

The purpose of this VPP Practice Note is to:

- clarify the role of Local Planning Policy in planning schemes
- provide guidance on the need for a Local Planning Policy
- provide guidance on the form of a Local Planning Policy
- provide guidance on how a Local Planning Policy should be written.

## What is the role of a Local Planning Policy?

A Local Planning Policy (LPP) is one of the tools available for implementing objectives and strategies in the Municipal Strategic Statement (MSS). The other implementation tools are zones and overlays and their associated schedules. If a planning strategy cannot be implemented fully through the use of these tools, it may be appropriate to use an LPP at Clause 22.

An LPP is a tool for day-to-day decision-making in relation to a specific discretion in a zone or overlay. It helps the responsible authority and other users of the scheme to understand how a particular discretion is likely to be exercised.

An LPP enables a planning authority to give local expression to the wide discretion provided in many zones and overlays. Expression can be given to differing conditions or expectations between one area and another, even though the same zone and overlay may be used in both areas.

If the planning authority is satisfied that the State Planning Policy Framework (SPPF), the MSS and/or the decision guidelines in the zone or overlay provide sufficient direction for the exercise of a discretion, there is no need to include an LPP.

An LPP has a defined role in planning schemes. Discretion is provided by Section 2 uses or by permit requirements for buildings and works in a zone or overlay. An LPP gives a planning authority an opportunity to state its view of a planning issue and its intentions for an area affected by the exercise of a discretion. It can help applicants and the community to understand how a proposal will be considered and what will influence decision-making. It is not a substitute for the MSS. It is an aid to decision-making in order to implement the MSS.

## Is an LPP necessary?

Before starting to draft or review an LPP, consider whether the LPP is necessary at all. The following principles should be borne in mind when considering whether or not an LPP is necessary.

- **An LPP should not repeat or contradict the SPPF.**  
The SPPF provides a comprehensive statement of matters that need to be considered when exercising discretion. It is part of the planning scheme and need not be repeated. It should not be contradicted.
- **An LPP should not repeat or contradict the MSS.**  
The MSS guides decision-making by explaining the planning strategy behind the selection of zones and overlays and setting out the objectives to be achieved. This is not a task for an LPP.
- **An LPP should not repeat or contradict other LPPs.**  
Some LPPs may compete and deciding between them is a normal function of the planning system. However, repetitive or contradictory LPPs for the same theme or area will only confuse and weaken the planning authority's intentions.
- **An LPP should not repeat or contradict controls in a zone.**  
An LPP cannot prohibit a use permissible under a zone. For example, a policy to restrict Food and drink premises in the Business 1 Zone serves no purpose, as a permit is not required for the use. There is no need to repeat application requirements or decision guidelines that are set out in a zone and in the general decision guidelines in Clause 65.
- **An LPP should not repeat or contradict controls in an overlay.**  
There is generally no need to have a separate policy that relates only to the implementation of an overlay. Most overlays provide for locally defined objectives and decision guidelines to be set out in a schedule.
- **An LPP should not recycle an 'old policy'.**  
The life of an existing policy should not be prolonged unless it has been thoroughly reviewed in a process that addresses the issues raised in this Practice Note.
- **An LPP is a policy of the planning scheme, not the council.**  
Although a successful local 'policy' needs to be supported and 'owned' by the responsible authority, there is no need to include it as an LPP unless it has a significant land-use impact and performs a function identified in this Practice Note.

## Testing an LPP

There are seven critical tests that verify whether an LPP is justified and appropriate. The planning authority should apply these tests when proposing a new LPP or when reviewing or amending an existing LPP.

The Department of Infrastructure and Planning Panels Victoria will apply these tests when evaluating amendments that include an LPP. Some submitters are also likely to address these tests in their submissions to a Panel.

By applying the seven tests from the earliest stages of development of a proposed LPP, the responsible authority can assess whether it is justified and appropriate. The assessment will also be a useful preparation for the involvement of the Department of Infrastructure and Planning Panels Victoria after the LPP is exhibited.

The seven tests to be applied to an LPP are as follows:

1. Does the LPP respond to a demonstrated need?
2. Does the LPP implement an objective or strategy in the MSS?
3. Does the LPP relate to a specific discretion or group of discretions in the scheme?
4. Does the LPP help the responsible authority make a decision?
5. Does the LPP help any other person to understand whether a proposal is likely to be supported or not?
6. Does the LPP add to the other planning tools in the scheme, especially the relevant zone or overlay?
7. Does the LPP address the format, content and language guidance in this Practice Note?

In most cases, an LPP should receive a positive answer to all seven tests.

A negative answer to one test indicates that the LPP needs to be reconsidered in relation to that particular question. For example, an LPP that does not meet Test 2 ('Does the LPP implement an objective or strategy in the MSS?') should be reconsidered. Either the LPP is not justified, or the MSS itself needs to be amended to provide a strategic framework for the LPP.

A number of negative answers indicate that the basic purpose of the LPP should be clarified, and the need for it reconsidered before the policy-making process is taken any further.

Examples 1–3 at the end of the Practice Note show the use of the seven tests in practice.

## Format

An LPP must be clear, precise and user-friendly. Using a consistent format will help to deliver these objectives.

Structuring an LPP according to the following format is preferred:

- clause number and title
- where the LPP applies
- the policy basis, including links to the MSS
- the objectives
- the policy itself, including criteria, performance measures or decision guidelines
- if necessary, a note about any reference or incorporated documents.

## Content

### LPP clause number and title

Each LPP should be numbered consecutively starting with 22.01. If an LPP contains multiple headings or points, it may be helpful to use sub-clauses.

The LPP title should be short but descriptive (for example, 'Protection of potential future landfill sites' or 'Housing in rural areas.'). There is no need to include the words 'Local Planning Policy' in the name as the VPP Clause 22 footer makes this clear.

### Where the LPP applies

Directly below the title it must be stated clearly where or to what the LPP applies. Two approaches can be used.

### Area-based policies

If an LPP applies to a specific area, it must identify where the area is. If the area has already been defined in the planning scheme, identification can be achieved by a very brief statement such as: 'This policy applies to all land in the Environmental Rural Zone.'

If an LPP applies to an area that has not been defined in the planning scheme, a map should be used to identify it. Map identification is preferable to long, written descriptions of policy area boundaries that refer to geographical features or to more than one existing area definition in the planning scheme.

An LPP may be applied across more than one planning scheme, and should be consistent across the whole area it covers. In such cases, the map should show the full extent of the LPP area, including the part outside the boundary of the scheme.

LPP maps should be capable of black and white photocopier reproduction.

#### Theme-based policies

If an LPP applies to a particular theme, such as catchment management or retail and commercial development outside identified activity centres, it will not be necessary for the policy to be mapped.

It is good practice to make clear that a theme-based policy applies to ‘...all land in the planning scheme.’

### Policy basis

This section explains briefly how the LPP is justified, based on the land use and development objectives and strategies set out in the MSS. It should not be a discussion about the issue under consideration, but should set out succinctly the reasoning underpinning the LPP and demonstrate links with the MSS.

### Objectives

The LPP objectives flow from the policy basis and the objectives and strategies of the MSS. These should be drafted with great care, as they are key to the interpretation and application of the LPP. All decisions will be tested against them.

Objectives should begin with the infinitive form of the verb, for example ‘to promote development in mixed-use areas.’

Good objectives have a number of characteristics. They:

- avoid what is self evident and go beyond bland statements that nobody can disagree with
- point the way to strategies or actions
- are not actions in themselves, but can be achieved through a variety of actions
- have local colour and distinctiveness
- are grounded in reality, not wishful thinking
- do not contradict or confuse other objectives in the planning scheme
- have one idea for each objective, not a complex set of ideas.

Good objectives do not contradict or confuse other objectives in the planning scheme. However, it is very likely that some LPP objectives will compete with others. For example, an objective that safeguards a habitat or landscape may compete with another that promotes a particular form of use or development. It is seldom valuable to attempt to resolve this competition in advance by giving ‘priority rankings’ to objectives. However, in taking its decision to give more weight to one objective than to another, the responsible authority should clearly demonstrate which it prefers and for what reasons.

### Local Planning Policy

The actual policy should be listed under this heading. It should state either:

- what the responsible authority will do in specific circumstances, or
- the responsible authority’s expectation of what should happen.

LPPs are statements of intent or expectation. They are not controls. However, they may contain decision guidelines for the responsible authority, and/or criteria or performance measures against which an individual application will be tested.

There are three ways in which an LPP can give guidance on how a responsible authority will exercise a discretion or what its expectations are:

- by controlling how the responsible authority will exercise its discretion
- by providing criteria, performance measures and sometimes techniques for assessing applications
- by providing decision guidelines or providing a link to more detailed guidelines or design frameworks.

Each way requires a particular form of words.

### Controlling the exercise of a discretion

Statements explaining how a responsible authority will exercise its discretion should be expressed as follows:

*'It is policy to:*

- *discourage industrial activities unless they are associated with agricultural activities in the area.'*

Starting the statement with 'It is policy to...' invites a verb such as: encourage, discourage, consider or assess. This form of words is preferred over 'It is policy that...'

An LPP in this form can encourage or discourage particular uses or developments. It can also be procedural; for example, it may set out circumstances in which the responsible authority will require non-statutory notice of an application to be given.

### Providing criteria or performance measures

When an LPP introduces criteria or performance measures for assessing applications, it should begin with an explicit statement such as:

*'It is policy that proposals are assessed against the following criteria:*

- *service stations in a Rural Zone should be sited on a lot less than one hectare and have a frontage to a Road Zone Category 1.*

*Proposals that do not meet these criteria may still meet the objectives of this policy.'*

Criteria or performance measures must make explicit and self-contained statements about what is to be achieved, and be related directly to the LPP objective. Again, the test of a performance measure is not that it avoids all mention of numbers or the word 'must.' The test is that the performance measure, with or without numbers or other requirements, flows logically from the LPP objective.

The criteria or performance measures should set out the planning authority's view of how policy objectives can be met. They should be precise and unambiguous so it is clear what is needed to meet them. While in draft they should be tested against a number of possible development options to satisfy the planning authority that they can accommodate the normal range of appropriate responses to policy objectives.

Criteria or performance measures are not controls. Although it is desirable that criteria or performance measures are precisely drafted, this precision will mean that some proposals will not neatly address them. This should not in itself be fatal to a permit application. If the proponents suggest that a proposal should be measured using different criteria to those set out in the relevant LPP, they must satisfy the responsible authority that different criteria are relevant and that the final development outcome will still meet the objectives of the LPP. Before accepting such a submission, the responsible authority should refer back to the relevant objectives. The final question should always be: 'Will the proposal meet the objectives of the LPP?' If the answer is 'yes', then a permit will normally be granted. If the answer is 'no', the permit should be refused.

For example, if maintaining a consistent setback along a main road will achieve a particular objective, then the objective should be expressed clearly and the setback distance spelt out as a performance measure in the LPP. But it is not the setback distance that will decide every application, but whether the application meets the objective. A simple statement to this effect should be included in the LPP.

Permit conditions can often be used to address issues raised by an imprecise fit between an application and the criteria or performance measures included in an LPP.

### Decision guidelines

When an LPP sets out decision guidelines, it should be expressed as follows:

*'It is policy that the responsible authority consider, as appropriate:*

- *the availability of on-street parking*
- *view lines to the peak of Mount Worry from Misery Bend'.*

It should be remembered that decision guidelines only require the responsible authority to give specific consideration to a particular issue or fact. Of themselves they should be 'policy neutral'. They will gain direction from the LPP objective under which they serve.

## Incorporated and reference documents

A good LPP should be user-friendly and self-contained. The reader should not need to refer to other documents to understand it. For this reason, it is preferable to strictly limit the use of incorporated and reference documents. They should only be used in circumstances where the material in them is essential to support the LPP but cannot be drawn into the LPP itself.

For example, the planning authority may wish to establish the planning history of an LPP. It is not normally necessary or appropriate to describe the history of an LPP's development in the policy itself. However, the relevant planning history of the LPP may be understood by referring to external documents such as Council or consultants' reports.

Great care should be taken in deciding to locate criteria, performance measures or decision guidelines in an external document. The Department of Infrastructure and Planning Panels Victoria will expect a planning authority to have a sound justification for the use of an external document in such circumstances.

An **incorporated document** forms part of the planning scheme. It is exhibited with an amendment and is subject to public comment in submissions.

A **reference document** merely points the reader to background or supporting information that will assist in understanding the basis for the LPP. It has no statutory status and is not a substitute for appropriate policy content in the scheme itself. Specific planning requirements should be extracted from a reference document and included in the scheme in an appropriate way. A reference document should never be used to delegate discretion from the scheme.

## Language

The careful and considered use of language will help to ensure that an LPP is clear, precise and user-friendly. Importantly, it will help the LPP to be understood by readers who are new to the planning scheme and not familiar with the planning system.

Like the rest of the planning scheme, an LPP should be written in clear, concise, plain English. Plain English is a way of writing that makes meaning clear to as many readers as possible. Use a recognised plain English manual if you are unsure.

The following are some useful pointers:

- write positively
- use the active voice instead of the passive
- use verbs instead of nouns ('to consider' not 'to give consideration')
- use 'may' if the action is optional
- keep sentences short
- avoid cross-references to other sections of the planning scheme – the LPP should be self-contained
- don't use archaic words like 'hereto', 'situate' or 'notwithstanding'
- don't use French or Latin words like 'ultra vires'
- don't use unnecessary synonyms like 'force and effect' or 'terms and conditions'
- stick to simple or common words like 'show' not 'demonstrate' and 'send' not 'transmit'
- keep the use of words consistent – don't change terms for no reason or for variety – keep the same word for the same idea
- avoid planning jargon, unfamiliar acronyms or generalised statements
- avoid unnecessary capitalisation – the terms responsible authority and planning authority should not be capitalised.

An LPP should be written with a performance-based approach in mind rather than a prescriptive one. This is more than simply avoiding the use of 'must' or removing references to numbers. It means there is a clear and logical progression from policy basis to objectives, to the policy itself and the criteria against which proposals will be assessed.

## Examples

Examples 4 and 5 show the practical application of the advice in this Practice Note.

## Conclusion

To conclude, there is a simple process that should guide the development and production of an LPP.

First, the planning authority should consider its strategic objectives. What does it want to achieve? Are its wishes already articulated in the SPPF or the MSS?

Second, it should consider whether the decision guidelines in zones and overlays, and the use of schedules, are sufficient to achieve its objectives. If so, an LPP is not necessary at all. Application of the principles listed under 'Is an LPP necessary?' will help in this assessment.

Third, if it is decided that an LPP is needed, the writing should capture the objectives, the policy and any criteria or performance measures in clear and concise language. It will rarely be sufficient to simply lift parts of other documents or strategies – it is most unlikely that they will meet the requirements for format and expression. Every word in an LPP should be carefully crafted.

The LPP should be tested at every stage of its development using the seven tests set out in this Practice Note. Continuous testing throughout the development and drafting processes should ensure the production of a justified and appropriate LPP.

## Examples

These examples demonstrate various issues discussed in this Practice Note.

**Examples 1 to 3** show LPP objectives being subjected to the seven tests outlined in the Practice Note. Examples 1 and 2 fail a number of the tests, while Example 3 passes all seven.

**Example 4** shows a complete LPP before review. It illustrates a number of common policy drafting problems. This example is not intended to provide a model for LPP drafting.

**Example 5** shows the LPP from Example 4, after the completion of a review. New strategic work has been done to enhance the policy basis. The LPP review has also applied the guidance in this Practice Note. The structure and components of this example are likely to provide useful models for LPP drafting. However, the example should be used with care: adaptations will be required to meet local circumstances.

Users of this Practice Note should be aware that none of these examples are from real LPPs. Any similarities with existing LPPs are not intended. The examples are not an expression of State policy and should not be used to interpret State policy.

The policy content of Examples 4 and 5 is for illustrative purposes only, written to demonstrate the practical application of advice in this Practice Note. Both have been written in a generic form in order to provide examples of a range of drafting techniques: for this reason, they both appear to have a wider scope than many real LPPs.

## Example 1

*'It is policy to ensure the protection and enhancement of the environment of the municipality.'*

### Comment

- Fails test 1 The objective relates to an SPPF Clause 15 issue but does not articulate a specific and demonstrated environmental need.
- Fails test 2 Any local development of SPPF Clause 15 should be articulated in the MSS.
- Fails test 3 The objective is a generic policy statement and does not relate to a specific discretion in the scheme.
- Fails test 4 The objective does not help the responsible authority to make planning decisions.
- Fails test 5 As a generic and unmeasured statement, the objective does not assist a user of the planning scheme to assess whether a planning proposal is likely to succeed.
- Fails test 6 The objective does not add to other planning tools: specific objectives and decision guidelines in environmental zones and overlays are also likely to apply. They are far more specific and useful than this objective.
- Overall view This example functions as a 'motherhood statement' but has no place as an LPP.

## Example 2

*'Open space linkages throughout new residential estates will be encouraged.'*

### Comment

- Fails test 2 If this LPP objective is not already articulated in the MSS, that is where it should be.
- Fails test 4 When will the non-provision of open space linkages be grounds for refusing a permit application? This objective is unclear.
- Fails test 5 This objective would benefit from the application of criteria or performance measures that would help the applicant to decide whether their proposal has provided sufficient benefit and is therefore likely to be supported.
- Fails test 6 A well drafted structure plan for a neighbourhood in the MSS or the careful use of the Development Plan or Incorporated Plan Overlays could probably achieve this LPP objective.
- Overall view In an appropriate municipality, this example could embody an admirable objective, but it belongs in the MSS. It could be refined using structure plans or by the use of an overlay over relevant areas.

## Example 3

*'It is policy to retain important fabric associated with significant buildings in the Town Centre Heritage Precinct, including historic iron lacework, verandahs and porches.'*

### Comment

- Passes test 1 The demonstrated need for the LPP arises from loss of or damage to significant features in a heritage precinct.
- Passes test 2 The objective implements an MSS objective and strategy. The MSS has an objective 'to safeguard the built fabric of heritage places'. The linked MSS strategy requires a study to be carried out to identify heritage places and precincts and calls (among other actions) for the safeguarding of historic built fabric identified in statements of significance.
- Passes test 3 The objective relates to discretion created by the application of the Heritage Overlay.
- Passes test 4 The objective helps the responsible authority to make decisions on applications for demolition of or alteration to buildings in a heritage precinct. However, the use of criteria or performance measures would make it more helpful.
- Passes test 5 The objective helps people understand whether a proposal is likely to be supported or not. Again, criteria or performance measures would make it more helpful.
- Passes test 6 The objective adds to the controls over buildings and works in the Heritage Overlay.
- Passes test 7 The objective meets the test of a 'good objective' on page 3 of this Practice Note.

## Example 4

### An LPP 'before review'

## 22 LOCAL PLANNING POLICIES

### 22.01 URBAN CHARACTER

This policy applies to those areas covered by the “Old Shire Design Guidelines” 1978, the “Small Borough Design Manual” 1989 and the “Large Shire Landscape Code” 1991.

#### Policy Basis

This policy implements the “Old Shire Design Guidelines” 1978, the “Small Borough Design Manual” 1989 and the “Large Shire Landscape Code” 1991. It also implements the recommendations of “Alpine Views”, Gumnut Regional Commission, 1983.

#### Objectives

In considering permit applications, the responsible authority must have regard to as appropriate the provisions of the “Old Shire Design Guidelines” 1978, the “Small Borough Design Manual” 1989 and the “Large Shire Landscape Code” 1991.

New buildings, public open space, streetscapes and private gardens must strengthen the connection between built up areas and their underlying landscape character.

To increase the use of local native plants.

To protect and enhance vistas, views and landmarks and, where possible and appropriate, to create new views, vistas and landmarks.

Where a proposal includes the creation of one or more retail units with a maximum leasable floor area of 2,500 m<sup>2</sup> or above, the proposal should provide for a significant public art component that enhances the public realm.

To prevent development that could affect the character and setting of Gumnut’s open space and parkland system.

To ensure that all new development is compatible with the underlying character of surrounding built areas.

Promoting high architectural or design standards in all new buildings and works in order to maintain and increase the visual interest and diversity of the built environment and the visual and physical connections between private built development and the public realm.

#### Policy

It is policy to:

Require submitted permit applications to comply with the design assessment techniques of the “Old Shire Design Guidelines” 1978, the “Small Borough Design Manual” 1989 and the “Large Shire Landscape Code” 1991.

Encourage the creation of publicly accessible pedestrian walkways, cycleways, seating provision, open landscaped and activity areas.

Encourage new walkways and cycleways to create links between or connect to the priority paths identified in the “Gumnut City Cycle and Walking Strategy” 1996.

Refuse to permit proposals for use and development that would have an adverse impact on existing vistas, views and landmarks.

Require the submission of a landscape and planting scheme for all developments that include an open space area that is visible from the public realm.

Require the use of species native to the locality in submitted landscape and planting schemes.

#### References

“Old Shire Design Guidelines”, Old Shire Council, 1978.

“Small Borough Design Manual” Peter Tall and Associates, 1989.

“Large Shire Landscape Code”, 1991.

“Alpine Views”, Gumnut Regional Commission, 1983.

“Gumnut City Cycle and Walking Strategy”, Gumnut City Council, 1996.

### General comment

This LPP implements five urban character and design-related studies. These studies predate the new format planning scheme and local government amalgamation. Council used this LPP to extend their life and place them in a common municipality-wide framework. It was approved before the publication of this Practice Note. It contains a wide range of drafting problems and would benefit from a thorough review that should undertake the following tasks.

- Identify municipality-wide strategic material that needs to be incorporated into the MSS.
- Review and, if necessary, update and consolidate the reference documents.
- Provide the LPP with a clear policy basis drawn from the SPPF, MSS and reviewed reference documents.
- Clearly distinguish between the functions of LPP objectives and policy statements.
- Apply a logical order and a common drafting style to the LPP.

The LPP 'before review' is shown below with comments made under each point.

This policy applies to those areas covered by the "Old Shire Design Guidelines" 1978, the "Small Borough Design Manual" 1989 and the "Large Shire Landscape Code" 1991.

*It is not possible to define where this LPP applies without seeing these studies. Does it apply to the whole municipality? If not, a policy map might help.*

### Policy basis

This policy implements the "Old Shire Design Guidelines" 1978, the "Small Borough Design Manual" 1989 and the "Large Shire Landscape Code" 1991. It also implements the recommendations of "Alpine Views", Gumnut Regional Commission, 1983.

*The policy basis should make clear any links to the SPPF and MSS. Are there any?*

*The documents that provide the policy basis are old. Are they still relevant? Do they conform to current SPPF and MSS policy? Have they been reviewed recently? Can the public inspect or purchase them anywhere?*

### Objectives

In considering permit applications, the responsible authority must have regard to as appropriate the provisions of the "Old Shire Design Guidelines" 1978, the "Small Borough Design Manual" 1989 and the "Large Shire Landscape Code" 1991.

*This is not an objective. It is probably a decision guideline that should be part of the policy statement.*

New buildings, public open space, streetscapes and private gardens must strengthen the connection between built-up areas and their underlying landscape character.

*This objective is not clearly linked to the exercise of discretion. It does not commence with a verb in the infinitive.*

To increase the use of local native plants.

*This is a good objective.*

To protect and enhance vistas, views and landmarks and, where possible and appropriate, to create new views, vistas and landmarks.

*This is a good objective.*

Where a proposal includes the creation of one or more retail units with a maximum leasable floor area of 2,500 m<sup>2</sup> or above, the proposal should provide for a significant public art component that enhances the public realm.

*This is not an objective. It is detailed. It is probably a performance measure that should be part of the policy statement.*

To prevent development that could affect the character and setting of Gumnut's open space and parkland system.

*This objective combines prescription with vagueness. In seeking to 'prevent development', it is prescriptive. In testing when to prevent development it is vague: almost any development near a park could 'affect' its character and be contrary to the objective. This provides the responsible authority with a broad discretion, but the public and the development industry cannot predict how this discretion may be used.*

To ensure that all new development is compatible with the underlying character of surrounding built areas.

*This is a good objective.*

Promoting high architectural or design standards in all new buildings and works in order to maintain and increase the visual interest and diversity of the built environment and the visual and physical connections between private built development and the public realm.

*This objective contains many ideas and loses clarity as a result. It probably needs to be redrafted as at least two objectives.*

*Generally: the objectives are not in a logical order or drafted using a common style. Some objectives appear to be strategic in nature and could be in the MSS. There is confusion about the relationship between objectives and policy statements. The objectives contain a number of policy statements.*

#### Policy

Require submitted permit applications to comply with the design assessment techniques of the “Old Shire Design Guidelines” 1978, the “Small Borough Design Manual” 1989 and the “Large Shire Landscape Code” 1991.

*The objectives of the Old Shire Design Guidelines 1978, the Small Borough Design Manual 1989 and the Large Shire Landscape Code 1991 have not been drawn into the LPP objectives. As this step has not been taken, it is difficult to see how the LPP can require applicants to meet the design requirements of these documents.*

Encourage the creation of publicly accessible pedestrian walkways, cycleways, seating provision, open landscaped and activity areas.

*The creation of publicly accessible pedestrian walkways, cycleways, seating provision, open landscaped and activity areas does not flow directly from the policy objectives.*

Encourage new walkways and cycleways to create links between or connect to the priority paths identified in the “Gumnut City Cycle and Walking Strategy” 1996.

*The policy basis and objectives make no reference to the Gumnut City Cycle and Walking Strategy 1996.*

*If the objective to protect the character and setting of parks and open spaces is to be implemented, a policy statement is necessary.*

Refuse to permit proposals for use and development that would have an adverse impact on existing vistas, views and landmarks.

*This policy statement implements the Alpine Views document. However, the objectives do not make this clear. It could also be worded positively (for example, ‘to ensure that development respects or enhances...’) and still achieve the same outcome.*

Require the submission of a landscape and planting scheme for all developments that include an open space area that is visible from the public realm.

*This is a good principle, but may require clarification.*

Require the use of species native to the locality in submitted landscape and planting schemes.

*This is a good policy.*

*Generally: the policy statements are not in a logical or functional order and have not been drafted in a common style. There is confusion about the relationship between objectives and policy statements. The policy contains a number of objectives.*

#### References

“Old Shire Design Guidelines”, Old Shire Council, 1978.

“Small Borough Design Manual”, Peter Tall and Associates, 1989.

“Large Shire Landscape Code”, 1991.

“Alpine Views”, Gumnut Regional Commission, 1983.

“Gumnut City Cycle and Walking Strategy”, Gumnut City Council, 1996.

*The references are old. See comments on ‘Policy basis’.*

## Example 5

### A 'reviewed' LPP

## 22 LOCAL PLANNING POLICIES

### 22.01 URBAN CHARACTER AND MAJOR DEVELOPMENT SITES

This policy applies to *urban opportunity* and *green field* sites identified in the Gumnut City Structure Plan (clause 21.05-7).

#### Policy Basis

This policy:

- applies the design and built form SPPF objective in clause 19.03 to local circumstances;
- builds on the MSS objectives in clause 21.05-7 relating to *urban opportunity* and *green field* sites;
- applies the objectives of the "Gumnut City Urban Character Study" 1999 relating to *urban opportunity* and *green field* sites;
- applies the findings of the "Alpine Views" study 1983 to protect significant views; and
- provides design guidance to implement the "Gumnut City Cycle and Walking Strategy" 1996.

The Gumnut City Urban Character Study proposes that new development in *urban opportunity* and *green field* sites should create a character based on innovative contemporary design. Relevant objectives from the study have been included in this policy.

#### Objectives

##### *Landscape, Views and Vistas*

- To ensure that public open space, streetscapes and private gardens strengthen the connection between built up areas and their underlying landscape character.
- To increase the use of local native plants.
- To protect and enhance vistas, views and landmarks and, where possible and appropriate, to create new vistas, views and landmarks.
- To protect and enhance the character and setting of Gumnut City's open space and parkland system.

##### *The Built Environment*

- To ensure that all new development is compatible with the underlying character of surrounding built areas.
- To maintain and, where possible and appropriate, increase the visual interest and diversity of the built environment.
- To promote high architectural or design standards in all new buildings and works.
- To strengthen visual and physical connections between private built development and the public realm.

#### Policy

##### *Exercising Discretion*

Where a permit is required for development in *urban opportunity* sites identified in the MSS, it is policy to -

- encourage the establishment of a high quality new townscape through the application of innovative contemporary urban design and architecture;
- ensure that new development adjacent to existing built areas responds positively to the location, height, mass, materials and external appearance of existing development;
- ensure that use or development adjacent to existing open space links and public parkland does not damage its character or setting;
- ensure that use or development does not have an adverse impact on existing vistas, views and landmarks;
- encourage the creation of open landscaped and activity areas to form new 'town squares'; and
- encourage the creation of new walkways and cycleways that create links between or connect to the priority paths identified in the Gumnut City Cycle and Walking Strategy.

Where a permit is required for development in growth corridor *green field* sites identified in the MSS, it is policy to -

- encourage the establishment of a diverse range of well-designed new housing through the application of innovative contemporary urban design and architecture.
- encourage the creation of new pedestrian walkways and cycleways that link to existing and proposed public transport nodes;
- encourage the provision of new open landscaped and recreation areas that reflect local landscape character and retain significant existing vegetation; and
- require development proposals to identify opportunities for the creation of new vistas, views and landmarks.

Where a permit is required for development in either site type, it is policy to -

- require a detailed landscape and planting scheme for all development proposals containing open space that is visible from the public realm; and
- require the use of local native species in landscape and planting schemes.

#### *Performance Measures*

It is policy that proposals are assessed against the following performance measures as appropriate:

- development of an *urban opportunity site* that includes more than 2,500 m<sup>2</sup> of retail floorspace should provide a significant public art component that enhances the public realm; or
- residential development of a *green field* site over 4ha should provide mature native street trees at least 2.5m in height.

#### *Decision Guidelines*

It is policy that the responsible authority consider as appropriate:

- the impact of proposals on vistas and views identified in “Alpine Views” 1983;
- the design techniques for *urban opportunity* sites or *green field* sites in the “Gumnut City Urban Character Study”, 1999.

#### **References**

- “Gumnut City Urban Character Study”, Joe Bloggs and Associates for Gumnut City Council, 1999
- “Gumnut City Cycle and Walking Strategy”, Gumnut City Council, 1996
- “Alpine Views”, Gumnut Regional Commission, 1983

### General comment

This policy has been reviewed using this Practice Note as guidance. A wider review of urban character and design has also taken place. This has resulted in the publication of a new urban character study to replace the earlier studies.

The old policy applied across the whole municipality. The review identified that the old policy contained municipality-wide strategic urban character policy and site-specific urban character policy relating to the exercise of discretion. It was decided to place the municipality-wide strategic urban character policy into the MSS. The reviewed LPP has a narrower application as a result. It now deals only with the exercise of discretion on specific sites.

The 'reviewed' LPP is shown below with comments under each section.

This policy applies to urban opportunity and greenfield sites identified in the *Gumnut City Structure Plan* (clause 21.05-7).

*The policy makes special provision for urban opportunity and greenfield sites that are shown on a map in the MSS. Its application is clear.*

### Policy basis

This policy:

- applies the design and built form SPPF objective in clause 19.03 to local circumstances;
- builds on the MSS objectives in clause 21.05-7 relating to urban opportunity and greenfield sites;
- applies the objectives of the *Gumnut City Urban Character Study* 1999 relating to urban opportunity and greenfield sites;
- applies the findings of the *Alpine Views* 1983 study to protect significant views; and
- provides design guidance to implement the *Gumnut City Cycle and Walking Strategy* 1996.

*Clause 19.03 of the SPPF establishes policy for design and built form. It includes an objective to achieve high-quality urban design and architecture that:*

- *reflects the particular characteristics, aspirations and cultural identity of the community;*
- *enhances liveability, diversity, amenity and safety of the public realm; and*
- *promotes attractiveness in towns and cities within broader strategic contexts.*

*Clause 21.05-7 of the MSS identifies that new development will occur on three site types:*

- *urban opportunity sites of 2.5 hectares or above, identified in the Gumnut City Structure Plan;*
- *greenfield sites in urban growth corridors, identified in the Gumnut City Structure Plan; or*
- *infill sites, smaller sites within the balance of the built up area.*

*The MSS sets two urban character objectives:*

- *on urban opportunity and greenfield sites, to encourage high-quality contemporary design which maximises pedestrian use of city precincts and public transport use for longer trips;*
- *on infill sites, to ensure new development reflects and enhances established urban character.*

*The policy basis identifies these links to the SPPF and MSS. It also shows how the policy will implement relevant external studies including the Gumnut City Urban Character Study, 1999. It states that the policy objectives have been drawn from the Urban Character Study and provides a strong basis for the use of this reference document in decision making.*

*The policy basis does not repeat the SPPF, MSS and external study provisions: a clear reference to them is sufficient.*

## Objectives

### *Landscape, views and vistas*

- 1 To ensure that public open space, streetscapes and private gardens strengthen the connection between built up areas and their underlying landscape character.
- 2 To increase the use of local native plants.
- 3 To protect and enhance vistas, views and landmarks and, where possible and appropriate, to create new vistas, views and landmarks.
- 4 To protect and enhance the character and setting of Gumnut City's open space and parkland system.

### *The built environment*

- 5 To ensure that all new development is compatible with the underlying character of surrounding built areas.
- 6 To maintain and, where possible and appropriate, increase the visual interest and diversity of the built environment.
- 7 To promote high architectural or design standards in all new buildings and works.
- 8 To strengthen visual and physical connections between private built development and the public realm.

*The objectives are grouped under two functional subheadings and are in a logical order that reflects their function. They are drafted using a common style and language. The confusion between the functions of objectives and policy statements has been resolved.*

## Policy

### *Exercising discretion*

Where a permit is required for development in urban opportunity sites identified in the MSS, it is policy to:

- encourage the establishment of a high quality new townscape through the application of innovative contemporary urban design and architecture;
- ensure that new development adjacent to existing built areas responds positively to the location, height, mass, materials and external appearance of existing development;
- ensure that use or development adjacent to existing open space links and public parkland does not damage its character or setting;
- ensure that use or development does not have an adverse impact on existing vistas, views and landmarks;
- encourage the creation of open landscaped and activity areas to form new 'town squares'; and
- encourage the creation of new walkways and cycleways that create links between or connect to the priority paths identified in the *Gumnut City Cycle and Walking Strategy*.

Where a permit is required for development in growth corridor greenfield sites identified in the MSS, it is policy to:

- encourage the establishment of a diverse range of well-designed new housing through the application of innovative contemporary urban design and architecture;
- encourage the creation of new pedestrian walkways and cycleways that link to existing and proposed public transport nodes;
- encourage the provision of new open landscaped and recreation areas that reflect local landscape character and retain significant existing vegetation; and
- require development proposals to identify opportunities for the creation of new vistas, views and landmarks.

Where a permit is required for development in either site type, it is policy to:

- require a detailed landscape and planting scheme for all development proposals containing open space that is visible from the public realm; and
- require the use of local native species in landscape and planting schemes.

*Performance measures*

It is policy that proposals are assessed against the following performance measures as appropriate:

- development of an opportunity site that includes more than 2,500 m<sup>2</sup> of retail floorspace should provide a significant public art component that enhances the public realm; or
- residential development of a greenfield site over four hectares should provide mature native street trees at least 2.5 m in height.

*Decision guidelines*

It is policy that the responsible authority consider as appropriate:

- the impact of proposals on vistas and views identified in *Alpine Views*, 1983; and or
- the design techniques for urban opportunity sites or greenfield sites in the *Gumnut City Urban Character Study*, 1999.

*The policy statements are in a logical and functional order. Policy which guides the exercise of discretion is set out first, followed by policy that provides performance measures and decision guidelines. Within these groupings, policy has been broken up into groups that reflect the structure of relevant MSS objectives. A common drafting style has been used. The language is positive, but does not prevent the responsible authority from refusing to grant a permit where a policy objective is not met.*

**References**

*Gumnut City Urban Character Study*, Joe Bloggs and Associates for Gumnut City Council, 1999

*Gumnut City Cycle and Walking Strategy*, Gumnut City Council, 1996

*Alpine Views*, Gumnut Regional Commission, 1983

*The references are now to new documents, or to documents that have been reviewed and are clearly still relevant.*

