

EXMOUTH BOAT HARBOUR DEVELOPMENT PLAN			
Local Planning Policy 3			
POLICY OWNER:	Deputy CEO/ Community and Economic Growth		
DEPARTMENT:	Community and Economic Growth		
CREATION DATE:		REVIEW SCHEDULE:	Annually
RELATED PROCEDURES:			
RELATED FORMS:			
RELATED DELEGATIONS:			
RELATED POLICIES:			
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Land Administration Act 1997</i> <i>Marine & Harbours Act 1981</i> <i>Environmental Protection Regulations 1987</i> <i>Environmental Protection (Noise) Regulations 1997</i> Exmouth Marina Broad Outline Development Plan (2011) Shire of Exmouth Local Planning Scheme No.4 (2019) Prescribed premises under schedule 1 of the <i>Environmental Protection Regulations 1987</i> , require a Works Approval issued by the Department of Water and Environmental Regulation prior to commencement All harbour activities shall operate in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>		
DOCUMENT CONTROL			
DATE REVIEWED:	REVIEWED BY:	CHANGES (IF ANY):	APPROVED BY CEO:

Local Planning Policy 3 - Exmouth Boat Harbour Development Plan

OBJECTIVES

- Provide a clear understanding of the Department of Transport's (the DoT's) land use and development intentions for the Exmouth Boat Harbour.
- Introduce a planning framework to facilitate consistent decision making for land use planning and development that satisfies the orderly and proper planning principles of Local Planning Scheme No. 4 (LPS 4).
- Detail the information required and issues to address when submitting applications for development approval and the process by which the Shire of Exmouth (the local government) and DoT will assess these.
- Seek sustainable development solutions that maximise opportunities for enhanced environmental performance.

POLICY STATEMENT

This Policy provides a planning framework to manage the sustainable growth of land and water activities in the Exmouth Boat Harbour to help satisfy the State's needs for maritime infrastructure.

It presents the land use and development provisions from a collaborative undertaking between the DoT as vested harbour manager and the local government as the local planning authority.

The harbour has been separated into 5 precincts which contain activities sharing a similar character, function, and intensity, and further defined by a range of precinct specific objectives and development provisions.

This Policy also details application requirements and the assessment process, communicating the DoT and local government's expectations to all stakeholders.

The Exmouth Boat Harbour is located approximately 3 kilometres south of the town centre (refer Figure 1). Its land and water areas total 31.7 hectares with a further 38.2 hectares of vested water areas extending beyond the main breakwaters.

These areas define the harbour's coverage as assigned to the DoT's care under the *Land Administration Act 1997* and by the *Marine and Harbours Act 1981*.

Figure 1 – Exmouth Boat Harbour location and coverage.



This Policy applies to all future land use and development proposals on land and water areas vested to the DoT and the two additional sites highlighted on Figure 1:

- Freehold Lot 1481 Neale Cove in the south harbour; and
- Lot 500 Madaffari, a landlocked site in the north harbour vested to the Exmouth Volunteer Marine Rescue Group.

PROVISIONS

Development and the distinction between “land use” and “development”

This Policy is an assessment tool to govern both the use of an area as well as any development occurring in that area.

"Use" refers to an activity undertaken, the effect it has on the character of an area and the impacts associated with its operation, such as noise generation and parking requirements.

"Development" refers to any physical construction in an area supporting the operation of the use (such as buildings and hardstand areas) and its associated effects (resulting from building design, bulk and height).

Application requirements

A Development Application will not be required where the use and/or development is undertaken by or on behalf of the DoT and is listed in Schedule 1 of the *Public Works Act 1902* (PW Act) as exempt from the need to obtain planning approval. In such cases and prior to commencement, the PW Act requires the DoT to consider the purpose and intent of LPS 4, consult with the local government and have due regard to the principles of orderly and proper planning.

Development approval will also not be required for activities limited to internal building works or fit outs not materially affecting the external appearance of the building nor introducing additional floor space. The exemption extends to new signs if they are located entirely within an existing approved sign footprint.

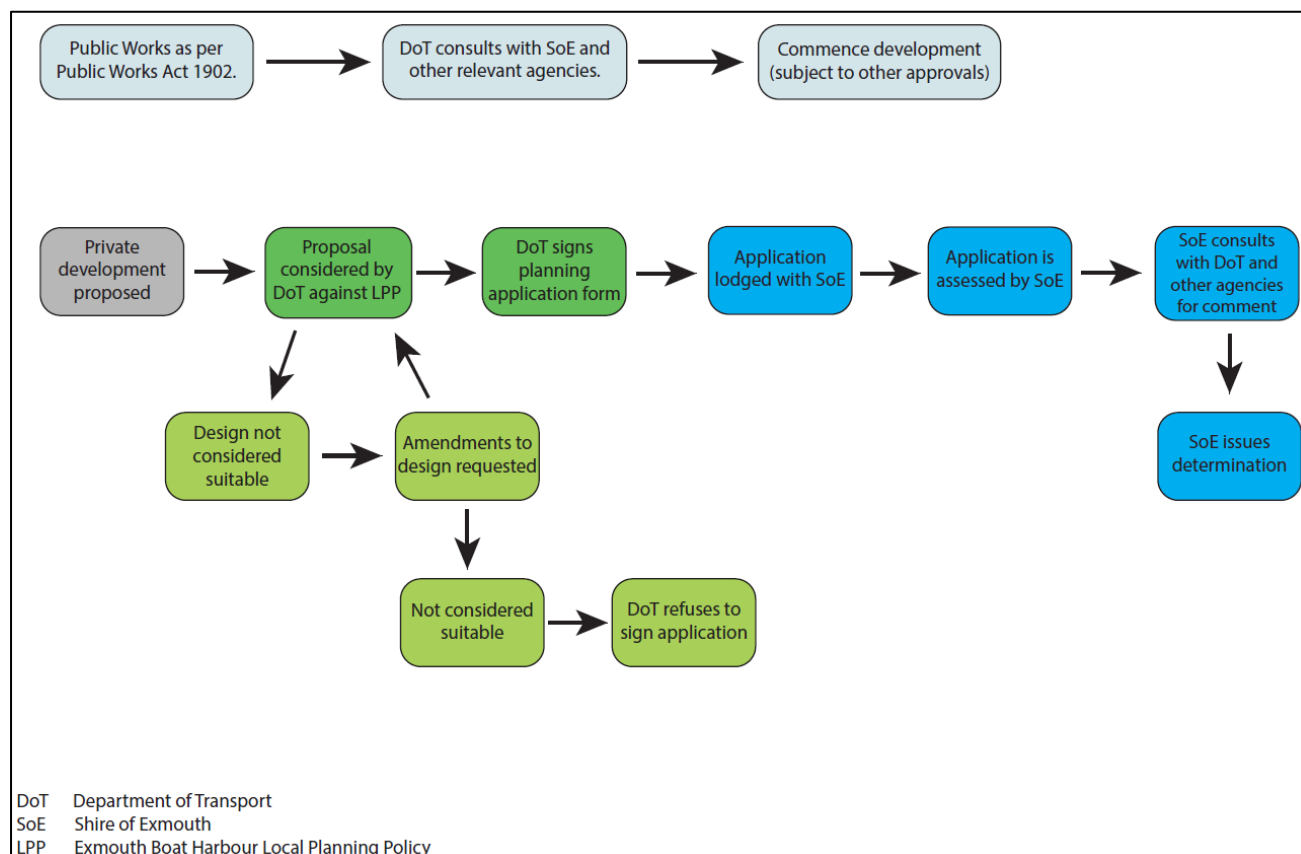
A Development Application will be required for all other new use/s or development, even if listed as a permitted use and for that precinct and is fully compliant with the overall and precinct specific development provisions. For applications where the intended use is not listed as permitted or where any associated physical

development does not meet all of the overall or precinct development provisions, the DoT and local government will assess its suitability on merit against the overall and precinct specific objectives of this policy. All applications must be accompanied by a completed Development Application Checklist (refer Appendix 1).

Approvals pathway

The process for the assessment of Development Applications is set out in Figure 2.

Figure 2 – Development Application Approvals Pathway



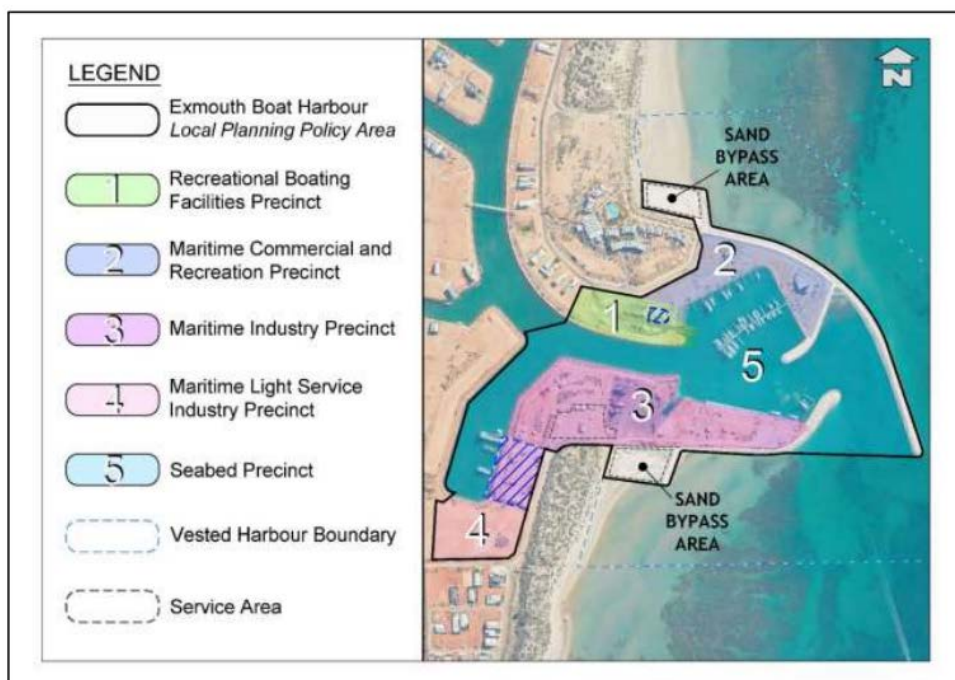
All development applications will be assessed by the local government and DoT in accordance with this Policy but will ultimately be determined by the local government. When considering proposals for unlisted uses and / or development not complying with the overall or precinct specific development provisions, the local government and DoT will collaborate to undertake a merit-based assessment.

A precinct-based approach to harbour precincts

The precincts shown in Figure 3 are designated as follows:

1. Recreational Boating Facilities – catering to general recreational boat launching and car and trailer parking,
2. Maritime Commercial and Recreation – allocated for maritime clubs, tourists, locals and other harbour visitors for leisure related purposes and small-scale maritime retailing and commerce,
3. Maritime Industry – accommodating major boat fabrication, repair, refurbishment, servicing, and storage activities and supporting the commercial fishing and resource industries,
4. Maritime Light and Service Industry – catering for minor boat servicing and storage purposes and limited to uses and development not resulting in the off-site pollution; and
5. Seabed – allowing for the movement, mooring, and penning of recreational and commercial boats.

Figure 3 – Exmouth Boat Harbour Precinct



Permitted uses

Uses listed in Table 1 are Permitted land uses and are defined in the *Planning & Development (Local Planning Schemes) Regulations 2015*, the local government’s LPS 4 as well as AS3962 and State Planning Policy 4.1 – Industrial Interface.

Uses will only be permitted if they are related to maritime activities and rely on a harbour location.

Table 1 – Permitted uses per precinct

Precinct 1 Recreational Boating Facilities	Precinct 2 Maritime Commercial and Recreation	Precinct 3 Maritime Industry	Precinct 4 Maritime Light and Service Industry	Precinct 5 Seabed
<ul style="list-style-type: none"> Boat launching facility Car park Civic use Market Public purposes Public utility Recreation – public Telecommunications infrastructure 	<ul style="list-style-type: none"> Bulky goods showroom Civic use Club premises Convenience store Educational establishment (ancillary to or maritime based activities only) Fast food outlet / lunch bar Fish shop Market Public purposes Public utility Reception centre 	<ul style="list-style-type: none"> Industry Industry – light Industry – service Marina Marine filling station Marine support facility Motor vehicle, boat, or caravan sales (boat sales only) Public purposes Public utility 	<ul style="list-style-type: none"> Car park Community purpose Industry – light Industry – service Marina Marine support facility Motor vehicle, boat, or caravan sales (boat sales only) Public purposes 	<ul style="list-style-type: none"> Marina Marine support facility Motor vehicle, boat, or caravan sales (boat sales only) Public purposes Public utility Recreation - private Recreation - public Telecommunications infrastructure

	<ul style="list-style-type: none"> • Restaurant / café • Serviced apartment • Shop • Short stay accommodation • Small bar • Tavern • Telecommunications infrastructure 	<ul style="list-style-type: none"> • Telecommunications infrastructure • Trade display • Trade supplies • Transport depot • Warehouse / storage 	<ul style="list-style-type: none"> • Public utility • Telecommunications infrastructure • Trade display • Trade supplies • Transport depot • Warehouse / storage 	
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Table 2 - General Development Provisions (that apply to all precincts).

Item	General Development Provisions
Building height and roofs cape	Unless otherwise specified, the maximum height of buildings should not exceed 10 metres above the assigned minimum finished floor level (FFL) for that precinct. For boat stackers or any building proposed to accommodate boats being worked on, the maximum height may be increased to a maximum of 16 metres above the assigned minimum finished floor level for that precinct.
Building materials and colours	Use of reflective materials such as natural zincalume and aluminium on building walls and roofs should be avoided. External colours of walls, roofs and trims should be selected from the local government's Local Planning Policy 1 - Colour Palette for Developments
Setbacks	Unless otherwise stated, setbacks are a minimum of 7.5 metres from the primary street frontage and 3.75 metres from any secondary street frontage. Canal revetments shall be sufficiently clear of any new development to ensure their structural integrity is maintained and to allow access for maintenance purposes Storage of fuel, raw materials, products, by-products, and waste, including bins and sea containers, are not to be placed within the primary or secondary street setback areas
Sea containers and service areas	Where a sea container cannot be adequately screened from public view, the DoT and local government may seek to modify, articulate walls, require painting or refurbishment to occur in the interests of maintaining visual amenity or to enhance the appearance of the streetscape. The use of sea containers for storage or other activities over an extended period within lease areas may be supported if relating directly, or is ancillary, to the predominant activities conducted from the site. Opportunities to incorporate innovation in presentation and that respond to avoid poor visual amenity outcomes will be viewed favourably. The use of sea containers for permanent site offices will not be permitted.
Access and parking	Trafficable areas are to be constructed to the local government's specifications to accommodate semi-trailers and for waste collection vehicles. Internal access ways are to use a minimum 15 metre turning arc and a 2.85 metres vehicle width. Parking is to be provided to the local government's specifications and at the rates assigned by LPS 4 and in accordance with AS3962.
Stormwater management	Internal drainage designs to meet the specified minimum Finished Floor Level (FFL). Buildings are to be designed to withstand the impact of cyclones, storm surge and predicted sea level rise
Energy management	Design should consider opportunities using building orientation, design, and site layout to enhance the benefits of naturally occurring weather conditions to: <ul style="list-style-type: none"> • access passive solar values such as natural light, • access natural ventilation and channel cooling breezes into and through buildings,

	<ul style="list-style-type: none"> • minimise east and west facing building openings; and • incorporate features offering protection from the summer sun such as eaves, window panels, tinting, roof and wall space insulation, screens and landscaping.
Signage	Any signs proposed are to accord with the signage provisions in the local government's LPS 4 and any associated local planning policy.
Landscaping	Where landscaping is required by the precinct specific development provisions, installation shall be in accordance with the Shire of Exmouth LPS 4 cl.4.23.

PRECINCT SPECIFIC OBJECTIVES AND DEVELOPMENT PROVISIONS

Precinct 1 - Recreational Boating Facilities

Description and Purpose

Precinct 1 includes boat launching ramps, car / trailer parking area and the Exmouth Volunteer Marine Rescue Group Inc. facility. The purpose of the precinct is to continue to cater for these activities and is not intended to contain any new built development other than minor structures provided for public amenity.

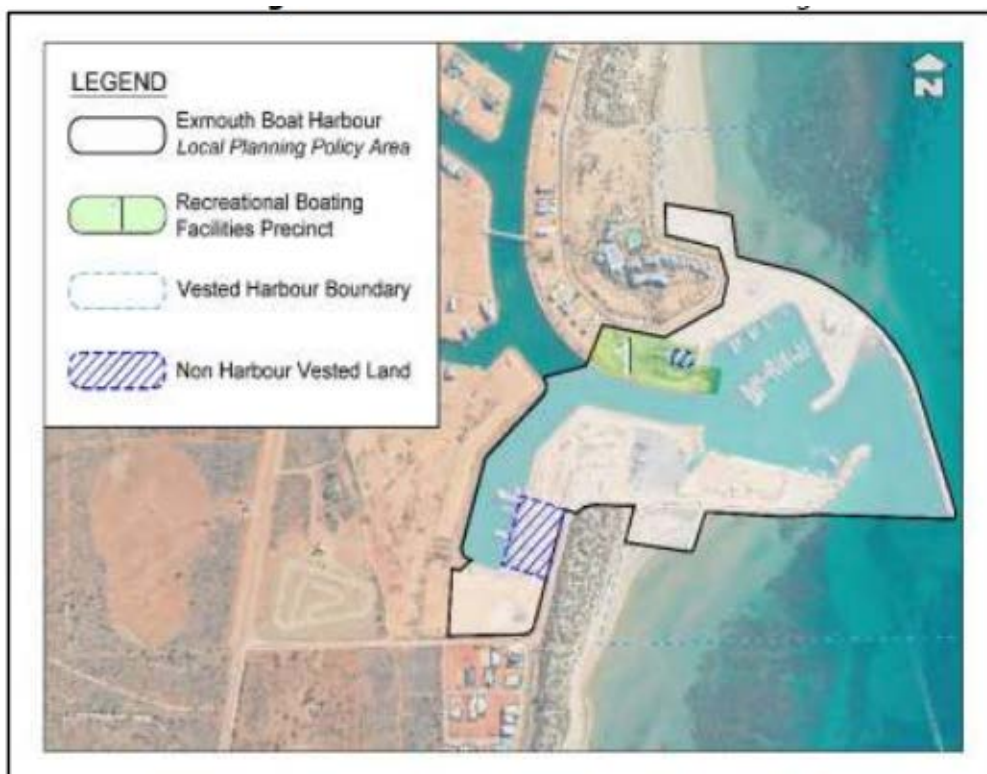
The DoT will pursue optimal utilisation of public parking areas by considering temporary uses (food or hawker markets) and shared parking arrangements to optimise development capacity in Precinct 2.

Objectives

The objectives for the precinct are to:

- provide and maintain adequate boat launching and car / trailer parking facilities for recreational boaters;
- minimise traffic conflict between recreational boaters and the Exmouth Volunteer Marine Rescue service;
- optimise parking utilisation; and
- maintain and enhance pedestrian access opportunities through the precinct to the wider harbour.

Figure 4 – Precinct 1 – Recreation Boating Facilities



Precinct 1 development provisions

Item	Specific development provisions
Floor Levels	Finished Floor Levels shall be a minimum of 4.0 metres AHD.
Access and car / trailer parking	Unencumbered access for Marine Rescue service traffic shall always be maintained. Any shared parking arrangement to optimise land use opportunities in Precinct 2 will require a Parking Study prepared to the satisfaction of the DoT and the local government.

Precinct 2 – Maritime Commercial and Recreation

Description and Purpose

Precinct 2 is to cater to maritime commercial and recreation activities, complementing existing clubs and charter operators and activating the precinct as the main boating attraction for all.

Compatible uses include maritime commercial, chandlery retailing along with tourist and leisure orientated activities.

Beyond the physical separation provided by harbour waters, the precinct facilitates a gradual transition in land use intensity between core harbour activities and nearby residential and resort areas. Activities likely to cause significant adverse impact on the amenity of nearby sensitive uses are not appropriate for this precinct.

Spare parking capacity in the adjoining Precinct 1 provides opportunity to vary the normal parking requirement subject to the findings of a Parking Study to the satisfaction of the local government and DoT.

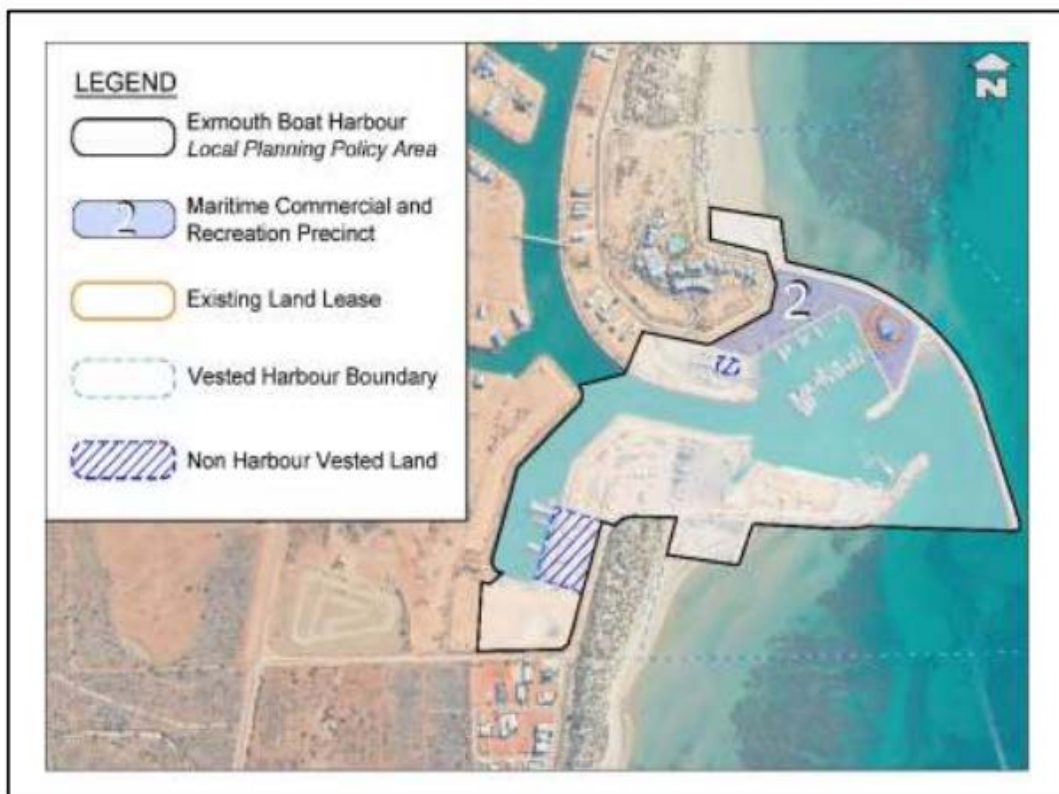
Building heights may be increased to address intersections using decorative parapets, tower elements or similar features.

Objectives

The objectives for the precinct are to:

- promote maritime commercial, retail, tourist and recreational activities having a leisure orientated focus;
- ensure the streetscape and built form along the Madaffari Road frontage create an attractive entry statement into the north harbour with buildings designed to complement the streetscape of adjoining resort development; and
- promote pedestrian movement along the waterfront through a built form response to consider orientation and the location of major openings.

Figure 5 – Precinct 2: Maritime Commercial and Recreation



Precinct 2 development provisions

Item	Specific development provisions
Floor levels	Finished Floor Levels shall be a minimum of 4.5 metres AHD
Building height and development form	<p>A maximum building height to 16.0 metres AHD above the FFL can be considered where giving prominence to corner buildings.</p> <p>Front elevations and building entries are to be clearly accessible, well defined and shall orientate towards Madaffari Road, the waterfront, public spaces and other internal accessways</p>
Setbacks	<p>A 2.0 metre wide minimum setback is to be provided along Madaffari Road opposite the northern breakwater to allow for a footpath.</p> <p>A 3.5 metre wide minimum setback is to be provided along Madaffari Road facing the resort to allow for a 2.0 metre wide footpath and a 1.5 metre wide landscaping strip.</p> <p>Development along the waterfront is to provide for a pedestrian promenade of 2.0 metres in width.</p>
Access and car parking	<p>Approval to vary the required number of car bays using spare capacity in the Precinct 1 car / trailer parking area is subject to a Parking Study prepared to the satisfaction of the DoT and local government.</p> <p>Existing on-street parking bays in Precinct 2 cannot be used to satisfy parking requirements for new proposals as they are allocated for penholder and public use.</p>
Landscaping	Landscaping of 1.5 metre minimum width is to be installed along Madaffari Road where facing the resort in accordance with the Shire of Exmouth LPS 4 cl.4.23.

Precinct 3 – Maritime Industry

Description and Purpose

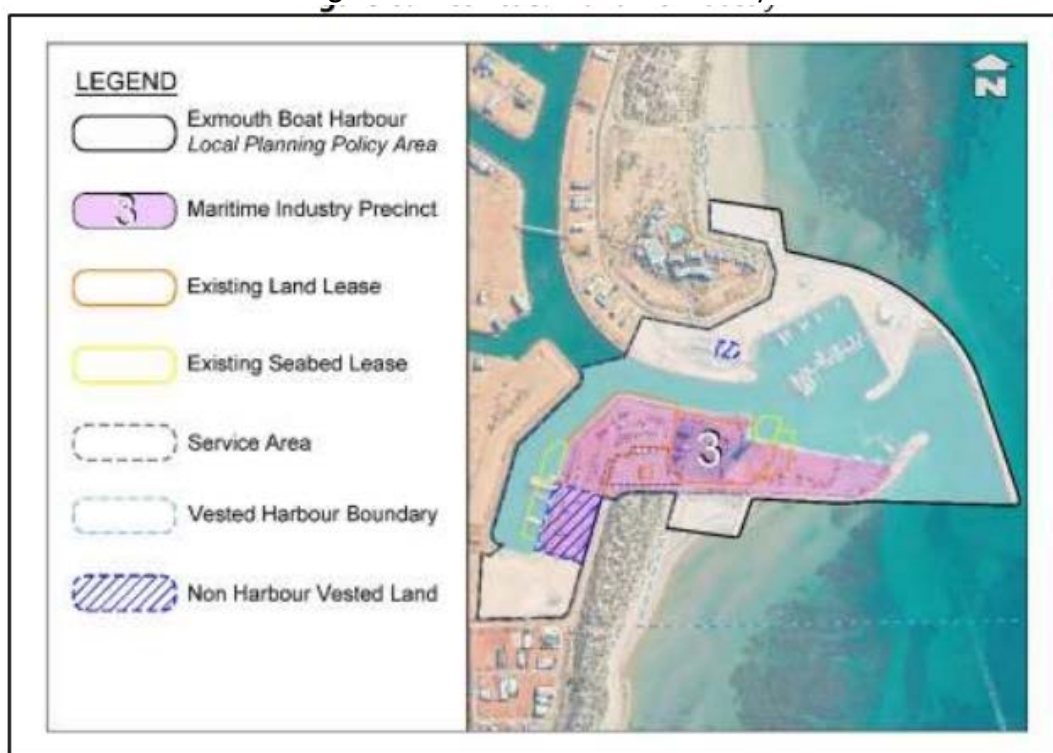
Precinct 3 defines the harbour’s core and is designated for major maritime activities, containing commercial and common user service wharves, and boat fuelling and firefighting facilities within a central compound. The precinct is suited to boat fabrication, repair, and maintenance activities along with services supporting the commercial fishing and oil and gas sectors with the storage of boats and transfer and temporary storage of goods also permitted.

Objectives

The objectives for the precinct are to:

- allow for loading and unloading of goods and people and maritime commercial industries;
- minimise the risk of pollution impacts on nearby sensitive uses;
- control visual impact of harbour development through careful site planning and building design; and
- allow for the safe storage and dispensing of boat fuel.

Figure 6: Precinct 3: Maritime Industry



Precinct 3 development provisions

Item	Specific development provisions
Floor levels	Finished Floor Levels shall be a minimum of 4.0 metres AHD
Development form	Maritime industrial activities should be enclosed within buildings or screened to minimise off-site impacts.
Setbacks	A 2.0 metre wide minimum setback is required from lease boundaries fronting the refuelling and firefighting compound.
Access and car parking	All new development shall maintain free access to the land backed wharf and not encumber other users, public harbour activities or vehicle circulation at any time.
Bush fire risk	Development Applications on harbour land identified as a bushfire risk area by DFES shall provide a Bushfire Management Plan in accordance with the WAPC’s SPP3.7.

Precinct 4 – Maritime Light and Service Industry

Description and Purpose

Given its proximity to residential areas and its exposed location at the road entry to the south harbour, all use and development in the precinct shall be limited to maritime commercial, and light and service industries. Development will be influenced by its potential for land use conflict with adjoining residential areas.

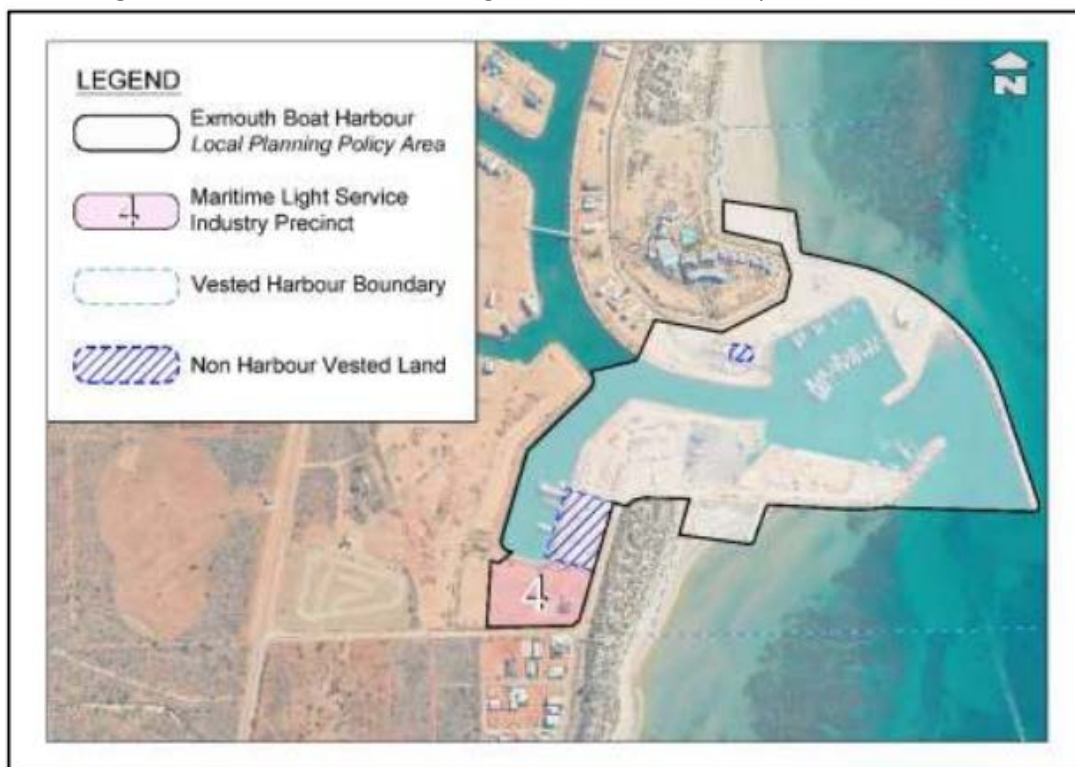
Major harbour industrial activities with potential to adversely affect nearby residential amenity are not appropriate in this precinct.

Objectives

The objectives for the precinct are to:

- cater for light and service industries not causing adverse impact to nearby residential amenity;
- create an appropriate interface between nearby residential areas and the harbour’s core activities; and
- remove existing road conflict with residential traffic and promote a visually appealing streetscape to the south harbour.

Figure 7 - Precinct 4: Maritime Light and Service Industry



Precinct 4 – development provisions

Item	Specific development provisions
Floor levels	Finished Floor Levels shall be a minimum of 4.0 metres AHD
Building height and development form	Offices, administration areas and other low impact activities within and around buildings are preferably located and orientated away from residential areas to the south and west. Main service doors and openings should preferably be located along the eastern building elevations

	Activities likely to cause the export of emissions at adverse levels are to be enclosed in buildings or screened to minimise off-site impacts.
Setbacks	The minimum building setback shall nominate Mortiss Street as the primary street frontage and Neale Cove as the secondary street frontage. Setbacks to canal walls are to be sufficient to maintain their structural integrity and to allow access for maintenance purposes. The minimum building setback from the precinct's western boundary is 3.0 metres for a one-storey building height and 6.0 metres where building height exceeds one storey.
Access and car parking	Site layout and building design shall avoid the potential for exterior lighting and headlight glare to be directed toward residences south of Mortiss Street.
Fencing and screening	Fencing along the precinct's western boundary is to comprise solid or obscure materials to a maximum height of 1.8 metres.
Landscaping	The front setback area of Neale Cove is to contain a minimum 1.5 metres wide landscaping strip. Additional landscaping may be required in other exposed areas as deemed necessary by the local government and DoT in accordance with the Shire of Exmouth LPS 4 cl 4.23.
Bush fire risk	Development Applications on harbour land identified as a bushfire risk area by DFES shall provide a Bushfire Management Plan in accordance with the WAPC's SPP3.7.

Precinct 5 - Seabed

Description and Purpose

The Seabed Precinct comprises all water areas in the harbour as well as jetties, pens, mooring berths, floating pontoons, revetments, breakwaters, associated infrastructure and service utilities.

Use and development is to generally be limited to the transfer, mooring, penning and movement of boats.

Harbour water and seabed works deemed to be exempt under the PW Act as well as the functions assigned to the DoT under the Marine & Harbours Act 1981 are consistent with the reserve's vesting for Harbour Purposes hence neither the support or approval of the local government is required; noting DoT approval will always be required for any third-party use or development.

Objectives

The objectives for the precinct are to:

- provide for the safe boating, mooring, and penning of boats;
- provide ancillary services for boats and ensure access to the public wharf and other facilities are maintained; and
- provide safe boating movement networks.

Figure 8 - Precinct 5: Seabed Precinct



Functional and service areas

All harbour breakwaters, groynes, jetties, spurs and other harbour water access and service infrastructure are not to be disturbed or modified without the express written consent of the DoT.

APPENDIX 1 – DEVELOPMENT APPLICATION CHECKLIST

Exmouth Boat Harbour Local Planning Policy

#	Checklist Item (where a Development Applications is required)	Complete & Attach
1	Development Application – pre-submission meeting ¹	
2	Development Application (Form 1) submitted to the local government (local government to refer to DoT)	
2a	Site plans, to a recognised scale showing its proposed location in the harbour, its site context and any proposed signage or peripheral development requiring assessment. Plans should include: – North point – Calculation of internal areas in both ‘NLA’ and ‘GLA’ – Details of lease boundaries and ability to maintain public access if relevant – Clear depiction of existing site features or structures as well as the proposed development – Any nearby trees, changes in levels, service and storage areas, setbacks, utility and servicing alignments, road reserves and any other public infrastructure	
2b	Floor/site plans to a recognised scale showing: – North point – Calculation of internal areas; in both NLA’ and ‘GLA’ – Clear depiction of existing and proposed development – Clear depiction of internal and external areas – Proposed design levels (show existing design levels if changed) – Proposed materials, colours and finishes – Landscaping details (if relevant)	
2c	Elevations to scale showing: – Existing elevations and proposed elevations – Adjacent development (proximity and impact on) – Height of proposed development and comparison of proposed height to surrounding development – Proposed materials, colours, and finishes	
2d	Written statement regarding the proposed development, including: – Design intent and character (especially where a departure is proposed from typical harbour materials, colours, and finishes) – Response to site and context – Landscaping (if applicable, providing information on landscape management especially where forming a significant component of the design aesthetic) – Proposed maximum occupancy (number of staff & estimate of customers/visitors) – Car parking (including any parking variation or management strategy proposed) – Signage – Impact of the development on access to sunlight (overshadowing) and shelter for adjacent public spaces	
2e	Coloured perspective or photomontage (generally only required for development that contains a specific design feature that need to be considered in its context).	
3a	The local government and DoT will consider the following: (in consultation with the local government) – Assessment against the operative planning framework – design review (architect) – engineering (constructability) – accessibility (to maintain safe vehicle and pedestrian paths and access / egress points) – parking, vehicle access and bicycle end-of-trip facilities – signage – other (landscape, overshadowing, community benefit etc.)	
3b	The DoT may request an application meeting (if required or for modifications / improvements)	
4	The DoT signs the application form (or, if relevant, a refusal to sign is accompanied by a supporting letter)	

5	Development Application process – determined by the local government on advice from the DoT.	
6	If the application is approved ² ; the local government shall provide to the DoT – 1 x electronic copy set of approved plans (including any agreed or conditioned modifications); – once any development is constructed, an electronic copy of the as-con drawings to supersede the lodged / approved drawings on file if relevant; and – If changes have been made, an electronic copy of the as-cons to replace any for construction drawings held on file	
7	Application refused– in the event the application is refused by the local government, further liaison should occur to determine opportunities for modification and / or to negotiate a solution.	

Notes:

1. No applicant should submit any plans or proposals without first meeting with the DoT. Depending on the size and scale of the proposal, this may also include meeting with its nominated design review architect.
2. In the interests of good land management, it is appropriate that the DoT obtains and maintains plans of all assets within the Minister’s Reserve. All applicants are accordingly obliged to provide the DoT and the local government with a full set of electronic (dwg, CAD etc.) as-constructed drawings of the development. This will enable both agencies to maintain up-to-date information in a formal register of all use and development in the harbour reserve.