 April 2023.

This can be done by reviewing the historical PDF maps or 'point in time maps' where a council had digital maps prior to 26 April 2023. Once the previous zone has been identified, then a proponent

can view the historical version of the land use table that applied via opening the relevant in force LEP on [NSW legislation](#) then selecting the point in time immediately prior 26 April 2023.

If a landowner wishes the use to continue beyond 26 April 2025, please contact the relevant council to determine whether an Additional Permitted Use could be applied to a specific site or area as part of a future housekeeping LEP amendment.