



# DEVELOPMENT PLAN POLICY

## DOCUMENT CONTROL

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### REVISION HISTORY *(Completed by Governance Officer)*

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1	Approved	09/05/17	Council	7172531

## 1. PURPOSE

The purpose of this policy is to:

- Ensure a consistent and equitable approach to the consideration and management of development plans during the assessment, approval and endorsement stages.
- Ensure that Council officers, applicants and the public are clear about the role of development plans, how they are processed and how they are retained.
- Ensure that the process around public consultation process associated with development plans is consistent and transparent

## 2. POLICY STATEMENT

The East Gippsland Planning Scheme applies the Development Plan Overlay (DPO) to selected land throughout the municipality.

### **What is the Development Plan Overlay (DPO)?**

The DPO is a flexible planning tool that is used to implement a plan to guide the future use and development of the land in the form of an outline development plan, detailed development plan or master plan.

The application of the DPO identifies areas that require the forward planning of future use or development to be resolved before a permit can be granted for any further development to take place on the land.

### **What is the function of the Development Plan Overlay?**

The Development Plan Overlay is used to:

- Require a plan to be prepared to coordinate proposed use or development, before a permit under the zone can be granted
- Guide the content of the plan by specifying that it should contain particular requirements
- Provide certainty about the nature of the proposed use or development
- Ensure that permits granted are in general conformity with the plan
- Apply particular permit conditions that help to implement the plan

### **When is a Development Plan required?**

A development plan is required to be prepared and lodged with Council for approval for any land that has the Development Plan Overlay applied and where the landowner or applicant wishes to further develop the land.

### **What does a development plan need to contain?**

The development plan may consist of plans or other documents. The content of the plans and/or documents is guided by the schedule to the Development Plan Overlay wherein specific requirements are listed.

## **Exemption from notice and review**

Once the development plan document is approved, all future planning permit applications that are generally in accordance with the approved plan will be exempt from notice and review meaning that they are not required to be advertised to adjoining landowners.

## **Council process associated with development plans**

An applicant must lodge a development plan with Council for approval. Given that development plans can be quite complex and cover a wide range of issues and disciplines, Council officers **may**:

- Refuse the lodgement of a development plan due to lack of information
- Request further information from the applicant throughout the assessment process.

Council officers **will**:

- Refer the development plans to internal and external referral authorities for specialist comment and advice
- Undertake a public consultation process (see additional section below for detail).
- Bring the matter before Council for the final recommendation to refuse or approve the development plan.
- Subject to obtaining Council approval, endorse the plans and retain a copy of the endorsed plan for public access into perpetuity

The assessment and decision making process may take in excess of 12 months due to the complexity and level of detail required for some development plans.

## **Public consultation process associated with development plans**

Once the development plan is approved, all future planning permit applications that are generally in accordance with the approved plan will be exempt from notice and review meaning that they are not required to be advertised to adjoining landowners.

Council is committed to informing and consulting with the community during the development plan assessment stage given the absence of review rights during the planning permit process. As part of this consultation process, the public are invited to provide comment and feedback. Any comments or feedback are then considered by Council at a formal Council meeting before a decision on the development plan is made.

Therefore Council will undertake the following process in relation to public consultation for development plans:

- A 'Have Your Say' notice is published as part of the weekly shire noticeboard advertisement in the Bairnsdale Advertiser, Lakes Entrance Post and the Snowy River Mail.
- The matter is featured on the home page of the Council's website.
- The matter will be featured on the 'Your Say' engagement portal that is accessed via Council's website. The 'Your Say' portal will include the specific documents related to the development plan including:
  - Frequently Asked Questions
  - A specific Survey for completion

- A document library featuring the documents that make up the development plan
- The lifecycle of the development plan process.
- Hardcopies of the documents featured on the 'Your Say' portal will be made available at the Bairnsdale Service Centre and the service centre closest to the address of the development plan.
- Letters will be sent to adjoining owners and emails sent to the relevant community database. The Frequently Asked Questions, survey and documents may be sent as attachments.
- Media release (optional and at Council officer's discretion)

The duration of the consultation period will be determined by Council officers but will be no less than 14 days. At the end of the consultation period, Council officers will:

- Track all of the surveys received both electronically and in hard copy.
- Generate a report detailing the outcomes of the consultation period
- Provide all respondents with a 'closing the loop' email or letter to advise them of the next steps in the process.

The matter will then be scheduled at the next available Council meeting where Council will either resolve to refuse or approve the development plan.

### **Approval and stamping process**

Given that Council must retain a copy of the approved development plan into perpetuity, it is important to have the approved document marked in some way and signed by the Council appointed delegate.

Therefore, the following steps will be undertaken to finalise the approval process.

- Preparation of a memo to the delegate (at the time of writing this policy, the delegate is the Director of Community & Strategic Development). The memo should provide details on the development plan content, the process to date and what is required of the delegate (signing of the development plan)
- Upon receipt of agreement to sign from the delegate, each page of the development plan will be watermarked with standard identifying information and the delegate signature.
- A development plan summary sheet will also need to be completed. This will act as the cover sheet and document control associated with the development plan.
- Once all pages have been watermarked and the summary sheet has been completed and placed at the front of the document, the development plan will be held in full electronically and in hard copy in a Development Plan Master File to allow for internal and public access into perpetuity.

### **Modifications to approved development plans**

Council accepts that modifications and amendments may need to be made to approved development plans over time. Upon lodgement of any amended documentation Council Officers will determine whether the amendment constitutes a minor or major modification and undertake an internal approval process accordingly.

In the event that Council Officers determine that the proposed modifications greatly alter the intent, purpose or outcome of the approved development plan, Council reserves the right to request a new development plan and recommence the process in accordance with this policy.

### 3. RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

These management positions are responsible for implementation and compliance monitoring of the policy in their work areas:

<b>Party / Parties:</b>	<b>Roles and responsibilities:</b>
Director Community and Strategic Development	Compliance monitoring
Manager Strategic Planning	Compliance monitoring

All staff have an obligation to report occurrences of non-compliance with Council policy. Incidents of non-compliance should be reported immediately to the Director responsible for this policy, the Policy Owner or the Administration Unit.

### 4. SCOPE OF POLICY

This policy applies to private individuals or groups, referred to as applicant/s, who lodge a development plan with Council in accordance with the Development Plan Overlay contained within the East Gippsland Planning Scheme.

### 5. REFERENCES / ASSOCIATED DOCUMENTS

The development of this policy is guided by the following references and associated documents:

- *Planning and Environment Act 1987*
- *Planning and Environment (Fees) Regulations 2016*
- *Local Government Act 1989*
- East Gippsland Shire Council Plan 2013 – 2017
- 2016 – 2017 Annual Action Plan

### 6. PRIVACY AND HUMAN RIGHTS CONSIDERATION

All personal information collected by East Gippsland Shire Council in connection with the Private Planning Scheme Amendment policy will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of investigating landholders and occupiers who may be affected by the proposed amendment request.

The Private Planning Scheme Amendment policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of Human Rights and Responsibilities Act 2006.

## 7. DEFINITIONS AND ABBREVIATIONS

<b>Term:</b>	<b>Meaning:</b>
<b><i>Council Officer</i></b>	Member of East Gippsland Shire Council (EGSC) staff responsible for answering or responding to a request for information in relation to development plans.
<b><i>Applicant</i></b>	An individual or group who lodge a development plan with Council for assessment and/or approval.
<b><i>EGSC/Council</i></b>	East Gippsland Shire Council
<b><i>The Scheme</i></b>	East Gippsland Shire Planning Scheme
<b><i>The Act</i></b>	Planning and Environment Act 1987
<b><i>DPO</i></b>	Development Plan Overlay
<b><i>Minor Amendment</i></b>	An amendment that is generally in accordance with the intent, purpose and outcomes of the approved development plan
<b><i>Major Amendment</i></b>	An amendment that materially transforms the intent, purpose and outcomes of the approved development plan

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