



# **Template Guide**

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A guide for preparing a planning scheme in accordance with the Common Key Elements Template

June 2007

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## AIM OF GUIDE

It is the intention of this Guide to operate as a clear and concise reference document and 'first port of call' when preparing a planning scheme in accordance with the Common Key Elements Template (the Template). The Guide provides information about key provisions within the Template and guidance on what Planning Authorities should include in a planning scheme.

The Guide is set out in the following way:

- an overview of the Template;
- an annotated version of the Template provisions; and
- additional information that will be useful to Planning Authorities when preparing a planning scheme.

It should be noted that this is a guideline document only. It does not preclude the incorporation of new ideas, methods or variations into proposed planning schemes. However, new approaches should be subject to further consultation with the Resource Planning and Development Commission (the Commission) before any definitive approach is adopted.

## OVERVIEW OF COMMON KEY ELEMENTS TEMPLATE

### Objectives of the Template

The Template seeks to:

- bring greater consistency to the structure and 'key elements' of planning schemes by providing common administrative provisions, sequence of parts and a set of mechanisms for their operation;
- ensure planning schemes comply with the *Land Use Planning and Approvals Act 1993* (the LUPA Act) and further the objectives of the Resource Management and Planning System;
- ensure planning schemes are presented in an easy to understand and user friendly style; and
- provide for flexible approaches to the control of use and development.

### Framework of the Template

The Template provides the framework, operational mechanisms and parts that are common to all planning schemes. In addition to inserting standards, schedules, appendices and footnotes, Planning Authorities will need to add to the basic provisions provided in the Template to produce a fully operational planning scheme, particularly in relation to a comprehensive strategy (Part A), planning terms (clause 3.0), conditions and restrictions (subclause 4.13), exemptions (clause 5.0), zone purposes (Part C) and the purpose of any relevant schedules (Part D).

The Template is structured in the following way:

- Part A – Strategy: provides for Planning Authorities to set out their land use strategy.
- Part B – Administration: sets out provisions for controlling use and development under a planning scheme.

- Part C – Zones: details 15 different zones, any or all of which may be adopted in a planning scheme by Planning Authorities.
- Part D – Schedules: provides a general guide for the structure of Schedules to a planning scheme.
- Part E – Appendices.

## **GUIDANCE ON COMMON KEY ELEMENTS TEMPLATE**

### **Part A – Strategy**

#### **• Preliminary**

Clause 1.0 of the Template. This clause sets out basic information about the name, content and effect of the planning scheme. Planning Authorities should insert their own details as appropriate.

#### **Planning Scheme Title**

Planning Authorities may choose the title of the planning scheme, e.g. City of Launceston Planning Scheme 1996 or Launceston Planning Scheme 1996. A reference to the year the scheme was initiated should be included in the title to avoid confusion with earlier planning schemes.

#### **Composition of Planning Scheme**

Planning Authorities should insert a clear reference to the plans, such as the title and plan numbers, for example: City of Launceston Planning Scheme, plan Nos. 1-52, including plan Nos. 2a, 2b and 23a.

#### **Planning Scheme Area**

The planning scheme area can be all or part of the municipal area as defined by section 16 of the *Local Government Act 1993*. As defined, the municipal area includes any accretion from the sea adjoining it, and any part of the sea-shore to the low water mark adjoining it. In addition, section 7 of the LUPA Act provides for land beyond the low water mark to be included in the planning scheme. To provide certainty in the planning scheme provisions for this area, the seaward boundary of the planning scheme area of a coastal Council should be drawn sufficiently seaward of any terrestrial based use. A distance of at least 500m out from the shore is considered sufficient for this purpose, unless there is a specific need to go further.

#### **Planning Scheme Purpose**

Subclause 1.4 of the Template defines the purpose of the planning scheme. The planning scheme must further the Schedule 1 objectives of the LUPA Act. It is also the purpose of the planning scheme to deliver the outcomes sought by the planning strategy through the regulation of use and development within the area covered by the planning scheme. The planning scheme purpose cannot be altered or amended.

#### **• Objectives for Planning**

Clause 2.0 of the Template. Planning schemes are an important means of implementing by statutory instrument Planning Authorities' Strategic Plan, Tasmanian Sustainable Development Policies (State Policies) and relevant

regional and local strategies (for example, strategies on integrated land use and transport, tourism, natural resource management, biodiversity, climate change, open space and economic development).

Objectives for Planning will necessarily vary for each Planning Authority. Clause 4.9 of the Template includes a provision to consider the objectives for planning when determining an application. The objectives should be drafted clearly and in a manner that facilitates this provision.

The objectives should also provide a clear strategic context for the zones, schedules, standards and any additional exemptions and provisions, in accordance with section 21 of the LUPA Act.

## **Part B – Administration**

Part B of the Template details the procedures for regulating use and development. It has been possible to standardise these administrative provisions because they deal only with procedural matters. Generally, provisions dealing with procedural matters have no impact on the delivery of Planning Authorities' local strategies and accordingly, there is no need for these provisions to differ between planning schemes.

The legislative basis for the provisions in Part B can be found in the LUPA Act. However, replicating these legislative provisions has been avoided as a principle. If Planning Authorities consider it necessary to refer to a specific section of legislation it should be included as a footnote.

- **Interpretation**

Clause 3.0 of the Template. The interpretation section sets out the definitions for planning terms and uses.

### **Planning Terms**

The Template includes a core list of planning terms to be included in all planning schemes. The terms shown in grey in the Template are optional and should only be included if the term appears in the planning scheme. The grey planning terms cannot be changed.

If the Template gives a planning term the same definition as the LUPA Act, the planning scheme should refer to that Act rather than define the term. This ensures that if/when a definition is changed in the LUPA Act, the planning scheme does not have to be amended to take account of the changed definition.

Many of the planning terms adopted by the Template have nationally agreed definitions developed by the Development Assessment Forum ([www.daf.gov.au](http://www.daf.gov.au)). These mandatory definitions cannot be changed. If it is necessary to refine or qualify them, this can be achieved through the drafting of standards.

Additional planning terms can be defined if required, providing they do not create an inconsistency with other terms. They may be added to the planning

scheme under subclause 3.1.3 or included in the relevant schedule, if they appear only in that schedule. Terms should only be added where a definition is needed to provide meaning to the provisions of the planning scheme. Before adding a new term, consideration should be given to whether the ordinary meaning is adequate. The Macquarie dictionary is the most commonly used reference for this purpose.

Where planning terms appear in the text of the planning scheme, they should not be underlined, in italics, in inverted commas, in quotation marks or in bold.

### **Defined Uses**

The defined uses in the Template are required to be used in all planning schemes. They cannot be changed.

#### **• Planning Scheme Operation**

Clause 4.0 of the Template. This clause establishes common concepts and terminology for the key mechanisms to be used in the planning scheme. The clauses are presented in a logical sequence intended to help take an applicant through the process.

### **Zones**

The Template provides for zones in two areas. First, subclause 4.1 states that the planning scheme area is divided into zones and that those zones are detailed on the plans. Second, Part C (discussed below) details 15 different zones and provides the framework to be adopted for each.

### **Schedules**

As with zones, the Template provides for schedules in two areas. First, subclause 4.2 states that schedules are to be used to set out standards for matters that are not zone specific or for particular forms of use and development. Second, Part D (discussed below) provides a guide for Planning Authorities when drafting schedules.

### **Standards**

Subclause 4.3 of the Template. Standards are set out in the zones and schedules to a planning scheme.

A standard will apply to a use or development where the relevant zone or schedule applies to that use or development, and where the objective of the standard is relevant to that use or development.

Compliance with a standard is governed by subclause 4.3.4 of the Template. It stipulates that a use or development will comply with an applicable standard where it meets all the acceptable solutions or all performance criteria. Alternatively, a use or development will comply with a standard if it meets some of the acceptable solutions and all of the performance criteria for all the acceptable solutions that were not met.

Standards are comprised of:

- objectives; and

- acceptable solutions; and/or
- performance criteria.

Each of these terms is discussed in more detail below.

#### *Objectives*

- The Template refers to objectives in subclauses 4.3.2(b) and 4.3.3. An objective is an outcome to be achieved by each set of performance criteria and/or acceptable solutions.
- Objectives should relate to the purpose of the zone (see below, Part C – Zones), or schedule (see below, Part D – Schedules) or overlay (see below, Guidance on Drafting) and the land use and development strategy and objectives under Part A of the planning scheme (see above, Part A – Strategy).
- As noted above, an objective is one of two determining factors in whether a standard applies to a use or development. Accordingly, each objective should be as explicit as possible to limit any doubt as to whether or not it applies.

#### *Acceptable Solutions*

- The Template refers to acceptable solutions in subclauses 4.3.3 and 4.3.4.
- Acceptable solutions are one way of satisfying an objective. Where a use or development meets all acceptable solutions it will satisfy the objective.
- Acceptable solutions should be expressed in measurable terms so that a Council planning officer or a relevant professional can objectively verify them.
- The drafting of acceptable solutions should recognise that there may be a range of ways to comply with a standard. This could be achieved by including alternatives as subclauses.
- There may be more than one acceptable solution for each objective.

#### *Performance Criteria*

- The Template refers to performance criteria in subclauses 4.3.3 and 4.3.4.
- Performance criteria are another way of satisfying an objective. While performance criteria may take the form of qualitative criteria, they can also be measurable and quantifiable.
- Performance criteria should be used to set clear parameters for use and development. Open-ended criteria should be avoided wherever possible.
- Performance criteria are the basis for assessment of an application where the corresponding acceptable solution has not been met, or where there is no corresponding acceptable solution.
- Performance criteria should be clear and unambiguous.
- There may be several performance criteria for each objective.

#### **Requirements for a Permit**

Subclause 4.4 of the Template sets out the requirements for a permit, it cannot be changed. The use and development of land must be undertaken in accordance with the planning scheme and must not be commenced until it has been granted a permit in accordance with the LUPA Act and in a manner that does not contravene the condition or restrictions of the permit.

### **Application Requirements**

Subclause 4.5 of the Template. Note appendix on application requirements. **Note further that this appendix needs to be included as a schedule because an appendix does not form part of the statutory document.**

### **Multiple Use**

Subclause 4.6 of the Template provides for multiple use. It cannot be changed. A use or development that forms an integral and subservient part of the principal use on a site must be categorised under the same defined use in subclause 3.2 as the principal use. Each use or development that is not integral and subservient to a principal use must be categorised separately under subclause 3.2.

### **Categorising Use**

Subclause 4.7 of the Template. Where a use does not readily fit a definition, **it is to be categorised according to the use definition that it best fits.** There is no miscellaneous or undefined use category.

### **Categorising Development**

Subclause 4.8 of the Template. This provision has the effect of linking a proposed development to the use definition for the purpose of determining the status of the application. Development such as demolition, signs, tree removal and carports should be categorised as the existing or proposed use of the land.

### **Determining Applications**

Subclause 4.9 of the Template. The matters listed in this clause of the Template are to be considered in:

- (i) all cases when determining what conditions are to apply to the permit; and
- (ii) deciding whether to grant or refuse a permit for a discretionary use or development.

### **Permitted Use or Development**

Subclause 4.10 of the Template, section 58 of the LUPA Act. Permitted status will apply to a use or development if:

- (i) it is permitted in the Table of Use; and
- (ii) it complies with all acceptable solutions.

Use or development that is permitted is preferred in a particular zone in accordance with the land use and development strategy as set out under Part A of the planning scheme. A use or development that is permitted should be clearly consistent with the purpose and nature of each zone.

A permit must be granted for a permitted use or development. This permit may include such conditions and restrictions with respect to any matter set out in the planning scheme.

### **Discretionary Use or Development**

Subclause 4.11 of the Template, section 57 of the LUPA Act. Discretionary status will apply to a use or development if:

- (i) the use or development is discretionary in the Table of Use; or
- (ii) the use or development utilizes one or more performance criteria; or
- (iii) there are no acceptable solutions.

Use or development which is discretionary may or may not be appropriate in particular circumstances or locations in a zone, depending on whether it is in conformity with the land use and development strategy as set out in Part A of the planning scheme.

### **Prohibited Use or Development**

Subclause 4.12 of the Template. Prohibited status will apply to a use or development if:

- (i) it does not appear in the Table of Use as permitted or discretionary; or
- (ii) one or more acceptable solutions are not met and there are no corresponding performance criteria.

Prohibited use or development is categorised as such because it is contrary to the land use and development strategy as set out in Part A of the planning scheme. An application for a prohibited use or development must be refused. The Template does not provide for approval of a prohibited use or development, except in accordance with subclause 4.14 (see below).

### **Conditions and Restrictions**

Subclause 4.13 of the Template. Additions can be made to the list of matters on which conditions may be imposed to cover issues that are not covered in a standard or other provision.

### **Extension or Transfer of an Existing Non-Conforming Use**

Subclause 4.14 of the Template provides for the extension or transfer of an existing non-conforming use. It cannot be changed. An existing non-conforming use, as defined in subclause 3.1, is one that was lawfully established prior to the commencement of the current planning scheme, but has subsequently been prohibited by that planning scheme.

This subclause provides Planning Authorities with the discretion to approve an application for the extension of an existing non-conforming use, or the transfer of an existing non-conforming use from one part of a site to another. This includes any development necessary for the extension or transfer.

An application for the extension or transfer of an existing non-conforming use must be considered in accordance with the criteria set out in subclauses (a) to (d).

### **Damaged or Destroyed Buildings or Works**

Subclause 4.15 of the Template provides for damaged or destroyed buildings or works. It cannot be changed. This subclause provides Planning Authorities

with the discretion to consider an application for the reconstruction of buildings or works as a consequence of accidental damage or destruction.

This subclause only relates to buildings or works associated with an existing non-conforming use, or non-conforming buildings or works associated with a conforming use. A conforming use is one that is either permitted or discretionary under the provisions of the planning scheme.

- **Exemptions**

Clause 5.0 of the Template. A list of core exemptions has been included with the intention that it may be added to depending on each Planning Authority's strategic requirements. Exempt use or development does not require an application or a permit. Exemptions should be clearly described to remove any doubt or ambiguity as to whether an application is required. Clause 5.0 should be self-contained and should not rely on or refer to any standards elsewhere in the planning scheme.

## **Part C – Zones**

As previously noted, the Template deals with zones in two areas, subclause 4.1 (discussed above) and also in Part C. Part C details each of the 15 zones established by the Template. Not all 15 zones need to be used. Planning Authorities are encouraged to use the minimum number of zones necessary to properly deliver their land use and development strategy.

Part C also sets up the framework for each zone, based on the following key components:

- **Zone Purpose:** each zone in the Template has a purpose, which is essentially to identify the broad land use and development characteristics needed to deliver the land use and development strategy. Planning Authorities must use the purpose provided in the Template. Planning Authorities may also include additional purpose statements as necessary.
- **Table of Use:** Each zone is required to include a Table of Use. The Table of Use is set out in two columns, with permitted and discretionary defined uses in the left-hand column of the Table, as per subclause 3.2.1 of the Template. Prohibited uses should not be listed, instead the words 'all other defined uses' should be included as Prohibited. Planning Authorities need to give careful consideration to the complete set of defined uses.

Qualifications may be used to deliver finer grained land use policy but should only be used where necessary to modify the more general use to a particular circumstance. Any qualifications that apply to a defined use are set out in the right hand column of the Table of Use. For example, Tourist Accommodation may be Discretionary in the Business zone, but it may be qualified such that it is 'only for a Bed and Breakfast establishment, otherwise Prohibited'.

An example of a Table of Use is set out below, under Guidance on Drafting.

- Standards: Standards are comprised of objectives and a combination of performance criteria and acceptable solutions (discussed above, see Part B - Administration). Each zone should include separate tables for use standards and development standards.

#### *Use Standards*

- Use Standards may not always be applicable for a zone (or schedule). However, where they are used they should be in a separate table from development standards.
- Use standards allow for a finer grained separation between permitted and discretionary uses beyond that in the Table of Uses.
- Use standards relate to the on-going operation or performance of the use. Conditions in relation to use may be attached to a permit and apply on an on-going basis.
- Discrimination between different forms of a particular use, where required to implement Planning Authorities' land use and development strategy, should be indicated as qualifications to the use table.
- Examples of use standards include: hours of operation; size and type of machinery; noise, air and light emissions; and outdoor storage and public display.

#### *Development Standards*

- Development standards should be in a separate table from use standards.
- Development is defined in the LUPA Act (s3) to include:
  - the construction, exterior alteration or exterior decoration of a building; and
  - the demolition or removal of a building or works; and
  - the construction or carrying out of works; and
  - the subdivision or consolidation of land, including buildings or airspace; and
  - the placing or relocation of a building or works on land; and
  - the construction or putting up for display signs or hoardings.
- Standards relating to these various forms of development apply at the time of the development (i.e. before sealing a final plan of subdivision, releasing bank guarantees or issuing a certificate of occupation).
- Examples of development standards include: lot sizes and dimensions; height and setbacks; density and site cover; appearance and streetscape; public/private open space and amenity; and size, type and location of signs.

### **Part D – Schedules**

As previously noted, the Template deals with schedules in two areas, subclause 4.2 (discussed above) and Part D. Part D provides a guide for Planning Authorities when drafting schedules. The format closely follows the framework for zones, and Planning Authorities should use it as far as practicable (although it is recognised that variations will necessarily arise).

Schedule provisions generally apply over and above zone provisions. Accordingly, when drafting schedule provisions that relate to a provision

elsewhere in the planning scheme, care needs to be taken to ensure the schedule provisions are clear and concise.

A telecommunications schedule is a Commonwealth requirement, and schedules relating to bushfire prone areas and application requirements, while not required, are strongly recommended.

Overlays may be used on the plans to show an area to which a local area provision or a schedule provision with spatial implications applies. For example, land subject to inundation. Overlays are discussed further under Guidance on Drafting, below.

If terms need to be defined for the purposes of the schedule, the following criteria should be used:

- Impact should be covered by development standards and standards should not be included in the definition, for example: a definition should not include the maximum floor area.
- Development should not be used to describe use, for example: residential building or community facility where the terms building and facility are forms of development.
- Land tenure should not be used to define use, for example: public utility or private recreation.
- Ancillary activities should not be included in the definition. The use definitions in the Template assume ancillary activities are captured, for example: vehicle sales and hire can include ancillary sale of associated spare parts and accessories but specific reference to these activities is not required in the use definition. Where a Planning Authority wishes to treat an ancillary activity in a different manner to the defined use, the qualifications in the Table of Use can be used to express a different policy.

Where appropriate, diagrams may be a useful aid to interpretation.

The numbering of the provisions in the schedule is to be numeric, with the required schedules coming first. The order of schedules will vary between planning schemes.

Examples of key schedules: cultural heritage, telecommunications, bushfire prone areas, site contamination, land subject to inundation, protection of road and rail assets, wetland and waterways, attenuation distances and application requirements.

## **Part E – Appendices**

The Template includes two appendices. Appendices are included in the planning scheme as an aid to the user, and do not form part of the statutory document. Accordingly, amendments and additions to an appendix are not subject to the normal legislative process for planning scheme amendments. Planning Authorities may include additional appendices to support other parts of the planning scheme where appropriate.

### Appendix 1 – Application Requirements

Subclause 4.5 of the Template requires sufficient documentation to be provided with an application. Appendix 1 supports that subclause by setting out a common list of information requirements. However, because an appendix does not form part of the statutory document, it is strongly recommended that Appendix 1 is also translated into a schedule.

#### Appendix 2 – Planning Scheme Amendments

Over time the planning scheme will be amended and subsequent copies of the scheme will be updated accordingly. The purpose of Appendix 2 is to provide a clear summary record of amendments to the planning scheme. No other notation is necessary in the text or on the plans. Planning Authorities will need to update this appendix after each amendment to the planning scheme.

### **GUIDANCE ON DRAFTING**

#### **General**

The Template includes notes in grey text that provide direction on drafting specific provisions. The following provides general guidance for drafting provisions.

Drafting lists	Never use 'and/or'. Always use either 'and' or 'or' at the end of each item in a list unless the leading sentence uses the term 'all of the following' indicating that all of the following items are included.
References to an Act	Avoid referring to specific clauses of an Act. However, if it is considered necessary, only do so in a footnote.
Terms used in the LUPA Act	Ensure the terms used are consistent with those in the LUPA Act unless there is a specific reason for variation, e.g. use "grant a permit" rather than 'approve'.
Provisions in an Act	Planning scheme provisions should not conflict with or replicate the provisions of an Act.
Use every day words	Avoid the use of legal or planning jargon, such as notwithstanding, pursuant to, taken to mean, by reason of, contiguous to, whereby, deemed to etc.
Mandatory and discretionary terms	Use the term 'must' when expressing a mandate (not 'shall' or 'will') and the term 'may' where there is discretion. Use the words 'is to' where giving a direction.

Abbreviations	The use of abbreviations should be confined to words that recur frequently in the text and are widely understood. For example: 'm' for metre, 's' for section of an Act, '2' for square measurements, etc.
Number formats	Numeric expression for numbers should be used in preference to text. E.g. 5m or 3 car spaces rather than 'five' or 'three'.
Single and plural	For consistency, use the singular where possible. This is interpreted as including the plural and it is not necessary to indicate that it means either singular or plural.
Acronyms	Avoid the use of acronyms where possible.
Lists	Do not use dot points. Ensure all matters set out in a list can be referenced numerically or alpha-numerically. E.g. 1.1.1 (a) .....
Sentence structure	Make sentences short, using as few words as possible. Keep to one idea per sentence. Use formatting and style tools like lists (not more than six listed items at a time) or diagrams to present complicated messages.
Shading	Do not shade boxes in tables as it makes them hard to read when printed.

### **Table of Use**

The following is an example of a Table of Use. It shows permitted, discretionary and prohibited use in a Business zone.

Table of Use in Business Zone

<b>Permitted</b>	
<b>Defined Use</b>	<b>Qualification</b>
Bulky Goods Sales	Only if floor area does not exceed Xm <sup>2</sup> , otherwise Discretionary.
Business and professional services	
Food services	
General retail and hire	
<b>Discretionary</b>	
<b>Defined Use</b>	<b>Qualification</b>
Community Services	Only if cinema, otherwise Permitted.
Educational and occasional	

care	
Hospital services	
Hotel industry	
Residential	Only if above ground floor level, otherwise Prohibited.
Service industry	
Tourist accommodation	Only if bed and breakfast establishment, otherwise Prohibited.
Transport depot and distribution	
Vehicle fuel sales and service	
Vehicle parking	
Vehicle sales and hire	
<b>Prohibited</b>	
All other defined uses	

### Footnotes

Footnotes are provided in the planning scheme as a guide to users. However, like appendices, they do not form part of the statutory document and have no legal status. Footnotes cannot provide any formal direction on how to interpret a particular clause in the planning scheme, and anything requiring explanation in the planning scheme needs to be within the text of the planning scheme.

Footnotes can be amended at any time. The Template includes some footnotes, and Planning Authorities may include additional footnotes where required to support provisions of the planning scheme. Notes should not be incorporated in the body of the planning scheme or in the use and development standards.

### Expression

The following expressions are found in the Template and, for consistency, should be used when drafting other provisions:

where/if	Use 'if' in preference to 'where'.
scheme/planning scheme	Use 'planning scheme' in preference to 'scheme'.
permit/planning permit	Use 'permit' in preference to 'planning permit'.
application/development application/application for a permit	Use 'application' in preference to 'development application' or 'application for a permit'.
the planning scheme/this planning scheme	Use 'this planning scheme' in preference to 'the planning scheme'.

Maps/plans	Use 'plans' in preference to 'maps'.
Planning Authority/Council	Use 'Planning Authority' in preference to 'Council'. Use 'Planning Authority' in preference to 'the Planning Authority'.

## Plan Requirements

### Zoning

It should be clear by solid colour which zone applies to all the land within the thick black line showing the boundary of the planning scheme area.

Zoning over water areas should avoid obscuring the coastline or shoreline of a lake or river. Where colouring is unsuitable, the most suitable method may be to apply the zone by description.

Zone boundaries should align with title boundaries or other defined features such as watercourses wherever practical. Alternative zone boundaries are acceptable where there is a deliberate and justifiable reason, such as to follow contours (e.g. for water supply or visual management) or catchment or habitat boundaries.

Where contours are relied upon as zone boundaries, the contour interval should be shown on the plans or referenced to the TASMAL topographic/cadastral map series.

Where watercourses are relied upon as zone boundaries, they should be named on the plans.

### Overlays

Overlays should be used where appropriate.

Information on overlays should be clearly shown on the plans and identified by an alphanumeric code.

Overlays should share the same base information as the corresponding zone plans, including scale, location, topographic detail and cadastre.

### Base Map

Plan sheets should be of A1 paper size with sufficient area for seals, signatures, key, legend and information panel.

The TASMAL 1:5,000, 1:25,000 or 1:100,000 map series should be used for all base mapping.

The following scales should be used to ensure there is sufficient detail to locate features and interpret the plans:

- 1:5,000 for urban areas and insets
- 1:25,000 for outlying areas

- 1:100,000 for remote areas.

### **Plan Details**

Each set of plans should be bound and have an index cover sheet showing:

- planning scheme title;
- map of the planning scheme area at a scale that provides sufficient topographical detail to find features;
- numbered plan index; and
- boundary of the planning scheme.

Individual plan sheets should show:

- representative plan index;
- index sheet number;
- planning scheme title;
- scale and scale bar;
- north point
- generic zoning and overlay legend;
- generic key showing only relevant features;
- feature names, such as roads, rivers and lakes, etc;
- boundary of the planning scheme (where applicable);
- information relating to data sources and production date of the cadastral database.

Text used on the plans to identify thematic and other features should contain a bold consistent font, preferably a sans serif type, to help distinguish it from the base detail.

### **Incorporated Documents**

Section 20(2)(g) of the LUPA Act states that a planning scheme may “apply, adopt or incorporate any document which relates to the use, development or protection of land”. An incorporated document forms part of the planning scheme and it is therefore necessary for it to be available with a draft planning scheme and exhibited with it. Some guidelines in relation to incorporating documents follow:

- It is preferable to include provisions adopted from the document into the body of the scheme, rather than incorporate all or parts of a document.
- Incorporated documents should be relevant to the use, development or protection of land.
- Legislative documents should not be incorporated as they apply by their own legislative force.
- An incorporated document can be interpreted as a document ‘as amended from time to time’ provided it is clear from the planning scheme that is what is intended. Such a document should be the product of a recognised body that subjects its document to an external review process.
- Only the relevant parts of an incorporated document should be identified in the planning scheme. Parts of an incorporated document that are irrelevant may create ambiguity and uncertainty in relation to the application of the scheme and could render the scheme invalid.
- A document that merely provides background or reference material, source material for a planning provision, or information that is relevant or

helpful but not critical to determination of a planning decision should not be incorporated. Such documents can simply be referenced, for example by a footnote, as documents that explain the purpose and intent of the scheme or particular provision.

- A planning scheme should clearly identify the documents that are incorporated and form part of the planning scheme. The incorporated documents should be identifiable, accessible and exhibited with the planning scheme. The planning scheme comprises the ordinance, plans and any incorporated documents.

Clauses that purport to allow adoption of plans, guidelines, codes or standards under the planning scheme, other than by way of a planning scheme amendment, are invalid (*ultra vires*).

## Glossary

Acceptable solution	An acceptable, measurable way of complying with a standard.
Controls	Provisions controlling use and development that are not standards, such as a Table of Use, exemptions from the need for a permit.
Defined use	The uses defined in the interpretation section of the planning scheme (subclause 3.2).
Discretionary uses	Those uses which may be appropriate in some particular circumstances or parts of the zone depending on the detail/merits of the application.
Local area provisions	Provisions that relate to a defined area shown by an overlay on the plans. They may be drafted to complement the underlying zone provisions or they may over-ride them.
Objective	The purpose or aim to be achieved by a standard. Objectives should implement the purpose of the zone.
Overlay	A drafting technique to show the spatial boundaries of a planning scheme provision on the plans.
Performance criteria	An outcome to be achieved in meeting an objective for a particular issue, usually requiring judgement (the exercise of discretion) to determine if it has been met.
Permitted Uses	Uses which are appropriate throughout the zone.
Plans (planning scheme)	A set of maps covering the planning scheme area that show the zoning of land and any overlays.
Prohibited Uses	Uses that are not acceptable anywhere in the zone.
Provision	A clause in the planning scheme.

Qualification	A modification, limitation, or restriction in a Table of Use.
Schedule	Part of the planning scheme dedicated to standards for use and development.
Standard	Objective, performance criteria and acceptable solutions for use or development.
Status (of an application)	Whether an application for use or development is discretionary, permitted or prohibited and is therefore subject to a particular notification and decision making procedure.
Table of Use	A provision found in each zone that sets out the policy for permitted, discretionary and prohibited use in that zone.
Zone	An area or district shown on the plans where particular land use policies and standards apply.

## **CONTACTS**

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