

# Applying the Special Use Zone

Planning Practice Note 3

MAY 2017

The purpose of this practice note is to provide guidance about the appropriate use of the Special Use Zone in planning schemes.

## What are the principles applying to the use of the Special Use Zone?

When considering the application of the Special Use Zone, the following principles need to be understood:

- The complexity of planning requirements is reduced by keeping the number of zones used to a minimum.
- Planning scheme maps identify the statutory requirements which apply to land, not the particular land uses which happen to exist there.
- Detailed and complex site specific zones are discouraged in preference for clear policy guidelines as the primary tool for decision making on planning matters.
- The planning permit should be the principal method for land use or development approval.

## Where should the Special Use Zone be applied?

A Special Use Zone can be considered when either:

- an appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements
- the site adjoins more than one zone and the strategic intent of the site, if it was to be redeveloped, is not known and it is therefore not possible to determine which zone is appropriate.

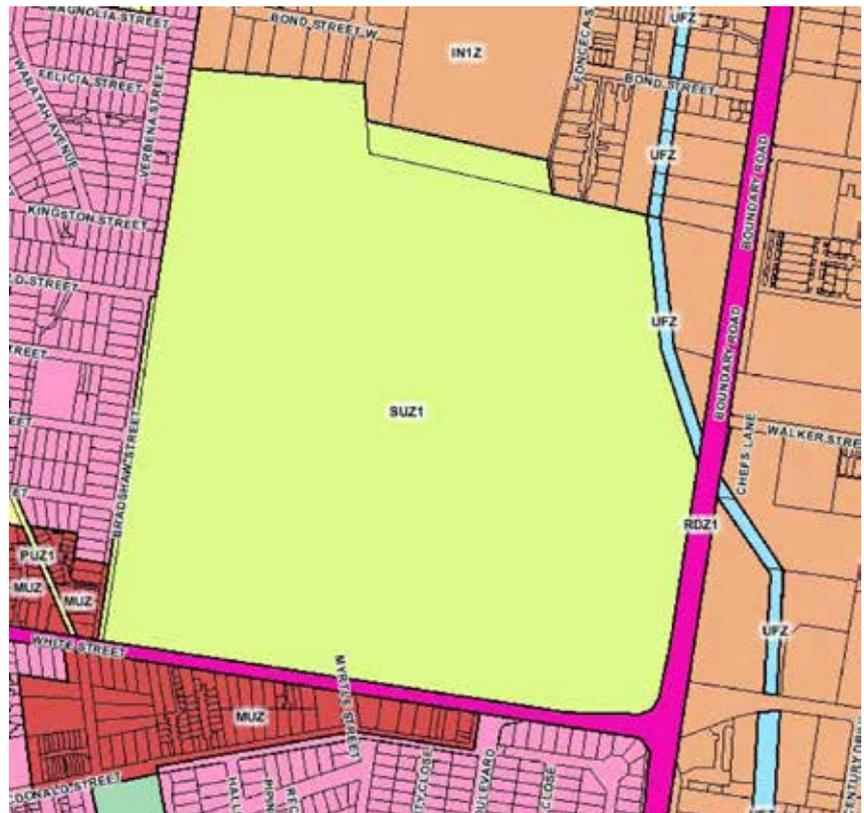
Application of the Special Use Zone is not appropriate when an alternative zone can achieve a similar outcome, with appropriate support from local policies and overlays.

Examples of an appropriate and inappropriate use of the Special Use Zone are set out on the following page.



**APPROPRIATE USE:**

Appropriate because it is not possible to decide which alternative zone is appropriate for the site.



**INAPPROPRIATE USE:**

Inappropriate because the adjoining zone can give effect to the desired objectives and requirements for the site.





## What should a Special Use Zone contain?

The *Ministerial Direction on the Form and Content of Planning Schemes* includes requirements and a schedule that must be followed for the Special Use Zone. It is important with each schedule that the purpose of the zone is clearly identified and the outcomes sought are clear. If detailed development conditions are necessary, they should be set out in permits rather than in the scheme. The schedule should include decision guidelines where relevant which reinforce the achievement of the purpose in decisions about applications.

The prescribed schedule provides adequate flexibility to cater for a wide variety of land uses that may justify the Special Use Zone.

## What are the alternatives to the Special Use Zone?

### Use the discretion in the zone provisions

Given the discretion and flexibility of most zones, consider if the land's surrounding zones, or one of the surrounding zones is a suitable alternative to the Special Use Zone.

### Apply a Local Policy

Local policies should be used to guide or promote decisions about specific uses or locations without the need to apply the Special Use Zone.

The first stated purpose of every zone is:

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

This is intended to emphasise the importance of the policy framework, in particular the Local Planning Policy Framework, as the key driver of the decision-making process for permit applications. The Municipal Strategic Statement and local policies carry weight in the decision-making process. Consideration of uses consistent with a local policy is a clear purpose of every zone. This is consistent with the approach of allowing discretion within the zones themselves and relying on the Local Planning Policy Framework to guide decision-making towards the outcomes sought.

### Master planning for sites

The Special Use Zone is not necessary to require or give effect to master plans for uses such as schools and hospitals. The Incorporated Plan Overlay or the Development Plan Overlay is the appropriate tool to encourage master planning and to provide exemptions from third party notice and review for permit applications which are generally consistent with the incorporated plan or the approved development plan.

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