

Subject: Tasmanian Planning Scheme drafting conventions

Purpose: To provide guidance on drafting conventions, writing style and applied, adopted or incorporated documents, for the Tasmanian Planning Scheme (TPS).

Introduction

This practice note provides guidance on the drafting conventions and writing style applied in the preparation of the State Planning Provisions (SPPs) that form part of the TPS. The same writing style and conventions are to apply to the preparation of Local Provisions Schedules (LPSs) and to amendments to the SPPs and LPSs.

Guidance on applied, adopted or incorporated documents is included.

Drafting Principles

The following principles underpin the drafting approach in the Tasmanian Planning Scheme.

1. The Tasmanian Planning Scheme is expressed in plain English.
2. The Tasmanian Planning Scheme contains minimal regulation while being legally robust.
3. Regional and local planning strategies are reflected in the Tasmanian Planning Scheme through the application of the local provisions.
4. Zoning is the primary mechanism for expressing spatial strategy.
5. Zone provisions contain the primary directions for the use, development, protection and conservation of land within each zone.
6. Zones identify the range of use and development that is allowable.
7. Codes, particular purpose zones, specific area plans, and site-specific qualifications are additional mechanisms for delivering planning policy and strategy.

Drafting conventions

Language must be clear, unambiguous and consistently applied throughout the planning scheme. Words and phrases must carry the same meaning wherever they occur, unless deliberately varied to convey a different meaning.

'amenity'	If using the term 'amenity' as it relates to residential amenity, ensure that it is clear either through the use of 'residential amenity' or similar, except when used in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone or a Rural Living Zone.
	When referencing impact upon amenity use the expression 'must not cause an unreasonable loss of amenity' instead of 'impact upon amenity', 'adversely impact amenity', 'reduce amenity' or similar.
'as amended from time to time'	Do not use the expression 'as amended' or 'as amended from time to time' when referencing applied, adopted or incorporated documents. A formal amendment should be made to adopt any revision of such a document.
defined terms	If defined, always use the defined term. However, it is acceptable to rely on the dictionary meaning of words in common usage. The Macquarie Dictionary is the preferred reference.
directory terms	Use the term 'must' when expressing a mandate, not 'shall' or 'will'.
	Use the words 'is to' when giving a direction.
'ensure'	Do not use 'ensure' in Objectives, Acceptable Solutions or Performance Criteria.
exclusions	Generally, all exclusions are to be repeated across the Acceptable Solution and Performance Criteria so it is clear that the exclusion applies to the whole standard.
'having regard to'	Use 'having regard to' not 'through' 'by' or 'taking into consideration', or 'taking into account' etc.
'lot', 'site' and 'properties'	<p>The term 'lot' is only to be used in subdivision development standards.</p> <p>The term 'site' is to be used when referring to the place on which the proposed use and development is occurring. It may comprise more than one lot.</p> <p>The term 'properties' is to be used in the development standards for building and works where there is a requirement to consider the impact on other land. However, it must be qualified to clarify the land to which it refers, e.g. 'adjacent properties' or 'adjoining properties'.</p>

terminology of the Act	Use the terminology of the Act or regulation, e.g. grant a 'permit' rather than 'approval' or 'planning permit' and 'application' rather 'development application'
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Writing style

abbreviations	<p>Use of abbreviations should be limited to words that frequently occur in the text. The following abbreviations must be used:</p> <p>ha for hectares</p> <p>m for metres</p> <p>L for litres</p> <p>m² for square metres and m³ for cubic metres.</p> <p>% rather than percent.</p> <p>Use the term section rather than s. when referring to sections of the Act.</p>
acronyms	Avoid the use of acronyms.
advice	Use 'advice' not 'written' advice when referring to advice to be obtained from organisations such as regulated entities, road authority or rail authority.
Australian Standards	Any reference to an Australian Standard must include its whole title and be italicized. For example <i>Australian Standard AS 2890.3 1993 Parking facilities – Bicycle parking facilities Part 3: Bicycle parking facilities</i> .
building setback Acceptable Solution	Acceptable Solutions must be expressed as 'Buildings must have a setback from X of not less than Xm'.
building setback Performance Criteria	Performance Criteria relating to siting must consistently start with the expression 'Buildings must be sited...' except for where it relates to frontage setback.
'compatible with' and 'consistent with'	Use 'compatible' when referring to 'character' or the broader landscape and 'consistent' when referring to 'site coverage' or building height.

capitalisation	<p>Minimise the use of capitals.</p> <p>Use sentence case for headings, e.g. Building height, setback and siting.</p> <p>Use title case for Use Classes, e.g. Bulky Goods Sales.</p> <p>Use title case when referring to standards, e.g. Objectives, Acceptable Solutions, Performance Criteria.</p> <p>Use lower case for particular purpose zone, specific area plan and site-specific qualification to be consistent with the Act.</p> <p>Always capitalise 'Zone' when used in a zone title, e.g. Commercial Zone. Do not capitalise terms when referring to zones generically, e.g. 'zone'.</p> <p>Always capitalise 'Code' when used in a code title, e.g. Attenuation Code. Do not capitalise terms when referring to them generically, e.g. 'code'.</p>
communal/common	Use 'common' rather than 'communal' in reference to a space that is shared equally – 'common space'.
etc.	Use 'and the like' instead of etc., when referring to the same or a similar group or class of matters.
exclusions	In the Acceptable Solutions and Performance Criteria, the term 'excluding' is to be used instead of 'except if'.
figures	Titles for any images embedded in the text are referred to as figures. Do not use the terms 'map' or 'diagram'.
gaps or spaces	There is to be no gap between a number and 'm' or m ² .
	There is to be no gap in the expression of time, e.g. 10.00am or 3.00pm.
hours of operation	The hours of operation should be expressed as 'XX Monday to Friday' (or other day). Do not use of the term 'inclusive' or plural expression, except when referring to public holidays.
hyphenation	Hyphenate site-specific with reference to site-specific qualification to be consistent with the Act.
	Hyphenate Bushfire-Prone and Flood-Prone, home-based, and on-site.
	Do not hyphenate off site.
'if' or 'where'	Use 'if' rather than 'where'.

lists in subclauses	<p>Lists must not begin with ‘all of the following...’, ‘any of the following...’ or similar, unless it is necessary to avoid complication.</p> <p>If all subclauses are ‘and’ or ‘or’ then use the ‘and’ or ‘or’ on the second last subclause only.</p>
multiple considerations	<p>In Acceptable Solutions and Performance Criteria that include a use occurring within a certain distance and an exclusion, unless it is referring to operation of the use, the reference to the [distance] should come first and the exclusion second. For example:</p> <p>‘Building height within 10m of an X zone, excluding a structure such as antenna, tower, mast, pole or similar, must be not more than Xm’;</p> <p>or</p> <p>‘External lighting on a site within 50m of X zone, excluding security lighting and where associated with Utilities or Emergency Services, must not.....’</p>
‘not less than’ and ‘no less than’	Use ‘not less than’ unless there are a number of general matters, not quantitative requirements, where it should be ‘no less than’.
numbering hierarchy/dot points	<p>Number provisions so that they can be easily cited and do not use dot points.</p> <p>Subclauses within a standard are to be referenced alpha-numerically as follows:</p> <p>(a).....</p> <p> (i).....</p> <p> a.</p> <p>(b)</p>
numerical format	<p>Use numerical expression for numbers, e.g. ‘5m’ or ‘3 car spaces’ rather than ‘five’ or ‘three’.</p> <p>Whole numbers should not have a decimal place.</p> <p>Use commas for numbers, do not use spaces. e.g. 1,000 or 600,000 not 1 000 or 600 000.</p>

plain English	Avoid use of legal or planning jargon, such as 'notwithstanding', 'pursuant to', 'taken to mean', 'by reason of', 'contiguous to', 'whereby', 'deemed to' or similar, and use every day words.
'planning authority' and 'council'	Use 'planning authority' not 'council' unless in the particular circumstance 'council' is the appropriate term. This may occur from time to time if referring to responsibilities that are those of the Council rather than the Council acting as a planning authority.
planning scheme	Use 'planning scheme' rather than 'scheme'.
providing examples	Use 'such as' rather than 'for example'.
singular and plural	For consistency, use the singular where possible.
use consistent expression	Use consistent expression unless there is a reason for doing otherwise, e.g. if 'compatible with' is used in the Objective do not use other expressions in the associated Performance Criteria like 'consistent with'.
waste water and stormwater	Waste water is two words and stormwater, one word.
zone references	Refer to 'a' ... zone rather than 'the' ... zone', e.g., 'within 5m of an Inner Residential Zone, General Residential Zone or Low Density Residential Zone'.

Applied, adopted and incorporated documents

Any specific planning requirements that originate in external documents must be included in the planning scheme as standards or reflected in zoning or overlays. In some instances it is necessary or appropriate that a document is applied, adopted or incorporated in the planning scheme. If so, the document becomes part of the planning scheme by being referenced in the planning scheme.

Applied, adopted or incorporated documents must be:

- relevant to the use, development or protection of land;
- identifiable by including its whole title, and be italicized;
- accessible; and
- included and available when exhibiting amendments to the SPPs, a draft LPS or amendments to a LPS.

Only the relevant parts of applied, adopted or incorporated documents must be identified in the SPPs or LPS for clarity of application and interpretation.

Applied, adopted or incorporated documents should be prepared by a recognised authority or body that has endorsed the document such as a State Government Department or Standards Australia.

If the document is revised from time to time, a formal amendment is required to ensure that the regulatory change is appropriate as a matter of planning policy, and to alter the reference to the document to reflect the appropriate date of issue.

Further information

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