



Clarence... a brighter place

CLARENCE CITY COUNCIL

18 May 2011

**KANGAROO BAY
DEVELOPMENT PLAN
DPO 11**

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1. Aims of development plan

The aims of the Development Plan are:

- To provide a clear strategic direction for the future development of the Kangaroo Bay area north of the Bellerive Village.
- To **promote** appropriate development for the Kangaroo Bay area that embraces the unique and high-profile nature of the area while being responsive to the area's constraints and physical context.
- To **improve** access, traffic circulation and pedestrian movement in the area.
- To **articulate** a clear set of development controls for the area consistent with the strategic context.

2. Development plan areas

Individual development areas are identified within the Development Plan as described below and shown in **Figure 1**.

Area A	<i>Marina</i>	Incorporates the Bellerive Yacht Club, slipway and carpark.
Area B	<i>Wharf</i>	Incorporates the projecting old ferry terminal and surrounds.
Area C	<i>Boulevard</i>	Incorporates the new Kangaroo Bay Drive and intended commercial area to the east.
Area D	<i>Neighbourhood</i>	Incorporates the residential area between Kangaroo Bay Drive and Cambridge Road.

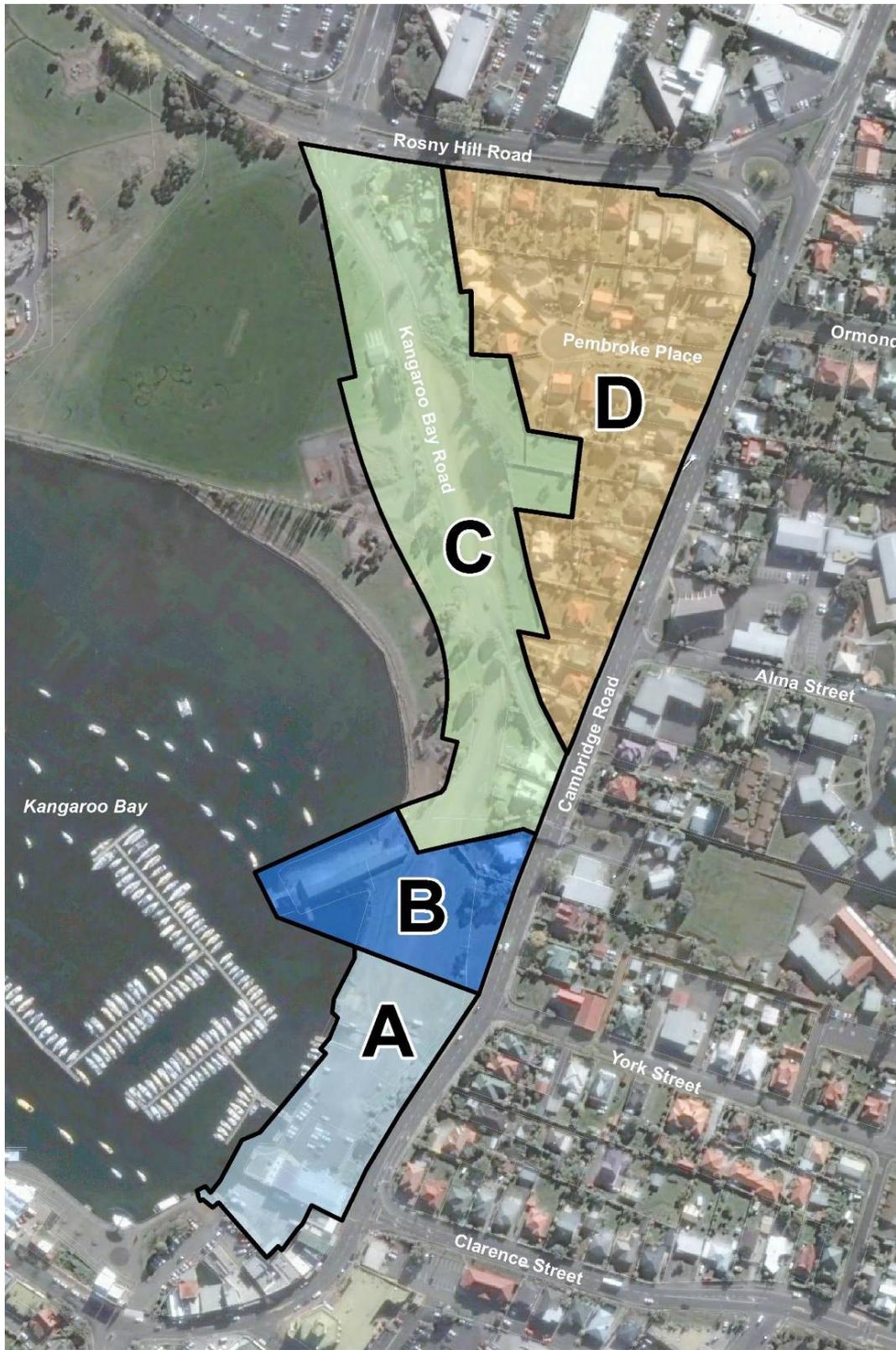


Figure 1: Kangaroo Bay development areas

3. Urban design framework

Development assessment within the Development Plan will be integrated with the application of an urban design framework. This framework ensures the translation of the strategic direction through the decision requirements in a clear and consistent manner. It articulates the qualitative objectives to which developments must aspire and which support the quantitative development standards.

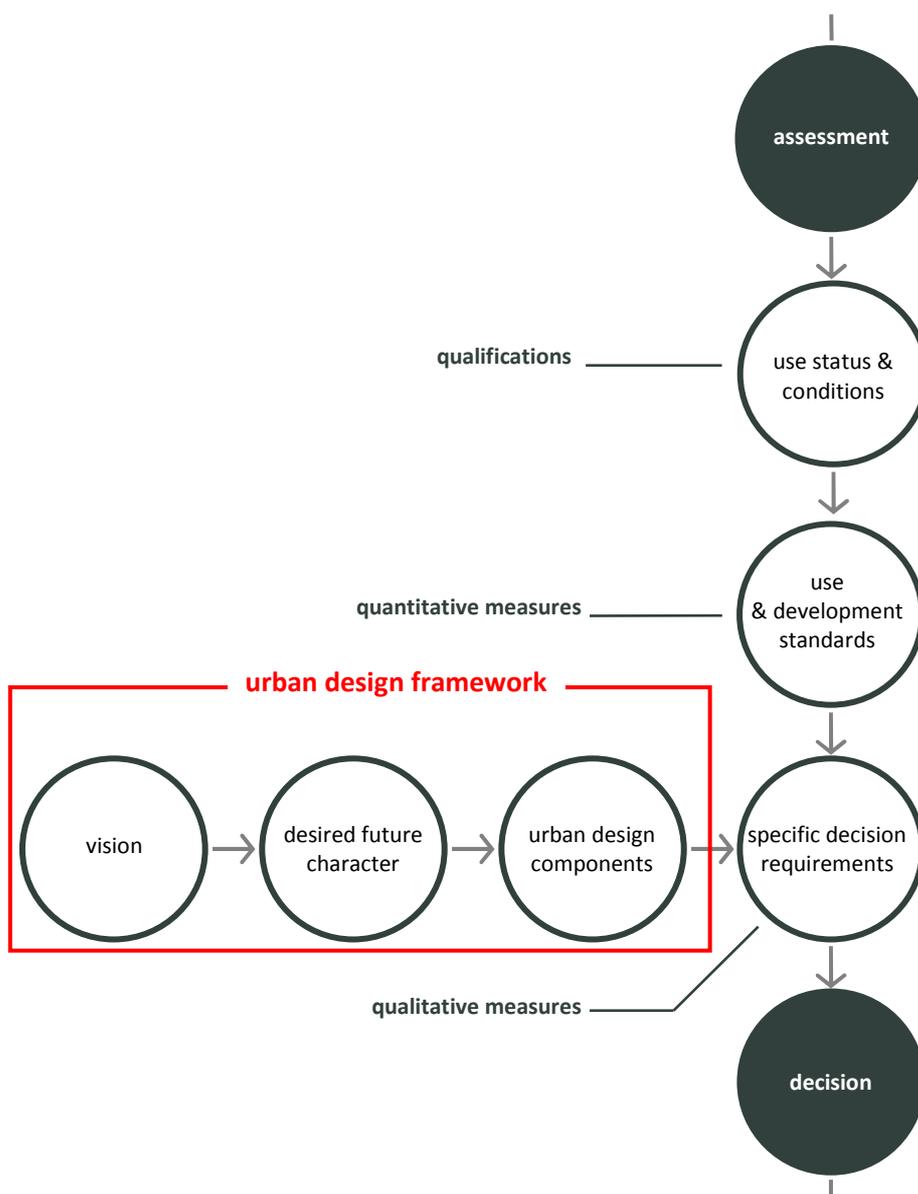


Figure 2: Urban design framework

3.1 Vision

The vision of the Development Plan is that:

Kangaroo Bay will be a focal point for the daily life of the City through the establishment of contemporary tourism, recreational, residential, cultural and commercial activities, set within a vibrant mix of public spaces and private development adjacent to the waterfront.

3.2 Desired future character

The Kangaroo Bay area is to be developed as a strong urban space reinforcing its role as a major entry to the waterfront.

Kangaroo Bay will be treated as a waterfront precinct where physical and visual contact with the water is a valued experience. Accessing the area via the water through private and public watercraft will be encouraged and enhanced.

The foreshore of Kangaroo Bay will be treated as a continuous public space with an emphasis on safe and legible pedestrian movement with community access to the foreshore and to adjacent precincts, particularly the city centre at Rosny Park, encouraged.

High quality public space will enhance the social life of the city and the health of its residents through improvements to recreational opportunities and the creation or improvement of venues for outdoor events, festivals and the arts.

High quality built form, through well designed architectural responses, will respond to the area's opportunities as well as its constraints. The redevelopment of the old ferry terminal will provide a feature architectural element cognisant of its location and visual importance in the Bay while maintaining public access and activity around its periphery.

Reestablishment of the ferry terminal function will provide a strong enhancement of the pivotal public transport function in the wider area.

A higher density of residential development will be encouraged in identified areas while maintaining ground floor tenancies along Kangaroo Bay Drive for commercial activities.

Development will be encouraged for the economic, social and environmental returns it will bring to the Council and community as well as the gradual consolidation of activity centres.

3.3 Key urban design components

The urban design framework is predicated on the key components of movement, use and built form as shown in **Figure 4** in **Appendix A**.

3.3.1 Movement

Vehicular and pedestrian movement throughout the area is addressed by:

- a. The redefined Kangaroo Bay Drive will provide connection from Rosny Park with a generous landscaped pedestrian zone integrated with the private forecourt area.
- b. The road network will assist legibility for pedestrian and driver alike and better manage the further consolidation and character of the individual areas. The external links to Rosny Park, the recreation areas and the boardwalk will be enhanced.
- c. The permeability and legibility of movement within the area and potential to service the *Wharf* area is enhanced by the continuation of Alma Street through to Kangaroo Bay Drive. The reversal of access to Pembroke Place from Cambridge Road to Kangaroo Bay Drive will enhance the legibility and use of Kangaroo Bay Drive as a street and significantly enhance traffic safety.
- d. The provision of spatial variety within the *Boulevard*, from the new street with its avenue tree planting, the open soft landscaped recreation areas to the timber boardwalk, together with strategic feature placement will assist in the provision of a clear pedestrian movement strategy.
- e. Movement within the bay itself will be made safer and more expedient, through the ferry transport node, boat lay-by, new berths and refuelling options at the proposed new pier in the *Wharf*, as well as facilitating new water activities.
- f. Proposed medium density housing in the *Boulevard* and *Neighbourhood* areas will increase the critical mass of people in the area and further define the value of the street.

3.3.2 Use

Integration of use is achieved by:

- a. A clear thematic approach related to the waterside location and maritime activities.
- b. A mix of land-based and water-based activities and uses.
- c. Passive surveillance of the public space within and adjacent to the *Boulevard* will be provided through residential occupancy located above compatible commercial uses at street level.
- d. The commercial areas flanking the Kangaroo Bay area will be linked by movement opportunities and enhanced by increasing the critical mass of residential activity in the area.
- e. The commercial areas will be defined by the insertion of integrated recreation/commercial/residential activities.
- f. The *Wharf* area will be both an activity focus and link as it is located between the commercial / civic centre of Rosny Park and the traditional centre of Bellerive Village.

- g. Uses on adjacent sites will be developed so as to be compatible in terms of hours of operation, control of emissions, traffic generation and maintenance of residential amenity.

3.3.3 Built & spatial form

The built form character of the area is guided by:

- a. The thematic approach to the use in the *Wharf* and *Boulevard* will be reflected in the colours and materials of the built and spatial form.
- b. The redevelopment of the old ferry terminal will provide an important destination and built form focus. Public access and activity space around the building will acknowledge its wider focus within the landscape.
- c. Design details such as awnings, shade structures and fenestration treatments etc will be reflective of the high quality architectural responses to each site.
- d. The proposed development footprint along the eastern side of Kangaroo Bay Drive will provide a contained edge to the new street and assist in the definition of the development areas.
- e. A minimum development scale of two storeys may be necessary to provide definition to the streetspace of Kangaroo Bay Drive.
- f. Development above 2 storeys may be possible in some areas where it can be demonstrated that significant common viewlines are preserved.
- g. Residential development in the *Neighbourhood* will be mainly limited to two storeys while maintaining significant view corridors from the residential area on the other side of Cambridge Road.
- h. Development will continue to offer glimpses of the bay and beyond through corridors between buildings when viewed from Cambridge Road.
- i. The urban plaza in the *Wharf* will connect to the foreshore promenade creating a large events forecourt. Containment of the events space, and orientation to the *Boulevard* beyond, will be assisted by the layered massing and scale of the built form and the footprint of the buildings.
- j. Development forecourts along the Eastern Side of Kangaroo Bay Drive, integrated with the activities of the buildings and active facades will provide useable and lively spaces adjacent to the street.
- k. High quality urban landscaping will enhance and define the public realm and the development forecourts. Implementing seamless interconnected areas that are visually and physically permeable areas will ensure integration of spaces.
- l. Development of, or contributions to, public art and local artistic activity will focus interest in the public spaces and, along with an integrated and high quality approach to signage and street furniture, is likely to bring benefits to the Kangaroo Bay area and to the wider Clarence community.
- m. Private car parking will be integrated with the built form, primarily to the rear adjacent to the escarpment.

4. Development control

4.1 Definitions

The Development Plan uses the definitions and general terms contained in Section 4 of the Planning Scheme except where specifically varied.

4.2 Table of uses

The status of all uses within the Development Plan is shown below. All conditions attached to a use shown below apply in addition to those described in any underlying zone except where there is an inconsistency, in which case the overlay use conditions will prevail.

Permitted Uses	Condition
Ancillary Dwelling	<ul style="list-style-type: none"> Must be in the <i>Neighbourhood</i> Maximum density of 1 dwelling per 250m² site area
Home Occupation	
Minor Utility	Must be in the <i>Boulevard</i> or the <i>Neighbourhood</i>
Passive Recreation	
Single Dwelling	Must be in the <i>Neighbourhood</i>
Discretionary Uses	Condition
Active Recreation	
Ancillary Dwelling	<ul style="list-style-type: none"> Must be in the <i>Neighbourhood</i> Density greater than 1 dwelling per 250m² site area
Bed and Breakfast	Must be in the <i>Neighbourhood</i>
Car Park	Must be in the <i>Wharf</i> or the <i>Boulevard</i>
Child Care Centre	Must be in the <i>Boulevard</i> or the <i>Neighbourhood</i>
Civic Building	Must be in the <i>Wharf</i> , the <i>Boulevard</i> or the <i>Neighbourhood</i>
Community Building	
Community Living	<ul style="list-style-type: none"> Must be in the <i>Neighbourhood</i> Maximum density of 1 dwelling per 150m² site area
Consulting Rooms or Health Centre	Must be in the <i>Boulevard</i> or the <i>Neighbourhood</i>
Educational or Cultural Centre	If in the <i>Wharf</i> then must be limited to activities of art gallery or museum or be marine related
Hotel	<ul style="list-style-type: none"> Must be in the <i>Wharf</i> or the <i>Boulevard</i> Must not include a drivethrough facility
Light Industrial	<ul style="list-style-type: none"> Must be in the <i>Marina</i> Must predominately support maritime activities
Local Industrial	<ul style="list-style-type: none"> Must be in the <i>Boulevard</i> or the <i>Neighbourhood</i> If in the <i>Neighbourhood</i>, the gross floor area must not exceed 100m²

Major Utility	
Minor Utility	Must be in the <i>Wharf</i> or the <i>Marina</i>
Motel	Must be in the <i>Boulevard</i> or the <i>Neighbourhood</i>
Motor Vehicles Sales or Hire	<ul style="list-style-type: none"> • Must be in the <i>Wharf</i> or the <i>Marina</i> • Must be limited to boats sales or hire office only • Must not include outdoor sales yard
Multiple Dwelling	<ul style="list-style-type: none"> • Must be in the <i>Boulevard</i> or the <i>Neighbourhood</i> • If in the <i>Neighbourhood</i>, the maximum density is 1 dwelling per 250m² site area
Office	<ul style="list-style-type: none"> • Must be in the <i>Boulevard</i> • If on ground floor the use must be predominately tourism related or service maritime activities
Place of Worship	Must be in the <i>Neighbourhood</i>
Restaurant	<ul style="list-style-type: none"> • Must be in the <i>Wharf</i> or the <i>Boulevard</i> • Must not include a drivethrough facility
Service Industry	<ul style="list-style-type: none"> • Must be in the <i>Boulevard</i>, <i>Wharf</i> or <i>Marina</i> • Must predominately support marine activities • Must not include servicing or maintenance of marine engines or outboard motors
Shop	<ul style="list-style-type: none"> • Must be in the <i>Boulevard</i> or the <i>Wharf</i> • Must be predominately tourism related or service maritime activities • Must not include a drivethrough facility
Shopping Centre	<ul style="list-style-type: none"> • Must be in the <i>Boulevard</i> • Must be predominately tourism related or service maritime activities • Must not include a drivethrough facility
Single Dwelling	<ul style="list-style-type: none"> • Must be in the <i>Boulevard</i> or the <i>Neighbourhood</i> • If in the <i>Boulevard</i>, must be located on land described by CT 110437/1, 110437/2 or 108454/1
Take-Away Food Shop	Must be in the <i>Boulevard</i>
Tourist Accommodation	If in the <i>Wharf</i> the use, other than access or carparking, must be located above the ground floor
Tourist Operation	Must be in the <i>Wharf</i> , the <i>Marina</i> or the <i>Boulevard</i>
Transport Depot	<ul style="list-style-type: none"> • Must be in the <i>Wharf</i> or the <i>Marina</i> • Must be limited to facilities that support the operation of water based craft
Veterinary Establishment	Must be in the <i>Neighbourhood</i>
Any undefined use	
Prohibited Use	Condition
Any Discretionary Use where the Condition is not met	
Any Defined Use not listed above	

4.3 Application requirements

- a. In addition to the Application Requirements under Clause 3.2.1 of the Planning Scheme an application for use or development in the *Wharf, Marina* or the *Boulevard* must be accompanied by a report and plans including:
 - (i) An Urban Design Context Report, showing how the development relates to the Kangaroo Bay area, with details of:
 - The urban design and landscaping of the site.
 - Any boat, pedestrian and/or vehicular access locations.
 - The provision of infrastructure to the site.
 - How the design relates to existing or planned developments in the area.
 - Compliance with Section 3: Urban Design Framework and Section 1.1: Use and Development Standards of the Development Plan.
 - (ii) The location, height, dimensions, design and gross floor area of all buildings and associated development.
 - (iii) Elevations, detailing facade design, fenestration, external materials, colours, signage and other finishes.
 - (iv) Proposed uses within the buildings and spaces.
 - (v) Stages, if any, of the development.
 - (vi) Any proposed vehicle access, car parking and loading areas.
 - (vii) The location of any external storage and rubbish collection areas.
 - (viii) Mitigation measures to ensure sedimentation and water contamination of Kangaroo Bay and surrounding areas is avoided.
- b. The Application Requirements within the *Neighbourhood* are in accordance with Clause 6.1.4 of the Planning Scheme.

4.4 Use and development standards

4.4.1 Location

- a. Any dwelling in the *Boulevard* (other than its access or carparking) must be located above the ground floor.
- b. Subclause (a) does not apply to a dwelling located on that land described by CT 110437/1, CT 110437/2, CT 108454/1 or that area shown as Lot D in **Figure 3**.

4.4.2 Height

- a. The Height Standard within the *Neighbourhood* or that area shown as Lot D in **Figure 3** is as per Clause 6.1.3(i) of the Planning Scheme.
- b. Except as provided for on land shown as Lot D in **Figure 3**, there is no single Height Standard specified for development of a lot in the *Wharf, Marina* or *Boulevard*.
- c. Development satisfying the Application Requirements will be assessed against the Urban Design Framework and the Specific Decision Requirements.

- d. Generally, the height of a building (including roof and rooftop plant or equipment) will not exceed 10m, measured from the level of the Kangaroo Bay Drive frontage, but Council may specify a lesser or greater height.
- e. Council may permit minor protrusions which will not significantly interrupt important view corridors.
- f. Maximum building heights may be established by building envelopes shown on a plan of subdivision.

4.4.3 Building Setbacks

- a. The Building Setbacks within the Neighbourhood are as per Clause 6.1.3(h) of the Planning Scheme
- b. There are no specified Building Setbacks in the *Wharf, Marina* or the *Boulevard*. Development will be assessed against the outcomes of the Urban Design Framework.
- c. Setbacks from boundaries may be established for lots in the *Wharf, Marina* or *Boulevard* by building envelopes shown on a plan of subdivision.

4.4.4 Outdoor space

- a. Outdoor space for Single Dwellings in the *Neighbourhood* is as per Clause 6.1.3(a) of the Planning Scheme.
- b. Outdoor space for Multiple Dwellings in the *Neighbourhood* must comply with the following:
 - (i) A minimum of 50m² Outdoor Space per dwelling must be provided; and
 - (ii) The Outdoor Space for the development may be fully or partially provided in a communal manner. Communal Outdoor Space is not required to be specifically associated with each dwelling but must be conveniently accessible for each dwelling.
- c. There is no specified outdoor space standard for dwellings in the *Boulevard*. Development will be assessed against the outcomes of the Urban Design Framework.

4.4.5 Services

All development for habitable purposes must:

- a. Be connected to a reticulated potable water supply or, if not available, have an alternative supply which is adequate for the needs of the use.
- b. Be connected to a reticulated sewerage system or, if not available, have a system for treating and disposing of waste water which is adequate for the needs of the use.

4.4.6 Subdivision

- a. Lot Size and Dimensions of Lots in the *Wharf, Marina* or the *Boulevard* are as per Clauses 6.13.4(c) and 6.13.4(d) of the Planning Scheme respectively.
- b. Lot Size and Dimensions of Lots in the *Neighbourhood* are as per Clauses 6.1.3(c) and 6.1.3(d) of the Planning Scheme respectively.

- c. Subclauses (a) and (b) do not apply to subdivision generally in accordance (either in whole or in part) with **Figure 3** which is to be considered a Permitted Development in accordance with Clause 3.1.7 of the Planning Scheme.
- d. There is no minimum size or dimension specified for a lot intended for public purposes.

4.4.7 Street networks

- a. Street designs and placement are to be generally in accordance with **Figure 3**.

4.4.8 Strata

- a. A lot created under the Strata Titles Act 1998 must meet the following:
- b. It is for an approved and completed multiple tenancy or multiple use or development; or
- c. It is in accordance with a Staged Development Scheme or Community Development Scheme approved under the Strata Titles Act 1998 and any relevant conditions complied with.

4.4.9 Advertising Signs

- a. Advertising signs in the *Marina* or the *Wharf* must be in accordance with Class 2 of Section 8.2: Advertising Signs of the Planning Scheme.
- b. Advertising signs in the *Boulevard* or the *Neighbourhood* must be in accordance with Class 3 of Section 8.2: Advertising Signs of the Planning Scheme.

4.4.10 Parking, movement and traffic

- a. Carparking and access in the *Neighbourhood* are to be in accordance with Section 8.1: Car Parking & Loading of the Planning Scheme.
- b. In addition to the Section 8.1: Car Parking & Loading of the Planning Scheme, carparking and access in the *Wharf*, *Marina* or the *Boulevard* must meet the following provisions:
 - (i) Car parking for new developments is to be integrated with the building or unobtrusively located.
 - (ii) Carparking and access point are to be consolidated between developments where possible.
 - (iii) Accesses which cross the public pedestrian area shall be at grade with the pedestrian area.
 - (iv) Bicycle facilities shall be provided.
 - (v) External vehicle and pedestrian linkages shall be generally in accordance with Figure 3.
- c. Development in the *Wharf* must include vehicle access from the *Marina* to Kangaroo Bay Drive.



Figure 3: Kangaroo Bay outline development plan

4.5 Specific decision requirements

4.5.1 When granting a permit, the planning authority must be satisfied that all relevant Specific Decision Requirements of this Development Plan are met as far as is feasible.

4.5.2 When granting a permit, if a matter mentioned in a Specific Decision Requirement is not otherwise dealt with by a Use and Development Standard in Section 4.4, a planning authority may specify:

- a. The manner in which a use must be operated, and
- b. Environmental parameters to be achieved by the operator, and
- c. Minimum dimensions, maximum dimensions or position for any component elements of a development, and
- d. The materials that must be employed, including exterior colours and finishes.

4.5.3 The Specific Decisions Requirements are:

- a. Development and use in the Kangaroo Bay area is to be in accordance with Section 3.
- b. The public realm is to be clearly identified as predominant within the area with clear links to the semi public and private areas. The development forecourts are to be of high quality design and achieve a unified interconnected public space that is legible and physically permeable.
- c. Buildings in the *Wharf* or the *Boulevard* should be a minimum of two stories and a maximum of three stories (excluding feature elements or minor protrusions) from Kangaroo Bay Drive, in order to define the public spaces and streets. In some areas, particularly where the relative escarpment height is lower, smaller-scale structures may be appropriate to achieve the same outcome.
- d. The interface between Commercial and Residential areas should to be treated in a way to prevent significant amenity loss to the residences while maintaining commercial form and significant common view corridors.
- e. Through a combination of layout, built form and landscaping, viewpoints and vistas within and beyond the precinct should be defined.
- f. The boardwalk and pedestrian connectivity through the area is to be enhanced, facilitating water front access and activities around the Kangaroo Bay foreshore and ferry terminal.
- g. Frontages to the street and pedestrian areas are to be active while entrances to buildings and spaces are to be legible in the wider streetscape.
- h. Commercial activities must enhance the role of the area in providing hospitality, tourism, recreational, cultural, and maritime services and activities (including but not limited to activities such as commercial art or craft galleries, specialist food, confectionery or beverage stores, recreational equipment suppliers, marine chandlery, flower or gift supplies, and internet kiosks).
- i. An integrated approach to adequate pedestrian, bicycle and car access to the site and movement within the area should be undertaken. Development should facilitate integrated urban transport services, including bus, ferry and cycle intermodal connections.
- j. Signage is to be appropriate in scale and design to allow for identification and promotion.

- k. Energy use for the heating and cooling of development should be minimised through design and materials. Co-location and common provision of plant and service equipment between tenancies and buildings should be considered where feasible.
- l. The Bellerive Yacht Club, slipway and marina are functional and appropriate uses for the area and their retention and utilisation should be encouraged.
- m. Tourism activities and accommodation development for holiday visitors, business travellers, tour groups and convention participants are to be encouraged.
- n. Use of the area for dining and convention facilities and other uses that attract people are to be encouraged.
- o. Operating hours of activities in the area must recognise and be compatible with the residential surrounds. In addition, residential development should recognise that higher density living and nearness to commercial activities may compromise residential amenity and include appropriate design and construction materials may assist in protecting amenity.
- p. Funding, support for or the provision of public art and artistic activity through private developments is to be encouraged to enliven the public spaces and benefit the wider community.
- q. Development is to assist the safety of the area by providing passive surveillance of the public realm.
- r. Developments should incorporate best practise Water Sensitive Urban Design principles where possible.
- s. Lot size and shape are to be sufficient for likely uses, and allow suitable provision for integrated carparking and vehicle movement, landscaping and the like.
- t. Street construction and design is to provide safe and convenient movement for traffic and pedestrians. Alternative access arrangements for 88, 90A, 92 and 94 Cambridge Road are to be considered in the road design for the extension of Alma Street, as is the need for any treatment of boundary fences to mitigate noise impacts.
- u. Division of land via strata schemes is to ensure that sufficient services are provided to each site and that the consultation opportunities inherent with subdivision are not circumvented.
- v. Where appropriate, carparking is to be provided on site to meet differing levels of commercial and residential needs. Safe and convenient access is to be provided to all parking areas.
- w. Outdoor storage is to be adequately screened when viewed from a public place.

Appendix A Kangaroo Bay Development Plan – History and Contextual Explanation



KANGAROO BAY
Urban Design Strategy and Concept Plan

Figure 4: Kangaroo Bay urban design and concept plan

Note: The Kangaroo Bay urban design and concept plan is indicative in terms of roads, building locations, connectivity etc, and reflects a possible outcome only

A.1 Context of development plan

This document provides strategic guidance and formal planning control over the Kangaroo Bay area and is based upon the following reports:

- *Kangaroo Bay Urban Design Strategy and Concept Plan, February 2008* by Inspiring Place Pty Ltd with assistance by Leigh Woolley Architect, Urban Enterprise Pty Ltd, Arup Pty Ltd & Davis Langdon Australia Pty Ltd.
- Kangaroo Bay Urban Design Strategy and Concept Plan, Planning Scheme Provisions Review, December 2009 by Inspiring Place Pty Ltd in association with Leigh Woolley Architect.

In 2004 the State Government and Clarence City Council called for expressions of interest in the future development of land in the vicinity of the former ferry terminal. Despite strong initial interest from the private sector, the EOI process was subsequently terminated as it did not produce a development proposal that was both in accordance with the planning scheme provisions and viable from a business investment perspective. Factors identified as contributing to the failure of the EOI process included:

- The lack of an overall masterplan for the area.
- Restrictions on mixed use development, in particular residential uses.
- The small size of the initial EOI parcel which had high development costs.

A.2 Clarence Planning Scheme 2007

The *Kangaroo Bay Development Plan* (the “Development Plan”) is incorporated into the *Clarence Planning Scheme 2007* (the “Planning Scheme”) under Section 7.12: Development Plan Overlay. The area of land to which the Development Plan applies is shown on Plan 15 - DP of the Planning Scheme.

As an incorporated document within an overlay of the Planning Scheme, the following applies:

- Section 2: Planning Policy Framework of the Planning Scheme is supplemented by the Urban Design Framework of the Development Plan.
- Section 3: General Provisions and Section 4: Definitions of the Planning Scheme apply to all development in the area except where specifically varied by the Development Plan.
- The exemption criteria under Section 5: Permitted as of Right, the provisions of Section 6: Zones and Section 8: Specific Provisions of the Planning Scheme apply to the area of the overlay but are overridden by the provisions of the Development Plan to the extent of any inconsistency.

The Development Plan recognises that non-unique issues such as climate change and heritage are dealt with by other overlays under Section 7: Overlays of the Planning Scheme. In the event of a disparity between the provisions of different overlays for a site, the more restrictive interpretation will be applied.