

SAP drafting principles and practice

SAP application drafting principles

- A SAP should be able to be read to easily determine whether the policy outcome sought by the SAP is modifying, substituting or in addition to, a provision, or provisions, of the SPPs.
- SAPs need to clearly set out which SPP provisions are being modified, substituted or added to.

Note: these principles should not be construed in a manner that limits a planning authority's rights under the Act.

Practical ways to achieve the principles

- Each clause in the SAP should include detail of the SPP provision that is modified, substituted or added to.
- Due to Use Tables making all other uses prohibited, if a Use Table is included in a SAP it is to always be as a complete substitution for the underlying zone Use Table.
- SAP provisions that are **in addition to** the SPP provisions should have a different standard heading to that of the SPPs. They should always be in a separate standard, instead of being included at the bottom of another standard (for example, not as an A2& P2).
- SAP provisions that are **in substitution for** SPP provisions should use the same heading as the SPP provision being substituted. The structure used by the SPPs to display the standards should always be used, such as height provisions being separate to setback and not introducing a combined building, siting and design standard.
- SAP provisions that **modify** the SPP provisions should use the same heading as the SPP provision being modified. The structure used by the SPPs to display the standards should always be used, such as height provisions being separate to setback not introducing a combined building, siting and design standard.

Application clause drafting

XXX-SX.2.1 The specific area plan applies to the area of land designated as XXX-SX.0 <name> Specific Area Plan on the overlay maps and in Figure SX.1.

XXX-SX.2.2 In the area of land this plan applies to, the provisions of the specific area plan modify, are in substitution for, and are in addition to the provisions of:

- (a) <insert zone name e.g. General Residential Zone>;
- (b) <insert zone name e.g. Inner Residential Zone>;
- (c) <insert code name e.g. Parking and Sustainable Transport Code>; and
- (d) <insert code name e.g. Historic Cultural Heritage Code>,

as specified in the relevant provision.

Notes: (a) Modify the second application clause to reflect the extent of the planning policy position that is reflected in the SAP, that is, delete 'modify', 'are in substitution for' or 'are in addition to' as necessary.

(b) It is necessary to include a statement under the heading for each clause that makes it clear how the provisions will modify, are in substitution for, and are in addition to the provisions – see example for a Use Table below.

XXX-SX.X Use Table

XXX-SX.X.1 Use Table – Local Business Zone

This clause is a substitution for Local Business Zone - clause 14.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Business and Professional Services	If co-located with a supermarket complex.
Food Services	If co-located with a supermarket complex.
General Retail and Hire	If for a supermarket. If for specialty shops co-located with a supermarket complex.
Utilities	If for minor utilities.
Discretionary	
Business and Professional Services	If not listed as Permitted.
Community Meeting and Entertainment	
Educational and Occasional Care	
Emergency Services	
Manufacturing and Processing	
Residential	
Service Industry	
Utilities	If not listed as Permitted.
Visitor Accommodation	
Prohibited	
All other uses	