



# LEP practice note

## STANDARD INSTRUMENT FOR LEPS

### Standard zones

<b>Note</b>	PN 06-002
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<b>Related</b>	

## Preparing LEPs using the standard instrument: standard zones

The purpose of this practice note is to provide a general commentary on the standard zones in the Standard Instrument (Local Environmental Plans) Order 2006. It should be read in conjunction with any relevant State or regional planning guidance (including SEPPs, REPs, section 117 directions, and metropolitan or regional strategies), and advice from the Department of Planning with respect to the preparation of individual LEPs.

### Introduction

The Standard Instrument (Local Environmental Plans) Order 2006 (standard instrument) sets out 34 standard zones for councils to use when preparing new principal local environmental plans (LEPs) for their local government area.

An overview of the intended purpose of each zone is set out in Attachment A.

Councils may select zones as appropriate to the needs of their local areas, taking into account any relevant State or regional planning guidance. Only those zones which are used in a council's LEP will need to appear in the council's gazetted plan.

Councils may not add new zones or create subzones, or change the name of a standard zone.

For each zone, the standard instrument sets out 'core' objectives for development in the zone, and certain mandated permitted or prohibited land uses.

### Core zone objectives

Each standard zone has one or more core objectives for development in the zone (referred to as 'listed' objectives in Direction 1 at the beginning of the land use table in the standard instrument).

The core objectives ensure consistency between how zones are applied in different areas.

Councils may prepare additional local objectives to supplement core objectives where appropriate, provided that these are not inconsistent with the core objectives and mandated land uses, and do not conflict with any relevant State or regional

planning guidance. Any additional local objectives will appear below the core objectives for each zone in the council's LEP.

### Permitted and prohibited land uses in zones

The land use table in the standard instrument mandates certain permitted and prohibited land uses in certain zones. For each zone, mandated uses may be set out under:

- Item 2 (Permitted without consent)
- Item 3 (Permitted with consent)
- Item 4 (Prohibited).

Directions in relation to certain zones also require some specified uses to be permitted either without consent under Item 2, or with consent under Item 3.

In addition to the mandated uses, councils will need to determine for each zone whether to permit (with or without consent) or prohibit the other land uses defined in the dictionary but not specified in the mandated uses. Direction 3 at the beginning of the land use table (which follows clause 15 in the standard instrument) explains how councils are to set out additional permitted and prohibited land uses within the table for each zone.

In supplementing the mandated permitted and prohibited land uses for each zone, councils should maximise the range of appropriate uses that are permissible with or without consent (including exempt and complying development). For most zones in the residential (other than low density residential), business, industrial and

special purpose categories, councils should list the mandated uses and then:

- specifically list any uses that may be undertaken without consent under Item 2 as ‘Permitted without consent’
- specifically list any land uses that are prohibited under Item 4
- allow all other unnamed (i.e. innominate) uses under Item 3 as ‘Permitted with consent’.

For zones in the environment protection, recreation and rural categories and the low density residential zone, it will usually be appropriate to specifically identify the permitted uses and prohibit all other development.

This approach minimises the need to undertake ‘spot rezonings’ or other ad hoc LEP amendments to permit additional acceptable uses that were not anticipated during the initial LEP preparation.

Councils must give effect to any relevant State or regional planning guidance when determining permitted and prohibited land uses.

### Identifying further considerations for particular land

LEPs may, where appropriate, set out additional ‘overlay’ controls as local provisions that apply to land that has particular environmental, hazard or design constraints, e.g. flood prone land, wildlife corridors and catchments. Such provisions may apply to land that is in several different zones and would consist of a map and associated heads of consideration for development that apply in addition to the zoning of the land.

Any local overlay provisions will apply in addition to the objectives and land use table for zones, and may not alter the mandated permissible or prohibited uses. Overlay type provisions must be consistent with any relevant State or regional policy guidance.

### Land zoning map

To ensure that there is consistency in the presentation of LEP land zoning maps, zone colours and mapping symbols will also be standardised, and LEP maps will be made available online so that they are easily accessible to all potential users. Detailed information on LEP mapping, including standard zone colours, mapping symbols, and digital requirements will be provided to councils shortly.

### Further information

A copy of this practice note, the standard instrument, and other specific practice notes on using the standard instrument, can be accessed on the Department’s website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

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#### Important note

This note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this note.

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## ATTACHMENT A. OVERVIEW ON THE GENERAL PURPOSE OF EACH ZONE

### Rural zones

#### RU1 Primary Production

This zone is generally intended to cover land used for most kinds of primary industry production, including extensive agriculture, horticulture, intensive livestock agriculture, mining, forestry and extractive industries. The zone is aimed at maintaining and enhancing the natural resource base.

#### RU2 Rural Landscape

This zone is generally intended for rural land with landscape values or land that has reduced agricultural capability due to gradient, soil type, vegetation, rock outcrops, salinity etc. but which is suitable for grazing and other forms of extensive agriculture.

#### RU3 Forestry

This zone is generally intended to identify and protect land that is to be used for long-term forestry use. Note that land which is to be used for forestry purposes may alternatively be dealt with under the RU1 Primary Production zone.

#### RU4 Rural Small Holdings

This zone is generally intended for land which is to be used for small scale rural and primary industry production. Land within this zone might also provide for emerging primary industries and agricultural uses. It is not intended that this zone be used for land that is primarily residential in function—the R5 Large Lot Residential zone should be used for that purpose.

#### RU5 Village

This zone is generally intended to cover rural villages where a mix of residential, retail, and other uses is to be established or maintained.

#### RU6 Transition

The transition zone is generally intended to be used in special circumstances for land that provides a transition or buffer between rural land uses (including intensive rural land uses) and other sensitive land uses such as residential, education or community uses. Councils who intend to use this zone should approach the Department of Planning at the earliest opportunity during LEP preparation.

See footnote.<sup>1</sup>

<sup>1</sup> Note for all rural zones:

Minimum lot sizes for the subdivision of rural land are to be identified on the Lot Size Map referred to in clause 19, which councils will prepare in accordance with relevant State or regional planning guidance and local strategies prepared by councils. Minimum lot sizes may vary within a zone, depending on how the Map is drawn.

### Residential zones

#### R1 General Residential

This zone is generally intended to provide for a variety of residential housing types and densities, including dwelling houses, multi-dwelling housing, residential flat buildings, boarding houses and seniors housing. The zone also provides for additional uses that provide facilities or services to residents, including neighbourhood shops and child care centres.

#### R2 Low Density Residential

This zone is generally intended to be applied to land where primarily low density housing is to be established or maintained. The zone objectives also encourage the provision of facilities or services that meet the day-to-day needs of residents.

#### R3 Medium Density Residential

This zone is generally intended for land where a variety of medium density accommodation is to be established or maintained. Other residential uses (including typically higher or lower density uses) could also be permitted in the zone where appropriate. A variety of residential uses have been mandated to encourage housing choice in this zone.

#### R4 High Density Residential

This zone is generally intended for land where primarily high density housing (such as residential flat buildings) is to be provided. Other lower density residential uses could also be accommodated where appropriate. The zone also provides for additional uses that provide facilities or services to residents, including neighbourhood shops and child care centres.

#### R5 Large Lot Residential

This zone is generally intended to cater for development that provides for residential housing in a rural setting. The allocation of large lot 'rural' residential land must be justified by a strategy prepared in accordance with guidelines issued by the Department. This zone was formerly known as a Rural Residential zone.

### Business zones

#### B1 Neighbourhood Centre

The zone is generally intended to cover small neighbourhood centres that include small scale convenience retail premises, business premises or community uses that serve the needs of the surrounding area.

#### B2 Local Centre

This zone is generally intended for centres that provide a range of retail, business, entertainment and community functions that typically service a wider catchment than a neighbourhood centre.

**B3 Commercial Core**

This zone is generally intended for major centres that provide a wide range of uses including retail, employment, entertainment and community uses. The zone could be applied in major metropolitan centres or major regional centres.

Land which is zoned Commercial Core might be surrounded by other business zones such as Business Development or Mixed Use, where a variety of supporting uses provide a transition to the major centre.

**B4 Mixed Use**

This zone is generally intended for use where a wide range of land uses are to be encouraged, including retail, employment, residential, community and other uses.

**B5 Business Development**

This zone is generally intended for land where employment generating uses such as offices, warehouses, retail premises (including those with large floor areas) are to be encouraged. The zone supports the initiatives set out in the Metropolitan Strategy *City of Cities: a plan for Sydney's future* (NSW Government 2005) but might also be suitable for application in urban areas in regional NSW.

The zone may be applied to locations that are located close to existing or proposed centres, and which will support (and not detract from) the viability of those centres.

**B6 Enterprise Corridor**

The zone is generally intended to be applied to land where commercial or industrial development is to be encouraged along main roads such as those identified by the Metropolitan Strategy *City of Cities: a plan for Sydney's future* (NSW Government 2005). The sale of food and clothing is to be limited to ensure that Enterprise Corridors do not detract from the viability of centres.

**B7 Business Park**

This zone is generally intended for land that primarily accommodates office and light industrial uses, including high technology industries. The zone also permits a range of facilities and services to support the day-to-day needs of workers, such as child care centres and neighbourhood shops.

**Industrial zones****IN1 General Industrial**

This zone is generally intended to accommodate a wide range of industrial and warehouse uses. Councils could choose to supplement the existing mandated industrial and warehouse uses by permitting heavy, and offensive or hazardous industries, if appropriate. This zone would be

suitable where a council wishes to have only one industrial zone.

**IN2 Light Industrial**

This zone is generally intended for land that provides light industry, warehouse and distribution uses.

**IN3 Heavy Industrial**

This zone is generally intended for instances where councils wish to designate particular land for heavy industrial uses that require separation from other land uses. The need for such a zone will depend on the type and nature of industrial uses that exist or likely to take place in the area. Other forms of industry might also be permitted in the zone if appropriate.

**IN4 Working Waterfront**

This zone is generally intended for industrial and maritime uses that require waterfront access. The zone could be applied to port facilities (particularly small commercial fishing or other ports) as well as other maritime industrial uses. An Infrastructure (SP2) zoning may be more appropriate for large commercial port facilities.

**Special purpose zones****SP1 Special Activities**

This zone is generally intended for special land uses or sites with special characteristics that can not be accommodated in other zones. Some examples of where this zone may be suitable might include land on which there is, or is proposed to be, a major scientific research facility, a major defence or communications establishment or an international sporting facility.

This zone should be used where the use can not be provided for in another zone. This zone is not the same as traditional Special Uses zones that appear in a number of existing LEPs. For example, a school or fire station can generally be accommodated in a Local Centre, Mixed Use, or Infrastructure zone.

The permitted use is to be annotated on the map. The use annotated on the map, along with any development that is ordinarily ancillary to that use will be permitted with consent. Other development generally permitted in the zone (e.g. roads) would also be permitted.

**SP2 Infrastructure**

This zone is generally intended to cover a wide range of physical and human infrastructure uses such as transport (e.g. roads and railways), utility undertakings and works, community uses, educational establishments (e.g. schools) and hospitals.

This zone would be used for some facilities where previously a special uses zone may have been used. A map notation to identify the defined type

of facility will be required. For example, a council adopting this zone for a school would mark ‘SP2 (School)’ on its zoning map.

Where land is reserved for public infrastructure purposes (e.g. a railway), the land is to be outlined and annotated on the Land Reservation Acquisition Map and the relevant acquisition authority identified in the table in clause 24.

### **SP3 Tourist**

This zone is generally intended to be located where a variety of tourist-orientated land uses are to be permitted, and includes uses such as tourist and visitor accommodation, pubs and restaurants.

## **Recreation zones**

### **RE1 Public Recreation**

This zone is generally intended for a wide range of public recreation areas and activities, including local and regional open space.

Councils may generally permit typical public recreation uses in this zone. A range of land uses compatible with the recreation use of the land should be permitted.

Where land is reserved for public recreation purposes (e.g. local or regional open space), the land is to be outlined and annotated on the Land Reservation Acquisition Map and the relevant acquisition authority identified in the table in clause 24.

### **RE2 Private Recreation**

This zone is generally intended to cover a wide range of recreation areas and facilities on land that is privately owned or managed.

## **Environment protection zones**

### **E1 National Parks and Nature Reserves**

This zone is generally intended to cover existing national parks and nature reserves. All uses currently authorised under the *National Parks and Wildlife Act 1974* will continue to be permitted without consent within this zone.

### **E2 Environmental Conservation**

This zone is generally intended to protect land that has high conservation value. A number of land uses considered to be inappropriate for this zone have been mandated as prohibited uses.

### **E3 Environmental Management**

This zone is generally intended to be applied to land that has environmental or scenic values or hazard risk, but where a limited range of development including dwelling houses and other uses could be permitted. This zone might also be suitable as a transition between areas of high conservation value and other land uses such as rural or residential.

### **E4 Environmental Living**

This zone is generally intended for land with special environmental or scenic values where residential development could be accommodated.

## **Waterway zones**

### **W1 Natural Waterways**

This zone is generally intended for waterways that are to be protected due to their ecological and scenic values.

A limited number of low impact uses that do not have an adverse effect on the natural value of the waterway can be permitted in this zone.

### **W2 Recreational Waterways**

This zone is generally intended for waterways that are used primarily for recreational purposes such as boating, fishing and waterskiing, but which may also have ecological, scenic or other values that require protection.

### **W3 Working Waterways**

This zone is generally intended for waterways which are primarily used for shipping, port, transport and other working uses. The zone recognises that there may also be recreational uses.

See footnote.<sup>2</sup>

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<sup>2</sup> Note for all waterway zones:

Councils may choose not to apply a waterway zone to smaller waterways (such as streams and intermittent creeks) and instead zone the waterway the same as the adjacent land e.g. RU1. The waterway zones are generally intended for application to the waterway’s channel and banks.