

## Derwent Valley Interim Planning Scheme 2015

### AMENDMENT PSA 2021/6

The Planning Authority has prepared the attached draft amendment, Amendment PSA 2021/6, to the Derwent Valley Interim Planning Scheme 2015.

The Planning Authority:

- Has determined that it is satisfied that the draft amendment meets the requirements specified in Section 32, former provisions, of the Land Use Planning and Approvals Act 1993 ("the Act"); and
- In accordance with Section 35(1)(a), former provisions, of the Land Use Planning and Approvals Act 1993, certifies that the draft amendment meets the requirements of s300 and s32 of the Act.

THE COMMON SEAL

of the Derwent Valley Council

was hereunto affixed in the presence of:

Date: 17/8/2022.



Dean Griggs

General Manager

A handwritten signature in blue ink, which appears to be "DG", is written over the printed name and title of the General Manager.

**Derwent Valley Interim Planning Scheme 2015**

**AMENDMENT PSA 2021/6**

The Derwent Valley Interim Planning Scheme 2015 is amended as follows:

- To amend the planning scheme zoning map by rezoning the land at Lot 5 Poulters Road (CT 142090/5) and Lot 6 Poulters Road (CT 141514/6), New Norfolk from Low Density Residential and Rural Living to General Residential as shown in Annexure 1.
- To amend the Planning Scheme Ordinance to introduce the Mills Residential Estate Specific Area Plan (SAP) at Clause F1.0 as shown in Annexure 2.

THE COMMON SEAL

of the Derwent Valley Council

was hereunto affixed in the presence of:

Date: 17/8/2022

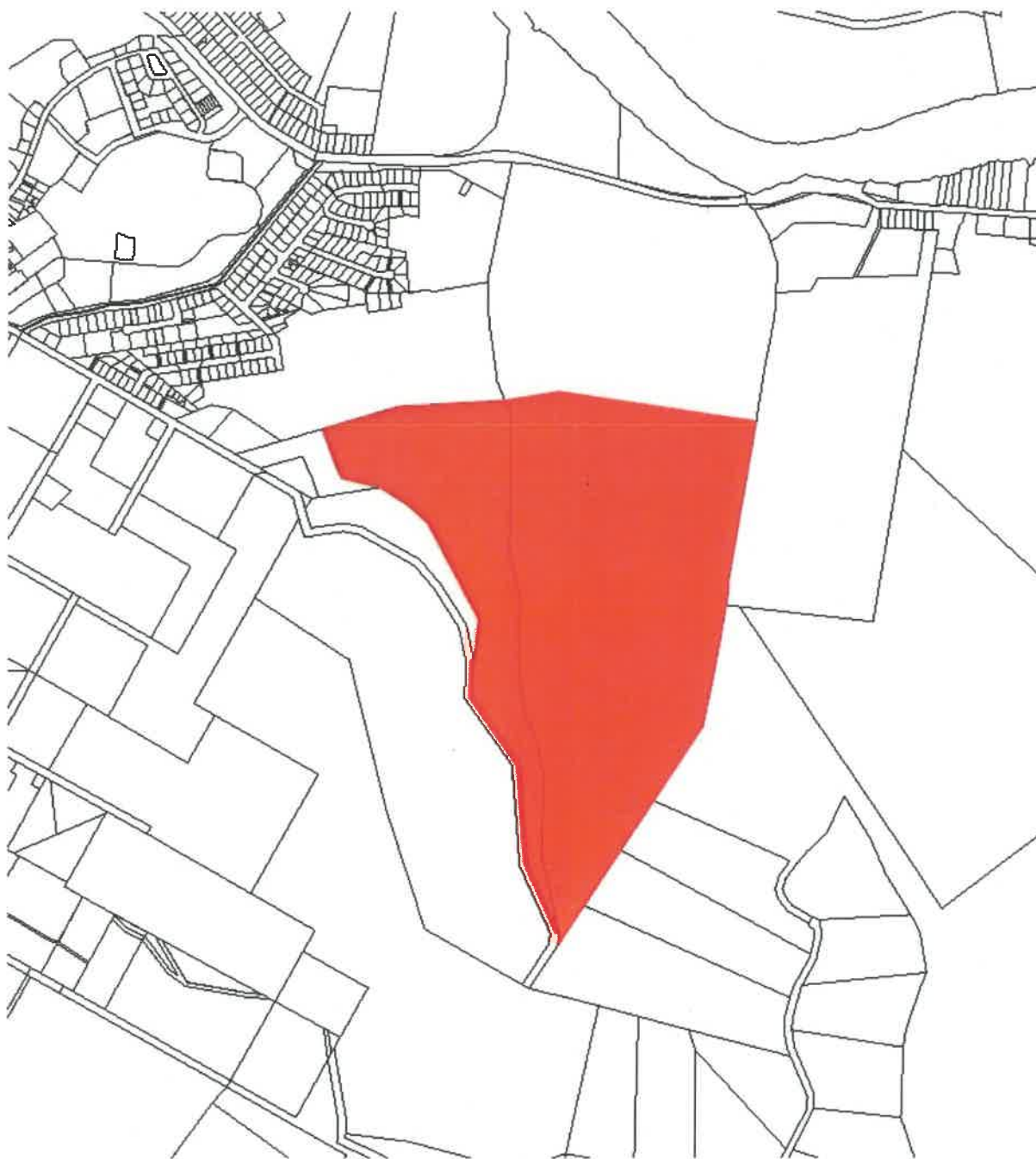


Dean Griggs

General Manager

A handwritten signature in blue ink, appearing to be "D. Griggs", is written over the printed name and title.

## Annexure 1



**General Residential Zone**

## Part F Specific Area Plans

### F1.0 The Mills Residential Estate Specific Area Plan

#### F1.1 Purpose of the Specific Area Plan

F1.1.1 The purpose of this specific area plan is:

- (a) Facilitate subdivision and development of a masterplanned residential community within a natural landscape setting.
- (b) Promote a layout of subdivision with a residential lot density.
- (c) Promote a layout of subdivision that responds to its natural topography and protects the watercourse, riparian corridor and cultural heritage sites.
- (d) Ensure road connectivity with the existing and potential roads in adjoining areas consistent with maintaining the safety and efficiency of the road network.
- (e) Promote an internal network of open space and pedestrian recreational trails.
- (f) Promote a consistent dwelling character with high amenity aspect and design.
- (g) Support non-residential uses that do not detract from residential amenity.

#### F1.2 Application of Specific Area Plan

F1.2.1 This specific area plan applies to the area of land designated as The Mills Residential Estate Specific Area Plan on the Planning Scheme overlay maps and as shown in Figure F1.1. Normal zone provisions apply unless otherwise stated within this Specific Area Plan.

F1.2.2 Area A is a precinct within the Specific Area Plan, as shown in Figure 1.2. The area is intended for residential subdivision, use and development.

F1.2.3 Area B is a precinct within the Specific Area Plan, as shown in Figure 1.3. This area is the balance land, primarily intended for managed landscape and complementary use and development.

#### F1.3 Desired Future Character Statements

This clause is a substitution for Clause 10.1.3 in the General Residential Zone.

Desired Future Character Statements	Implementation Strategy
<b>Land intended for residential use</b>	
<p>(a) The residential subdivision layout should provide:</p> <ul style="list-style-type: none"> <li>i. A high degree of consistency in lot size and primary frontage width.</li> <li>ii. Provision of lots at a standard residential density in clusters that seek to promote a sense of community.</li> </ul> <p>(b) Dwelling design should:</p> <ul style="list-style-type: none"> <li>i. Provide varied typologies that respond to topography and siting, with typical 'uphill' and 'downhill' designs on steep slopes.</li> <li>ii. Provide consistency in siting and design, within clusters.</li> <li>iii. Provide consistency in setback to a primary frontage, including allowance for zero setback to a primary frontage.</li> </ul>	Development Standards
<b>Land intended for non-residential use</b>	
<p>(a) Protect areas of high environmental value.</p>	Subdivision layout should create lots for non-residential use that allow for protection of environmental and cultural values, creation of

<p>(b) Provide a network of open space with a pedestrian trails and recreation opportunities.</p> <p>(c) Provide for well-maintained landscaping that retains existing mature native vegetation where possible and enhances natural values while maintaining appropriate bushfire risk management.</p> <p>(d) Utilise water-sensitive urban design to protect watercourses and riparian habitat.</p> <p>(e) Support consideration of complementary uses that do not detract from residential amenity, such as Visitor Accommodation and limited commercial, educational or recreational uses.</p>	landscape areas or complementary non-residential uses guided by the Development Framework (Figure 1.2).
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## F1.4 Use Table – Area B

This clause substitutes Clause 10.2 in the General Residential Zone only for the land shown as 'Area B' (Balance land) in Figure 1.2.

No Permit Required	
Use Class	Qualification
Natural and cultural values Management	
Passive recreation	
Utilities	Only if minor utilities.
Permitted	
Use Class	Qualification
Visitor accommodation	
Discretionary	
Use Class	Qualification
Community meeting and entertainment	
Educational and occasional care	
Food services	
General retail and hire	Only if not an adult sex shop product shop.
Residential	Only if single dwelling. Only if home-based business with no more than 1 non-resident worker/employee, no more than 1 commercial vehicle and a floor area no more than 30m <sup>2</sup> .
Resource development	Only if agricultural use, bee keeping, or controlled environment agriculture.
Resource processing	Only if winery.
Sports and recreation	
Utilities	Except if no permit required.
Prohibited	
Use Class	Qualification
All other uses	

## F1.5 Development Standards for Dwellings

### 1.5.1 Setbacks and building envelope for all dwellings

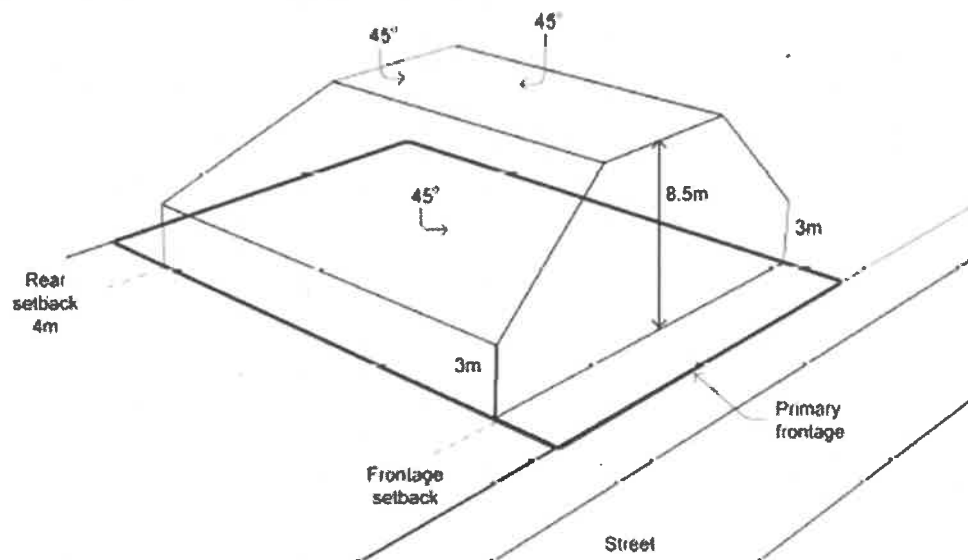
This clause is a substitution for Clause 10.4.2 in the General Residential Zone.

<b>Objective:</b>
The siting and scale of dwellings:
(a) provides reasonably consistent separation between dwellings and their frontage within a street;

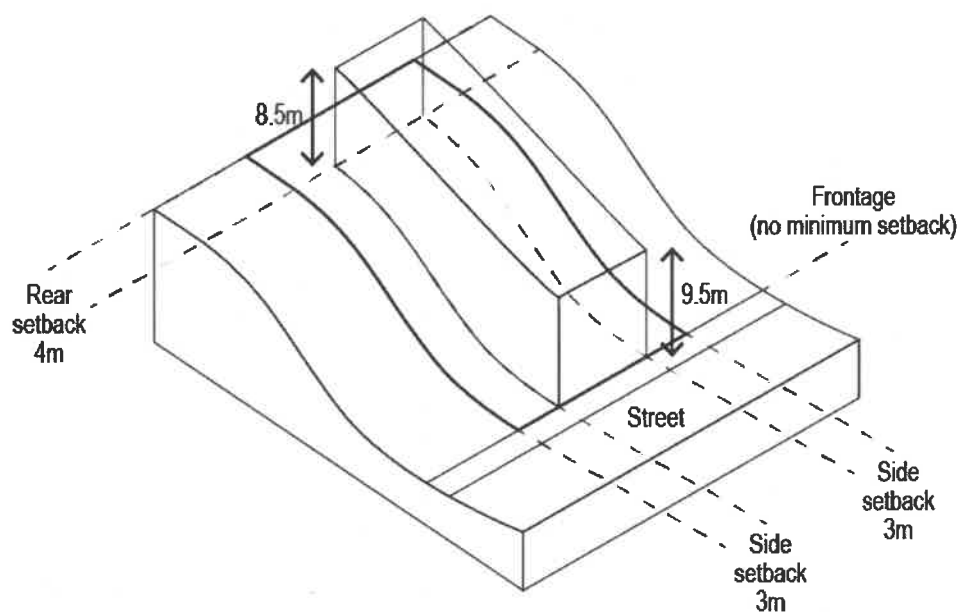
<p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9 m into the frontage setback, must have a setback from a frontage that is not a primary frontage of not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site.</p>	<p><b>P1</b></p> <p>A dwelling must:</p> <p>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; or</p> <p>(b) have a setback from a frontage that is compatible with the desired character statements for this area.</p>
<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5 m, or alternatively 1 m behind the building line; or</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 0m, if the existing ground level slopes up or down at a gradient steeper than 1 in 6 for a distance of 10m from the frontage.</p>	<p><b>P2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p><b>A3</b></p> <p>A dwelling, excluding outbuildings and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must be contained within a building envelope determined by:</p> <p>(a) for land if the natural ground level slopes up or down at a gradient not steeper than 1 in 6 for a distance of 10 m from the frontage (refer to Diagram 1.4.1A) determined by:</p> <p>(i) a distance equal to the frontage setback; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above existing ground level at the side and rear boundaries to a building height of</p> <p>(iii) not more than 8.5 m above existing ground level; or</p> <p>(b) for land if the natural ground level slopes up at a gradient steeper than 1 in 6 for a distance of 10 m from the frontage (refer to Diagram 1.4.1B) determined by:</p> <p>(i) the front boundary; and</p> <p>(ii) a distance of 3 m from the side boundary; and</p> <p>(iii) a distance of 4 m from the rear boundary; and</p>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>

<ul style="list-style-type: none"> <li>(iv) a building height that does not exceed a plane measured from 9.5 m above existing ground level at the front boundary to 8.5 m above existing ground level at a point 4 m from the rear boundary; or</li> <li>(c) for land if the natural ground level slopes down at a gradient steeper than 1 in 6 for a distance of 10 m from the frontage (refer to Diagram 1.4.1C) determined by: <ul style="list-style-type: none"> <li>(i) the front boundary; and</li> <li>(ii) a distance of 3 m from the side boundary; and</li> <li>(iii) a building height that does not exceed a plane measured from 8.5 m above existing ground level at the front boundary to 9.5 m above existing ground level at a point 20 m along the side boundary; and</li> <li>(iv) a distance of 4 m from the rear boundary or 25 m from the front boundary, whichever is the lesser.</li> </ul> </li> </ul>	
<p><b>A4</b></p> <p>A garage or carport for a dwelling must:</p> <ul style="list-style-type: none"> <li>(a) have a setback to a side boundary of at least 1.5 m; and</li> <li>(b) not exceed a total length of 9 m; and</li> <li>(c) have a building height of not more than 3 m above existing ground level measured at the point of the front and side boundaries.</li> </ul>	<p><b>P4</b></p> <p>The siting and scale of a garage or carport for a dwelling must:</p> <ul style="list-style-type: none"> <li>(a) not cause unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; or</li> <li>(ii) visual impacts caused by the apparent scale, bulk or proportions of the outbuilding when viewed from an adjoining property.</li> </ul> </li> </ul>

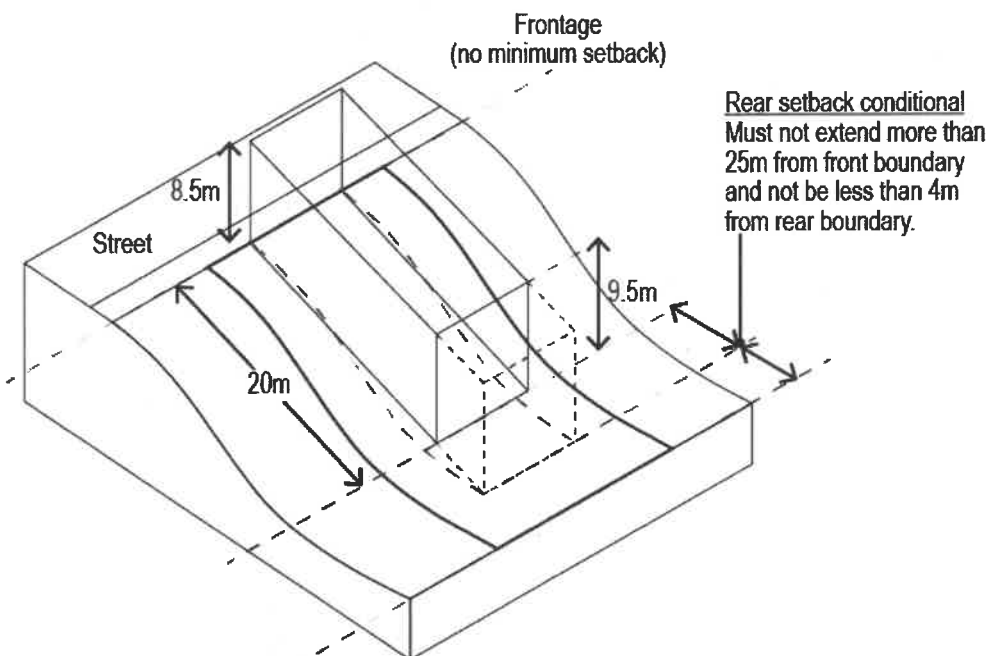
**Diagram 1.5.1A. Building envelope as required by subclause 1.5.1 A3 (a)**



**Diagram 1.5.1B. Building envelope for 'uphill' sloping sites as required by subclause 1.5.1 A3 (b)**



**Diagram 1.5.1C. Building envelope for 'downhill' sloping sites as required by subclause 1.5.1 A3 (c)**





### 1.5.2 Site coverage and private open space for all dwellings

This clause is a substitution for Clause 10.4.3 in the General Residential Zone.

<b>Objective:</b>	
That dwellings are compatible with the amenity and character of the area and provide: (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m <sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).	<b>P1</b> Dwellings must have: (a) site coverage consistent with that existing on established properties in the area; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (c) reasonable space for the planting of gardens and landscaping.
<b>A2</b> A dwelling must have private open space that: (a) is in one location and is not less than: (i) 24m <sup>2</sup> ; or (ii) 12m <sup>2</sup> , if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10 for a minimum of 50% of the required open space in (a).	<b>P2</b> A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is: (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.

## F1.6 Development Standards for Subdivision

### 1.6.1 Lot Design

This clause is a substitution for A1, P1, A2, P2 and A5 and P5 of Clause 10.6.1 in the General Residential Zone.

<b>Objective:</b>	
<p>To provide for new lots that:</p> <ul style="list-style-type: none"> <li>(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;</li> <li>(b) contain building areas which are suitable for residential development, located to avoid hazards;</li> <li>(c) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;</li> <li>(d) are not internal lots, except if the only reasonable way to provide for desired residential density;</li> <li>(e) are provided in a manner that provides for the efficient and ordered provision of infrastructure.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Each lot within the area marked 'A' in Figure 1.2 must:</p> <ul style="list-style-type: none"> <li>(a) have an area not less than 600 m<sup>2</sup>; and</li> <li>(b) have an area not more than 1100 m<sup>2</sup>.</li> </ul> <p>For lots within the area marked 'B' in Figure 1.2 there are no minimum or maximum lot size requirements.</p>	<p><b>P1</b></p> <p>Each lot must have an area that is compatible with the purpose of the Specific Area Plan having regard to:</p> <ul style="list-style-type: none"> <li>(a) the attainment of the development framework shown in Figure F1.2; and</li> <li>(b) the topography of the site.</li> </ul>
<p><b>A2</b></p> <p>The design of each lot within the area marked 'A' in Figure 1.2 must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <ul style="list-style-type: none"> <li>(a) clear of the frontage, side and rear boundary setbacks;</li> <li>(b) not subject to any codes in this planning scheme;</li> <li>(c) clear of title restrictions such as easements and restrictive covenants;</li> <li>(d) is 10m x 15m in size.</li> </ul> <p>For lots within the area marked 'B' in Figure 1.2 there are no building area requirements.</p>	<p><b>P2</b></p> <p>The design of each lot within the area marked 'A' in Figure 1.2 must contain a building area able to satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) be reasonably capable of accommodating residential use and development;</li> <li>(b) meets any applicable standards in codes in this planning scheme;</li> <li>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</li> <li>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</li> <li>(e) provides for sufficient useable area on the lot for both of the following; <ul style="list-style-type: none"> <li>(i) on-site parking and manoeuvring;</li> <li>(ii) adequate private open space.</li> </ul> </li> </ul>
<p><b>A5</b></p> <p>Subdivision is for no more than 3 lots.</p>	<p><b>P5</b></p> <p>Arrangement and provision of lots must satisfy all of the following;</p> <ul style="list-style-type: none"> <li>(a) provision of no more than the maximum lot number specified in Figure 1.2 Land Budget;</li> <li>(b) staging, if any, provides for the efficient and ordered provision of new infrastructure;</li> <li>(c) is consistent with the applicable Desired Future Character Statements within this control.</li> </ul>

**Figure 1.1 The Mills Residential Estate Specific Area Plan**

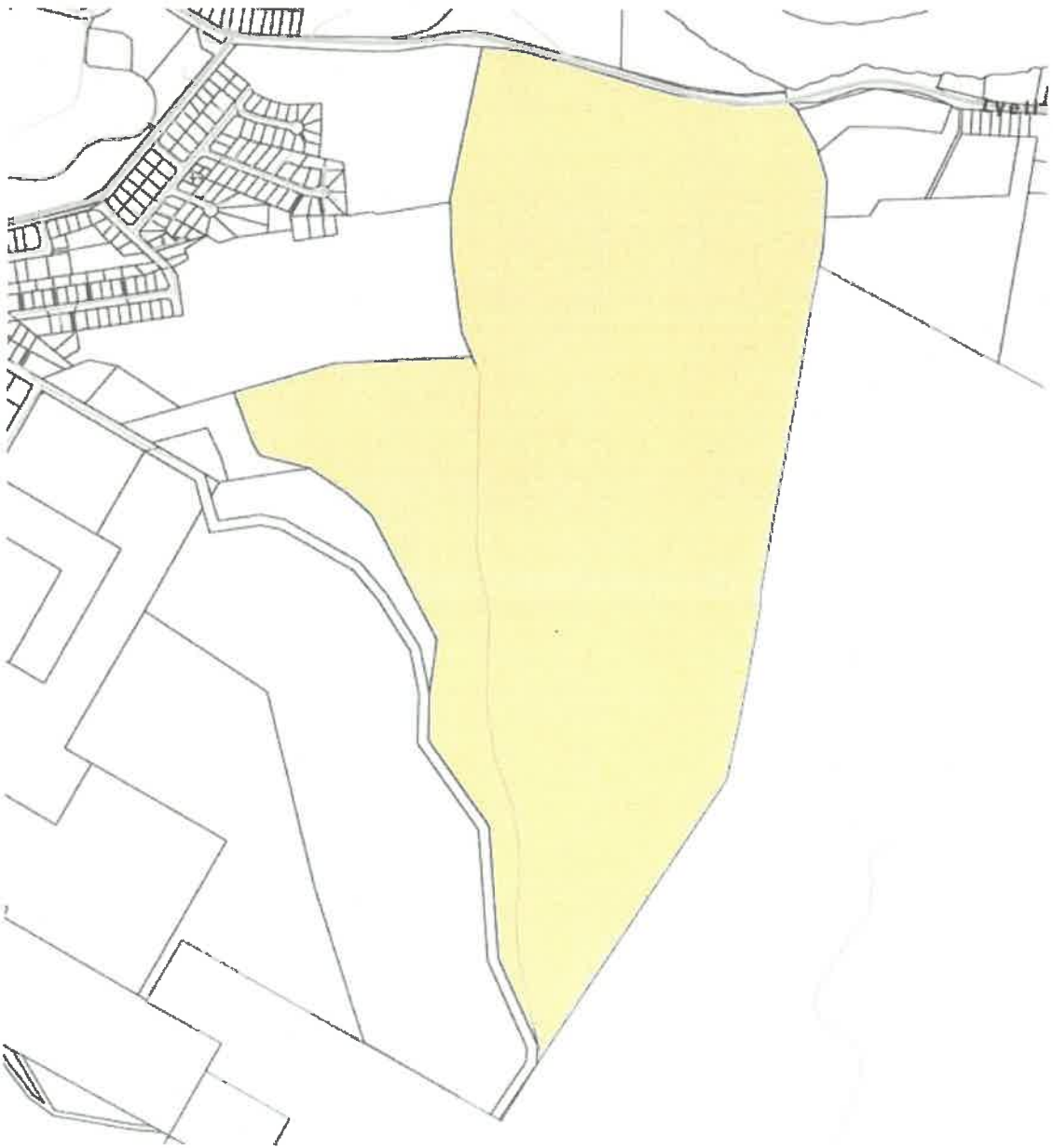


Figure 1.2 Development Framework

