



LEP practice note

LEP MAKING PROCESS

Ref No.	PN 22-002
Issued	26 January 2022
Related	PN 06-002, Replaces PN 09-005 (dated 10 September 2009)

Local environmental plan zone objectives

The purpose of this practice note is to provide further guidance to councils when drafting or reviewing non-mandatory additional local zone objectives in local environmental plans under the Standard Instrument.

Mandatory zone objectives

Zone objectives set out the purpose of the zone and reflect the intended strategic land use direction. Mandatory (core) zone objectives are included in the Standard Instrument (SI) to ensure consistency in how zones are applied across NSW.

As indicated in SI clause 2.3(2), zone objectives will be used by a consent authority to help determine if a development application (DA) is consistent with the strategic planning for the area. The objectives are also used by the Land and Environment Court where a DA proposes to vary required development standards. It is therefore critical that any additional LEP zone objectives clearly articulate what additional goals are intended to be achieved in the zone.

Additional local zone objectives

The Standard Instrument (Local Environmental Plans) Order 2006 allows council to add additional local objectives to supplement core objectives **where appropriate**.¹ In many instances there will be no need for a council to add any additional objectives.

Aspirational objectives for the local government area that are supported by policies or provisions outside of the LEP (e.g. community consultation process, development assessment procedural matters, desired urban design outcomes or building development standard) should not be included. Broader community servicing and identity aims are best included in development control plans and/or the appropriate plans as required under the *Local Government Act 1993*.

Core objectives guide prevailing land uses for an area, so adding numerous local objectives could undermine

the purpose of the zone. To avoid this, councils should generally add no more than two or three local zone objectives to the mandatory ones where this is considered necessary. Note that other LEP provisions (compulsory or local) address planning issues other than land use and zoning, through their own objectives.

Adding a local zone objective may be justified if the mandatory objectives do not cover all major land use issues for land within the zone. A local objective may also be appropriate if it is locality specific or relates to a major activity node or other land use that has major environmental impacts on the activities and amenity of the resident and/or working population within the particular zone.

Councils should not add objectives where they only paraphrase mandatory objectives.

Orderly and logical use of aims, zone objectives and Land use controls

It is important not to confuse aims and objectives with each other, and with planning tools. As stated in clause 1.2 of the SI, an LEP is required to set out the particular overarching aims of the plan. Each zone then includes core objectives which describe in more detail the purpose of the land it refers to. Permitted land uses and principal development standards are the key tools to be used to achieve objectives of a zone. This means there are three levels of information (aims, zone objectives and land use controls) and they form a hierarchy of policy intention.

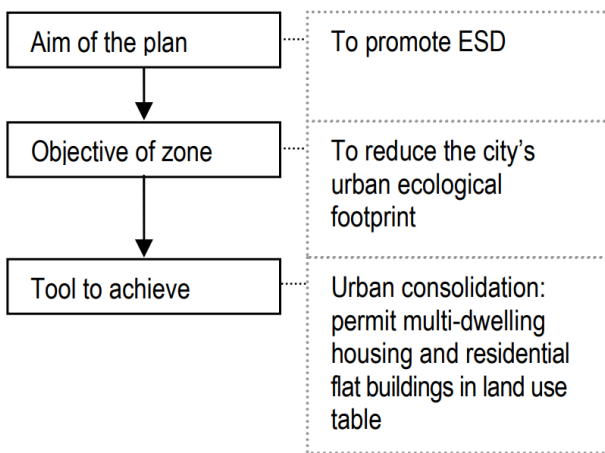
For example, ecologically sustainable development is now a widely accepted overarching aim of a principal planning instrument. In some plans urban

¹ See Direction 1. Under Land Use Table of the Standard Instrument.

consolidation (increased urban density) is elevated to a policy aim, when it is really a policy tool to assist in achieving ecologically sustainable development.

Urban consolidation is not an end in itself rather a means of reducing urban ecological footprints (it could therefore form a zone objective). If urban consolidation is the outcome itself, the tool cannot be meaningfully measured against any sustainability criteria. Objectives such as ‘reducing the urban ecological footprint’ should flow from higher order aims of the Plan such as urban sustainability. A tool to achieve that in some cases may be urban consolidation and the inclusion of higher density built forms in a land use table as a permissible development. In addition a higher density will be encouraged by permitting higher building height and floor space ratio in a zone. (See Figure 1.)

Figure 1. Policy hierarchy



The relationship between overarching aims (SI clause 1.2—Aims of Plan), specific zone objectives, and tools to achieve those objectives (permissible and prohibited land uses and other LEP provisions) must be logical and interrelated.

Principles for additional local objectives in zones

The following principles should be followed when adding local zone objectives:²

- If the same local objectives are being considered for several zones it may be best to include the overarching issue as an overall aim of the Plan, e.g. promotion of affordable housing or achieving ecologically sustainable development).
- Do not repeat matters set out in section 4.15— Evaluation of the *Environmental Planning and Assessment Act 1979*.
- Do not describe development control matters that are addressed through a development control plan in your objectives, e.g. design requirements, setbacks, building envelope, site analysis or construction standards.

- Avoid using subjective language open to different interpretation, e.g. ‘well-designed’, ‘high quality’, ‘liveable’, ‘economically sound’ or a vague phrase such as ‘creating a sense of place’.

Examples

Some examples of what to do and what to avoid when adding additional objectives are attached.

Further information

A copy of this and other practice notes, and the *Local A* copy of this and other practice notes, and the *Local Environmental Plan-Making Guideline* (2021) are available on the Department’s website at:

<https://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning>

For further information please contact Service NSW on 13 77 88.

Authorised by:

Marcus Ray

Group Deputy Secretary Planning and Assessment

Department of Planning, Industry and Environment

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning, Industry and Environment planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

² Objectives for additional local provision should not repeat the zone objectives. They should clearly indicate and justify the intention that the provision as a planning tool is meant to achieve. In general,

there should be no more than 2–3 objectives for any additional local provision.

Examples: What to do

Zone SP3 Tourist

Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To ensure that further development in the zone will not interfere with the continued operation of the City Port or other maritime activities in the Harbour. [Local addition]

An objective specific to the locality may be added: The additional objective may be locality specific if the zone contains or is affected by a major transport hub, large commercial, industrial or recreational complex or significant heritage item.

Zone B1 Neighbourhood Centre

Objectives of zone

- To provide a range of small-scale retail, business and community uses which serve the needs of people who live and work in the surrounding neighbourhood.
- To ensure the inclusion and integration of housing to promote community activity through the day and into the evening. [Local addition]

An objective related to a land use the council wishes to promote in a certain zone (e.g. housing in mixed use development in a business zone) could be strengthened through an added zone objective.

Zone RU1 Primary Production

Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To provide for a range of tourism-related uses that support the agricultural industry. [Local addition]

An objective related to a permissible land use not covered by the mandatory objective: Although tourism is not the focus of this zone council may choose to include some uses within the Tourist and Visitor Accommodation group ancillary to agriculture. The subordinate role of tourist related development will be confirmed in other LEP provisions limiting its scale, subdivision and role in the rural zone.

Examples: What to avoid Zone

RU2 Rural Landscape

Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise the impact of noxious and environmental weeds. [Local addition]

Avoid adding zone objectives related to the management of land uses. Land use management is regulated through other policies and plans such as Environmental management plan or Development control plan.

Zone R2 Low Density Residential

Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the established character of development in the area. [Local addition]

Avoid duplication: The mandatory objectives already provide for the character of the area. The additional objective may be interpreted as though it has been inserted for a specific reason and that 'established character' means something other than low density residential.

Zone R4 High Density Residential

Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that a high level of residential amenity is achieved. [Local addition]

Avoid vague zone objectives not related to land use: The level of residential amenity is in most cases addressed through development standards set out in the LEP and council's development control plan.