

Allowing places of public worship in employment zones

Religion can play an important role in quality of life, giving many people in our communities social and cultural connection and support. Centralised access to places of public worship allows people to congregate and worship conveniently and safely.

For the wider community, the location of a place of public worship, as with any land-use activity, should minimise effects on the area and conflict with other land uses.

This document:

- outlines the current land use permissibility for a place of public worship
- guides people who want to establish, extend or alter a place of public worship.

What is a ‘place of public worship’?

The Standard Instrument — Principal Local Environmental Plan 2006 (also known as the Standard Instrument) gives local councils a template for their local environmental plan, which sets out how land can be used and developed. It defines a place of public worship as:

a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

How employment zones affect places of public worship

The NSW Government has introduced employment zones to:

- simplify the framework for land use
- support productivity and jobs growth
- better align local and strategic planning.

The employment zones establish modern land-use tables that are fit for purpose. These zones have been introduced into local environmental plans across NSW.

The Standard Instrument now includes:

- 5 employment zones (E1 to E5)
- 4 supporting zones (MU1, SP4, SP5 and W4).

The employment zones will replace business and industrial zones within local environmental plans on 26 April 2023.

The use of employment zones makes it easier to permit places of public worship. With the introduction of these zones, a place of public worship is permitted with the consent of a consent authority (usually a local council) in 4 additional zones, as Table 1 shows.

Table 1. Employment zones where a place of public worship is allowed

Employment zones where a place of public worship is permissible	Does the NSW Government mandate that a place of public worship is permitted with consent?
E1 Local centre	Yes
E2 Commercial centre	Yes
E3 Productivity support	Yes
E4 General industrial	No, permitted as a local land use
E5 Heavy industrial	No
MU1 Mixed use	Yes
W4 Working waterfront	No

If the NSW Government mandates that a land use is permissible, a council cannot then prohibit it.

Local land uses

Besides land uses that the NSW Government will permit, each council's local environmental plan can also list **local land uses** as permissible with consent.

A **local land use** is one that the government has not mandated as permitted with consent under the Standard Instrument. This means that councils can set what they will allow on a zone-by-zone basis within the local environmental plan. Most councils set permissibility well beyond the minimum land uses that the NSW Government mandates.

Former industrial zones and places of public worship

Before it introduced employment zones, the NSW Government mandated that a place of public worship was permissible in 2 industrial zones:

- IN1 General industrial
- IN2 Light industrial.

During the policy development for employment zones, the NSW Department of Planning and Environment did significant research into the future of employment lands. This included setting permissible land uses for centres, corridors and industrial precincts.

The department was mindful that the nature of employment is changing, and so are the needs of communities, individual businesses and landowners. We also considered the capacity of certain land uses to attract people and create lively areas. Accordingly, the government mandated that places of public worship as a permissible land use in the zones that covered centres and employment corridors – E1, E2, E3 and MU1 zones.

Former IN1 and IN2 zoned areas will now become E4 General industrial zones and places of public worship will still be permissible in these zones. Places of public worship have been included as permitted with consent in all E4 land-use tables.

Councils that want to apply the E4 zone

Some local environmental plans do not currently use the E4 zone. If a council wants to zone land as E4 General industrial in the future, it will have the option to include places of public worship as a local land use it will permit.

When a council thinks of applying the E4 zone for the first time, it should consider the practicality of including places of public worship as permitted in the zone. Council should factor in effects on the local area, potential conflicts between land uses and reducing potential hazards. Industrial uses in an E4 zone often operate 24 hours to meet the needs and expectations of the supply chain and market.

Place of public worship not mandated in a Standard Instrument zone

When a council sets the land-use table for a zone where a place of public worship is not a mandated use, it should consider:

- the strategic intent of the zone
- local circumstances
- community needs
- future plans for the area.

The value of places of public worship in local centres

Centres are places where people work, shop, access key services and facilities, socialise and live. Hours of operation are often extended beyond an 8-hour day to meet the needs of businesses and communities. Centres are typically high-pedestrian areas well supported by transport links, making them accessible, lively and safe.

A place of public worship within a centre can be a positive addition, complementing existing land uses and the look and feel of the place. Because of this, places of public worship are permissible with consent in:

- E1 Local centres
- E2 Commercial centres
- MU1 Mixed use.

Local considerations

The first step in considering if a place of public worship is appropriate in an area is to check if the land use is permitted in that zone. The council's local environmental plan and development control

plan set out the requirements at a local level, responding to local considerations and characteristics.

Development of a place of public worship, including construction, change of use, and alterations and additions, should consider the following:

- the needs of the local community or workforce to access places of public worship
- suitability of the site and locality for the scale and intensity of development proposed, including how it is likely to affect:
 - nearby residents
 - the character of the local area
- conflicting, hazardous or offensive land uses nearby that can present a risk to life and property
- the operation of the site, including:
 - hours of worship
 - spiritual practices
 - overall hours of operation
 - special events
 - waste management
 - traffic movement
- potential noise impact from visitors and the general operation of the place of public worship
- access to public transport, parking facilities and the effect of additional traffic in the area
- any other ancillary uses on the site
- other considerations – a council can give direction on any local matters that should be considered.

Consent requirements

Although a place of public worship may be permissible within a zone, applicants still need to seek development consent to determine if a particular site is suitable.

Consent authorities (for example, local councils) will consider any development application against planning requirements outlined in the local environmental plan or development control plan, as well as the *Environmental Planning and Assessment Act 1979*, including Section 4.15:

- likely impacts of the development, including environmental impact on both natural and built environment
- social and economic impacts in the locality
- the public interest.

A development application for a place of public worship is required for the following:

- a new, purpose-built place of public worship
- alterations and/or additions to an existing place of public worship such as extended opening hours or additional community activities
- conversion or adaptation of an existing building to a place of public worship
- a change from one place of public worship to another place of public worship that does not meet the requirements for exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

As applicants and consent authorities, we can work together to plan places of public worship that minimise conflicts in land use and are accessible and safe.

More information

If you would like more information about places of public worship in employment zones, please call our customer support team on 1300 420 596 and select option 2.