

Mansfield Shire Council

Guideline for the preparation of Development Plans

July 2020

1. What is a development plan and why is it prepared?:

- A development plan is required when the Development Plan Overlay (DPO) is applied to land under the Mansfield Planning Scheme. The DPO requires that a development plan be prepared and approved prior to any planning permit being issued for any use, subdivision or any other development on the land.
- Development plans outline the broad directions for future land use, development, subdivision and servicing of an area. They are not intended to include detailed specific information and conditions that would typically be included in planning applications and planning permits.
- Development plans help coordinate land use and development directions for a wider area than is usually considered under a planning permit. Although the application of the DPO sometimes requires a development plan to be prepared for land in single ownership, a plan is more applicable and useful when considered for multiple properties where the coordination of various issues and owners is required. Council plays an important overall coordinating role in the preparation of development plans for wider areas with multiple landowners.

2. The legal framework for development plans:

- The DPO does not trigger the need for a planning permit but requires and guides the preparation of development plans when consent (planning permit) is required.
- The DPO requires that a development plan be prepared and approved for land to which the overlay applies prior to any planning permit being issued for any use, subdivision or any other development on the land.
- Any planning permit that is granted must be in conformity with an approved development plan. The Development Plan Overlay and Schedules 1 – 5 outline requirements and conditions for planning permits.
- Any planning permit application is exempt from public notice (advertising) and appeal if it is in conformity with an approved development plan. If a proposal is not in conformity with an approved development plan, the development plan must be amended by Council before an application for planning permit may be considered for the proposal.
- Development plans are a Council document that are either prepared by Council or by an external applicant to Council requirements. There are no appeal rights available to external applicants if they do not agree with what Council requires to be included in a development plan.
- Council has a legal role to assess and determine development plan proposals. There are no appeal rights available to external applicants for either the content of an approved development plan or the refusal of a plan application.

3. Process for development plans:

- There is no formal statutory process for the preparation and approval of development plans outlined in the *Planning and Environment Act 1987* or the Mansfield Planning Scheme. Requirements and guidance for plan content and process is outlined in:
 - The Development Plan Overlay (Clause 43.04 of the Mansfield Planning Scheme);
 - The relevant schedule of the Development Plan Overlay (Schedules 1 – 5 of Clause 43.04);
 - The Practice Note 23 *Applying the Incorporated Plan and Development Plan Overlays*, November 2018.

- The process for any development plan should include:

Initial discussions:

- Initial discussions and agreement with Council's Planning Department and other relevant officers, eg Engineering and Environmental Health;
- Initial discussions with relevant referral authorities and service agencies, as required;
- As a result of initial discussions, Council officers may require any external applicant to prepare identified information or make changes to preliminary plans or intended plan outcomes before the proposed development plan may proceed further to any exhibition and referral stage.

Exhibition and referrals:

- A formal public notice period, with minimum notice being notice in the Mansfield Courier and notice to potentially affected landowners, eg owners of land to which the plan applies and all adjoining and opposite owners.
- Formal notice to relevant referral authorities and service agencies, as required.

Assessment and resolution:

- Informal discussions with submitters with Council officers and if relevant, referral authorities and service agencies.
- Formal consideration of the development plan and any submissions to it by Mansfield Shire Council, either approving (with or without changes) or refusing the proposed plan.

4. Development plan format:

A suggested standard format for a development plan (generally outlined in Practice Note 23) is:

A. Plan (map):

A main plan (map) indicating any proposed use or development of the land or each part of the land to which the plan applies. Matters that could be included on a plan (map) include:

- Areas for future subdivision (generally indicative with individual lots not being specifically indicated), which may include ranges of preferred lot sizes / types.
- Roads, car parking, access points and pedestrian linkages.
- Provision of a full range of infrastructure services.

- Environmental areas, including waterways, drainage areas and areas of native vegetation.
- Public open space and landscaping.
- Any specific development and building requirements.
- Any specific land use requirement.
- Where required, linkages with adjoining land.
- Where relevant, any social and community directions.

In addition to a main plan (map) indicated above, other additional, supporting plans may be prepared, such as:

- A locality plan, clearly indicating the land to which the development plan applies.
- A context plan indicating existing conditions, constraints and opportunities that must be considered in the formulation of the development plan, for example land features, road linkages to be recognised and continued, viewlines, key linkages with adjoining land, key environmental assets to be protected and potential public open space.

B. Written report (ordinance):

1. *The land and area:*

Brief description of the land to which the development plan applies and, if relevant, the immediate area. The description could include the applicable zoning and Development Pan Overlay schedule under the Mansfield Panning Scheme.

2. *Objectives:*

Outline overall objectives of the development plan. Objectives provide the overall direction and support for any use, development or staging provisions outlined in the plan.

3. *Performance measures:*

Outline criteria or performance measures to assist in determining whether the objectives have been met. Matters for which performance measures could be outlined include:

- Roads and access provision.
- Provision of other services, eg effluent disposal.
- Drainage or other specific onsite requirements.
- Native vegetation protection.
- Public open space and landscaping.
- Where required, coordinated planning with adjoining land.

4. *Use of land:*

Are there any provisions for the use of land? How are proposals to be considered? Uses that will be generally in accordance with the plan need to be identified. If all uses not prohibited by the applicable zone are to be considered as being generally in accordance with the development plan, this should be noted. If specific provisions are not required, this section should note that there are no specific provisions for the use of land.

5. *Development of land:*

What are the provisions for buildings and works? How are proposals to be considered? Are there conditions to be specified for development? If specific provisions are not required, this section should note that there are no specific provisions for the development of land.

6. *Mansfield Planning Scheme:*

Although optional, a summary of how the plan implements the Mansfield Planning Scheme may be useful. A particularly inclusion would be an assessment of how the plan meets the provisions of the applicable Development Plan Overlay schedule.

7. *Staging:*

If required, staging provisions may be included. Are there particular requirements to be completed, eg servicing, before a further stage is commenced?

8. *Life of plan:*

An expiry date should be applied to a development plan to allow use and development in it to be completed, but provide for review after a reasonable time to ensure that planning requirements and assessments remain current and valid. A typical life span of a development plan is 10 years, although when justified, a longer life span may be applied for, considered and approved.

5. References:

- Practice Note 23 *Applying the Incorporated Plan and Development Plan Overlays*, November 2018, or as amended.
- Mansfield Planning Scheme - Clause 43.04, Development Plan Overlay and schedules.