**APPENDIX 2 - EXAMPLES**

Example DPO and IPO schedules and Incorporated Plan are provided below.

**A. Example schedule to the Development Plan Overlay**

SCHEDULE 1 TO CLAUSE 43.04 THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO1

GUMNUT PARK DEVELOPMENT PLAN

The Gumnut Park Development Plan has yet to be approved. The schedule aims to safeguard rural land for future residential development and establish requirements for the future emergence of the development plan.

1.0 Objectives

The schedule identifies the overarching objectives for the plan area. Objectives should underpin any use, development or staging provisions set out in the plan. The plan itself may contain more specific objectives to expand on the overarching objectives.

* To develop Gumnut Park for residential purposes, with a range of residential densities and adequate transport links as set out in the *Gumnut Strategy Plan*.
* To protect and enhance the natural landscape character of the Wombat Creek corridor.

2.0 Requirements before a permit is granted

Because a development plan has yet to be approved, the schedule prevents the consideration of permit applications for new uses. Permit applications for buildings and works can be considered, but only at the existing Health Centre in the plan area.

A permit may be granted to construct a building or construct or carry out works associated with the Gumnut Health Centre before a development plan has been prepared to the satisfaction of the responsible authority.

3.0 Conditions and requirements for permits

The planning authority wishes to ensure that new buildings and works associated with the Health Centre do not affect the residential development potential of surrounding land. Applicants are required to demonstrate this as part of their proposal.

The following conditions and/or requirements apply to permits:

* All proposals to construct a building or construct or carry out works before a development plan has been prepared must be accompanied by a report demonstrating that they will not prejudice the long-term future of the land for residential development or give rise to significant residential amenity concerns.

4.0 Requirements for development plan

Because the development plan has yet to be drafted, the planning authority has used this opportunity to ensure that the plan meets the overall strategic objectives for the area set out in the Gumnut Strategy Plan.

A development plan must include the following requirements:

* A through traffic route connecting Eaton Way to the Waltham Boulevard – Princes Highway intersection, constructed to a two lane sub-arterial standard; and
* A public open space of not less than 15 ha, incorporating existing native vegetation and a frontage to Wombat Creek.

**B. Example schedule to the Incorporated Plan Overlay**

SCHEDULE 1 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as IPO1

GUMNUT WATERFRONT INCORPORATED PLAN

The Gumnut Waterfront Incorporated Plan has already been approved and the schedule is designed to support its implementation. There is no ‘Requirement before a permit is granted’ because the plan is already in place.

1.0 Requirement before a permit is granted

Permit requirement before plan incorporated - None specified

2.0 Permits not generally in accordance with incorporated plan

The Gumnut Waterfront Incorporated Plan strictly applies use provisions. However, buildings and works provisions are flexible. While the incorporated plan includes height, siting and design provisions, the planning authority recognises that these may not apply in all circumstances. Permit applications that do not meet these provisions may be considered.

A permit granted for the construction or carrying out of buildings and works is not required to be generally in accordance with the incorporated plan.

3.0 Conditions and requirements for permits

The incorporated plan contains an objective to widen Albert Street. This clause contains standard conditions to be applied to permits and a requirement.

Conditions

The first condition requires a setback to safeguard land for the future widening. The second requires a landscape scheme to support streetscape objectives for Albert Street.

All permits to construct a building or construct or carry out works on the north side of Albert Street between Baker Crescent and Claremont Court must include a condition providing for:

* a setback of 15 metres from the front boundary of the lot to enable the future widening of Albert Street, and
* the submission of a landscape scheme showing native tree planting to the satisfaction of the responsible authority.

Requirement

The incorporated plan has an objective that all buildings and works maintain a view from The Esplanade to the Gumnut Marina. The requirement is included because the incorporated plan does not contain enough information to enable an appropriate permit condition to be imposed.

Ensure all development in Area A maintains a view from The Esplanade to the Gumnut Marina.

4.0 Decision guidelines

This clause requires the responsible authority to seek a design enhancement when considering permits for buildings and works that are not generally in accordance with the plan.

The following decision guidelines apply to an application for a permit under Clause 43.03 which is not generally in accordance with the incorporated plan, in addition to those specified in Clause 43.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

* Whether the proposed building or works will make a significant positive contribution to the existing or proposed streetscape.

5.0 Preparation of the incorporated plan

None specified

**C Example Incorporated Plan**

**GUMNUT MARINA INCORPORATED PLAN**

**THE LAND**

*It is important that the incorporated plan clearly outlines the area covered by the plan using a map or description. A map is often clearer, especially where it applies to a broad area affecting many land parcels. Otherwise, there may be disputes about which land or uses and development are affected by the plan.*

The *Gumnut Marina Incorporated Plan* applies to land at 2 Beach Street, Gumnut, described as Lots A and S2 on plan of subdivision no 999999X, the foreshore and pier (shown on the *Gumnut Marina Framework Plan*). The land is located on the north east corner of the Beach Street and Sandy Point Road intersection.

**THE PLAN**

The *Gumnut Marina Incorporated Plan* consists of this ordinance and the attached *Gumnut Marina Framework Plan* (Ref. No. 999/9999 October 2014).

**OBJECTIVES**

*The objectives should be drafted with care, as they are the key to the interpretation and application of the requirements of any use, development or staging provisions set out in the rest of the plan.*

**Use, buildings and works and subdivision**

* To support the use and development of the land for a marina, with associated residential and business uses.
* To achieve a vibrant and attractive activity centre node on the north east corner of the Beach Street and Sandy Point Road intersection (Area A on the *Gumnut Marina Framework Plan*) with active ground floor retail frontages.
* To achieve refurbishment and extension of the Old Pier and breakwater in association with the development of a marina (Area B on the *Gumnut Marina Framework Plan*).
* To achieve a mix of dwellings on the land.

**Design and appearance**

* To develop the land in a way that is visually compatible with the surrounding beach environment.
* To protect strategic views from Gumnut City Centre to the foreshore.
* To develop attractive local views of the foreshore and marina within the land.

**Residential amenity**

* To achieve acceptable standards of private open space, daylight, visual and acoustic privacy for residents of dwellings on the site.
* To minimise any adverse impacts on adjoining residential properties.

**Infrastructure and facilities**

* To establish a network of open spaces and pedestrian and cycle paths on the land offering views to the sea.

**Staging**

* Proposals for use or development near the ‘Old Pier’ (in Area A on the *Gumnut Marina Framework Plan*) should await the approval of the redevelopment plan for the ‘Old Pier’ so that they may be designed to complement the redevelopment.

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continues

**PERFORMANCE MEASURES**

*Any performance measures should flow logically from the objectives of the plan. They should be precise and unambiguous, so it is clear what is needed to meet them. While in draft they should be tested against several possible development options to satisfy the planning authority that they can accommodate the desired range of appropriate responses to the plan objectives.*

**Use, buildings and works and subdivision**

* The provisions of Table 1 will be applied to determine whether a permit application for a proposed use is generally in accordance with this plan.
* The provisions of Table 2 will be applied to determine whether a permit application for buildings and works is generally in accordance with this plan.
* The provisions of Table 3 will be applied to determine whether a permit application for subdivision is generally in accordance with this plan.

**Design and appearance**

* The development should encourage the establishment of a high-quality new beachfront through the application of innovative contemporary urban design and architecture.
* Development adjacent to existing built areas should respond positively to the location, height, materials and external appearance of existing development.
* Development should include the following elements in its design:
* Timber or natural materials in preference to brick veneer.
* Textures, colour combinations and forms that are suggestive of natural features such as rolling waves, sand dunes, rugged cliff faces.
* Discrete structures rather than solid bulky structures.
* Roof lines, proportions and architectural forms that are simple and distinctive without fussy detail and decoration.
* The activity centre on the north east corner of the Beach Street and Sandy Point Road intersection should be designed to create vibrant streetscapes, including through bright and vibrant colours, active frontages and design features that convey a feeling of beaches, sand, water and activity.

**Table 1: Use**

*The Gumnut Marina Incorporated Plan is very specific about use. The table* *sets out the parameters by which uses allowed under the zone are able to be considered.*

|  |  |
| --- | --- |
| **USE** | **REQUIREMENT** |
| **Industry** | Must be located in Area B on the *Gumnut Marina Framework Plan*.  Must not occupy more than 2,000 square metres.  Must be reasonably associated with the operation of a Recreational boat facility on the land. |
| **Office** | Must be located in Area A on the *Gumnut Marina Framework Plan*.  Must not be located on the ground floor of a building unless generally in accordance with the objectives of the incorporated plan. |
| **Shop** | The use is generally in accordance with the objectives of the incorporated plan. |
| **Trade Supplies**  **Warehouse** | Must be located in Area B on the *Gumnut Marina Framework Plan*.  Must not occupy more than 2,000 square metres net floor area.  Must be reasonably associated with the operation of a Recreational boat facility on the land. |

**Table 2: Buildings and works**

|  |  |
| --- | --- |
| **BUILDINGS AND WORKS** | **REQUIREMENT** |
| **Buildings and works in Area A on the *Gumnut Marina Framework Plan*** | Buildings and works should not exceed 25 metres in height.  Buildings and works must be set back at least 3 metres from the elevation of any dwelling existing on the land or adjacent to the land before the approval of this plan.  Buildings and works must be set back at least 15 metres from the most northerly elevation of any dwelling existing on the land or adjacent to the land before the approval of this plan. |
| **Buildings and works in Area B on the *Gumnut Marina Framework Plan*** | Buildings and works should not exceed 6 metres in height. |
| **Tower in Area B on the *Gumnut Marina Framework Plan*** | Building should be located within the ‘Old Pier Gateway Area’ shown on the *Gumnut Marina Framework Plan*.  Building should not exceed 6 metres in height. |
| **All buildings and works** | Buildings and works must not be constructed within the strategic view corridors shown on the *Gumnut Marina Framework Plan*.  Buildings should have elevations externally finished in treated or painted timber and roofs externally finished in galvanised corrugated iron.  Buildings should conform to any building envelope defined on the *Gumnut Marina Framework Plan*. |

**Table 3: Subdivision**

|  |  |
| --- | --- |
| **SUBDIVISION** | **REQUIREMENT** |
| **All subdivision** | The subdivision must conform to the *Gumnut Marina Framework Plan*. |

**Table 4: Staging**

|  |  |
| --- | --- |
| **STAGE** | **REQUIREMENT** |
| **Use or development in Area A on the *Gumnut Marina Framework Plan*** | A permit must not be issued until a redevelopment plan for the ‘Old Pier’ has been approved. |