

6.25 – Exmouth Boat Harbour Development Plan

Adoption		
Date	Meeting	Council Decision
27/06/19	OCM	06-0619 – Draft – Public advertising
22/08/19	OCM	03-0819 - Adoption
Review		
Date	Meeting	Council Decision
Delegation		
No.	Title	

ENABLING LEGISLATION

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Land Administration Act 1997.

Marine & Harbours Act 1981.

Environmental Protection Regulations 1987.

Environmental Protection (Noise) Regulations 1997.

Exmouth Marina Broad Outline Development Plan (2011).

Shire of Exmouth Local Planning Scheme No.4 (2019).

RELATED LEGISLATION & STATUTES

- Pursuant to schedule 1 - *prescribed premises*, pursuant to the *Environmental Protection Regulations 1987*, 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 *Environmental Protection (Noise) Regulations 1997*.

PURPOSE

The purpose of this policy is to

1. Provide a clear understanding of the Department of Transport's (the DoT's) land use and development intentions for the Exmouth Boat Harbour;
2. 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)*;
3. detail the information required and issues to address when submitting applications for planning approval and the process by which the Shire of Exmouth (the local government) and DoT will assess these; and
4. seek sustainable development solutions that maximise opportunities for enhanced environmental performance.

POLICY

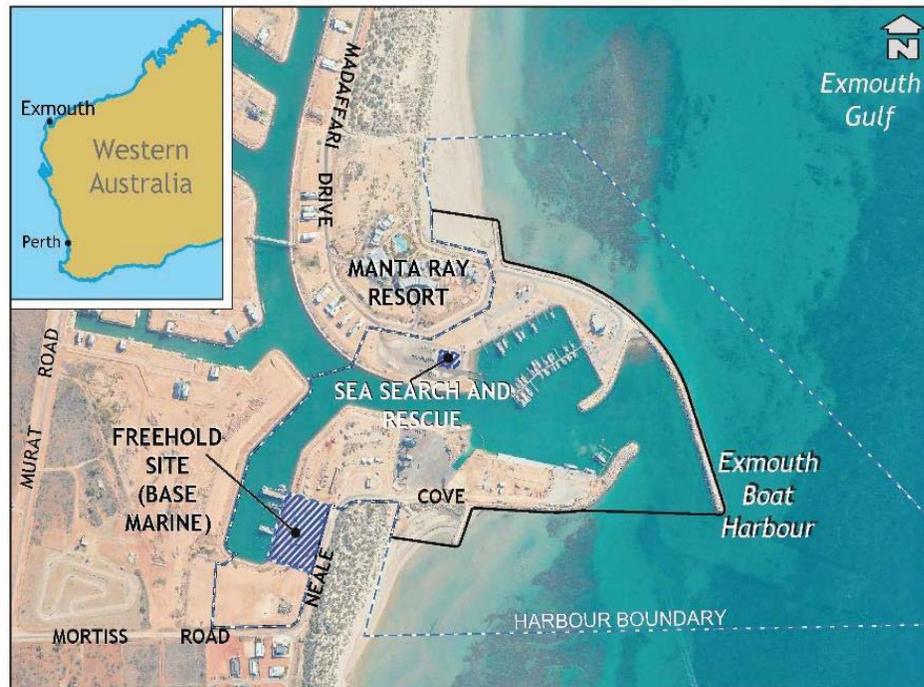
This *Local Planning Policy (LPP)* provides a planning framework to manage the sustainable growth of land and water activities in the Exmouth Boat Harbour to help satisfy the State's needs for maritime infrastructure. It presents the land use and development provisions from a collaborative undertaking 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.

POLICY COVERAGE

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, a landlocked site in the north harbour vested to the Exmouth Volunteer Marine Rescue Group.

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.

Planning approval will also not be necessary 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

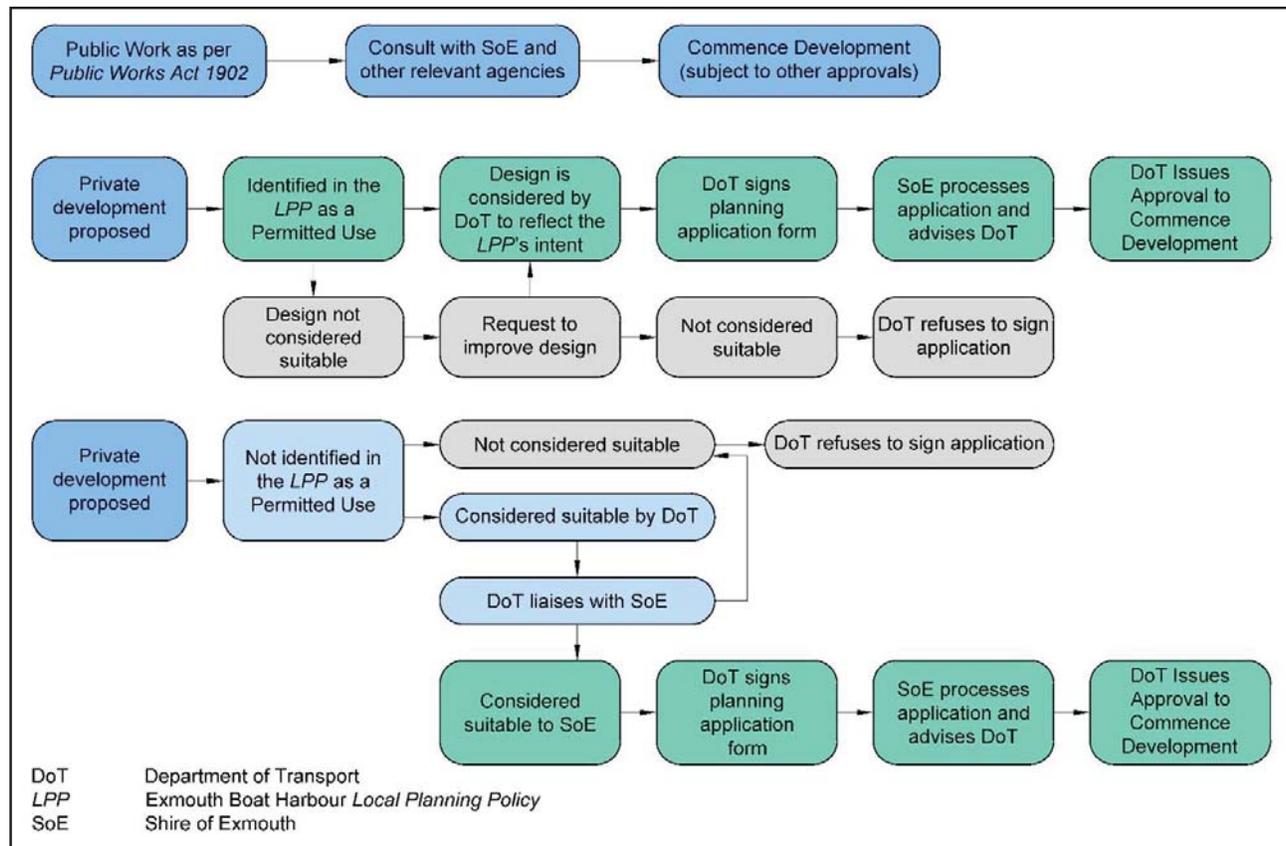
permitted use and for that precinct and is fully compliant with the overall and precinct specific development provisions. For applications where the intended use is not listed as permitted or where any associated physical development does not meet all of the overall or precinct development provisions, 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** overleaf.

Figure 2 – Development Application approvals pathway.



All planning applications will be assessed and determined by the DoT in accordance with this Policy and in consultation with the local government. The DoT does not manage Lots 1481 and 500 and any planning application on these lots will be determined solely 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

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 precincts.

