

November 2020

Why consider local character?

Local character encompasses the way a place looks and feels; it is the identity of a place and what makes a neighbourhood distinctive. Local character is a place-based planning tool that allows councils and communities to agree on their desired future and how their area will change over time. It is distinctive and it differentiates one area from another and goes beyond just considering heritage conservation.

It is important to understand local character in a holistic way; looking at the combination of built and natural, public and private environments which give a place its unique feel. This involves examining the relationship with people and the social, environmental and economic factors of a place. Considering local character is important in developing strong, unique, desirable and design-led communities. Identifying areas of local character allows councils to plan for future growth while ensuring it is complementary to the local character.

Defining local character areas

Local character areas are generally categorised in three ways: **change, enhance and maintain**. Steps which define local character areas include engaging with the community, identifying an area's character, examining different sources of information, setting desired future character and producing a character statement. Councils should use the character assessment toolkit in the [Local Character and Place Guideline](#) (Guideline) to identify local character areas.

Draft local character clause and Overlay

The draft local character clause has been developed as the key statutory mechanism for councils to promote the desired future character in their local government areas (LGA). The associated map overlay and standalone local character statement provide the local context and content. The Local Character Clause can be included in the Standard Instrument Local Environmental Plan (SI LEP). A two staged approach is proposed:

Stage 1: Councils insert a local character clause and overlay into their Local Environmental Plan (LEP). This provides a consistent way for councils to apply local character in LEPs and to respond to actions in their local strategic planning statements (LSPSs).

Stage 2: Councils that wish to exclude limited areas from the Low Rise Housing Diversity Code (LRHDC) need to provide a comprehensive evidence base to support their exclusion request.

While mapping local character, for the planning proposal, councils should also assess if existing overlays can be combined with the local character overlay. This will simplify the development application process by potentially reducing the number of overlays applying to site.

A local character statement must also be developed in accordance with the Guideline; and describe an area's existing character; and detail its desired future character. It will also set out how future growth will be consistent with the identified character. This requires council to consider its local character statement when assessing development applications.

The department is seeking comments on the draft local character clause, and you can [have your say until 29 January 2021](#).

Planning proposals for including local character in LEP

The department has proposed an amendment to the SI LEP, introducing the proposed local character clause (attached) and a map layer to accommodate an overlay. Where a council intends to apply a local character overlay and develop a local character statement, a planning proposal would need to be submitted to the department for consideration.

Dividing the process into two distinct stages would allow councils to identify and map character areas first and then undertake more comprehensive investigation to determine where the LRHDC is appropriate. It also allows the focus of local character to stretch beyond housing typology into determining the desired future character of a range of areas within neighbourhoods such as public spaces, retail areas and the natural environment.

Stage 1 allows councils to insert a local character clause and overlay into their LEP which ensures the three categories of local character areas are identified and mapped. This will assist some councils to deliver on actions in the LSPSs relating to local character.

In Stage 2, where the LRHDC is inconsistent with the identified and defined local character, it may be appropriate for those areas to be excluded from the LRHDC and for low rise housing typologies to be delivered through the development application process. It provides a way for council to seek an exclusion for limited areas from LRHDC, supported and justified by a comprehensive evidence base.

To prepare their planning proposals, councils need to address the department's [Guide to Preparing Planning Proposals](#) and [Guide to Preparing Local Environmental Plans](#) as well as develop local character statements in line with the Guideline.

Maps of the proposed areas will also need to be provided in accordance with department's [Standard Technical Requirements for Spatial Datasets and Maps \(August 2017\)](#).

Prior to submitting a planning proposal, councils will be required to consult with the department in the drafting of the map layer. Councils need to ensure that the planning proposal includes the following information:

- draft local character statement;
- number and type of lots impacted by the local character area;
- alignment to strategic planning including the LSPS and local housing strategy; and
- evidence of community and industry consultation.

Exemption from the Low Rise Housing Diversity Code (LRHDC) for limited areas in a LGA

Some councils have indicated that some areas within their LGAs have a distinct character that is not supported by the LRHDC. However, exemptions from the LRHDC should not be based on local character alone. For councils seeking to exclude limited areas from the application of the LRHDC, a framework with the evidence base requirements to support exclusion areas has been developed.

If a council intends to include local character areas in a LEP or exempt limited areas from the LRHDC, a planning proposal will need to be lodged with the department. When seeking an exemption from the LRHDC, councils will need to provide a comprehensive evidence base with the planning proposal. The comprehensive supporting material required includes how councils will ensure there is no net loss of housing diversity in the LGA as well as comprehensive housing supply and demand analysis. The criteria below will assist councils to consider the appropriate evidence

bases required. These two processes can be undertaken concurrently. Exclusions sought through this process will only apply to the LRHDC, in limited areas, and cannot apply to all local character areas identified within the LGA.

Local character in LEP	Exemption from the Low Rise Housing Diversity Code for discrete areas in the local government area
<p>Step 1 Broadly define local character and undertake a local character assessment in line with the <i>Local Character and Place Guideline</i></p>	<p>As per criteria in left hand column.</p>
<p>Step 2 Council prepares a planning proposal with the following evidence:</p> <ul style="list-style-type: none"> • Draft local character statement • Number and type of lots impacted by LC area • Alignment to strategic planning LSPS/LHS • Community consultation <p>Council also needs to consider the consolidation of current overlays in their LEP with the local character layer. For example, site specific overlays or active street frontages (where appropriate)</p> <p>NOTE: any consolidation of overlays must NOT turn off <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> or any other state policy</p>	<p>As per criteria in left hand column as well as additional information including:</p> <ul style="list-style-type: none"> • Evidence showing the outcomes of the Code are inconsistent with the local character and desired future character – provide examples • Evidence that any exclusion will not result in a reduction of housing diversity overall • Current and historical data on complying development take up including data on the take up of LRHDC • Statistics on the range of housing types approved (DA and CDC) for the prior 5 years • Number of lots and proposed lots that will be excluded from the Code and the number of lots where the Code will still apply • Evidence of community and industry views being considered • A completed LSPS and LHS • Detailed analysis and comparison between Council’s planning controls (including design standards) and the controls in the Code and Design Guide • How the proposal aligns to the strategic direction within regional and district plans • Strategic basis for the request supported by evidence (eg urban design studies)
<p>Step 3 – consultation – it is expected that further consultation with the community will take place during the planning proposal exhibition including:</p> <ul style="list-style-type: none"> • Consultation with the broad community • Finer grain consultation with the landowners affected • Consultation with industry and any affected government agencies 	<p>Step 3 – consultation – it is expected that further consultation with the community will take place during the planning proposal exhibition including:</p> <ul style="list-style-type: none"> • Consultation with the broad community • Finer grain consultation with the landowners affected • Consultation with industry and any affected government agencies
<p>Final assessment and plan made</p>	<p>Final assessment and plan made</p>

Draft local character clause

public consultation draft

Local character areas

- (1) The objectives of this clause are as follows—
 - (a) to identify local character areas,
 - (b) to promote the desired future character of local character areas.
- (2) The local character and desired future character for a local character area is specified in the *Local Character Areas Statement* published by [insert the name of the body responsible for the publication] at [insert the place of publication] on [insert the date of publication].
- (3) Development consent must not be granted to development on land in a local character area unless the consent authority has taken into account the *Local Character Areas Statement* for the land.
- (4) In this clause—
local character area means land identified as “local character area” on the Local Character Areas Map.

Drafting note 2.1 The following definition should be included in the Dictionary—

Local Character Areas Map means the [Name of local government area or other relevant name] Local Environmental Plan [Year] Local Character Areas Map.
