



WESTERN
AUSTRALIAN
GOVERNMENT
azette

ISSN 1448-949X (print)

ISSN 2204-4264 (online)

PRINT POST APPROVED PP665002/00041

683



PERTH, TUESDAY, 12 MARCH 2019 No. 33 SPECIAL

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 12.30 PM

© STATE OF WESTERN AUSTRALIA

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF EXMOUTH

**LOCAL PLANNING
SCHEME No. 4**

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF EXMOUTH****LOCAL PLANNING SCHEME No. 4****TABLE OF CONTENTS****PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Scheme revoked
- 1.4 Notes do not form part of Scheme
- 1.5 Responsibility for Scheme
- 1.6 Scheme area
- 1.7 Contents of Scheme
- 1.8 Purposes of Scheme
- 1.9 Aims of Scheme
- 1.10 Relationship with local laws
- 1.11 Relationship with other local planning schemes
- 1.12 Relationship with region planning scheme

PART 2—RESERVES

- 2.1 Regional reserves
- 2.2 Local reserves
- 2.3 Additional uses for local reserves

PART 3—ZONES AND USE OF LAND

- 3.1 Zones
- 3.2 Zoning table
- 3.3 Interpreting zoning table
- 3.4 Additional uses
- 3.5 Restricted uses
- 3.6 Special use zones
- 3.7 Non-conforming uses
- 3.8 Changes to non-conforming use
- 3.9 Register of non-conforming uses
- 3.10 Zone objectives and site and development requirements

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

- 4.1 R-Codes
- 4.2 Modification of R-Codes
- 4.3 State Planning Policy 3.6 to be read as part of Scheme
- 4.4 Modification of State Planning Policy 3.6
- 4.5 Other State planning policies to be read as part of Scheme
- 4.6 Modification of State planning policies
- 4.7 Environmental conditions
- 4.8 Additional site and development requirements
- 4.9 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan
- 4.10 Sea containers
- 4.11 Workforce accommodation
- 4.12 Amenity control of non-residential buildings and structures
- 4.13 Repurposed dwelling or second-hand dwelling
- 4.14 Floodlighting
- 4.15 Development fronting Murat Road
- 4.16 Caretaker's dwelling
- 4.17 Holiday accommodation / holiday house
- 4.18 Bed and breakfast

- 4.19 Nature based parks
- 4.20 Potable water supply
- 4.21 Home occupation and home business
- 4.22 Battleaxe lots
- 4.23 Landscaping
- 4.24 Secondary street setback for non-residential development
- 4.25 Use of setback areas
- 4.26 Parking requirements
- 4.27 Variation to parking requirement
- 4.28 Cash-in-lieu for parking
- 4.29 Parking of commercial vehicles
- 4.30 Loading/unloading areas
- 4.31 Control of advertisements
- 4.32 Variations to site and development requirements
- 4.33 Restrictive covenants

PART 5—SPECIAL CONTROL AREAS

- 5.1 Special control areas
- 5.2 Exmouth Water Reserve (SCA 1)
- 5.3 Exmouth Waste Water Treatment Plant (SCA 2)
- 5.4 Exmouth Power Station (SCA 3)
- 5.5 Exmouth Aerodrome (SCA 4)
- 5.6 Floodplain (SCA 5)
- 5.7 Minilya-Exmouth Road (SCA 6)

SCHEDULE 1—TERMS REFERRED TO IN SCHEME

- 1. Terms used
- 2. A word or expression that is not defined in this Scheme
- 3. Land use terms used

SCHEDULE 2—ADDITIONAL USES

SCHEDULE 3—RESTRICTED USES

SCHEDULE 4—SPECIAL USE ZONES

TABLE OF FIGURES

- Figure 1: SU1—Structure Plan—Lot 51 Minilya-Exmouth Road
- Figure 2: SU3—Exmouth Aerodrome Locality Site Plan
- Figure 3: SU6—Marina—Area A
- Figure 4: SU6—Marina—Canal Lots (Sheet 1)
- Figure 5: SU6—Marina—Canal Lots (Sheet 2)
- Figure 6: SU6—Marina—Canal Lots (Sheet 3)
- Figure 7: SU6—Marina—Area B1
- Figure 8: SU6—Marina—Area B2
- Figure 9: SU6—Marina—Area C1
- Figure 10: SU6—Marina—Area C2

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF EXMOUTH

LOCAL PLANNING SCHEME No. 4**PART 1—PRELIMINARY****1.1 Citation**

This local planning scheme is the *Shire of Exmouth Scheme No. 4*.

1.2 Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day it is published in the *Gazette*.

1.3 Scheme revoked

1.3.1 The following local planning scheme is revoked—*Shire of Exmouth Town Planning Scheme No. 3*, Gazetted 3 September 1999.

1.4 Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

1.5 Responsibility for Scheme

The Shire of Exmouth is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

1.6 Scheme area

This Scheme applies to the area shown on the Scheme Map.

1.7 Contents of Scheme

1.7.1 In addition to the provisions set out in this document (the scheme text), this Scheme includes the following—

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
- (b) the Scheme Map; and
- (c) the following plans, maps, diagrams, illustrations or materials—SU1 Structure Plan—Lot 51 Minilya-Exmouth Road; SU3 Exmouth Aerodrome Locality Site Plan; Figure 3: SU6—Marina—Area A; Figure A1—Area A; Figure 4, 5 and 6: SU6—Marina—Canal Lots (Sheets 1, 2 and 3); Figure A2—Canal Lots; Figure 7 and 8: SU6—Marina—Areas B1 and B2; Figure B1—Area B; Figure 9 and 10: SU6—Marina—Areas C1 and C2 (inclusive).

1.7.2 This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

1.8 Purposes of Scheme

The purposes of this Scheme are to—

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in the Scheme; and
- (d) control and guide land use and development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of the Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

1.9 Aims of Scheme

The aims of this Scheme are to—

- (a) facilitate implementation of the State Planning Strategy and relevant regional plans and policies, by co-ordinating the Scheme with such plans and policies; and
- (b) promote development consistent with the planning objectives and recommendations of the Local Planning Strategy; and
- (c) facilitate planning for the appropriate balance between economic and social development, public health, conservation of the natural environment, and improvements in lifestyle and amenity; and
- (d) define the uses and types of development to be permitted on land within the Scheme Area; and
- (e) control and regulate the development of land, erection and demolition of buildings, and the carrying out of works.

1.10 Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

1.11 Relationship with other local planning schemes

There are no other local planning schemes of the Shire of Exmouth which apply to the Scheme area.

1.12 Relationship with region planning scheme

There are no region planning schemes which apply to the Scheme area.

PART 2—RESERVES

2.1 Regional reserves

There are no regional reserves in the Scheme area.

Note: The process of reserving land under a regional and local planning scheme is separate from the process of reserving land under the *Land Administration Act 1997* section 41.

2.2 Local reserves

2.2.1 In this clause—

Main Roads WA means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Main Roads WA.

2.2.2 Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

2.2.3 The objectives of each local reserve are as follows—

- (a) Public Open Space—
 - (i) To set aside areas for foreshore reserves, particularly those established under the *Planning and Development Act 2005* s.152.
 - (ii) To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
- (b) Environmental Conservation—
 - (i) To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.
 - (ii) To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
 - (iii) Cater for programs and activities that promote education, research and increased public awareness of minimising environmental impact when visiting a conservation reserve.
 - (iv) Promote development that enhances public enjoyment of land reserved conservation balanced with the need to protect, mitigate, control and/or manage impacts on the natural environment.
 - (v) Accommodate drainage, essential services, mining activities, recreational activities, or general infrastructure that is consistent with other management objectives.
- (c) Civic and Community—
 - (i) To provide for a range of community facilities which are compatible with surrounding development.
 - (ii) To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
- (d) Public Purposes—
 - (i) To provide for a range of essential physical and community infrastructure.
- (e) Medical Services—
 - (i) Public Purposes which specifically provide for a range of essential medical services.

- (f) Infrastructure Services—
 - (i) Public Purposes which specifically provide for a range of essential infrastructure services.
- (g) Education—
 - (i) Public Purposes which specifically provide for a range of essential education services.
- (h) Emergency Services—
 - (i) Public Purposes which specifically provide for a range of essential emergency services.
- (i) Heritage—
 - (i) Public Purposes which specifically provide for a range of heritage purposes.
- (j) Government Services—
 - (i) Public Purposes which specifically provide for a range of government services.
- (k) Recreational—
 - (i) Public Purposes which specifically provide for a range of public recreational services.
- (l) Cemetery—
 - (i) To set aside land required for a cemetery.
- (m) Car Park—
 - (i) To set aside land required for a carpark.
- (n) Strategic Infrastructure—
 - (i) To set aside land required for port or airport facilities.
- (o) Primary Distributor Road—
 - (i) To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
 - (ii) To limit fixed or permanent advertising devices within primary distributor roads to mitigate visual clutter and detrimental impacts on safety and amenity.
- (p) District Distributor Road—
 - (i) To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
 - (ii) To limit fixed or permanent advertising devices within district distributor roads to mitigate visual clutter and detrimental impacts on safety and amenity.
- (q) Local Distributor Road—
 - (i) To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
- (r) Local Road—
 - (i) To set aside land required for a local road being a road classified as an Access Road under the Western Australia Road Hierarchy.
- (s) Drainage/Waterway—
 - (i) To set aside land required for significant waterways and drainage.
 - (ii) To cater for development that relies on a waterway location and does not detrimentally impact on any applicable World Heritage values or other values, cause negative visual impact, or restrict access to public areas.
 - (iii) To accommodate public jetties, facilities or structures constructed by the local or state government.
- (t) Foreshore—
 - (i) To set aside areas for foreshore reserves abutting a body of water or water course, particularly those required pursuant to State Planning Policy 2.6 State Coastal Planning Policy and any other Western Australian Planning Commission policy.
 - (ii) To provide for the protection of natural values, a range of active and passive recreational uses, cultural and community activities, activities promoting community education of the environment and/or uses that are compatible with and/or support the amenity of the reservation.

2.3 Additional uses for local reserves

2.3.1 There are no additional uses for land in local reserves that apply to this Scheme.

2.3.2 Despite anything contained within clause 2.2, a reserve may be used by the local government for the purposes of developing or maintaining public infrastructure.

PART 3—ZONES AND USE OF LAND

3.1 Zones

Zones are shown on the Scheme Map according to the legend on the Scheme Map.

3.2 Zoning table

The zoning table for this Scheme is as follows—

Table 1 Zoning Table

Land Use	Residential	Urban Development	Commercial			Tourism	Light Industry	Service Commercial	General Industry	Industrial Development	Rural Residential	Rural
			Retail Core—C1	Mixed Use—C2	Mixed Business—C3							
Residential Land Uses												
Ancillary Dwelling	P	REFER CLAUSE 3.3.7	X	X	X	X	X	X	X	REFER CLAUSE 3.3.7	D	D
Caretaker's Dwelling	X		X	X	I	I	I	I	X		X	I
Family Day Care	D		X	X	X	A	X	X	X		D	D
Grouped Dwelling	D		X	X	X	I	X	X	X		X	X
Home Business	A		X	X	X	X	X	X	X		A	P
Home Occupation	D		X	D	X	X	X	X	X		D	P
Multiple Dwelling	D		X	D	X	I	X	X	X		X	X
Repurposed Dwelling	D		X	X	X	I	X	X	X		D	D
Residential Building	D		X	X	X	I	X	X	X		X	D
Second-hand Dwelling	D		X	X	X	I	X	X	X		D	D
Single House	P		X	X	X	X	X	X	X		P	D
Workforce Accommodation	X		X	X	X	X	X	X	X		X	A
Tourism Land Uses												
Bed and Breakfast	A	REFER CLAUSE 3.3.7	X	X	X	D	X	X	X	REFER CLAUSE 3.3.7	A	D
Camping Ground	X		X	X	X	X	X	X	X		X	A
Caravan Park	X		X	X	X	X	X	X	X		X	X
Holiday Accommodation	A		X	X	X	D	X	X	X		X	D
Holiday House	A		X	X	X	D	X	X	X		A	D
Hotel	X		X	X	D	P	X	X	X		X	X
Motel	X		X	X	D	P	X	X	X		X	X
Nature Based Park	X		X	X	X	X	X	X	X		X	A
Serviced Apartment	X		X	D	D	P	X	X	X		X	X
Tourist Development	X		X	X	X	D	X	X	X		X	X
Commercial Land Uses												
Amusement Parlour	X	REFER CLAUSE 3.3.7	A	X	D	X	D	D	X	REFER CLAUSE 3.3.7	X	X
Betting Agency	X		A	D	X	X	X	X	X		X	X
Brewery	X		X	X	X	X	D	D	D		X	D
Bulky Goods Showroom	X		A	D	P	X	P	P	X		X	X
Child Care Premises	A		X	D	D	X	X	X	X		X	X
Cinema / Theatre	X		X	X	D	D	X	X	X		X	X
Consulting Rooms	A		D	D	X	X	X	D	X		X	X
Convenience Store	X		P	D	X	I	X	D	X		X	X
Discount Department Store	X		X	X	D	X	X	X	X		X	X
Dry cleaning premises / Laundromat	X		P	D	X	X	D	D	D		X	X
Exhibition Centre	X		A	D	X	D	X	D	X		X	P

Land Use	Residential	Urban Development							Industrial Development	
		Commercial			Tourism	Light Industry	Service Commercial	General Industry	Rural Residential	Rural
		Retail Core—C1	Mixed Use—C2	Mixed Business—C3						
Fast Food Outlet	X	D	D	X	D	X	A	X	X	X
Liquor Store—Large	X	D	D	D	X	X	A	X	X	X
Liquor Store—Small	X	D	D	D	X	X	A	X	X	X
Lunch Bar	X	P	D	X	D	D	D	D	X	X
Market	X	A	D	X	X	X	D	X	X	X
Medical Centre	X	D	D	X	X	X	D	X	X	X
Nightclub	X	A	X	X	X	A	X	X	X	X
Office	X	D	D	P	X	X	D	X	X	X
Reception Centre	X	A	A	P	D	X	D	X	X	X
Restaurant/Café	X	D	D	D	D	X	A	X	X	X
Restricted Premises	X	A	A	X	X	X	A	X	X	X
Service Station	X	X	X	X	X	D	A	D	X	D
Shop	X	P	D	X	I	X	A	X	X	X
Supermarket	X	A	X	X	X	X	X	X	X	X
Small Bar	X	A	D	X	D	X	X	X	X	X
Tavern	X	A	X	X	X	X	A	X	X	X
Veterinary Centre	X	X	X	X	X	X	A	X	X	P
Industrial Land Uses										
Fuel Depot	X	X	X	X	X	D	A	D	X	X
Garden Centre	X	X	X	X	X	D	D	X	X	D
Industry	X	X	X	X	X	X	X	P	X	X
Industry—Cottage	A	X	X	X	X	X	X	X	D	P
Industry—Extractive	X	X	X	X	X	X	X	D	X	A
Industry—Light	X	X	X	X	X	P	P	D	X	X
Industry—Primary Production	X	X	X	X	X	D	X	D	X	D
Industry—Service	X	X	X	X	X	P	P	D	X	X
Marine Filling Station	X	X	X	X	X	D	D	P	X	X
Marine Support Facility	X	X	X	X	X	X	X	A	X	X
Mining Operations	X	X	X	X	X	X	X	A	X	D
Motor Vehicle Repair	X	X	X	X	X	D	D	D	X	X
Motor Vehicle Wash	X	X	X	X	X	D	D	D	X	X
Motor Vehicle Wreckers	X	X	X	X	X	D	X	D	X	X
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	X	D	D	X	X	X
Renewable Energy Facility	X	X	X	X	X	X	X	A	X	D
Salvage Yard	X	X	X	X	X	X	X	D	X	X
Trade Display	X	X	X	X	X	D	D	X	X	X
Transport Depot	X	X	X	X	X	D	A	D	X	A
Trade Supplies	X	X	X	X	X	D	D	D	X	X
Warehouse/storage	X	X	X	X	X	P	D	P	X	X

Land Use	Residential	Urban Development	Commercial			Tourism	Light Industry	Service Commercial	General Industry	Industrial Development	Rural Residential	Rural	
			Retail Core—C1	Mixed Use—C2	Mixed Business—C3								
Rural Land Uses													
Abattoir	X	REFER CLAUSE 3.3.7	X	X	X	X	X	X	A	REFER CLAUSE 3.3.7	X	D	
Agriculture—Intensive	X		X	X	X	X	X	X	X		X	X	D
Agriculture—Extensive	X		X	X	X	X	X	X	X		X	X	P
Animal Establishment	X		X	X	X	X	X	X	X		X	X	P
Animal Husbandry—Intensive	X		X	X	X	X	X	X	X		X	X	P
Produce Stall	X		X	X	X	X	X	X	X		X	X	P
Rural Pursuit/Hobby Farm	X		X	X	X	X	X	X	X		X	X	P
Rural Pursuit/Hobby Farm	X		X	X	X	X	X	X	X		X	X	P
Community and Civic Land Uses													
Car Park	X	REFER CLAUSE 3.3.7	D	D	D	D	D	D	D	REFER CLAUSE 3.3.7	X	X	
Civic Use	X		D	D	P	X	D	D	X		X	X	
Club Premises	X		A	D	D	D	X	A	X		X	D	
Community Purpose	X		X	D	D	X	X	X	X		X	X	
Corrective Institution	X		X	X	X	X	X	X	X		X	A	
Educational Establishment	X		X	D	D	X	X	D	X		X	A	
Funeral Parlour	X		X	D	D	X	X	D	X		X	X	
Hospital	X		X	X	A	X	X	X	X		X	X	
Place of Worship	A		X	D	D	X	X	D	X		X	P	
Recreation—Private	X		X	D	D	D	D	D	X		X	D	
Telecommunications Infrastructure	A		A	A	A	A	A	A	D		A	D	
Waste Disposal Facility	X		X	X	X	X	X	X	X		X	D	
Waste Storage Facility	X		X	X	X	X	X	X	A		X	A	

3.3 Interpreting zoning table

3.3.1 The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

3.3.2 The symbols used in the zoning table have the following meanings—

P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;

D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;

X means that the use is not permitted by this Scheme.

Notes: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

3.3.3 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

3.3.4 The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table—

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

3.3.5 If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

3.3.6 If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless—

- (a) the development approval application relates to land that is being used for a non-conforming use; and
- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

3.3.7 If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land—

- (a) a structure plan;
- (b) an activity centre plan;
- (c) a local development plan.

3.4 Additional uses

3.4.1 Schedule 2 sets out—

- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that additional use.

3.4.2 Despite anything contained in the zoning table, land that is specified in Schedule 2 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

3.5 Restricted uses

3.5.1 Schedule 3 sets out—

- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that restricted use.

3.5.2 Despite anything contained in the zoning table, land that is specified in the Schedule 3 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

3.6 Special use zones

3.6.1 Schedule 4 sets out—

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
- (b) the classes of special use that are permissible in that zone; and
- (c) the conditions that apply in respect of the special uses.

3.6.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

3.7 Non-conforming uses

3.7.1 Unless specifically provided, this Scheme does not prevent—

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of development on land if—
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

3.7.2 Clause 3.7.1 does not apply if—

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

3.7.3 Clause 3.7.1 does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government—

- (a) purchases the land; or
- (b) pays compensation to the owner of the land in relation to the non-conforming use.

3.8 Changes to non-conforming use

3.8.1 A person must not, without development approval—

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

3.8.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

3.8.3 A local government may only grant development approval for a change of use of land referred to in clause 3.8.1(d) if, in the opinion of the local government the proposed use—

- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
- (b) is closer to the intended purpose of the zone in which the land is situated.

3.9 Register of non-conforming uses

3.9.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

3.9.2 A register prepared by the local government must set out the following—

- (a) a description of each area of land that is being used for a non-conforming use;
- (b) a description of any building on the land;
- (c) a description of the non-conforming use; and
- (d) the date on which any discontinuance of the non-conforming use is noted.

3.9.3 If the local government prepares a register under clause 3.9.1 the local government—

- (a) must ensure that the register is kept up-to-date; and
- (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
- (c) may publish a copy of the register on the website of the local government.

3.9.4 An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

3.10 Zone objectives and site and development requirements

3.10.1 Residential zone

3.10.1.1 The objectives of the Residential zone are as follows—

- (a) To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- (b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- (c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

3.10.1.2 The site and development requirements of the Residential zone are as follows—

Except as otherwise provided in this Scheme, all development within the Residential zone shall comply with the relevant provisions of the R-Codes.

3.10.2 Urban Development zone

3.10.2.1 The objectives of the Urban Development zone are as follows—

- (a) To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.
- (b) To provide for a range of residential densities to encourage a variety of residential accommodation.
- (c) To provide for the progressive and planned development of future urban areas for residential purposes and other uses normally associated with residential development.
- (d) To identify areas where a structure plan, activity centre plan or local development plan are required.

3.10.2.2 The site and development requirements of the Urban Development zone are as follows—

The local government shall not—

- (a) recommend approval to any subdivision application; or
- (b) approve any development application;

unless a Structure Plan in respect of the area the subject of the application, has been prepared and approved in accordance with Part 4 of the deemed provisions, and the application shall be generally in accordance with the Structure Plan.

3.10.2.3 Notwithstanding clause 3.10.2.2, the local government may approve the development of land within the Urban Development zone prior to a structure plan, prepared in accordance with Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the future structure planning in the area.

3.10.3 Commercial zone

3.10.3.1 The Commercial zone comprises three distinct areas—

- (a) Retail Core—C1;
- (b) Mixed Use—C2; and
- (c) Mixed Business—C3,

as shown on the Scheme Maps.

3.10.3.2 The objectives of the Commercial zone are as follows—

- (a) To provide for a range of shops, offices, restaurants and other commercial outlets in defined town sites or activity centres;
- (b) To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or improve the existing streetscape;
- (c) To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality;

3.10.3.3 The general development requirements applicable to the whole of the Commercial zone are as follows—

- (a) Wherever development abuts public areas, including roads and car parks it shall be designed to address the space and establish an 'urban edge' to provide natural surveillance and allow casual interaction between the development and the public space.
- (b) Development shall have entries addressing the street through elements such as verandahs or other design features.
- (c) Building design shall provide a clear expression of the architectural style envisaged for the overall site including height, colour, texture, external material, roof pitch and character as defined by the *Exmouth Town Centre and Foreshore Revitalisation Plan*. Buildings must provide one or more of the following elements in the street elevation—
 - (i) Variation in roof form;
 - (ii) Horizontal articulation of the façade; and
 - (iii) Verandahs.
- (d) Formal modulation shall be sought through placement of windows and openings, balconies and material changes to the street and open spaces.
- (e) Development shall make satisfactory provision for—
 - (i) Bin storage areas that can be serviced by rubbish trucks within the property and/or the verge immediately adjoining the property; and
 - (ii) Service access to the rear of a commercial use for the purpose of loading and unloading of goods.
- (f) Floor levels of ground floors should match the level of abutting footpaths, subject to drainage and flooding requirements.

3.10.3.4 Retail Core—C1

The site requirements of the Retail Core—C1 area are as follows—

- (a) The minimum building setbacks shall be—
 - (i) Street: Nil.
 - (ii) Side: Nil.
 - (iii) Rear: At the discretion of the local government.
- (b) The minimum lot size shall be 120m².

3.10.3.5 The specific development requirements of the Retail Core—C1 area are as follows—

- (a) Active commercial and/or civic uses shall be located on the ground floor at the discretion of the local government.
- (b) Building height shall be a maximum of 12 metres and the maximum wall height shall be 9.75 metres above natural ground level.
- (c) Development shall where practical provide pedestrian shelter, a minimum of 2 metres wide over the road verge in the form of an awning, canopy, balcony or verandah and shall be designed to appear as thin, lightweight elements. Bull nose verandahs shall not be permitted.

- (d) Any structure proposed in accordance with clause 3.10.3.5(c) shall be cantilevered with no supporting structures permitted in the public realm.
- (e) The minimum clearance from ground level for any structure overhanging a footpath is 2.75 metres. Signage suspended beneath an overhanging structure shall have a minimum clearance of 2.4 metres.
- (f) Provision and maintenance of overhanging structures is the responsibility of the building owner.

3.10.3.6 Mixed Use—C2

The site requirements of the Mixed Use—C2 area are as follows—

- (a) With the exception of land abutting Murat Road, the minimum building setbacks shall be—
 - (i) Primary Street: 4.5 metres.
 - (ii) Rear: 3 metres.
 - (iii) Side: At the discretion of the local government.

Where land abuts Murat Road, setbacks shall be at the discretion of the local government.

- (b) The minimum lot size shall be 180m².

3.10.3.7 The specific development requirements of the Mixed Use—C2 area are as follows—

- (a) Commercial and/or civic uses shall occupy the ground floor of any development. Upper floor uses shall be residential.
- (b) Building height shall be a maximum of 9 metres and the maximum wall height shall be 7 metres above natural ground level.
- (c) For land on the corners of Murat Road and Maidstone Crescent the local government shall allow a variation to the maximum height prescribed by clause 3.10.3.7(b) to enable building elements with increased height to draw attention to its location.
- (d) Residential development shall comply with the R40 Density Code, unless otherwise provided for by the Scheme.
- (e) Every residential dwelling shall have direct access from a habitable room to an open balcony with a minimum area of 3m².
- (f) Each dwelling shall have a balcony facing the primary road or public open space and may project up to 1 metre into the front setback.
- (g) The first 1.5 metres of the primary street setback area and 1 metre of the secondary street setback area shall be landscaped, excluding any crossover.
- (h) Fencing—
 - (i) Side/Rear: maximum height 1.8 metres excluding the front setback area.
 - (ii) Front Setback Area: maximum height 0.9 metres high on the side boundary only.
 - (iii) Fencing shall not be permitted in any other area except as required by regulation, or for internal security purposes.

3.10.3.8 Mixed Business—C3

The site requirements of the Mixed Business—C3 area are as follows—

- (a) The minimum building setbacks shall be—
 - (i) Primary Street: 4.5 metres.
 - (ii) Rear/Side: At the discretion of the local government.
- (b) Where a boundary abuts public open space the minimum setback shall be 1 metre for a minimum of 50% of the length of building, and a nil setback may be permitted for the remainder.

3.10.3.9 The specific development requirements of the Mixed Business—C3 area are as follows—

- (a) Building height shall be a maximum of 9 metres and the maximum wall height shall be 6.5 metres above natural ground level.
- (b) The local government may require a Structure Plan to be prepared and approved in accordance with Part 4 of the deemed provisions, or a Local Development Plan to be prepared and approved in accordance with Part 6 of the deemed provisions, prior to considering an application for development approval or recommending approval to any subdivision application. Any structure plan or local development plan shall have due regard to the intent of the *Exmouth Town Centre and Foreshore Revitalisation Plan*.
- (c) The minimum net lettable area for bulky goods showroom use shall be 400m².
- (d) Upper level balconies may project up to 1 metre into the primary street setback.
- (e) The first 1.5 metres of the primary street setback and 1 metre of the secondary street setback area shall be landscaped, excluding any crossover.
- (f) Fencing height and style shall be at the discretion of the local government.

3.10.4 Tourism zone

3.10.4.1 The objectives of the Tourism zone are as follows—

- (a) To promote and provide for tourism opportunities.
- (b) To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist

accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.

- (c) To allow limited residential uses where appropriate.
- (d) To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

3.10.4.2 The site requirements of the Tourism zone are as follows—

All development shall comply with the following site requirements—

- (a) Setbacks—
 - (i) For short-term accommodation and residential development—in accordance with the R40 Density Code.
 - (ii) For uses other than short-term accommodation and residential development, as determined by the local government.
- (b) Lot Sizes—
 - (i) For short-term accommodation and residential development—in accordance with the R40 Density Code.
 - (ii) For uses other than short-term accommodation and residential development, as determined by the local government.

3.10.4.3 The development requirements of the Tourism zone are as follows—

- (a) Development shall not exceed 9 metres in height above natural ground level, except where—
 - (i) A Structure Plan specifies otherwise, in which case the height limit specified by the Structure Plan shall apply; or
 - (ii) The local government considers that particular circumstances warrant an exception being made and provided the objectives of the Tourism zone are not compromised.
- (b) In considering an application for development approval the local government will, pursuant to clause 67 of the deemed provisions, have regard to the following—
 - (i) The colour and texture of external building materials, the local government may require the building facade and side walls to a building depth of 3 metres to be constructed in masonry and/or glass material or similar;
 - (ii) Building size, height, bulk, roof pitch;
 - (iii) Setback and location of the building on its lot;
 - (iv) Architectural style and design details of the building;
 - (v) Function of the building;
 - (vi) Relationship to surrounding development; and
 - (vii) Other characteristics considered by the local government to be relevant.
- (c) Landscaping shall be provided to complement the appearance of the proposed development. The local government shall require a landscaping plan to be submitted and approved prior to commencement of development.
- (d) All development shall be in accordance with the local government's adopted colour palette.
- (e) The local government may approve permanent residential accommodation as part of a tourist development that involves—
 - (i) A new tourist development; or
 - (ii) A substantial refurbishment of an existing tourist development, provided that the predominant use of the site remains for short-term accommodation and other tourism uses, and provides for a high quality tourism outcome or tourism benefit.
- (f) Tourist development shall comply with the minimum and average lot sizes as per the R40 Density Code.
- (g) For the purpose of determining an application under clause 3.10.4.3(e) the local government may permit up to a maximum 40% of the total gross floor area of the development, excluding commercial areas and communal tourism facilities, to be utilised for permanent residential accommodation, having regard for the following—
 - (i) The overall size of the development site;
 - (ii) The need to protect sufficient area to accommodate the long term tourism needs of the locality;
 - (iii) The extent to which the area of highest tourism value is protected for tourism use;
 - (iv) The effectiveness of site design and architectural treatment in ensuring a high quality of development, and the preservation of the tourism values of the site;
 - (v) Physical infrastructure and services, including consideration of the urban infrastructure requirements of permanent residents;
 - (vi) The degree to which the scale and design of the site complements the surrounding landscape and character of the area, with the tourism component given priority in those areas of highest tourism amenity, such as the coastal locations or land with panoramic views;

- (vii) The integration between residential and tourism uses and the management structure of the tourism component; and
- (viii) The protection of residential amenity through careful design to maximise tourism value and minimise disturbance and conflicts between land uses.
- (h) Strata Titling will only be supported subject to development demonstrating a consistent architectural design theme for the overall site, and appropriate management arrangements, via a management statement, including a maximum length of stay provision of three (3) months in any twelve (12) month period applied to the short-term accommodation component on all developments.
- (i) Where the local government approves development pursuant to clause 3.10.4.3(e) occupancy of the residential accommodation will not be permitted until the short-term accommodation and associated facilities are operational.
- (j) Where development approved pursuant to clause 3.10.4.3(e) is to be staged, the proportion of residential development shall, at no stage, exceed the proportion as approved for the whole development.

3.10.5 General Industry zone

3.10.5.1 The objectives of the General Industry zone are as follows—

- (a) To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.
- (b) To accommodate industry that would not otherwise comply with the performance standards of light industry.
- (c) Seek to manage impacts such as noise, dust and odour within the zone.

3.10.5.2 The site requirements of the General Industry zone are as follows—

All development shall comply with the following site requirements—

- (a) Minimum Lot Size: 2,500m².
- (b) Setbacks—
 - (i) Primary Street: 7.5 metres.
 - (ii) Side/Rear: As determined by the local government.

3.10.5.3 The development requirements of the General Industry zone are as follows—

- (a) The local government may require a Structure Plan to be prepared and approved in accordance with Part 4 of the deemed provisions, prior to recommending approval to any subdivision application if considered necessary for the purposes of orderly and proper planning.
- (b) Suitable manoeuvring space shall be provided so that all vehicles can enter and exit the site in a forward gear.
- (c) Landscaping shall be provided along the street frontage for a distance of not less than 1 metre from the street boundary excluding any crossover.
- (d) In considering an application for development approval the local government will, pursuant to clause 67 of the deemed provisions, have regard to the following—
 - (i) The potential for emissions to be produced and proposed control measures;
 - (ii) On-site effluent and trade waste disposal;
 - (iii) Drainage and stormwater management;
 - (iv) Buffer requirements between the proposed industry and surrounding land uses;
 - (v) The impact of the proposal on visual amenity, having regard for proposed landscaping and clearing of existing vegetation;
 - (vi) Measures proposed to manage emergency events including fire and cyclones; and
 - (vii) Hours of operation,

and may impose appropriate conditions, on advice from the relevant authorities, including the preparation and approval of a Management Plan, prior to the commencement of the proposed use, to address any of the matters listed or any other matter, as may reasonably be required.

3.10.6 Industrial Development zone

3.10.6.1 The objectives of the Industrial Development zone are as follows—

- (a) To designate land for future industrial development.
- (b) To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.

3.10.6.2 The site and development requirements of the Industrial Development zone are as follows—

- (a) The local government shall not—
 - (i) recommend approval to any subdivision application; or
 - (ii) approve any development application;

unless a Structure Plan in respect of the area the subject of the application, has been prepared and approved in accordance with Part 4 of the deemed provisions, and the application shall be generally in accordance with the Structure Plan.

- (b) Notwithstanding clause (a), the local government may approve the development of land within the Industrial Development zone prior to a structure plan, prepared in accordance with Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the future structure planning in the area.

3.10.7 Light Industry zone

3.10.7.1 The objectives of the Light Industry zone are as follows—

- (a) To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.
- (b) To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

3.10.7.2 The site requirements of the Light Industry zone are as follows—

All development shall comply with the following site requirements—

- (a) Minimum Lot Size: 1,500m².
- (b) Setbacks—
- (i) Primary Street: 7.5 metres.
- (ii) Side/Rear: As determined by the local government.

3.10.7.3 The development requirements of the Light Industry zone are as follows—

- (a) The local government may require a Structure Plan to be prepared and approved in accordance with Part 4 of the deemed provisions, prior to recommending approval to any subdivision application if considered necessary for the purposes of orderly and proper planning.
- (b) Development shall not exceed a 7 metre wall height and 9 metre roof height, above natural ground level.
- (c) Suitable manoeuvring space shall be provided so that all vehicles can enter and exit the site in a forward gear.
- (d) Landscaping shall be provided along the street frontage for a distance of not less than 1 metre from the street boundary excluding any crossover.
- (e) Strata title subdivision shall not be permitted.

3.10.8 Service Commercial zone

3.10.8.1 The objectives of the Service Commercial zone are as follows—

- (a) To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.
- (b) To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.
- (c) Provide for residential living to enable business owners to live and work on the same premises.

3.10.8.2 The site requirements of the Service Commercial zone are as follows—

All development shall comply with the following site requirements—

- (a) Minimum Lot Size: 2,000m².
- (b) Setbacks—
- (i) Primary Street: 6 metres.
- (ii) Side/Rear: As determined by the local government.

3.10.8.3 The development requirements of the Service Commercial zone are as follows—

- (a) The local government may require a Structure Plan to be prepared and approved in accordance with Part 4 of the deemed provisions, prior to recommending approval to any subdivision application if considered necessary for the purposes of orderly and proper planning.
- (b) Development shall not exceed a 7 metre wall height and 9 metre roof height, above natural ground level.
- (c) Suitable manoeuvring space shall be provided so that all vehicles can enter and exit the site in a forward gear.
- (d) Landscaping shall be provided along the street frontage for a distance of not less than 1 metre from the street boundary excluding any crossover.
- (e) The local government may approve a caretaker's dwelling in addition to a non-residential use on a lot subject to the requirements specified in clause 4.16.
- (f) A caretaker's dwelling shall be located behind the non-residential use maintaining a minimum separation distance of 5 metres, such that the non-residential use has direct interface with the street, unless otherwise determined by a Structure Plan.

3.10.9 Rural Residential zone

3.10.9.1 The objectives of the Rural Residential zone are as follows—

- (a) To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
- (b) To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
- (c) To provide for lot sizes in the range of 1 ha to 4 ha.

3.10.9.2 The general development requirements of the Rural Residential zone are as follows—

- (a) The local government will not recommend approval to any subdivision application unless a Structure Plan in respect of the area the subject of the application, has been prepared and approved pursuant to Part 4 of the deemed provisions and the application shall be generally in accordance with the Structure Plan.

- (b) All development shall be in accordance with the local government's adopted colour palette.

- (c) The following shall apply to all new subdivision and development of land in the Rural Residential zone—

- (i) Not more than one building envelope is permitted per lot.
- (ii) The maximum wall height of any dwelling shall be 6 metres from the minimum required finished floor level, except where there is no minimum required finished floor level the maximum wall height shall be measured from the point where the wall directly intersects with natural ground level.
- (iii) The minimum floor area of any dwelling, including verandahs, shall be 150m².
- (iv) All external building materials, including roofs shall be of a non-reflective material.
- (v) Strategic firebreaks remain the responsibility of the owner within whose lot the firebreak is situated.
- (vi) The internal power supply line to the dwelling is to be provided underground.
- (vii) Fencing of, and within, the building envelope is only permitted where the fencing is of a form and type approved by the local government. In this regard, the local government will only approve open styles of fencing which have low visual impact.
- (viii) Unless otherwise specified, boundary fencing is permitted, however it must be of an open rural style to the satisfaction of the local government.
- (ix) On-site effluent disposal shall be located within the building envelope and is to be provided to the specification and satisfaction of the local government.
- (x) Clearing of vegetation within a building envelope shall only be permitted for the construction of a dwelling and associated outbuildings, clearing for yard areas and the immediate curtilage of buildings, installation of effluent disposal systems, fire protection zone or the establishment of other uses as approved by the local government.
- (xi) Clearing of vegetation outside of the building envelope for any purpose is prohibited, except in the following circumstances—
 - (a) A driveway to the building envelope. The maximum width of any driveway shall be 3 metres. Any driveway shall be constructed of local materials which are complementary in colour to the natural landscape. Driveways should follow the natural contour of the land and should avoid significant vegetation to minimise visual impact;
 - (b) Strategic firebreaks or other fire management requirements as defined in the Structure Plan or associated Fire Management Plan; and
 - (c) Provision of underground services.
- (xii) In order to enhance the rural amenity of the land in areas which are, in the opinion of the local government, deficient in vegetation cover, the local government may require, as a condition of any development approval, additional vegetation planting.
- (xiii) The keeping of livestock shall not exceed standards of good animal husbandry as determined by the local government with advice from the Department of Primary Industries and Regional Development.
- (xiv) The maximum width of crossovers at the front lot boundary shall be 3 metres.

3.10.9.3 RR 1—Preston Street

- (a) The special site requirements of RR1—Preston Street are as follows—

All development shall comply with the following site requirements—

- (i) Setbacks—
 - (a) Primary Street: 20 metres.
 - (b) Side/Rear: 10 metres.
- (ii) The minimum lot size shall be 1 hectare.

3.10.10 Rural zone

3.10.10.1 The objectives of the Rural zone are as follows—

- (a) To provide for the maintenance or enhancement of specific local rural character.

- (b) To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
 - (c) To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
 - (d) To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
 - (e) To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
- 3.10.10.2 The site requirements of the Rural zone are as follows—
- (a) Setbacks: As determined by the local government.

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

4.1 R-Codes

4.1.1 The R-Codes, modified as set out in clause 4.2, are to be read as part of this Scheme.

4.1.2 The local government—

- (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of the R-Codes on the website of the local government.

4.1.3 The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map, unless otherwise provided for in this Scheme.

4.1.4 The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with clause 4.1.3, or in a provision of the Scheme that applies the R-Codes.

4.2 Modification of R-Codes

4.2.1 The following variations and exclusions to the R-Codes shall apply—

- (a) The definition of Open Space is varied to permit up to 70m², or 10 per cent of the site area whichever is the lesser, to be covered by verandahs, patios or other such structures not more than 0.5 metres above natural ground level, unenclosed on at least two sides; and
- (b) Other variations as specified in clause 4.8.

4.3 State Planning Policy 3.6 to be read as part of Scheme

4.3.1 State Planning Policy 3.6—Development Contributions for Infrastructure, modified as set out in clause 4.4, is to be read as part of this Scheme.

4.3.2 The local government—

- (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

4.4 Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

4.5 Other State planning policies to be read as part of Scheme

There are no other State planning policies that are to be read as part of the Scheme.

4.6 Modification of State planning policies

There are no modifications to a State planning policy that, under clause 4.5 are to be read as part of the Scheme.

4.7 Environmental conditions

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

4.8 Additional site and development requirements

4.8.1 The following provisions in this clause 4.8 set out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

4.8.2 To the extent that a requirement referred to in clause 4.8.1 is inconsistent with a requirement in the R-Codes, an Activity Centre Plan, a Local Development Plan or a State or Local Planning Policy, the requirement referred to in clause 4.8.1 prevails.

4.8.3 Ancillary dwelling site and development requirements are as follows—

The deemed-to-comply provisions of the R-Codes in relation to ancillary dwellings are varied by inclusion of the following provisions in clause 4.8.3(a)-(d) inclusive—

- (a) A maximum of one ancillary dwelling may be permitted per lot.
- (b) The maximum plot ratio area for an ancillary dwelling is 100m².
- (c) Green title, survey strata or strata subdivision of a lot containing an ancillary dwelling is not permitted if it will result in the ancillary dwelling being on a separate lot.

- (d) The appearance, colours, roof pitch and construction standard of the ancillary dwelling shall be similar to, or better than, the main dwelling.

4.8.4 Outbuildings additional site and development requirements are as follows—

The deemed-to-comply provisions of the R-Codes in relation to outbuildings are varied by inclusion of the following provisions in clause 4.8.4(a)-(d) inclusive—

- (a) Outbuildings in the Residential zone on any lot shall not exceed a collective floor area of 90m², with a maximum wall height to the top of the external wall (roof above) and top of external wall (concealed roof) of 3.6 metres and a maximum ridge height of 4.5 metres, in each case measured from natural ground level.
- (b) Outbuildings in the Rural Residential zone shall not have a floor area collectively in excess of 150m², and shall have a maximum wall height top of external wall (roof above) and top of external wall (concealed roof) of 3.8 metres and maximum ridge height of 4.8 metres, in each case measured from natural ground level.
- (c) Outbuildings shall not be located in front of any dwelling and, where possible, should be sited at the rear of the lot.
- (d) Commencing the development of an Outbuilding is not permitted until such time as the development of a dwelling within the same lot has been substantially commenced, which includes the development of the dwelling pad, footings and all walls and/or frame.

4.9 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

There are no additional requirements that apply to this Scheme.

4.10 Sea containers

4.10.1 Development Approval is required for the placement of a Sea Container on a lot except where it is—

- (a) fully enclosed within a building;
- (b) associated with the loading or unloading of containers for shipping, provided that the container does not remain on the lot for more than seven (7) days; or
- (c) to be used for storage of plant, machinery or building equipment where a building licence is current and construction is taking place, provided that the Sea Container shall be removed within 14 days of completion of construction.

4.10.2 Unless otherwise provided for by this Scheme, Sea Containers are not permitted in zones that are not listed in Table 2 set out in clause 4.10.3.

4.10.3 The local government may grant development approval for the placement of Sea Containers subject to the following limits—

Table 2 Sea Containers

Zone	Maximum Number of Sea Containers	Maximum Length (m)
Service Commercial; and Rural Residential	2	12
Light Industry; and Special Use Zone 1 (Composite Development Precinct)	5	20
General Industry; and Rural	At the discretion of the local government	At the discretion of the local government

4.10.4 Where considered necessary by the local government, Sea Containers shall be adequately screened from the street and shall not be located over existing utilities and services.

4.10.5 Where Sea Containers have fallen into disrepair or become unsightly at the discretion of local government, they shall be removed from the lot or suitably upgraded.

4.11 Workforce accommodation

4.11.1 A Workforce Accommodation unit may take the form of a self-contained unit, mining camp-style unit or caravan.

4.11.2 Each Workforce Accommodation unit shall contain no more than one (1) bedroom.

4.11.3 Workforce Accommodation that contains more than one unit shall be centrally managed as a single complex.

4.11.4 No directional signs associated with Workforce Accommodation shall be permitted.

4.11.5 Laundry, sanitary and ablution facilities shall be provided or accessible within the lot.

4.11.6 A management statement is required to be submitted with a Development Application for Workforce Accommodation. The management statement shall be prepared, and approved to the satisfaction of the local government. The management statement shall be clearly displayed in the Workforce Accommodation. The management statement shall detail—

- (a) maintenance;
- (b) site access;
- (c) emergency management;
- (d) security; and
- (e) occupant rules.

4.11.7 Workforce Accommodation shall have external colours consistent with the local government's adopted colour palette.

4.11.8 Pursuant to clause 67 of the deemed provisions, Development Approval granted for Workforce Accommodation shall be valid for a maximum period of 3 years, except where the Workforce Accommodation is a caravan, approval is valid for a maximum period of 4 months.

4.12 Amenity control of non-residential buildings and structures

4.12.1 The local government has discretion to require development approval for the erection or extension of non-residential buildings and structures. In determining an application for a non-residential building or structure, the local government will have regard (and may require conditions relating) to the following matters—

- (a) The condition of the structure and/or method of construction in terms of structural adequacy;
- (b) Recladding or replacement of external walls and roofs;
- (c) Replacement of any external fixtures such as balustrades, doors, windows, downpipes and services;
- (d) External painting of walls, window frames or doors;
- (e) Verandahs, awnings or other building façade treatments to improve architectural design and streetscape compatibility.

4.13 Repurposed dwelling or second-hand dwelling

4.13.1 In determining an application for a Repurposed Dwelling or Second-hand Dwelling, the local government will have regard to the following matters—

- (a) The objectives of the relevant zone;
- (b) The ability of the built form including roof pitch, eaves, colours, material and architectural details to complement the expected character of the locality;
- (c) The potential for negative visual impact or conflict with any established streetscape and character of the locality;
- (d) Any proposed upgrading, alterations and additions which will enhance the elevations and architectural detail of proposed development;
- (e) Potential glare from reflective materials;
- (f) The potential for existing or proposed landscaping and vegetation to mitigate visual impacts of the development;
- (g) Landscape protection and landscape characteristics of the locality.

4.14 Floodlighting

No person shall erect, install or maintain any floodlighting, spotlight or other forms of lighting for any purpose, unless the emission of light from such devices is oriented or controlled so as not to interfere with the amenity of any adjacent locality, nor cause a traffic hazard in the nearby street system.

4.15 Development fronting Murat Road

4.15.1 For land fronting onto Murat Road, unless otherwise provided for by the Scheme, Activity Centre Plan, a Structure Plan or Local Development Plan, the following provisions apply—

- (a) The dual use footpath alignment shall take precedence over any vehicle crossover.
- (b) Vehicle access, manoeuvring and car parking spaces shall be constructed of concrete, asphalt and/or bitumen surface.
- (c) A maximum of one (1) 12 metre wide crossover is permitted from Murat Road per each non-residential lot and shall be sealed. In the case of corner lots, access shall be provided from the Secondary Street and not Murat Road.
- (d) Manoeuvring area shall be provided within the lot for all vehicles to enter and exit the lot in a forward gear.
- (e) Weather protection shall be provided to all public entries.
- (f) Maximum permissible fill shall be 0.5 metres above natural ground level.
- (g) Development shall have entries that address the street through elements such as entry porticos, feature canopies or other design features.
- (h) Formal modulation shall be sought through placement of windows and openings, balconies and material changes to the street.
- (i) All necessary rubbish bin areas, drying areas and similar facilities and services to be screened from public roads.
- (j) Development shall be capable of accommodating bin storage areas that can be serviced by rubbish trucks within the property and/or the verge immediately adjoining the property.
- (k) The building height for any development shall be a maximum wall height of 6 metres and maximum pitched roof height of 9 metres, above natural ground level.
- (l) Landscaping within the Murat Road setback shall be a minimum of 1.5 metres.
- (m) Minimum setbacks from Murat Road shall be 6 metres.
- (n) Side and rear setbacks shall be at the discretion of the local government.

4.16 Caretaker's dwelling

4.16.1 The provisions of this clause shall apply to all Caretaker's Dwellings—

- (a) A Caretaker's Dwelling shall not be developed and occupied on a lot until that lot has been developed and is being used for the predominant industrial/commercial use.
- (b) If the predominant industrial/commercial use ceases to exist, the Caretaker's Dwelling must be vacated by the occupier.
- (c) Caretaker's dwellings should be carefully sited and constructed so the potential site (or estate) impacts from noise, dust, odour or amenity are minimised.
- (d) Only one (1) Caretaker's Dwelling is permitted on a lot.
- (e) Subdivision of a Caretaker's Dwelling is not permitted for strata or freehold subdivision.
- (f) A Caretaker's Dwelling shall be screened and/or fenced from the street to the satisfaction of the local government, and shall be sited at the rear of the lot behind the predominant industrial/commercial use.
- (g) A Caretaker's Dwelling shall have a maximum floor area of 100m², measured from the external face of walls.
- (h) Open verandahs and carports attached to a caretaker's dwelling may be permitted but shall not be enclosed by any means unless the total floor area remains within a maximum of 100m² in accordance with clause 4.16.1(g) above.
- (i) Swimming pools and outbuildings associated with a Caretaker's Dwelling shall be not permitted.
- (j) A Caretaker's Dwelling shall be a fully detached separate building from the predominant non-residential use and cannot be located within part of any structure or building.

4.16.2 Caretaker's Dwelling applications are required to demonstrate, to the satisfaction of the local government—

- (a) the necessity for a caretaker on the site;
- (b) there will not be an unacceptable health risk to the caretaker;
- (c) that the provision of a Caretaker's Dwelling will not compromise the lawful operations of lawfully established surrounding land uses, nor prejudice future surrounding land use that could reasonably be expected to be lawfully established; and
- (d) A written undertaking by the property owner in the form of a Statutory Declaration acknowledging that the occupants of the caretaker's dwelling accept that they are not entitled to the same enjoyment, health standards and noise levels as would normally be associated with an area designated and/or zoned for residential purposes.

4.17 Holiday accommodation / holiday house

4.17.1 Holiday Accommodation and Holiday House shall not be permitted in the Skipjack Circle subdivision.

4.17.2 Holiday Accommodation and Holiday House applications shall comply with the following occupancy requirements—

- (a) any room in the building that is not a bedroom shall not be used for sleeping purposes;
- (b) for every person over the age of 10 years using a habitable room for sleeping purposes there shall be least 14 cubic metres of air space per person; and
- (c) for every person between the ages of 1 and 10 years using a habitable room for sleeping purposes there shall be at least 8 cubic metres of air space per person.

4.17.3 Notwithstanding clause 4.17.2 the maximum occupancy of any dwelling used for a 'Holiday House' or 'Holiday Accommodation' shall be 12 persons of all ages.

4.17.4 A Site Plan shall be included with any development application and shall clearly designate parking areas.

4.17.5 One (1) advertisement may be provided at the premises, in accordance with clause 4.31 and the following standards—

- (a) The advertisement shall be a maximum dimension of 450 millimetres in height, length of 450 millimetres, not exceeding 0.2 square metres in size;
- (b) The advertisement shall be securely fixed to a fence or building within the lot, displayed in a position within the property boundary visible from the primary street; and
- (c) The advertisement shall only state the—
 - (i) The name/address of the premises; and
 - (ii) The caretaker's or manager's contact details.

4.17.6 A management statement shall be prepared to the satisfaction of the local government and submitted with a Development Application. The management statement shall detail—

- (a) Operation Management;
- (b) Rubbish collection;
- (c) Maintenance;
- (d) Noise
- (e) Emergency contacts;

- (f) Security; and
- (g) Occupant rules.

The management statement shall be clearly displayed in the dwelling.

4.17.7 An emergency response plan shall be prepared to the satisfaction of the local government submitted with a Development Application. The emergency response plan shall detail—

- (a) Fire escape route;
- (b) Location of fire extinguishers; and
- (c) Emergency contacts.

The emergency response plan shall be clearly displayed in the dwelling.

4.17.8 The Holiday Accommodation or Holiday House shall be managed by a local caretaker/manager living and readily contactable within 10 minutes of the property.

4.17.9 A fire extinguisher is required in a clearly visible location in the premises at all times, and is required to be maintained in proper working order and marked on the emergency response plan.

4.17.10 The Holiday Accommodation or Holiday House shall provide at least two (2) rubbish bins where the total number of occupants is 10 or less. Where there are 10 or more occupants at least three (3) rubbish bins must be provided.

4.17.11 Unless the local government determines otherwise, any approval granted for such a development will be granted for a limited period of one (1) year, renewed by way of further annual application prior to the expiration of that time period.

4.17.12 In considering a renewal of an approval, the local government shall have regard to—

- (a) The applicant's compliance with conditions of the original approval and the approved Management Statement; and
- (b) Any record of complaint received by the local government during the last approval period.

4.18 Bed and breakfast

4.18.1 The bedrooms and amenities to be utilised by guests are to be provided under the main roof and physically connected to the main dwelling by common wall.

4.18.2 The host shall permanently reside in the dwelling/single house approved for a Bed and Breakfast, and provide breakfast to guests.

4.18.3 Guest access to a kitchen for the preparation of meals shall not be permitted.

4.18.4 A fire extinguisher is required in a clearly visible location in the premises at all times, and is required to be maintained in proper working order and marked on the emergency response plan.

4.18.5 Separate bathroom and toilet facilities shall be provided for guests.

4.18.6 The host shall maintain a guest register that shall be made available for inspection upon request.

4.18.7 One (1) advertisement may be provided at the premises, in accordance with clause 4.31.3 and the following standards—

- (a) The advertisement shall be a maximum dimension of 450 millimetres in height, length of 450 millimetres, not exceeding 0.2 square metres in size;
- (b) The advertisement shall be securely fixed to a fence or building within the lot, displayed in a position within the property boundary visible from the primary street; and
- (c) The advertisement shall only state the—
 - (i) The name/address of the premises; and
 - (ii) The caretaker's or manager's contact details.

4.18.8 A management statement shall be submitted with a Development Application for Bed and Breakfast. The management statement shall be prepared to the satisfaction of the local government. The management statement shall be clearly displayed in the Bed and Breakfast. The management statement shall detail—

- (a) Operational Management;
- (b) Rubbish collection;
- (c) Maintenance;
- (d) Noise;
- (e) Emergency contacts;
- (f) Security; and
- (g) Occupant rules.

4.18.9 An emergency response plan shall be submitted with a Development Application for Bed and Breakfast. The emergency response plan shall be prepared to the satisfaction of the local government. The emergency response plan shall be clearly displayed in the Bed and Breakfast. The emergency response plan shall detail—

- (a) Fire escape route;
- (b) Location of fire extinguishers; and
- (c) Emergency contacts.

4.18.10 Unless the local government determines otherwise, any approval for a Bed and Breakfast will be granted for a limited period of one (1) year, renewed by way of further annual application prior to the expiration of that time period.

4.18.11 In considering a renewal of an approval, the local government shall have regard to—

- (a) The applicant's compliance with conditions of the original approval and the approved Management Statement; and
- (b) Any record of complaint received by the local government during the last approval period.

4.18.12 If, in the opinion of the local government, a Bed and Breakfast is causing a nuisance or annoyance to owners or occupiers of land in the locality the local government may—

- (a) revoke the approval; or
- (b) issue a notice to the occupier of the land in respect of which the approval is issued specifying measures to be undertaken to cease the nuisance or annoyance.

4.19 Nature based parks

4.19.1 Nature Based Park applications shall only be supported in approved surveyed lots/areas.

4.19.2 Nature Based Park applications shall be referred to the Department of Biodiversity, Conservation and Attractions and may be required to address in addition to clause 67 of the deemed provisions, to the satisfaction of local government—

- (a) Public access/to and from proposed location;
- (b) Flora and Fauna Surveys;
- (c) Biodiversity Protection and Quarantine Management Plans;
- (d) Foreshore Management Plans;
- (e) Emergency Management Plans covering bushfires and cyclones; and
- (f) Flood Studies.

4.19.3 The Nature Based Park use must be incidental to the rural use of the land, unless special provisions in the Scheme, allow otherwise.

Note: Nature Based Park applications are required to be in accordance with the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulations 1997*.

4.20 Potable water supply

4.20.1 The Local Government will not support subdivision or, where applicable grant development approval, for residential dwellings unless it is demonstrated, to the local government's satisfaction that all dwellings will—

- (a) be connected to an approved reticulated water supply; or
- (b) have access to an approved alternative supply of potable water with on-site storage. A roof catchment water supply shall only be approved if it is connected into a water tank having a minimum capacity of 92,000 litres.

4.20.2 Where, in addition to the requirements of clause 4.20.1(b) for a supply of potable water for any dwelling, additional water supplies are required for fire fighting and secondary purposes, the capacity of the rainwater catchment tank shall be a minimum of 135,000 litres and shall be fitted with a standard 50mm camlock valve.

4.20.3 Where the local government has approved a potable water supply other than from the reticulated water supply network, the local government shall require that any sampling, analysis and/or treatment of the supply and storage shall be undertaken by the applicant to the satisfaction of the local government, in consultation with the Department of Health.

4.21 Home occupation and home business

4.21.1 An approval to conduct a Home Occupation or a Home Business is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person, and shall not to be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation or home business approval is issued the approval is cancelled.

4.21.2 The hours of operation shall be limited to the normal business hours of 8am to 5pm Monday to Saturday.

4.21.3 Following the issue of a development approval, the applicant must then obtain a Home Occupation or a Home Business Permit from the local government. The Home Occupation or Home Business cannot operate without a current permit.

4.21.4 If, in the opinion of the local government, a Home Occupation or Home Business is causing a nuisance or annoyance to owners or occupiers of land in the locality the local government may—

- (a) revoke the approval; or
- (b) issue a notice to the occupier of the land in respect of which the approval is issued specifying measures to be undertaken to cease the nuisance or annoyance.

4.21.5 A Home Occupation and Home Business shall—

- (a) not entail more than two (2) clients or customers travelling to and from the dwelling at any time;
- (b) not involve the penetration of skin (including body piercing, tattooing and electrolysis) which has specific health requirements that require monitoring and regulation;

- (c) not involve the hire of any vehicle, trailer, boat, or caravan;
- (d) not involve the use of a commercial vehicle; and
- (e) not include the outdoor storage of any materials or supplies.

4.22 Battleaxe lots

4.22.1 The local government shall not recommend approval for a proposed subdivision or adopt a proposed Structure Plan, in any zone, where that subdivision or Structure Plan proposes battleaxe lots, except where, in the opinion of the local government—

- (a) any alternative subdivision layout without battleaxe lots is rendered impractical by the shape or topography of the land or other factor(s); or
- (b) there is an overriding benefit from the creation of one or more battleaxe lots in terms of reduced environmental impact or improved amenity.

4.23 Landscaping

4.23.1 The local government may request for the submission of a landscaping plan with an application for, or as a condition of, development approval.

4.23.2 Implementation of the landscaping plan shall occur within six (6) calendar months of the completion of any related approved development, or the date of occupancy if occupancy commences prior to the completion of the development.

4.23.3 Where parking is required to be provided, shade trees shall be provided at the rate of at least one (1) tree to every seven (7) bays.

4.23.4 The local government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require the planting of lawns, trees and/or shrubs in lieu thereof.

4.24 Secondary street setback for non-residential development

In respect of non-residential development, unless otherwise stated in the Scheme, where a lot has frontage to two or more streets, the setback from the secondary street shall be half the setback required from the primary street.

4.25 Use of setback areas

4.25.1 A person shall only use land within a front setback area for one or more of the following purposes—

- (a) a means of access;
- (b) the daily parking of passenger vehicles in an approved car parking area;
- (c) the loading and unloading of vehicles;
- (d) landscaping with lawns, gardens trees and shrubs; and
- (e) advertisements and signs.

4.25.2 The front setback area and, where visible from the street, the side setback area, shall not be used for the following purposes—

- (a) parking of vehicles which are being wrecked or repaired;
- (b) the stacking or storage of fuel, raw materials, products or by-products, waste of manufacture, or containers including sea containers; and
- (c) parking of commercial vehicles.

4.26 Parking requirements

4.26.1 A person shall not develop or use any land or adapt any building for any purpose unless parking spaces as specified in Table 3 are provided.

Table 3 Car Parking Requirements

Use	Minimum Number of Required Parking Spaces
Residential Land Uses	
Aged or Dependent Persons Dwelling; Ancillary Dwelling; Dwelling; Grouped Dwelling; Multiple Dwelling; Single House; Residential Building; Repurposed Dwelling; Second-hand Dwelling	In accordance with the R-Codes.
Caretaker's Dwelling	Two (2) spaces in addition to the required parking for the predominant use.
Family Day Care	Two (2) spaces.
Home Business	One (1) space per staff member.
Workforce Accommodation	One (1) space for every two (2) bedrooms.
Tourism Land Uses	
Bed and Breakfast	One (1) space per guest bedroom in addition to parking required by the R-Codes.

Use	Minimum Number of Required Parking Spaces
Camping Ground; Caravan Park; Nature Based Park	Two (2) spaces per chalet or cabin. One (1) additional space for every chalet/cabin that can accommodate more than six (6) people. One (1) additional space for every two (2) staff members. One (1) additional bus space for every 40 persons which may be accommodated.
Holiday Accommodation; Holiday House	One (1) space per 4 guests which may be accommodated in the premises. A maximum of five (5) spaces, per dwelling which includes trailer parking.
Hotel; Motel; Tourist Development	One (1) space for every bedroom. One (1) visitor space per twenty (20) bedrooms. One (1) additional bus space for every 40 persons which may be accommodated. One (1) additional space for every two (2) staff members. One (1) space for every four (4) seats in dining area if open to the public. One (1) space for every 6m ² of bar area if open to the public.
Serviced Apartment	One (1) space per unit. One (1) additional space for every unit that can accommodate more than 4 people. One (1) additional space for every two (2) staff members.
Commercial Land Uses	
Betting Agency	One (1) space per 30m ² of NLA used for the purposes of administration or accounting. One (1) space per 20m ² of NLA open to the public. One (1) additional space for every two (2) staff members.
Bulky Goods Showroom	One (1) space for every 50m ² of NLA.
Child Care Premises	One (1) space for every 10 children the premises is designed and approved to accommodate.
Cinema / Theatre	One (1) space per every four (4) seats. One (1) additional space for every two (2) staff members.
Consulting Rooms; Medical Centre	Four (4) spaces for every consulting room up to two (2) rooms; and two (2) spaces for every additional consulting room.
Convenience Store	One (1) space per 20m ² of NLA, but with a minimum of not less than three (3) spaces, whichever is the greater.
Dry Cleaning Premises / Laundromat	One (1) space per 20m ² of NLA.
Exhibition Centre	One (1) space per 40m ² of NLA.
Liquor Store—Small; Liquor Store—Large; Shop; Discount Department Store	One (1) space for every 20m ² of NLA. One (1) additional space for every two (2) staff members.
Market; Restricted Premises	One (1) space per 20m ² of NLA of buildings and outdoor areas used for market purposes, but with a minimum of not less than 5 bays.
Night Club; Small Bar; Tavern	One (1) space for every 6m ² of bar area. One (1) additional space for every two (2) staff members.
Office; Reception Centre	One (1) space for every 20m ² of NLA.
Restaurant/Café; Fast Food Outlet, Lunch Bar	One (1) space for every 7m ² NLA; or One (1) space for every 4 seats of dining area, whichever is greater.
Service Station	One (1) space per 20m ² of NLA retail area. One (1) additional space for every two (2) staff members.
Supermarket	One (1) space for every 30m ² of NLA.
Veterinary Centre	One (1) space for every 25m ² of NLA with a minimum of 4 spaces. One (1) additional space for every two (2) staff members.
Industrial Land Uses	
Brewery	One (1) space for every two (2) staff members; plus One (1) space per 50m ² of NLA of premises open to the public for display, sale or exhibition, where the premises incorporates such an area; plus

Use	Minimum Number of Required Parking Spaces
	An additional one (1) space per 4 seats or one (1) space per 6m ² of NLA of premises used for dining and/or drinking area, whichever is the greater, where the premises incorporates such an area.
Fuel Depot	One (1) space for every two (2) staff members.
Garden Centre	Two (2) spaces per 50m ² of publicly accessible sales area. One (1) additional space for every two (2) staff members.
Industry—Cottage	One (1) space per 50m ² of NLA.
Industry—Extractive; Industry; Mining Operations; Industry—Primary Production; Marine Filling Station; Marine Support Facility; Salvage Yard	One (1) space per 100m ² of NLA of buildings used for industry purposes and One (1) space per 250m ² of open outdoor area used for industry purposes; or One (1) space per two (2) staff members; but with a minimum of five (5) spaces; plus An additional one (1) space per 30m ² of NLA used for the purposes of administration.
Industry—Light; Industry—Service; Warehouse/Storage	One (1) space for every 50m ² of NLA.
Motor Vehicle Repair; Motor Vehicle Wreckers; Trade Supplies	One (1) space per 50m ² NLA used for wrecking/repair; or two (2) spaces per service bay, whichever is the greater. One (1) space per 30m ² NLA of sales/customer service area and office space. One (1) additional space for every two (2) staff members.
Motor Vehicle Wash	Queuing space for one (1) waiting vehicle for each wash bay. One (1) additional space for every two (2) staff members.
Motor Vehicle, Boat or Caravan Sales; Machinery Sales	One (1) space per 150m ² of site area allocated to vehicle display and sales (including buildings). Where vehicle servicing is provided, one (1) space per 30m ² of sales/customer service area and office space, plus one (1) space per service bay. One (1) additional space for every two (2) staff members.
Motor Vehicle, Boat or Caravan Sales (Motor Vehicle Hire only)	One (1) space per 30m ² of sales/customer service area and office space; plus Four (4) additional drop off spaces; plus Separate car parking for hire vehicles as determined by the local government.
Trade Display	One (1) space per 40m ² NLA and One (1) space per 250m ² of open outdoor area used for trade display.
Transport Depot	One (1) space for every two (2) staff members.
Renewable Energy Facility	One (1) space for every two (2) staff members, plus additional spaces as determined by the local government.
Rural Land Uses	
Abattoir	One (1) space per 100m ² of NLA used for abattoir purposes, or one (1) space per employee, whichever is the greater, but with a minimum of not less than five (5) spaces; plus An additional one (1) space per 30m ² of NLA used for the purposes of administration.
Animal Establishment	One (1) space for every ten (10) animals the facility is designed to accommodate, plus One (1) space for every two (2) employees. A minimum of four (4) spaces shall be provided.
Community and Civic Land Use	
Civic Use; Community Purpose	One (1) space per 40m ² of NLA.
Club Premises	One (1) space per 4 persons capable of being accommodated.
Educational Establishment	One (1) space per two (2) employees. Bus, parent and student parking required at the discretion of the local government.
Funeral Parlour	One (1) space per four (4) persons capable of being accommodated for any memorial service areas. One (1) additional space for every two (2) staff members.
Hospital	One (1) space per four (4) beds. One (1) additional space for every two (2) staff members.
Place of Worship	One (1) space for every four (4) persons capable of being accommodated.

Use	Minimum Number of Required Parking Spaces
Recreation—Private	
– Gymnasium	One (1) space for every 10m ² NLA.
– Health Studio	One (1) space for every 10m ² NLA.
– Bowling Alley	Two (2) spaces for every lane.
– Cricket	Ten (10) spaces per pitch.
– Skating Rink	One (1) space for every 20m ² skating area.
– Swimming Pool	One (1) space for every 20m ² pool area.
– Squash Courts	Four (4) spaces for every court.
– Spectator Seating	One (1) space for every five (5) seats provided.
– Dining/Drinking	One (1) space for every 5m ² floor space.
– Staff	One (1) space for every two (2) staff members present at any one time.

4.26.2 Where the calculated number of parking spaces in accordance with Table 3 results in a fraction of a space, the required total number of spaces shall be rounded up to the nearest higher whole number.

4.26.3 Where a particular parking requirement for a use class is not specified in Table 3, the local government shall determine the number of car parking spaces to be provided having regard to the—

- (a) nature of the proposed development;
- (b) requirements of the Building Code;
- (c) number of employees and visitors/clients to be associated with the development; and
- (d) orderly and proper planning of the locality.

4.26.4 Where parking spaces are required for disabled, visitor, trailer, boat, caravan, bus, motorcycle, bicycle or other specific purposes, they are to be marked and permanently retained for that exclusive use.

4.26.5 When the use of any premises is changed to a use class that under the Scheme requires a greater number of parking spaces, additional parking spaces shall be provided to meet the requirements of the new use in accordance with the Scheme.

4.26.6 When a development on any land is enlarged, additional parking spaces to meet the requirements of Table 3 shall be provided in respect of the enlarged portion only.

4.27 Variation to parking requirement

4.27.1 The local government may approve a reduction to the standard parking requirement specified in clause 4.26 if it is satisfied that the reduced provision will satisfactorily achieve the intent of the requirement. In considering an application to vary the parking requirement, the local government shall consider the following factors—

- (a) The potential for reciprocal parking between different uses on the site;
- (b) Whether an appropriate alternative parking arrangement can be provided;
- (c) Whether a reduced parking requirement can be justified to the satisfaction of the local government; and
- (d) Whether a suitable cash-in-lieu arrangement is feasible.

4.27.2 The local government may permit different land uses, within the site or on adjoining sites, to share or combine parking facilities, and may approve a reduction in the total parking requirement provided it is satisfied—

- (a) No conflict will occur as a result of the joint use of the parking facilities;
- (b) The peak demands for parking bays from the individual land uses do not coincide; and
- (c) The combined parking provision will provide an adequate level of service for the approved uses.

4.27.3 Where the local government permits the joint use of parking facilities between adjoining sites, it shall require the landowners involved to prepare a suitable legal agreement registered on the property title to ensure reciprocal rights of access exist and the parking facilities can be maintained.

4.27.4 Where a legal agreement has been required by the local government in accordance with clause 4.27.3 that agreement shall not be varied or removed without the consent of the local government and only where the local government is satisfied that the joint use of parking facilities is no longer required.

4.27.5 The local government may require that reciprocal access and circulation arrangements are provided for any use/development of premises, where such arrangements are deemed necessary to improve traffic management, road safety or amenity.

4.28 Cash-in-lieu for parking

4.28.1 The local government may accept a payment of cash-in-lieu of part, or all, of a minimum parking requirement provided that the local government is satisfied that suitable public parking facilities exist, or are planned, within reasonable proximity to the land in respect of which a cash-in-lieu arrangement is made, and to which the cash in lieu payment can be utilised;

4.28.2 Where the local government accepts cash-in-lieu in accordance with clause 4.28.1—

- (a) The cash-in-lieu payment shall be expressed as a rate per parking bay and determined by independent valuation, and shall include the cost of land and construction of parking bays including sealing, kerbing, marking, drainage, lighting, landscaping, access driveways and all other necessary infrastructure; and
- (b) The payment shall be placed in a dedicated parking fund to be used only for the provision of public parking facilities, including land acquisition and construction, but not maintenance, of parking facilities.

4.28.3 If an owner or applicant objects to the costs or values determined by the local government at clause 4.28.2 the matter shall be referred to arbitration in accordance with the *Commercial Arbitration Act 1985*.

4.29 Parking of commercial vehicles

4.29.1 No person on any lot within the Residential zone or any lot that is otherwise used exclusively for residential purposes may not—

- (a) Park or store any commercial vehicle within a lot;
- (b) Repair, service, or wash a commercial vehicle unless such work is minor, only generates easily contained liquid waste, and is carried out entirely within the lot. Liquid waste shall be as defined in the *Health (Liquid Waste) Regulations 1993* and shall be disposed of in accordance with the requirements of the local government.

4.29.2 Notwithstanding clause 4.29.1, the local government may grant development approval for the parking of a commercial vehicle within a lot, subject to the following minimum criteria—

- (a) The commercial vehicle forms an essential part of the occupation of an occupier of the premises;
- (b) The commercial vehicle is parked in an outbuilding or garage at all times;
- (c) The commercial vehicle is not used or designed for use for the transportation of livestock or the transportation or disposal of liquid or solid wastes;
- (d) Any associated materials or machinery is contained on/in the commercial vehicle at all times and the activity does not cause nuisance due to the emission of noise, dust, light or other pollutants; and
- (e) The vehicle is operated in accordance with the *Environmental Protection (Noise) Regulations 1997* and other relevant statutes.

4.29.3 An approval to park a commercial vehicle is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person, and shall not to be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which the approval is issued the approval is cancelled.

4.30 Loading/unloading areas

4.30.1 Service areas shall be provided with sufficient access and manoeuvring space for the largest vehicle most likely to access the lot in relation to all permitted uses of the land. In the case of the 'Light Industry', 'Service Commercial' and 'General Industry' zones, the site shall be able to accommodate, as a minimum, a medium rigid vehicle with a length of 8.8 metres and a 10 metre turning radius.

4.30.2 All manoeuvring shall be contained on-site unless otherwise approved by the local government. The local government may consider an access arrangement that requires on-street manoeuvring where it is deemed it will have no impact on safety or traffic flow, and where it can be demonstrated that the movement can be limited to one reverse movement, either onto or off the street.

4.30.3 Loading areas shall be designed so that all commercial vehicles are located wholly on site during loading/unloading and where possible, located behind the building line.

4.30.4 Loading areas shall be separated from areas of car parking, pedestrian activities and access driveways so as not to impede on-site traffic or pedestrian movement.

4.31 Control of advertisements

4.31.1 Existing advertisement

4.31.1.1 Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of the Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the local government prior to the approval of the Scheme, hereinafter in this clause referred to as "existing advertisements",

may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

4.31.2 Discontinuance

Notwithstanding the scheme objectives and clauses 4.31.1 and 4.31.3 where the local government can demonstrate exceptional circumstances which cause an existing or exempted advertisement to seriously conflict with the objectives of the Scheme, it may by notice in writing require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice. The notice shall be in form prescribed by clause 80 of the deemed provisions.

4.31.3 Exempt advertisements

The following are classed as exempt advertisements—

- (a) All advertisements erected, placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.
- (b) All classes of buildings, one (1) advertisement sign containing the name, number or address of the building, the purpose for which the building is used or the name or address of the managing agent thereof, with a maximum area of 0.2 square metres.
- (c) All signs classified as exempt within an appropriate local planning policy, subject to the provisions of the local government.
- (d) Temporary erection or installation of electoral advertisements as provided in clause 61(1)(g) of the deemed provisions.
- (e) All advertisements required for compliance with a statutory requirement.
- (f) All advertisements erected, placed or displayed on land owned, vested to, or managed by the local government.

Note: In regard to clause 4.31.3(f) all advertisements are subject to local government local laws.

4.32 Variations to site and development requirements

4.32.1 The local government may approve an application for development approval that does not comply with the site and development requirements.

4.32.2 An approval under clause 4.32.1 may be unconditional or subject to any conditions the local government considers appropriate.

4.32.3 If the local government is of the opinion that the non-compliance with a site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must—

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

4.32.4 The local government may only approve an application for development approval under this clause if the local government is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.33 Restrictive covenants

4.33.1 A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

4.33.2 If clause 4.33.1 operates to extinguish or vary a restrictive covenant—

- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
- (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5—SPECIAL CONTROL AREAS

5.1 Special control areas

5.1.1 Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

5.1.2 Despite any other provision of the Scheme, development approval is required for all works within a Special Control Area.

5.1.3 The purpose, objectives and additional provisions that apply to each special control area are set out below.

5.2 Exmouth Water Reserve (SCA 1)

5.2.1 Purpose and objectives

The Priority One Source Protection Area is shown on the Scheme Map as the Exmouth Water Reserve SCA 1 in accordance with the recommendations of the *Exmouth Water Reserve Drinking Water Source*

Protection Plan published by the Department of Water and Environmental Regulation. The objectives of SCA 1 are—

- (a) To ensure that land use and development within the Public Drinking Water Source Area is compatible with the protection and long-term management of water resources for public water supply.
- (b) To ensure that decisions on land use and development take into account the requirements of the *Exmouth Water Reserve Drinking Water Source Protection Plan* published by the Department of Water and Environmental Regulation.

5.2.2 Additional provisions

In determining any application within SCA 1 the local government shall have regard to—

- (a) Advice from the Department of Water and Environmental Regulation or other relevant agencies;
- (b) Any relevant environmental protection policy on public drinking water supply;
- (c) State Planning Policy 2.7 Public Drinking Water Source Policy;
- (d) The recommendations of the *Exmouth Water Reserve Drinking Water Source Protection Plan* published by Department of Water and Environmental Regulation and amended from time to time;
- (e) The management direction provided by priority areas of certain areas, noting that Priority One areas are defined and managed to ensure there is no degradation of the quality of the drinking water source with the objective of risk avoidance. Consistent with the preventive risk-based framework of Western Australian Government, changes of land use that introduce additional risks are not recommended; and
- (f) The most recent Department of Water and Environmental Regulation Land use compatibility tables for public drinking water source areas.

5.3 Exmouth Waste Water Treatment Plant (SCA 2)

5.3.1 Purpose and objectives

Buffers to treatment plants, in addition to providing protection to treatment plants, can also provide opportunities for locating a range of land uses that provide multiple economic, environmental and social benefits. The objectives of SCA 2 are—

- (a) To ensure that the use and development of land is compatible with the Exmouth Waste Water Treatment Plant.
- (b) To minimise impacts on residential and other sensitive uses.

5.3.2 Additional Provisions

In considering any application for development approval, scheme amendment request, structure plan or subdivision application, and in addition to matters listed in clause 67 of the deemed provisions the local government shall have regard to—

- (a) The Water Corporation's advice in relation to compatible and beneficial land uses for buffers; and
- (b) The potential odour impact of the wastewater treatment plant and whether the proposal is compatible with the existing and proposed future use of the plant.

5.4 Exmouth Power Station (SCA 3)

5.4.1 Purpose and objectives

The Exmouth power station is an essential public utility within the town site that, unless future relocation occurs, requires consideration in terms of guidance for land use and development within the buffer area of the power station. The objectives of SCA 3 are—

- (a) To ensure that the use and development of land is compatible with the operation of the Exmouth Power Station.
- (b) To minimise impacts on residential and other sensitive uses.

5.4.2 Additional Provisions

In considering any application for development approval, scheme amendment request, structure plan or subdivision application, and in addition to matters listed in clause 67 of the deemed provisions the local government shall have regard to—

- (a) Applications may be required to be supported by the preparation of an acoustic report to demonstrate how development will be designed to minimise the effects of noise intrusion. The acoustic report shall be prepared by an acoustical consultant with relevant qualifications;
- (b) Development may be required to be designed to incorporate noise attenuation measures having regard to any applicable acoustic report prepared pursuant to clause 5.4.2(a), with a view to significantly reduce low frequency noise within the sleeping areas of any sensitive land use. Consideration should be given to the location of sleeping areas and the types of glazing, door and window casings, wall and ceiling materials as well as insulation; and
- (c) The local government may impose conditions on any development approval so as to, amongst other matters, require prospective purchasers or residents to be provided information advising of the existence of the noise hazard.

5.5 Exmouth Aerodrome (SCA 4)

5.5.1 Purpose and objectives

The Exmouth Aerodrome is an important component of the regional transport infrastructure and supports regional aviation. The objectives of SCA 4 are—

- (a) To protect the use of the Exmouth Aerodrome for the operation of private, recreational or commercial aircraft and associated functions including the storage of aircraft and all parts relating to their operation, maintenance, repair and radio communication facilities.
- (b) To ensure that development in the vicinity of the Exmouth Aerodrome is compatible with any existing development and operation of the aerodrome.

5.5.2 Additional Provisions

In considering any application for development approval, scheme amendment request, structure plan or subdivision application, and in addition to matters listed in clause 67 of the deemed provisions the local government shall have regard to—

- (a) The Exmouth Aerodrome Master Plan;
- (b) Any sensitive land use shall have regard for the ANEF (Australian Noise Exposure Forecast) or any other relevant noise modelling applying to the Aerodrome operation;
- (c) Structures must be built with non-reflective materials and in accordance with the local government's colour palette;
- (d) All new development and structures, including towers, antennae, and any alterations to roof lines and any increase to building heights on land within SCA 4 will not be permitted unless the proposed height of the development has been considered and approved by the relevant authority controlling airport operations and complies with any Obstacle Limitation Surface that applies to the Exmouth Aerodrome; and
- (e) Illuminated signs, pylon signs, signs above a roof line, flashing lights on buildings on land within SCA 4 will not be permitted unless the proposed signs and lights have been approved by the relevant authority controlling airport operations.

5.6 Floodplain (SCA 5)

5.6.1 Purpose and objectives

The Department of Water and Environmental Regulation and the local government's consultants have produced 100-year average recurrence interval (ARI) floodplain mapping for a number of watercourses in the Exmouth area. Floods higher than this level will occur but, on average, will be less frequent. The objectives of SCA 5 are—

- (a) To minimise impacts on the floodplain from inappropriate encroachment of development.
- (b) To avoid subdivision and development within the high hazard floodplain.
- (c) To ensure that proposed floodplain development has adequate flood protection and does not impact on the existing flood regime of the area.

Note: The designation of particular parts of the district as flood prone areas should not be interpreted to imply that areas outside the designated areas are necessarily free from risk associated with flood or extreme rainfall events.

5.6.2 Additional Provisions

In considering any application for development approval, scheme amendment request, structure plan or subdivision application, and in addition to matters listed in clause 67 of the deemed provisions the local government shall have regard to—

- (a) The general presumption against subdivision and development within the flood plain unless—
 - (i) Hydraulic modelling has been prepared to the satisfaction and approval of the Department of Water and Environmental Regulation;
 - (ii) In respect of land within the high hazard flood plain, suitable controls are in place to ensure no development will encroach into the high hazard floodplain, excluding earthworks for the provision of essential roads, bridges, footpaths and jetties.
- (b) Building levels within the floodplain achieving the recommended minimum floor level of at least 0.5 metres above the relevant 100 year ARI flood level for the location having regard to advice from the Department of Water and Environmental Regulation.

5.7 Minilya-Exmouth Road (SCA 6)

5.7.1 Purpose and objectives

Minilya-Exmouth Road is the primary entrance road to the town site, and in itself is a tourism experience showcasing the environmental and landscape qualities of the district. The purpose of SCA 6 is to preserve the landscape values along the Minilya-Exmouth Road from the encroachment of inappropriate development, and maintain viewsheds along Minilya-Exmouth Road. This 100 metre wide area on either side of the Minilya-Exmouth Road is from the southern edge of the gazetted Exmouth Townsite Boundary to the southern local government boundary. The objectives of SCA 6 are—

- (a) To protect natural environmental and landscape features along Minilya-Exmouth Road;
- (b) To maintain views of the Cape Range, Exmouth Gulf, and rural lands; and
- (c) To ensure that inappropriate development and use does not occur that would compromise the visual experience along Minilya-Exmouth Road.

5.7.2 Additional Provisions

In addition to matters listed in clause 67 of the deemed provisions the local government shall have regard to—

- (a) Development shall be supported by a Visual Landscape Assessment prepared in accordance with the Western Australian Planning Commission's *Visual Landscape Planning in Western Australia a manual for evaluation, assessment, siting and design* document.
 - (b) Any proposed crossover providing access to Minilya-Exmouth Road shall be referred to Main Roads WA.
-

SCHEDULE 1—TERMS REFERRED TO IN SCHEME

1. Terms used

In this Scheme—

building envelope means an area of land within which all buildings and effluent disposal facilities on a lot must be contained.

building height, in relation to a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

cabin means a dwelling forming part of a tourist development or caravan park that is—

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests;

chalet means a dwelling forming part of a tourist development or caravan park that is—

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to accommodate short-term guests.

commencement day means the day this Scheme comes into effect under section 87(4) of the Act.

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including—

- (a) a utility, van, truck, tractor, boat, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).

floodplain means the extent of flooding in a 1 to 100-year flood event for a particular watercourse, which includes the high and low hazard floodplain areas—

- (a) the **high hazard floodplain** means the area of land that would be affected by river flooding in a 1 to 100-year flood event for a particular watercourse, where development and land uses should be limited to those which would not affect the flow of floodwaters.
- (b) the **low hazard floodplain** means the area of land that would be affected by river flooding in a 1 to 100-year flood event, where development would normally be permitted subject to a specified minimum habitable floor level above the relevant 1 in 100-year flood level to provide adequate flood protection.

floor area has the meaning given in the Building Code.

frontage in relation to a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces.

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.

minerals has the meaning given in the *Mining Act 1978* section 8(1).

net lettable area (NLA) means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas—

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building.

non-conforming use has the meaning given in the *Planning and Development Act 2005* section 172.

obstacle limitation surface means a horizontally and vertically defined airspace boundary in the vicinity of an airport that has been specified and/or endorsed by the airport operator as representing the maximum desirable height above Australian Height Datum of any building, antenna, other structure or natural feature on land directly underneath the surface.

plot ratio means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.

precinct means a definable area where particular planning policies, guidelines or standards apply.

predominant use means the primary use of premises to which all other uses carried out on the premises are incidental.

retail means the sale or hire of goods or services to the public.

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.

wall height, in relation to a wall of a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

wholesale means the sale of goods or materials to be sold by others.

2. A word or expression that is not defined in this Scheme

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
- (b) if it is not defined in that Act—has the same meaning as it has in the R-Codes.

3. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision the meaning of that land use is as follows—

abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.

airfield means land and buildings used in connection with the operation of aeroplanes and other aircraft, including airstrips, a public passenger terminal, ancillary offices, car parking, parking, maintenance and servicing of aircraft, but does not include a private airstrip incidental to farming operations.

agriculture—extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture—intensive or animal husbandry—intensive.

agriculture—intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture.

amusement parlour means premises—

- (a) that are open to the public; and
- (b) that are used predominately for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines.

animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre.

animal husbandry—intensive means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.

bed and breakfast means a dwelling—

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms.

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*.

brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*.

bulky goods showroom means premises—

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes—
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;

- (viii) party supplies;
- (ix) office equipment and supplies;
- (x) babies' and childrens' goods, including play equipment and accessories;
- (xi) sporting, cycling, leisure, fitness goods and accessories;
- (xii) swimming pools,

and

- (b) used to sell by retail goods and accessories by retail if—
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.

camping ground has the meaning given in the *Caravan Parks and Camping Grounds Act 1995* section 5 (1).

car park means premises used primarily for parking vehicles whether open to the public or not but does not include—

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale.

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5 (1).

caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.

child care premises means premises where—

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

cinema / theatre means premises where the public may view a motion picture or theatrical production.

civic use means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.

club premises means premises used by a legally constituted club or association or other body of persons united by a common interest.

community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

consulting rooms means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

convenience store means premises—

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300m² net lettable area.

corrective institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.

discount department store means large retail premises selling a wide variety of different goods organised into various departments.

dry cleaning premises / laundromat means premises used for the commercial cleaning of clothes and laundry either in a self-service or serviced manner.

educational establishment means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided.

fast food outlet means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten—

- (a) without further preparation; and
- (b) primarily off the premises.

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include premises used—

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle.

funeral parlour means premises used—

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services.

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.

holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.

holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.

home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out business, service or profession if the carrying out of the business, service or profession—

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50m²; and
- (d) does not involve the retail sale or display of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that—

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
- (e) does not involve the retail sale, display or hire of any goods, unless the sale, display or hire is done only by means of the Internet; and
- (f) does not—
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood, and
- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation—

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling.

hospital means premises used as a hospital as defined in the *Health Services Act 2016* section 8(4).

hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises.

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes.

industry—cottage means premises, other than premises used for a home occupation, that are used by the occupier of the premises for the purpose of carrying out a trade or light industry producing arts and crafts goods if the carrying out of the trade or light industry—

- (a) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (b) if the premises is located in a Residential zone—does not employ any person other than a member of the occupier's household; and
- (c) is compatible with the principal uses to which land in the zone in which the premises is located may be put; and
- (d) does not occupy an area greater than 50m²; and
- (e) does not involve the display on the premises of a sign with an area exceeding 0.2m².

industry—extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes—

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.

industry—light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

industry—primary production means premises used—

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses.

industry—service means premises with a retail shop front—

- (a) from which goods manufactured on the premises are sold; or
- (b) used as a depot for receiving goods to be serviced.

liquor store—large means premises—

- (a) the subject of a liquor store licence granted under the *Liquor Control Act 1988*; and
- (b) in which the whole of, or a portion of, the premises with a net lettable area of more than 300m² is used to display and sell packaged liquor for consumption off the premises.

liquor store—small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m².

lunch bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

marina means—

- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
- (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services.

marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft.

marine support facility means premises used for lay-down, fabrication, repair, loading and maintenance purposes associated with marine based industry, and may include a marine based component as a single operator or common use facility and terrestrial based components, whether contiguous or not.

market means premises used for the display and sale of goods from stalls by independent vendors.

medical centre means premises, other than a hospital, used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

mining operations means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out.

motel means premises, which may be licensed under the *Liquor Control Act 1988*—

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles.

motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans.

motor vehicle repair means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or retreading of tyres.

motor vehicle wash means premises primarily used to wash motor vehicles.

motor vehicle wreckers means premises used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

nature based park means premises used for a nature based park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Part 1(3).

nightclub means premises the subject of a nightclub license granted under the *Liquor Control Act 1988*.

office means premises used for administration, clerical, technical, professional or similar business activities.

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Part 1(3).

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.

produce stall means a stall used to sell produce grown or made locally.

reception centre means premises used for hosted functions on formal or ceremonial occasions.

recreation—private means premises that are—

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge.

repurposed dwelling means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

residential aged care facility means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings; furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.

resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste.

renewable energy facility means facility used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced for commercial gain (i.e. solar farms as opposed to solar panels).

restaurant/café means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*.

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements.

road house means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services—

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and
- (f) dump points for the disposal of black and/or grey water from recreational vehicles.

rural pursuit/hobby farm means any premises, other than premises used for agriculture—extensive or agriculture—intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household—

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises.

salvage yard means land and buildings used for the storage and sale of materials salvaged from the demolition or renovating of buildings or machinery.

second-hand dwelling means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

serviced apartment means a group of units or apartments providing—

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities.

shop means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

shopping centre means a group of retail shops and other incidental commercial establishments that is planned and managed as a single complex, typically with on-site parking provided.

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*.

supermarket means a business for the retail sale of household goods where the customer collects the proposed purchase from open shelves, payment being made at a central check point but does not include a convenience store, shop or a bulky goods showroom.

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*.

telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure related to the network.

tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide—

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development.

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement.

trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises—

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government.

transport depot means premises used primarily for parking or garaging of 3 or more commercial vehicles including—

- (a) any ancillary maintenance or refuelling of those vehicles;
- (b) any ancillary storage of goods bought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another.

veterinary centre means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

warehouse/storage means premises including indoor or outdoor facilities used for—

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods;

waste disposal facility means premises used—

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste;

waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

workforce accommodation means premises, which may include modular or relocatable buildings, used—

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

SCHEDULE 2—ADDITIONAL USES

Clause 3.4

No.	Description of Land	Additional Use	Conditions
A1	L311 (H12) Maidstone Crescent, Exmouth	As a 'D' use— • Consulting rooms	As determined by the local government.
A2	L312 (H561) Murat Road, Exmouth	As a 'D' use— • Tavern	As determined by the local government.
A3	L315 (H77) Maidstone Crescent, Exmouth	As a 'D' use— • Service station	As determined by the local government.
A4	Lot 1 and Lot 101 Kailis Road; Lot 112 and Lot 220 Minilya-Exmouth Road, Learmonth	As a 'D' use— • Caravan park As an 'T' use— • Caretaker's dwelling	1. The local government may only consider the use 'Caravan Park' on Lot 112 Minilya-Exmouth Road only. 2. Caretaker's dwelling as stated in clause 4.16 and may only be permitted in existing dwellings as approved by the local government.
A5	L21 (H40) Mortiss Street, Exmouth L22 (H42) Mortiss Street, Exmouth L23 (H44) Mortiss Street, Exmouth L24 (H46) Mortiss Street, Exmouth L25 (H48) Mortiss Street, Exmouth L26 (H50) Mortiss Street, Exmouth L27 (H52) Mortiss Street, Exmouth	As a 'D' use— • Office	As determined by the local government.
A6	Portion Lot 1493 Murat Road and portion Lot 1391 on Deposited Plan 217782.	As a 'P' use— • Agriculture—extensive	1. The objective of Additional Use 6 is to allow for the development of the additional use in a manner which does not undermine the land being developed in accordance with the Local Planning Strategy in the future. 2. In accordance with Clause 27(2) of the deemed provisions, the local government may approve any application for development approval for the additional use prior to the approval of a structure plan provided that the local government is satisfied that the overall development potential of the area is not prejudiced by the issuing of development approval. 3. The minimum building setbacks shall be— (a) Street: 20 metres; and (b) Other Boundaries: 10 metres.

SCHEDULE 3—RESTRICTED USES

Clause 3.5

No.	Description of Land	Restricted Use	Conditions
R1	Lots 910, 1364 and Portion of Lot 1030 Maidstone Crescent, and Lots 913 and 1027 Payne Street, Exmouth	As a 'P' use— <ul style="list-style-type: none"> • Supermarket As a 'D' use— <ul style="list-style-type: none"> • Convenience store • Fast food outlet • Liquor store—small • Liquor store—large • Restaurant/café • Shop • Small bar • Tavern • Car park 	<p>Site Requirements</p> <p>The minimum building setbacks shall be—</p> <ul style="list-style-type: none"> (a) Street: Nil (b) Federation Park: 7 metres (c) Other/Rear: Nil <p>Development Requirements</p> <p>In addition to the provisions of clause 3.10.3 the following requirements shall apply—</p> <ol style="list-style-type: none"> 1. The predominant use of the area shall be Supermarket. 2. Small scale retail and commercial activities shall— <ul style="list-style-type: none"> (a) Sleeve any supermarket proposal on a minimum of two sides providing active frontages to Federation Park and Maidstone Crescent; (b) Be incidental to the predominant supermarket use; and (c) Have a maximum individual street frontage of 15 metres. 3. Development shall provide pedestrian shelter, a minimum of 2 metres wide in the form of an awning, canopy, balcony or verandah on a minimum of three (3) sides to provide articulation to Federation Park, Maidstone Crescent and Payne Street. The pedestrian shelter shall be designed to appear as thin, lightweight elements. Bull nose verandahs shall not be permitted. 4. Awnings shall be cantilevered with no structural components or supporting structures permitted in the public realm. 5. The minimum height from ground level for a canopy or awning overhanging a footpath is 2.75 metres. Signage suspended beneath a canopy shall have a minimum clearance of 2.4 metres. 6. Provision and maintenance of canopies and awnings is the responsibility of the building owner. 7. Built Strata subdivision shall only be supported where there is consistent building design and internal fit out for the overall site. No other form of subdivision will be supported. 8. On corner sites, buildings must address both street frontages.

No.	Description of Land	Restricted Use	Conditions
R2	Lot 902 Madaffari Drive, Exmouth	As a 'D' use— <ul style="list-style-type: none"> • Tourist development 	<p>Site Requirements</p> <p>The minimum building setbacks shall be—</p> <p>(a) Front (Madaffari Drive): 5 metres.</p> <p>(b) Rear (Sunrise Beach): 5 metres.</p> <p>(c) All other boundaries: in accordance with the R40 Density Code.</p> <p>Development Requirements</p> <p>1. Strata subdivision shall only be supported subject to consistent building design and internal fit out for the overall site.</p> <p>2. A consistent landscaping theme shall be adopted throughout the development to provide visual consistency. The first 2 metres of the front setback from Madaffari Drive shall be landscaped.</p> <p>3. The maximum building height shall be 12 metres above natural ground level. The maximum wall height shall be 9.75 metres above natural ground level.</p> <p>4. Access to the resort shall be provided from Madaffari Drive via a maximum of two access points.</p> <p>5. Building design shall provide a clear expression of the architectural style envisaged for the overall site including height, colour, texture, external material, roof pitch and character to existing development.</p> <p>6. Pedestrian paths shall be provided within the resort to provide internal pedestrian accessibility.</p> <p>7. Boundary fencing shall be 2x courses of reconstituted limestone blocks with intermittent dividing limestone pylons, separated by visually permeable uniform fencing.</p>
R3	Portion Lot 857 Murat Road, Lots 854, 853 Murat Road, Lots 856, 858, 855, 859, 860, 861, 862, 852, 851 McLeod Street, and Lot 316 Minilya-Exmouth Road	As a 'D' use— <ul style="list-style-type: none"> • Agriculture—extensive; • Rural pursuit/hobby farm 	<p>Site Requirements</p> <p>The minimum building setbacks shall be—</p> <p>(a) Street: 20 metres.</p> <p>(b) Other Boundaries: 10 metres.</p> <p>Development Requirements</p> <p>1. Minimum Lot Size: 3ha.</p>

SCHEDULE 4—SPECIAL USE ZONES

Clause 3.6

No.	Description of Land	Special Use	Conditions
SU1	Lots fronting Ingram Street, Tuckey Street, Young Street, Hunt Street and Thresher Street, North West Cape	<p>Industrial Precinct</p> <p>As a 'P' use—</p> <ul style="list-style-type: none"> • Marine filling station; • Warehouse/storage <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Brewery; • Car park; • Dry cleaning premises/laundromat; • Industry—extractive; • Industry—light; • Industry—primary production; • Industry—service; • Lunch bar; • Motor vehicle repair; • Motor vehicle wash; • Motor vehicle wreckers; • Salvage yard; • Telecommunications infrastructure; • Trade supplies; • Transport depot <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Abattoir; • Mining operations; • Marine support facility; • Renewable energy facility; • Waste storage facility <p>As an 'T' use—</p> <ul style="list-style-type: none"> • Caretaker's dwelling <p>Composite Development Precinct</p> <p>As a 'P' use—</p> <ul style="list-style-type: none"> • Marine filling station; • Warehouse/storage <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Dry cleaning premises/laundromat; • Home business; • Home occupation; 	<p>General Site and Development Requirements</p> <ol style="list-style-type: none"> 1. Subdivision and development of land shall be generally in accordance with the Figure 1: SU1—Structure Plan—Lot 51 Minilya-Exmouth Road. 2. Requirements pertaining to the General Industry zone under the Scheme apply to all development except as may be otherwise provided in this Schedule and the Structure Plan. 3. In addition to those matters prescribed in Clause 67 of the deemed provisions the local government shall have regard to— <ol style="list-style-type: none"> (a) Any approved Environmental Management Plan applying to land included in this zone; (b) Buffer separation distances as prescribed in the Environmental Protection Authority's Guidelines for Environment and Planning; (c) The level and extent of emissions likely to be generated by the proposed use; and (d) The adequacy of the proposed method of onsite effluent, trade waste and stormwater disposal that will be generated by the proposed use. <p>Industrial Precinct Precinct Site and Development Requirements</p> <ol style="list-style-type: none"> 1. Development of land designated as Industrial on the Structure Plan shall be in accordance with Scheme requirements for the General Industry zone, except as may be otherwise provided in this Schedule and the Structure Plan. 2. A Caretaker's dwelling shall be situated on a lot as follows— <ol style="list-style-type: none"> (a) For non-corner lots any Caretaker's dwelling shall not protrude forward of the rear most setback of the industrial use as either constructed or operating on the land. (b) For those corner lots designated Ind.1 and Ind.2 on the Structure Plan any Caretaker's dwelling shall be located forward of the front most setback of the industrial use as either constructed or operating on the land. <p>Composite Development Precinct Precinct Land Use</p> <ol style="list-style-type: none"> 1. Land designated as Composite on the Structure Plan may be used for Industrial and Residential uses, within defined building envelopes separated by a vegetated buffer. 2. Only one (1) industrial land use may be permitted to be established on each lot within the Composite Area.

No.	Description of Land	Special Use	Conditions
		<ul style="list-style-type: none"> • Industry—light; • Industry—primary production; • Industry—service; • Motor vehicle repair; • Motor vehicle wash; • Repurposed dwelling; • Salvage yard; • Single house; • Second-hand dwelling; • Telecom- munications infrastructure; • Trade supplies 	<p>3. Only one (1) residential land use may be permitted on each lot within the Composite Area.</p> <p>4. No administrative and other associated functions of the approved industrial use are to be carried out within the associated dwelling, unless approval for a Home Occupation has first been granted by the local government.</p> <p>Precinct Site and Development Requirements</p> <p>1. Land designated as Composite on the Structure Plan may be developed, within defined building envelopes separated by a vegetated buffer.</p> <p>2. An industrial use permitted by the Scheme and approved by the local government is to be contained within the Industrial Building Envelope.</p> <p>3. Approval by the local government of a residential land use in the Composite Precinct shall only be granted where—</p> <p style="padding-left: 20px;">(a) The applicant has submitted an acoustic report which provides an assessment of noise impact associated with current and potential industrial uses and recommends appropriate noise attenuation measures to the residential use to address any such impact;</p> <p style="padding-left: 20px;">(b) An industrial use has been lawfully established on the same lot upon which the residential use is intended to be established;</p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 20px;">(c) Simultaneous approval has been granted by the local government for an industrial use on the same lot.</p> <p>4. Where simultaneous approval has been granted by the local government for both an industrial and residential use on the same lot, the physical development approved within the Industrial Envelope must be completed prior to occupation of the residential use.</p> <p>5. A residential use may only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the approved industrial use on that lot.</p> <p>6. Any proposed vegetated buffer and landscaped areas shall only be used for their intended and approved purpose, and shall be established prior to any approved use commencing.</p> <p>7. Any residential development shall accord with the R-Codes, and other applicable provisions of the Scheme.</p> <p>8. The minimum site area per residential use, minimum frontage, minimum open space, minimum outdoor living area and minimum boundary setbacks shall be equivalent to the R20 density code site requirements prescribed in the R-Codes.</p>

No.	Description of Land	Special Use	Conditions
SU2	Lot 2 and Lot 557 Yardie Creek Road, North West Cape	As a 'P' use— <ul style="list-style-type: none"> • Tourist development As a 'D' use— <ul style="list-style-type: none"> • Camping ground; • Caravan park; • Caretaker's dwelling; • Holiday accommodation; • Holiday house; • Restaurant/ café; • Shop. 	<p>9. Separate vehicle crossovers and driveways shall be provided to both the Industrial Building Envelope and the Residential Building Envelope contained on the same lot.</p> <p>10. All parking provided for any approved industrial use shall be in accordance with the Scheme and shall be contained wholly within the Industrial Building Envelope.</p> <p>11. Additional parking may be permitted within the Residential Building Envelope where a Home Occupation approval has been granted for the carrying out of administrative and associated functions related to the industrial use on that lot.</p> <p>12. Variations to the location of nominated vehicle crossover and access easement to the Industrial Building Envelope, or reductions in road reserve widths, as may be indicated on the Structure Plan, are permitted at the discretion of the local government.</p> <p>13. Memorials are required on all new titles at the time of lot creation to advise prospective purchasers that lots in the area will be developed for Industrial uses. Final wording to be to the satisfaction of the local government.</p> <p>1. Detailed site and development requirements shall be in accordance with the Vlamingh Head Masterplan.</p> <p>2. Other land uses are not permitted, unless the land use is consistent with the Vlamingh Head Masterplan, and the local government has exercised its discretion by granting development approval.</p> <p>3. The local government may require a local development plan to be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to guide development.</p>
SU3	Exmouth Aerodrome, Reserve 32867, Lot 73, No. 73 Minilya- Exmouth Road	As a 'P' use— <ul style="list-style-type: none"> • Car park As a 'D' use— <ul style="list-style-type: none"> • Airfield; • Fuel depot; • Telecommunications infrastructure 	<p>1. The objectives of Special Use Zone 3 are as follows—</p> <p>(a) To set aside land for the development of airport or aviation facilities and industry.</p> <p>(b) To provide guidance on the built form to ensure that it does not conflict with the safe and secure operations of the aerodrome.</p> <p>General Land Use</p> <p>1. Subdivision and development of land shall be in accordance with the Figure 2: SU3—Exmouth Aerodrome Locality Site Plan.</p> <p>2. No buildings shall be permitted outside the building envelope as shown on the Figure 2: SU3—Exmouth Aerodrome Locality Site Plan.</p> <p>3. Notwithstanding Point 2 above, the leasehold lots 15 and 18 depicted on the Figure 2: SU3—Exmouth Aerodrome Locality Site Plan shall only be developed for aviation fuel purposes.</p> <p>4. No development is permitted in the Aircraft Taxiway/Runway or the Apron</p>

No.	Description of Land	Special Use	Conditions
			<p>Area as depicted on the Figure 2: SU3—Exmouth Aerodrome Locality Site Plan, excluding the sealing of runways, taxiways and apron areas.</p> <p>5. The local government will require a minimum 5 metre setback to be provided off any side leasehold lot boundary (inclusive of openable hangar doors).</p> <p>6. The runway shall be protected from development so as to protect an obstacle-free gradient of less than 1.6% for the take-off runway.</p> <p>7. All new development and structures, including towers, antennae, and any alterations to roof lines and any increase to building heights on land within the reserve will not be permitted unless the proposed height of the development has been considered and approved by the local government and complies with any Obstacle Limitation Surface that applies to the Exmouth Aerodrome.</p> <p>8. Development on the minimum western side setback, shall not exceed a maximum height of 5 metre (applicable to leasehold lots 1, 11, 12, and 15).</p> <p>9. For every 7 metres from the runway strip edge, the maximum permissible height increases by 1 metre.</p> <p>10. Structures must be built with non-reflective materials and in accordance with the local government's colour palette.</p> <p>11. Solar panels where installed shall be non-reflective or situated in such a position so as to prevent pilot blinding.</p> <p>12 Advertising devices are not permitted, except for wall signs that are not illuminated nor have flashing lights, unless the proposed signs and lights have been approved by the local government.</p> <p>13. The local government shall be responsible for fencing of any airside boundary of public car parks and any other non-leasable area. Where a fence is provided to a leasehold lot boundary, the fence shall thereafter be maintained by the leaseholder to the satisfaction of the local government.</p> <p>14. Fencing shall be constructed to a minimum standard of 7-strand 2.50mm heavy galvanised high tensile ring-lock fencing, 1.8m high uprights every 15 metres.</p> <p>15. One airside vehicle gate and one airside personnel gate is permitted per leasehold lot.</p> <p>16. Every leasehold lot shall include car parking at a ratio of one bay per employee. Car parking shall be accessed from roads and located within the leasehold lot.</p> <p>17. The total combined width of crossovers shall not exceed 50% of the frontage width of the leasehold front lot boundary.</p> <p>18. The local government shall landscape and maintain green spaces and vegetation buffer areas within any non-leasable area.</p>

No.	Description of Land	Special Use	Conditions
SU4	Lot 1 Truscott Crescent and Lots 969 and 1495 (Reserve 38701) Warne Street; Lots 1403 and 1404 Truscott Crescent; and portion Reserve 27648, Lt 500 Nimitz Street, Exmouth Lot 198 Pace Retreat, North West Cape	<p>As a 'P' use—</p> <ul style="list-style-type: none"> • Caravan park; • Camping ground <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Telecom-munications infrastructure <p>As an 'T' use—</p> <ul style="list-style-type: none"> • Ancillary dwelling; • Community purpose; • Convenience store; • Fast food outlet; • Motel; • Recreation—private; • Restaurant/café; • Single house (managers residence); • Shop 	<p>19. Landscaping shall incorporate species contained on the local government's recommended plant species list, and shall be undertaken in accordance with the local government's Landscaping local planning policy.</p> <p>20. Power, sewer and water storage and supply (if no reticulated system connection to mains is provided) shall be provided within the leasehold lot, including any fire hydrant system (if so required).</p> <p>21. The keeping of livestock is prohibited within the Special Use zone.</p> <p>22. The minimum finished floor level of development shall be in accordance with the Figure 2: SU3—Exmouth Aerodrome Locality Site Plan.</p> <p>23. A maximum of five (5) sea containers no greater than twenty (20) metres in length are permitted within any leasehold lot, excluding sea containers which may be used for the construction of hangers used for the storage of aircraft.</p> <p>24. The local government shall restrict the use of aviation operations to the respective precincts in accordance with the Exmouth Aerodrome Locality Site Plan.</p> <p>1. The objectives of Special Use Zone 4 are as follows—</p> <ol style="list-style-type: none"> (a) To cater for the current and future supply of affordable tourist accommodation, principally in the form of caravan parks and camping grounds, to meet the current and anticipated demand. (b) To control the location, form, character and density of development to complement the natural and built features within the locality. (c) To provide for high quality short-term accommodation and tourist facilities. (d) To protect potential and existing caravan and camping areas from the encroachment by other incompatible use or development. <p>2. Development shall not exceed 2 storeys in height above natural ground level, except where the local government considers that particular circumstances may warrant an exception and provided the objectives of the special use zone and the Scheme are not compromised.</p> <p>3. Landscaping shall be provided to integrate the development into the natural landscape and provide screening from visual and noise impacts of surrounding land uses.</p> <p>4. A maximum of two ancillary dwellings and one single house (managers residence) are permitted for permanent accommodation by staff employed by the Caravan Park and/or Camping Ground.</p> <p>5. The combined gross floor area allocated for the commercial land uses</p>

No.	Description of Land	Special Use	Conditions
SU5	Lot 149 and Lot 150 Hunt Street, North West Cape	<p>As a 'P' use—</p> <ul style="list-style-type: none"> • Camping ground; • Caravan park <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Telecom- munications infrastructure <p>As an 'I' use—</p> <ul style="list-style-type: none"> • Single house (managers residence); • Ancillary dwelling; • Community purpose; • Convenience store; • Fast food outlet; • Motel; • Recreation— private; • Restaurant/ café; • Shop 	<p>listed in the 'Special Use' column shall not exceed 500m².</p> <p>6. Fencing of individual caravan or camping sites is not permitted.</p> <p>7. Freehold or Strata subdivision will not be supported.</p> <p><i>Note:</i> Development shall comply with all requirements of the <i>Caravan Parks and Camping Grounds Regulations 1997</i> and/or shall be as determined by the local government.</p> <p>1. The objectives of Special Use Zone 5 are as follows—</p> <ol style="list-style-type: none"> (a) To cater for the current and future supply of affordable tourist accommodation, principally in the form of a caravan park and camping ground, to meet current and anticipated demand. (b) To control the location, form, character and density of development to complement the natural and built features within the locality. (c) To provide for high quality short-term accommodation and tourist facilities which are compatible with the adjoining industrial area. (d) To ensure development results in sustainable foreshore management and coastal hazard mitigation. <p>2. Subdivision is not permitted.</p> <p>3. A portion of Lot 149 extending 140m from the Horizontal Shoreline Datum (HSD) is at risk of erosion and inundation over the 100-year planning timeframe. In making an application for development approval, adequate coastal hazard risk management and adaptation planning shall be provided as required by State Planning Policy 2.6 <i>State Coastal Planning Policy</i> (refer to the coastal processes study Project SE036.01.RevA, 26 August 2016).</p> <p>4. A coastal foreshore management plan is to be prepared by the applicant and shall include as a minimum the matters set out in the <i>State Coastal Planning Policy Guidelines</i> section 9.1 Coastal Plan requirements.</p> <p>5. The coastal foreshore management plan is to demonstrate that the landowner shall be responsible for the implementation of the coastal foreshore management plan as well as funding maintenance, monitoring and management of foreshore works.</p> <p>6. Prior to considering any development application, the local government shall require a local development plan to be prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> addressing the following—</p> <ol style="list-style-type: none"> (a) Landform, drainage and topography; (b) Soils and vegetation;

No.	Description of Land	Special Use	Conditions
			<p>(c) Internal vehicle and pedestrian movements, including location and dimensions of roads and footpaths;</p> <p>(d) The location, size and function of all communal open space areas;</p> <p>(e) Land uses;</p> <p>(f) Indicative site layout;</p> <p>(g) Servicing, including sewer, water, drainage and power;</p> <p>(h) A bushfire attack level assessment and bushfire management plan; and</p> <p>(i) Such other information as may be required by the local government.</p> <p>7. No permanent buildings or structures are permitted within the portion of Lot 149 extending 140m from the HSD (refer to the coastal processes study Project SE036.01.RevA, 26 August 2016).</p> <p>8. As a condition of development approval, a notification shall be placed on the Certificate of Title of Lot 149 stating the following— <i>‘Vulnerable Coastal Area—This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years’.</i></p> <p>9. As a condition of development approval, a notification shall be placed on the Certificate of Title of Lot 150 and Lot 149 stating the following— <i>‘This lot is in close proximity to an existing industrial area and may be adversely affected by virtue of odour, noise, dust and/or any emissions from industrial land uses’.</i></p> <p>10. As a condition of development approval, a notification shall be placed on the Certificate of Title of Lot 149 and Lot 150 stating the following— <i>‘This lot is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner. Additional planning and building requirements may apply to development on this land’.</i></p> <p>11. A maximum of two ancillary dwellings and one single house (managers residence) are permitted for permanent accommodation by staff employed by the Caravan Park and/or Camping Ground.</p> <p>12. Fencing of individual caravan or camping sites is not permitted.</p> <p>13. Development shall not exceed 2 storeys in height above natural ground level, except where the local government considers that particular circumstances may warrant an exception and provided the objectives of the special use zone and the Scheme are not compromised.</p> <p>14. The combined gross floor area of Commercial land uses shall not exceed 500m².</p>

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina		<p>15. Landscaping shall be provided to integrate the development into the natural landscape and provide screening from visual and noise impacts of surrounding land uses.</p> <p>Objectives The overall objectives of Special Use Zone 6 are as follows—</p> <ul style="list-style-type: none"> (a) To provide for public marina uses, tourist, commercial and residential components for the local and visiting community, which has strong links to the existing cultural and town precincts, in recognition of the strategic location of the site in its local regional context. (b) To ensure a consistently high standard of development with quality design that provides visual interest through detail and scale, and positively contributes to the streetscape and canal environments. (c) To complement and not compete with other zones for civic, tourist and commercial uses. <p>Overall development requirements</p> <ol style="list-style-type: none"> 1. Notwithstanding any other provision of the Scheme, all development shall require development approval in accordance with clause 60 of the deemed provisions. Development includes the sinking of a bore or well, and swimming pools. 2. Notwithstanding the provisions of this Scheme, development shall comply with the easements, encumbrances and other limitations notated on the Certificate of Title for the land. 3. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the R-Codes is to conform with the provisions of those Codes. 4. Storm water drainage from the lot frontage including garden and paved areas shall be retained on-site and/or directly discharged into the local government's road drainage system via fully controlled drainage systems. 5. All development shall be in accordance with the local government's adopted colour palette. 6. Developments shall be provided with a sealed driveway and crossover in colours and materials that complement the development. 7. Wherever development abuts public open space, it shall be designed to address the space and establish an 'urban edge' to provide natural surveillance and allow casual interaction between the development and the open space. 8. Developments shall have front entries addressing the street through elements such as entry porticos or other design features.

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	<p>Area A—Canal Lots As a 'D' use—</p> <ul style="list-style-type: none"> • Ancillary dwelling; • Repurposed dwelling; • Second-hand dwelling; • Single house 	<p>9. Large areas of blank wall will not be accepted on the front and / or street façade, and the canal waterway. The public face of each building shall be detailed to provide visual richness, and reduce bulk.</p> <p>10. Formal modulation shall be sought through placement of windows and openings, balconies and material changes to street and open spaces.</p> <p>11. All fences and retaining walls where provided by the developer shall not be altered with all maintenance of such fences being the responsibility of the landowner.</p> <p>12. No obstructions shall be placed so as to restrict or hinder access along any canal edge or street side footpath.</p> <p>Area A Area A consists of canal lots, dry lots and a landmark site as identified in Figure 3: SU6—Marina—Area A.</p> <p>Area A—Canal Lots Area A—Canal Lots consist of a Net Developable Area (NDA), Conditional Development Area (CDA), Nutrient Retention Area (NRA) and Upper Retaining Wall as identified in Figure 4: SU6—Marina—Canal Lots (Sheet 1), Figure 5: SU6—Marina—Canal Lots (Sheet 2), and Figure 6: SU6—Marina—Canal Lots (Sheet 3).</p> <p>Site requirements</p> <p>1. Setbacks—</p> <p>(a) Primary Street—</p> <p>(i) Dwelling—Ground Floor: average 4.5 metres with a minimum 3 metres.</p> <p>(ii) Upper Floor: average 6 metre minimum, with a minimum 3 metres.</p> <p>(iii) Garage/Carport: minimum 5.5 metres.</p> <p>(b) Secondary Street: 1.5 metres ground and upper floor.</p> <p>(c) Side: In accordance with the R20 Density Code.</p> <p>(d) Rear (Canal): Nil to CDA for the main dwelling. This does not include open structures such as pergolas, patios or gazebos.</p> <p>(e) Conditional Development Area—</p> <p>(i) Canal: minimum 6 metres from the canal side of the upper retaining wall; or 4 metres from the canal side of the upper retaining wall if the maximum finished floor level is 5.00m AHD.</p> <p>(ii) Side: 1.5 metres ground and upper floor.</p> <p>Development requirements</p> <p>1. Subdivision and development shall be in accordance with the Residential zone in the zoning table and the R20 Density Code under the R-Codes where the provisions of the Scheme are silent.</p>

No.	Description of Land	Special Use	Conditions
			<p>2. The NDA is treated as the effective lot area for the purpose of calculating subdivision potential excluding the CDA, NRA, footpath, canal rock walls and areas which form part of the canal and are underwater.</p> <p>3. Outbuildings shall have a maximum area of 32m², having a maximum width of 4.5 metres, maximum wall height tops of external wall (roof above) and top of external wall (concealed roof) of 3 metres and maximum ridge height of 4.5 metres, above natural ground level. External materials and colours shall be consistent with that of the main dwelling.</p> <p>4. Jetty structures shall be located wholly within the Jetty envelope and the mooring of boats, including associated mooring piles, shall be located wholly within the Mooring Envelope as approved by the Department of Transport.</p> <p>5. The mooring of vessels shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.</p> <p>6. Storm water from garden areas abutting the canal shall be directed to the NRA. Clean rainwater from roofed areas may be directly discharged via fully controlled drainage systems to the waterway.</p> <p>7. No dwelling shall be approved unless it has a minimum floor area of 150m², inclusive of all floors, measured to include the external walls of the dwelling, excluding balconies, verandahs, garages, carports, patios, pergolas, external storage and outdoor living areas.</p> <p>8. The maximum wall height shall be 6.2 metres above natural ground level. A loft may be provided and may be partly within the main structure of the building provided the maximum wall height is not exceeded. Modifications to conventional loft construction are acceptable provided the building remains within the envelope described above.</p> <p>9. The minimum finished floor level for all habitable buildings shall be 5.25m AHD except for Lots 365, 366, 367, 397, 398 and 399 which require a minimum finished floor level of 5.50m AHD.</p> <p>10. The total width of the crossover(s) at the street boundary shall not exceed 40% of the frontage of a lot.</p> <p>11. Garages and carports are to remain residential size and scale and shall not occupy more than 50% of the lot frontage for single storey development, or 60% for 2 storey development.</p> <p>12. Development shall maintain protection of the NRA. The NRA shall not be sealed but can be used for landscaping, grated or otherwise covered with permeable materials that allow nutrient run-off to be contained on site.</p>

No.	Description of Land	Special Use	Conditions
			<p>13. Conditional Development Area—</p> <ul style="list-style-type: none"> (a) Development within the CDA shall be designed to complement the main dwelling in terms of architectural style, colours and materials, and shall maintain view lines to the canal from neighbouring dwellings. (b) Development within the CDA shall be open sided. (c) The visual privacy provisions of the R-Codes shall not apply to development in the CDA. (d) All balustrades and internal fences within the CDA shall be a minimum 90% visually permeable and shall have a maximum height of 1.2 metres. (e) All construction in the CDA shall require certification from a structural engineer that the building does not impose any surcharge load contrary to the global stability of the canal wall. (f) Development above natural ground level shall have the underside screened from the canal waterway. (g) Retaining walls shall be a maximum height of 0.75 metres setback a minimum of 2 metres from the canal side of the upper retaining wall OR a maximum height of 1.5 metres setback 4 metres from the canal side of the upper retaining wall. The height of retaining walls shall be measured from the top of the Upper Retaining Wall. (h) Any filling and associated retaining walls shall be setback a minimum of 1.5 metres from side lot boundaries. (i) A subsoil drainage system shall be provided to divert water away from retaining walls. <p>14. Fencing Height—</p> <ul style="list-style-type: none"> (a) Front Setback Area: maximum 0.9 metres including the street front boundary and side boundary. (b) Side: maximum 1.8 metres (NDA) and a maximum 0.9 metres (CDA) solid. Between 0.9 metres and 1.8 metres (CDA) shall be a minimum 90% visually permeable. No fence permitted within 2 metres of any shared stair access to the canals. (c) Canal: maximum 1.8 metres and shall be a minimum 90% visually permeable. Fencing to the lower terrace level (1.85m AHD) is not permitted under any circumstances. The minimum setback for canal frontage fencing is on top of the Upper Retaining Wall. (d) The height of fencing shall be measured from natural ground level.

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	Area A—Dry Lots As a 'D' use— <ul style="list-style-type: none"> • Ancillary dwelling; • Repurposed dwelling; • Second-hand dwelling; • Single house 	Area A—Dry Lots Site requirements 1. Setbacks— <ul style="list-style-type: none"> (a) Primary Street— <ul style="list-style-type: none"> (i) Ground Floor: average 4.5 metres with a minimum 3 metres. (ii) Upper Floor: average 6 metre minimum, with a minimum 3 metres. (iii) Garage/Carport: minimum 5.5 metres. (b) Secondary Street: 1.5 metres ground and upper floor. (c) Side and Rear: In accordance with R20 Density Code with the exception of lots adjoining Warne Street and the foreshore reserve which shall have a minimum setback of 4 metres for all development. Development requirements 1. Subdivision and development shall be in accordance with the Residential zone in the zoning table and the R20 Density Code under the R-Codes where the provisions of the Scheme are silent. 2. Outbuildings shall be a maximum area of 32m ² , having a maximum width of 4.5 metres, maximum wall height, tops of external wall (roof above) and top of external wall (concealed roof), of 3 metres and maximum ridge height of 4.5 metres, above natural ground level. 3. Outbuilding materials and colours shall be consistent with that of the main dwelling. 4. No dwelling shall be approved unless it has a minimum floor area of 150m ² , inclusive of all floors, measured to include the external walls of the dwelling, excluding balconies, verandahs, garages, carports, patios, pergolas, external storage and outdoor living areas. 5. The maximum wall height shall be 6.2 metres above natural ground level. A loft may be provided and may be partly within the main structure of the building provided the maximum wall height is not exceeded. Modifications to conventional loft construction are acceptable provided the building remains within the envelope described above. 6. The minimum finished floor level for all habitable buildings shall be 5.25m AHD with the exception of Lots 463, 464, 465, 466, 467, 468, 469, 470, 471, and 472 where the finished floor level shall not vary from the original lot level by a more than 600mm for the building pad only. The ground level of the balance of the lot shall not be altered. 7. The size and scale of garages and carports are to remain residential in nature and not detract from the main dwelling being less than 50% of the lot frontage for single storey development, or 60% if there is a second storey above.

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	<p>Area A—Landmark</p> <p>As a 'P' use—</p> <ul style="list-style-type: none"> • Grouped dwelling; • Serviced apartment <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Hotel; • Motel; • Multiple dwelling; • Tourist development <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Telecom-munications infrastructure <p>As an 'I' use—</p> <ul style="list-style-type: none"> • At the discretion of the local government 	<p>8. The total width of the crossover(s) at the street boundary shall not exceed 40% of the frontage of a lot.</p> <p>9. Vehicle access to Warne Street is not permitted from Lots 472, 474, 475, 476, 477, and 478.</p> <p>10. Fencing Height—</p> <ol style="list-style-type: none"> (a) Front Setback Area: maximum 0.9 metres including the street front boundary and side boundary. (b) Side / Rear: maximum 1.8 metres. <p>11. Fencing to Warne Street: shall be constructed with uniform fencing to Warne Street along the rear boundaries, with the design and standard of fencing to be approved by the local government.</p> <p>Area A—Landmark</p> <p>Area A—Landmark consists of a Nutrient Retention Area (NRA) and Upper Retaining Wall as identified in Figure 4: SU6—Marina—Canal Lots (Sheet 1), Figure 5: SU6—Marina—Canal Lots (Sheet 2), and Figure 6: SU6—Marina—Canal Lots (Sheet 3).</p> <p>Site requirements</p> <p>1. Setbacks—</p> <ol style="list-style-type: none"> (a) Murat Road: average of 5 metres with a minimum of 4 metres. (b) Warne St/Madaffari Drive: minimum 6 metres. (c) Open Space/Spill Way: minimum 1.5 metres. (d) Rear (Canal): minimum 4 metres from the canal side of Upper Retaining Wall. (e) Side: In accordance with the R60 Density Code. <p>Development requirements</p> <ol style="list-style-type: none"> There shall be no integration of residential uses with tourism uses. The effective lot area for the purpose of calculating subdivision potential excludes all land within 4 metres of the canal side of the Upper Retaining Wall, NRA, footpath, canal rock walls and areas which form part of the canal and are underwater. All residential development shall comply with the R60 Density Code, unless otherwise provided by the Scheme. Jetties shall not be permitted. Storm water from garden areas abutting the canal shall be directed to the NRA. Clean rainwater from roofed areas may be directly discharged via fully controlled drainage systems to the waterway. Development shall maintain protection of the NRA. The NRA shall not be sealed but can be used for landscaping, grated or otherwise covered with permeable materials that allow nutrient run-off to be contained on site.

No.	Description of Land	Special Use	Conditions
			<p>7. Development on the landmark site should draw attention to this location whilst reinforcing the sense of architectural identity.</p> <p>8. The minimum finished floor level for all habitable rooms shall be 5.50m AHD.</p> <p>9. This site shall include a prominent architectural tower structure, and may be constructed to a maximum height of up to 14 metres above natural ground level. The tower may include an observation deck overlooking the locality with external design features complementary to the immediate building design on the site.</p> <p>10. With the exception of the architectural tower structure, the development shall have a maximum height of 9 metres above 5.50m AHD. A third level is permissible within the roof structure, provided that the roof structure shall have a maximum pitch of 33 degrees.</p> <p>11. Internal movement system shall be designed to ensure that rubbish collection vehicles can enter, empty bins and exit the site in forward gear.</p> <p>12. Retaining walls shall be a maximum height of 1 metre, setback a minimum of 2 metres from the canal side of the Upper Retaining Wall, or a maximum height of 2 metres setback 4 metres from the canal side of the Upper Retaining Wall. The height of retaining walls shall be measured from the top of the Upper Retaining Wall.</p> <p>13. Any filling and associated retaining walls shall be setback a minimum of 1.5 metres from side lot boundaries.</p> <p>14. A subsoil drainage system shall be provided to divert water away from retaining walls.</p> <p>15. Fencing Height—</p> <p>(a) Front Setback Area: maximum 0.9 metres including the street front boundary and side boundary.</p> <p>(b) Side: maximum 1.8 metres. Within 4 metres of the canal side of the upper retaining wall maximum 0.9 metres solid. Between 0.9 metres and 1.8 metres fencing shall be a minimum 90% visually permeable. No fence permitted within 2 metres of any shared stair access to the canals.</p> <p>(c) Canal: maximum 1.8 metres and shall be a minimum 90% visually permeable. Fencing to the lower terrace level (1.85m AHD) is not permitted under any circumstances. The minimum setback for canal frontage fencing is on top of the secondary retaining wall.</p> <p>(d) The height of fencing shall be measured from natural ground level.</p>

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	<p>Area B—Precinct 1 Revetment Lots</p> <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Bed and breakfast; • Grouped dwelling; • Holiday accommodation; • Holiday house; • Home occupation; • Multiple dwelling; • Serviced apartment; • Single house <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Industry—cottage; • Residential building; • Telecommunications infrastructure 	<p>Area B</p> <p>Area B consists of 10 precincts as identified in Figure 7: SU6—Marina—Area B1.</p> <p>Certain lots within Area B consists of a No Load Zone, Lower Terrace, Secondary Retaining Wall, and Canal Setout Line as identified in Figure 4: SU6—Marina—Canal Lots (Sheet 1), Figure 5: SU6—Marina—Canal Lots (Sheet 2), and Figure 6: SU6—Marina—Canal Lots (Sheet 3).</p> <p>Area B—Precinct 1 Revetment Lots Site requirements</p> <p>1. Setbacks—</p> <p>(a) Primary Street—</p> <ul style="list-style-type: none"> (i) 5 metres for garages and carports; and (ii) 4 metres for the building envelope. <p>(b) Rear—</p> <ul style="list-style-type: none"> (i) 5 metres from the Canal Setout Line for a maximum of 50% of the width of the lot. The balance shall be set back a minimum of 8 metres from the Canal Setout Line. (ii) Upper floor rear balconies may project up to 0.5 metres into the rear setback but must be setback 0.5 metres from a side boundary. (iii) Stairs are permitted from the ground floor down to the lower terrace within the 1.25 metre zone directly adjacent the secondary retaining wall including the landing. (iv) Ground floor rear balconies are permitted to be built against the side boundary provided a 1.65 metre high screen is provided. <p>(c) Side—</p> <ul style="list-style-type: none"> (i) Ground floor: Nil. (ii) 1st Floor: Single residential lots with a primary street frontage of 13 metres or greater—in accordance with the R-Codes; or Single residential lots with a primary street frontage of less than 13 metres—at the discretion of the local government. (iii) Where side boundaries abut Public Open Space a side setback of 1 metre shall apply to 50% of the dwelling envelope, the balance may have a nil setback.

No.	Description of Land	Special Use	Conditions
			<p>Development requirements</p> <p>1. All residential development shall comply with the R40 Density Code, unless otherwise provided by the Scheme.</p> <p>2. The finished ground level at the time of subdivision shall not be raised.</p> <p>3. The maximum wall height shall be 6.2 metres above natural ground level. A loft may be provided and may be partly within the main structure of the building provided the maximum wall height is not exceeded. Modifications to conventional loft construction are acceptable provided the building remains within the envelope described above.</p> <p>4. Crossovers shall not exceed 4.5 metres in width and shall be setback a minimum of 0.75 metres from any side boundary on the front lot boundary.</p> <p>5. The area of private open space shall have a minimum dimension of 3.3 metres and a minimum area of 16m².</p> <p>6. Weather protection shall be provided to entrances of residential buildings.</p> <p>7. External Materials—</p> <p>(a) At least two different materials must be featured on external walls and shall be selected from the following—</p> <p>(i) Rendered brickwork (light, flat, bagged texture).</p> <p>(ii) Timber boarding (to provide the appearance of clear finished or weatherboard timber).</p> <p>(iii) Fibre cement boards (to provide the appearance of clear finished or weathered timber).</p> <p>(iv) Painted timber or fibre cement weather boarding.</p> <p>(v) Painted flat fibre cement sheet.</p> <p>(vi) Custom orb (for walls).</p> <p>(vii) Limestone blocks (natural or reconstituted).</p> <p>(viii) Tilt concrete or precast concrete with textured and painted finishes.</p> <p>8. Minimum pitch to conventional roof forms shall be 35 degrees for single storey dwellings, excluding carports and patios. Flat and skillion roofs of 15 degrees or less may be permitted only on 2 storey dwellings.</p> <p>9. No building, including stores, shall be approved on the lower terrace of any lot.</p> <p>10. Landscaping is not permitted within 2.2 metres of the secondary retaining wall.</p> <p>11. Fencing—</p> <p>(a) Fencing on side boundaries shall be constructed in one or a</p>

No.	Description of Land	Special Use	Conditions								
SU6	Exmouth Marina (continued)	<p>Area B—Precinct 2 Vertical Canal Lots</p> <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Bed and breakfast; • Grouped dwelling; • Holiday accommodation; • Home occupation. • Holiday house; • Multiple dwelling; • Serviced apartment; • Single house <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Industry—cottage; • Residential building; 	<p>combination of the following materials—</p> <table border="1" data-bbox="949 293 1310 510"> <thead> <tr> <th>Material</th> <th>Colour</th> </tr> </thead> <tbody> <tr> <td>Colorbond Steel</td> <td>Terrace or Similar</td> </tr> <tr> <td>Painted / Rendered Masonry</td> <td>Limestone or Similar</td> </tr> <tr> <td>Limestone</td> <td>Natural</td> </tr> </tbody> </table> <p>(b) Fencing Height as follows—</p> <ul style="list-style-type: none"> (i) Side: maximum 1.8 metres with the exceptions of the side boundary between the secondary retaining wall and the rear of the dwelling to be a maximum of 1.5 metres in height. (ii) Fencing to the lower terrace level (1.85m AHD) is not permitted under any circumstances. (iii) Fencing to the front boundary or forward of the building line on the side boundaries is not permitted under any circumstances. <p>12. Buildings within the 3 metres no load zone behind the secondary retaining wall shall be certified a structural engineer.</p> <p>13. No development shall be permitted within 6 metres of the secondary retaining wall below the finished ground level at the time of subdivision.</p> <p>14. Jetty structures shall be located wholly within the Jetty envelope, and the mooring of boats, including associated mooring piles, shall be located wholly within the Mooring Envelope, as approved by the Department of Transport.</p> <p>15. The mooring of vessels shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.</p> <p>Area B—Precinct 2—Vertical Canal Lots</p> <p>Site requirements</p> <p>1. Setbacks—</p> <ul style="list-style-type: none"> (a) Primary Street— <ul style="list-style-type: none"> (i) 5 metres for garages and carports; and (ii) 4 metres for the building envelope. (b) Rear— <ul style="list-style-type: none"> (i) 4.3 metres from the canal set out line with the exception of a 0.5 metre cantilever which is permissible over the secondary retaining wall for 50% of the width of the lot. (i) Upper floor rear balconies may project up to 1 metre into the rear setback but must be setback 0.5 metre from a side boundary. 	Material	Colour	Colorbond Steel	Terrace or Similar	Painted / Rendered Masonry	Limestone or Similar	Limestone	Natural
Material	Colour										
Colorbond Steel	Terrace or Similar										
Painted / Rendered Masonry	Limestone or Similar										
Limestone	Natural										

No.	Description of Land	Special Use	Conditions
		<ul style="list-style-type: none"> • Telecom- munications infrastructure 	<p>(ii) Ground floor rear balconies shall have a minimum setback of 2.3 metres to the canal setout line and are permitted to be built against the side boundary provided a 1.65 metre high screen is provided.</p> <p>(c) Side—</p> <p>(i) Ground floor: Nil.</p> <p>(ii) 1st Floor: Single residential lots with a primary street frontage of 13 metres or greater—in accordance with the R-Codes;</p> <p>or</p> <p>Single residential lots with a primary street frontage of less than 13 metres—at the discretion of the local government.</p> <p>(iii) Where side boundaries abut Public Open Space a side setback of 1 metres shall apply to 50% of the dwelling envelope, the balance may have a nil setback.</p> <p>Development requirements</p> <p>1. All residential development shall comply with the R40 Density Code, unless otherwise provided by the Scheme.</p> <p>2. The finished ground level at the time of subdivision shall not be raised.</p> <p>3. The maximum wall height shall be 6.2 metres above natural ground level. A loft may be provided and may be partly within the main structure of the building provided the maximum wall height is not exceeded. Modifications to conventional loft construction are acceptable provided the building remains within the envelope described above.</p> <p>4. Crossovers shall not exceed 4.5 metres in width and shall be setback a minimum of 0.75 metres from the side boundary.</p> <p>5. The area of private open space shall have a minimum dimension of 3.3 metres and a minimum area of 16m².</p> <p>6. Weather protection shall be provided to entrances of residential buildings.</p> <p>7. External Materials—</p> <p>(a) At least two different materials must be featured on external walls and shall be selected from the following—</p> <p>(i) Rendered brickwork (light, flat, bagged texture).</p> <p>(ii) Timber boarding (to provide the appearance of clear finished or weatherboard timber).</p>

No.	Description of Land	Special Use	Conditions								
			<p>(iii) Fibre cement boards (to provide the appearance of clear finished or weathered timber).</p> <p>(iv) Painted timber or fibre cement weather boarding.</p> <p>(v) Painted flat fibre cement sheet.</p> <p>(vi) Custom orb (for walls).</p> <p>(vii) Limestone blocks (natural or reconstituted).</p> <p>(viii) Tilt concrete or precast concrete with textured and painted finishes.</p> <p>8. Minimum pitch to conventional roof forms shall be 35 degrees for single storey dwellings, excluding carports and patios. Flat and skillion roofs of 15 degrees or less may be permitted only on 2 storey dwellings.</p> <p>9. Landscaping is not permitted within 2.2 metres of the secondary retaining wall.</p> <p>10. Fencing—</p> <p>(a) Fencing on side boundaries shall be constructed in one or a combination of the following materials—</p> <table border="1" data-bbox="948 999 1310 1211"> <thead> <tr> <th>Material</th> <th>Colour</th> </tr> </thead> <tbody> <tr> <td>Colorbond Steel</td> <td>Terrace or Similar</td> </tr> <tr> <td>Painted / Rendered Masonry</td> <td>Limestone or Similar</td> </tr> <tr> <td>Limestone</td> <td>Natural</td> </tr> </tbody> </table> <p>(b) Fencing Height as follows—</p> <p>(i) Side: maximum 1.8 metres with the exceptions of the side boundary between the secondary retaining wall and the rear of the dwelling to be a maximum of 1.5 metres in height.</p> <p>(ii) Fencing to the lower terrace level (1.85m AHD) is not permitted under any circumstances.</p> <p>(iii) Fencing to the front boundary or forward of the building line on the side boundaries is not permitted under any circumstances.</p> <p>11. A store may be permitted on the lower terrace of a lot provided it complies with the following requirements—</p> <p>(a) The building occupies a maximum of 50% of the block width;</p> <p>(b) It shall be setback a minimum of 2.3 metres from the canal setout line;</p> <p>(c) The store shall be constructed at the 1.875 metre AHD level;</p> <p>(d) The store shall have a concrete slab with a minimum finished level of 1.975 metres AHD;</p>	Material	Colour	Colorbond Steel	Terrace or Similar	Painted / Rendered Masonry	Limestone or Similar	Limestone	Natural
Material	Colour										
Colorbond Steel	Terrace or Similar										
Painted / Rendered Masonry	Limestone or Similar										
Limestone	Natural										

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina <i>(continued)</i>	<p>Area B—Precinct 3 Residential Dry Lots</p> <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Bed and breakfast; • Grouped dwelling; • Holiday accommodation; • Holiday house; • Home occupation; • Multiple dwelling; • Serviced apartment; • Single house <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Industry—cottage; • Residential building; • Telecommunications infrastructure 	<p>(e) The height of the store shall not exceed the height of the existing retaining wall;</p> <p>(f) It shall be constructed of lightweight materials and clad in a weatherboard-style material or similar, provided that the finished presentation has a similar profile effect;</p> <p>(g) The construction of the store shall be certified by a structural engineer;</p> <p>(h) Signage shall be attached to store door or adjacent to store door to read "Residents to ensure all chemicals and petroleum products are securely stored at least 1.3 metres above the floor level to avoid contamination in the event of a flood"; and</p> <p>(i) Doors shall be designed and constructed such that in the event of a flood, the door will remain in the closed position.</p> <p>12. Buildings within the 3 metre 'no load' zone behind the secondary retaining wall shall be certified a structural engineer.</p> <p>13. No development shall be permitted within 6 metres of the secondary retaining wall below the finished ground level at the time of subdivision.</p> <p>14. The mooring of boats, including associated mooring piles, shall be located wholly within the Mooring Envelope as approved by the Department of Transport.</p> <p>15. The mooring of vessels shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.</p> <p>Area B—Precinct 3—Residential Dry Lots</p> <p>Site requirements</p> <p>1. Setbacks—</p> <p>(a) Primary Street—</p> <p>(i) 5 metres for garages and carports; and</p> <p>(ii) 4 metres for the building envelope.</p> <p>(b) Rear: In accordance with the R40 Density Code.</p> <p>(c) Side—</p> <p>(i) Ground floor: Nil.</p> <p>(ii) 1st Floor: Single residential lots with a primary street frontage of 13 metres or greater—in accordance with the R-Codes; or</p> <p>Single residential lots with a primary street frontage of less than 13 metres at the discretion of the local government.</p> <p>(iii) Where side boundaries abut Public Open Space or a Public Road not more</p>

No.	Description of Land	Special Use	Conditions
			<p>than 50% of the building may be positioned on the boundary. The balance shall be setback a minimum 1 metre.</p> <p>(iv) Upper floor rear balconies shall have a minimum side setback of 0.5 metres.</p> <p>Development requirements</p> <p>1. The finished ground level at the time of subdivision shall not be raised.</p> <p>2. The maximum wall height shall be 6.2 metres above natural ground level. A loft may be provided and may be partly within the main structure of the building provided the maximum wall height is not exceeded. Modifications to conventional loft construction are acceptable provided the building remains within the envelope described above.</p> <p>3. Where access from the rear of a lot is available, on-site car parking for residents may be accessed from the rear.</p> <p>4. Crossovers shall not exceed 4.5 metres in width and shall be setback a minimum of 0.75 metres from the side boundary.</p> <p>5. The area of private open space shall have a minimum dimension of 3.3 metres and a minimum area of 16m².</p> <p>6. Weather protection shall be provided to entrances of residential buildings.</p> <p>7. External Materials—</p> <p>(a) At least two different materials must be featured on external walls and shall be selected from the following—</p> <p>(i) Rendered brickwork (light, flat, bagged texture).</p> <p>(ii) Timber boarding (to provide the appearance of clear finished or weatherboard timber).</p> <p>(iii) Fibre cement boards (to provide the appearance of clear finished or weathered timber).</p> <p>(iv) Painted timber or fibre cement weather boarding.</p> <p>(v) Painted flat fibre cement sheet.</p> <p>(vi) Custom orb (for walls).</p> <p>(vii) Limestone blocks (natural or reconstituted).</p> <p>(viii) Tilt concrete or precast concrete with textured and painted finishes.</p> <p>8. Minimum pitch to conventional roof forms shall be 35 degrees for single storey dwellings, excluding carports and patios. Flat and skillion roofs of 15 degrees or less may be permitted only on 2 storey dwellings.</p> <p>9. Fencing—</p> <p>(a) Fencing on side boundaries shall be constructed in one or a</p>

No.	Description of Land	Special Use	Conditions								
SU6	Exmouth Marina <i>(continued)</i>	<p>Area B—Precinct 4 Icon Site A and B</p> <p>As a ‘P’ use—</p> <ul style="list-style-type: none"> • Grouped dwelling; and • Serviced apartment <p>As a ‘D’ use—</p> <ul style="list-style-type: none"> • Holiday accommodation; • Holiday house; • Home occupation; • Multiple dwelling <p>As an ‘A’ use—</p> <ul style="list-style-type: none"> • Residential building; • Telecommunications infrastructure 	<p>combination of the following materials—</p> <ul style="list-style-type: none"> (i) Rear boundary Lots 92 to 102: shall be Colorbond Steel and the colour Willow; and (ii) All other boundaries as follows— <table border="1" data-bbox="1027 454 1378 667"> <thead> <tr> <th>Material</th> <th>Colour</th> </tr> </thead> <tbody> <tr> <td>Colorbond Steel</td> <td>Terrace or Similar</td> </tr> <tr> <td>Painted / Rendered Masonry</td> <td>Limestone or Similar</td> </tr> <tr> <td>Limestone</td> <td>Natural</td> </tr> </tbody> </table> <ul style="list-style-type: none"> (b) Fencing Height as follows— <ul style="list-style-type: none"> (i) Side: maximum 1.8 metres from natural ground level; (ii) Rear boundary Lots 92 to 102: shall be 1.8 metres in height from natural ground level and completed prior to occupation of the dwelling; (iii) Rear all other Lots: maximum of 1.8 metres from natural ground level; and (iv) Fencing in the front setback area, including on lot boundaries, is not permitted under any circumstances. <p>Area B—Precinct 4—Icon Site A and B</p> <p>Site requirements</p> <p>1. Setbacks—</p> <ul style="list-style-type: none"> (a) Primary Street— <ul style="list-style-type: none"> (i) 5 metres for garages and carports; and (ii) 4 metres for the building envelope. (b) Rear— <ul style="list-style-type: none"> (i) To the North a minimum of 5 metres from the canal set out line. (ii) 0.5 metre cantilever is permissible over the secondary retaining wall for 50% of the length of the secondary retaining wall that faces North. (iii) The minimum setback to the canal setout line is 3.8 metres. (iv) Balconies/decks minimum setback (to the North) 2.3 metres from the canal set out line. (c) Side— <ul style="list-style-type: none"> (i) Nil. (ii) Third level roof gables facing common side boundaries are to have a minimum setback of 2.5 metres. 	Material	Colour	Colorbond Steel	Terrace or Similar	Painted / Rendered Masonry	Limestone or Similar	Limestone	Natural
Material	Colour										
Colorbond Steel	Terrace or Similar										
Painted / Rendered Masonry	Limestone or Similar										
Limestone	Natural										

No.	Description of Land	Special Use	Conditions
			<p>Development requirements</p> <ol style="list-style-type: none"> 1. The building envelope is to be a minimum of two storeys high and a maximum of three storeys, above natural ground level. 2. The finished ground level at the time of subdivision shall not be raised. 3. Buildings within the 3 metre 'no load' zone behind the secondary retaining wall shall be certified by a structural engineer. 4. No development shall be permitted within 6 metres of the secondary retaining wall below the finished ground level at the time of subdivision. 5. Car Parking— <ol style="list-style-type: none"> (a) Car parking areas shall be located on site and screened from public view. (b) Basement parking may be permitted subject to certification from a structural engineer and having appropriate drainage management with due regard for the waterways flood level. (c) A minimum of 2 car bays is to be provided per dwelling with 2 or more bedrooms. 6. Store(s) may be approved on the lower terrace of a lot provided they comply with the following requirements— <ol style="list-style-type: none"> (a) The store shall be non-habitable and constructed at the 1.875 metre AHD level; (b) The height of the store(s) shall not exceed the height of the existing retaining wall; (c) The store shall be setback a minimum of 2.3 metres from the canal setout line; (d) Stores are only permitted in Canal Arm 4A; (e) The store shall have a concrete slab with a minimum finished level of 1.975 metres AHD; (f) The maximum cumulative width of the stores shall be limited to 50% width of the secondary retaining wall; (g) The store shall be constructed of lightweight materials and clad in the Primeline Weatherboard or similar material, provided that the finished presentation has a similar profile effect; (h) The construction of the store shall be certified by a structural engineer; (i) Signage shall be attached to store door or adjacent to store door to read "Residents to ensure all chemicals and petroleum products are securely stored at least 1.3 metres above the floor level to avoid contamination in the event of a flood"; (j) Store doors shall be designed and constructed such that in the event of a flood, the door will remain in the closed position;

No.	Description of Land	Special Use	Conditions								
			<p>(k) Stores shall not be used actively in the event of a cyclone or significant rainfall event.</p> <p>7. Fencing—</p> <p>(a) Fencing on side boundaries shall be constructed in one or a combination of the following materials—</p> <table border="1" data-bbox="1023 461 1386 674"> <thead> <tr> <th data-bbox="1031 461 1193 495">Material</th> <th data-bbox="1193 461 1386 495">Colour</th> </tr> </thead> <tbody> <tr> <td data-bbox="1031 495 1193 551">Colorbond Steel</td> <td data-bbox="1193 495 1386 551">Terrace or Similar</td> </tr> <tr> <td data-bbox="1031 551 1193 636">Painted / Rendered Masonry</td> <td data-bbox="1193 551 1386 636">Limestone or Similar</td> </tr> <tr> <td data-bbox="1031 636 1193 674">Limestone</td> <td data-bbox="1193 636 1386 674">Natural</td> </tr> </tbody> </table> <p>(b) Fencing height shall be as follows—</p> <p>(i) Side: maximum 1.8 metres with the exceptions of the side boundary between the secondary retaining wall and the rear of the dwelling to be a maximum of 1.5 metres in height.</p> <p>(c) Fencing may be permitted at the entry of the lot by way of a combination of the following—</p> <p>(i) Permeable powder coated aluminium or steel vehicle entry gate maximum 1.8 metres high.</p> <p>(ii) Permeable powder coated aluminium or steel pedestrian entry gate maximum 1.8 metres high.</p> <p>(iii) Low masonry wall, rendered and painted (up to 0.6 metres high) with panels of permeable powder coated aluminium or steel between rendered masonry piers to a total maximum height of 1.8 metres. Maximum pier spacing of 3 metres.</p> <p>(iv) Fencing to the lower terrace level (1.85m AHD) is not permitted under any circumstances.</p> <p>(v) No solid fence wall panels are permitted forward of the building setback of the adjoining lot, or across the front boundary.</p> <p>8. Vehicle crossovers shared between adjoining properties shall not exceed 6 metres in width.</p> <p>9. Development shall provide bin storage areas that can be serviced by rubbish trucks within the property or the verge immediately adjoining the property.</p> <p>10. Weather protection shall be provided to entrances of residential buildings.</p> <p>11. External Materials—</p> <p>(a) At least two different materials must be featured on external</p>	Material	Colour	Colorbond Steel	Terrace or Similar	Painted / Rendered Masonry	Limestone or Similar	Limestone	Natural
Material	Colour										
Colorbond Steel	Terrace or Similar										
Painted / Rendered Masonry	Limestone or Similar										
Limestone	Natural										

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	<p>Area B—Precinct 5 Icon Site C</p> <p>As a 'P' use—</p> <ul style="list-style-type: none"> • Grouped dwelling; • Serviced apartment <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Holiday accommodation; • Holiday house; • Home occupation; • Multiple dwelling <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Residential building; • Telecommunications infrastructure 	<p>walls and shall be selected from the following—</p> <ol style="list-style-type: none"> (i) Rendered brickwork (light, flat, bagged texture). (ii) Timber boarding (to provide the appearance of clear finished or weatherboard timber). (iii) Fibre cement boards (to provide the appearance of clear finished or weathered timber). (iv) Painted timber or fibre cement weather boarding. (v) Painted flat fibre cement sheet. (vi) Custom orb (for walls). (vii) Limestone blocks (natural or reconstituted). (viii) Tilt concrete or precast concrete with textured and painted finishes. <p>12. Landscaping is not permitted within 2.2 metres of the secondary retaining wall.</p> <p>13. For all design criteria other than density, the provisions of the R60 Density Code shall apply, unless otherwise provided for in the Scheme.</p> <p>14. Density shall be R70 calculated as an average of the R60 and R80 Density Codes.</p> <p>15. Jetty structures shall be located wholly within the Jetty envelope and the mooring of boats, including associated mooring piles, shall be located wholly within the Mooring Envelope, as approved by the Department of Transport.</p> <p>16. The mooring of vessels shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.</p> <p>Area B—Precinct 5—Icon Site C</p> <p>Site requirements</p> <p>1. Setbacks—</p> <ol style="list-style-type: none"> (a) 3.6 metres to the East boundary. (b) Nil setback to Northern boundary permitted, at the discretion of the local government. (c) 3 metres setback to Western boundary. (d) Nil setback permitted to South boundary for 50% of the building with the balance setback a minimum of 1.5 metres. (e) Balconies are permitted to encroach into Eastern setback by 1.5 metres. <p>Development requirements</p> <ol style="list-style-type: none"> 1. The building envelope is to be a minimum of two storeys high and maximum three storeys high. 2. Ground floor areas shall provide an outlook to the Public Boulevard and canal to the East.

No.	Description of Land	Special Use	Conditions								
			<p>3. The finished ground level at the time of subdivision shall not be raised.</p> <p>4. For all design criteria other than density, the provisions of the R60 Density Code shall apply, unless otherwise provided for in the Scheme.</p> <p>5. Density shall be R70 calculated as an average of the R60 and R80 Density Codes.</p> <p>6. Fencing—</p> <p>(a) Fencing on side boundaries shall be constructed in one or a combination of the following materials—</p> <table border="1" data-bbox="1027 613 1385 819"> <thead> <tr> <th data-bbox="1027 613 1193 642">Material</th> <th data-bbox="1193 613 1385 642">Colour</th> </tr> </thead> <tbody> <tr> <td data-bbox="1027 642 1193 703">Colorbond Steel</td> <td data-bbox="1193 642 1385 703">Terrace or Similar</td> </tr> <tr> <td data-bbox="1027 703 1193 786">Painted / Rendered Masonry</td> <td data-bbox="1193 703 1385 786">Limestone or Similar</td> </tr> <tr> <td data-bbox="1027 786 1193 819">Limestone</td> <td data-bbox="1193 786 1385 819">Natural</td> </tr> </tbody> </table> <p>(b) Fencing Height shall be as follows—</p> <p>(i) Side: maximum 1.8 metres.</p> <p>(c) Fencing may be permitted to the Western & Southern boundary and at the entry into the lot for the purpose of providing security by way of a combination of the following—</p> <p>(i) Permeable powder coated aluminium or steel vehicle entry gate maximum 1.8 metres high.</p> <p>(ii) Permeable powder coated aluminium or steel pedestrian entry gate maximum 1.8 metres high.</p> <p>(iii) Low masonry wall, rendered and painted (up to 0.6 metres high) with panels of permeable powder coated aluminium or steel between rendered masonry piers to a total maximum height of 1.8 metres. Maximum pier spacing of 3 metres.</p> <p>(iv) Balustrading to the Eastern boundary shall be a maximum of 1 metre high, constructed as above, where constructed above a retaining wall.</p> <p>7. Car Parking—</p> <p>(a) Car parking areas shall be located on-site and screened from public view.</p> <p>(b) Basement parking is allowed subject to certification from a structural engineer having due regard for waterways flood levels and adequate drainage design.</p> <p>(c) A minimum of 2 car bays is to be provided per dwelling with 2 or more bedrooms. 1 car bay shall be provided for one-bedroom apartments.</p>	Material	Colour	Colorbond Steel	Terrace or Similar	Painted / Rendered Masonry	Limestone or Similar	Limestone	Natural
Material	Colour										
Colorbond Steel	Terrace or Similar										
Painted / Rendered Masonry	Limestone or Similar										
Limestone	Natural										

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	<p>Area B—Precinct 6 and 6A—Horwood Quays and Landing Park Tourist Commercial</p> <p>As a 'P' use—</p> <ul style="list-style-type: none"> • Serviced apartment <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Consulting rooms; • Fast food outlet; • Grouped dwelling; • Holiday accommodation; • Holiday house; • Home occupation; • Multiple dwelling; • Office; • Restaurant/café; • Single house; • Shop <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Bulky goods showroom; 	<p>8. Vehicle crossovers shared between adjoining properties shall not exceed 6 metres in width.</p> <p>9. Development shall ensure that it is capable of accommodating bin storage areas that can be serviced by rubbish trucks within the property and / or the verge immediately adjoining the property.</p> <p>10. Weather protection shall be provided to entrances of residential buildings.</p> <p>11. External Materials—</p> <p>(a) At least two different materials must be featured on external walls and shall be selected from the following—</p> <ul style="list-style-type: none"> (i) Rendered brickwork (light, flat, bagged texture). (ii) Timber boarding (to provide the appearance of clear finished or weatherboard timber). (iii) Fibre cement boards (to provide the appearance of clear finished or weathered timber). (iv) Painted timber or fibre cement weather boarding. (v) Painted flat fibre cement sheet. (vi) Custom orb (for walls). (vii) Limestone blocks (natural or reconstituted). (viii) Tilt concrete or precast concrete with textured and painted finishes. <p>Area B—Precinct 6 and 6A—Horwood Quays and Landing Park Tourist Commercial</p> <p>Site requirements</p> <p>1. Setbacks—</p> <ul style="list-style-type: none"> (a) A nil front setback to Horwood Quays and Landing Park shall be required to ground level tourist-commercial development. (b) Nil setback to 50% of upper floor setback to Landing Park, Horwood Quays. Balance to be a minimum of 1.5 metres. (c) Where apartments are to face away from Horwood Quays (only allowed subject to an apartment being built on the same level and vicinity facing Horwood Quays) upper floor setbacks shall be nil for 50% of the boundary with the balance to be a minimum of 1.5 metres. (d) Nil setback permitted to side boundaries adjoining another lot. (e) Where the side boundary fronts a public road / access way, a nil setback is permitted for 50% of the building, the balance shall be set back a minimum of 1 metre.

No.	Description of Land	Special Use	Conditions
		<ul style="list-style-type: none"> • Liquor store—small; • Residential building; • Tavern; • Telecommunications infrastructure 	<p>(f) Canal setback to be a minimum 3.8 metres from canal setout line for a maximum of 50% of the lot the remaining canal setback shall be a minimum of 4.3 metres from the canal setout line.</p> <p>Development requirements</p> <ol style="list-style-type: none"> 1. Only commercial land uses are permitted on the ground floor of any development. 2. No commercial land uses are permitted on upper floors of any development. 3. Horwood Quays and canal frontage: office, retail and café uses are required to provide ground level frontage activation. 4. A shop shall be no greater than 300m² in net lettable area. 5. Car Parking— <ol style="list-style-type: none"> (a) Car parking areas shall be located on-site and screened from public view. (b) A minimum of 2 car bays is to be provided per dwelling with 2 or more bedrooms. 1 car bay shall be provided for single-bedroom dwellings. (c) Commercial development car parking for Ground Floor Commercial has been provided in adjoining public car parking facilities with the exception of the lots to the West of both North and South finger canals on Horwood Quays. Subject to the local government at its discretion approving first floor home business use, then car parking related to that use must be provided on-site. 6. Fencing— <ol style="list-style-type: none"> (a) Rear boundary and side boundaries to corner lots to be fully fenced/ screened to a maximum height of 1.8 metres with the exception of fences at canal lots. (b) Garage doors will be permitted to the rear boundary. All fencing to these areas shall be non-permeable. (c) Side boundary fences shall be 1.8 metres rendered masonry or paint finish to complement the building at the local government's discretion. (d) Fences or barriers facing canals up to but not beyond the secondary retaining walls are to be a maximum of 1.1 metres high and be constructed of masonry block work, concrete panel, aluminium and glass or permeable steel. 7. The finished ground level at the time of subdivision shall not be raised. 8. Buildings within the 3 metres 'no load' zone behind the secondary retaining wall shall be certified a structural engineer.

No.	Description of Land	Special Use	Conditions
			<p>9. No development shall be permitted within 6 metres of the secondary retaining wall below the finished ground level at the time of subdivision.</p> <p>10. The building envelope is to be a minimum of 2 storeys and maximum 3 storeys, above natural ground level.</p> <p>11. The maximum wall height shall be 9.75 metres above natural ground level.</p> <p>12. Dwellings may be built over parking garages.</p> <p>13. Buildings must address Landing Park, Horwood Quays, secondary road and canals.</p> <p>14. Where possible, outdoor living areas associated with residential dwellings shall have a minimum dimension of 3 metres and address Landing Park, Horwood Quays or the Canal.</p> <p>15. Vehicle crossovers shared between adjoining properties shall not exceed 6 metres in width.</p> <p>16. Development shall ensure that it is capable of accommodating bin storage areas that can be serviced by rubbish trucks within the property and / or the verge immediately adjoining the property.</p> <p>17. Weather protection shall be provided to entrances of residential buildings.</p> <p>18. External Materials—</p> <p>(a) At least two different materials must be featured on external walls and shall be selected from the following—</p> <p>(i) Rendered brickwork (light, flat, bagged texture).</p> <p>(ii) Timber boarding (to provide the appearance of clear finished or weatherboard timber).</p> <p>(iii) Fibre cement boards (to provide the appearance of clear finished or weathered timber).</p> <p>(iv) Painted timber or fibre cement weather boarding.</p> <p>(v) Painted flat fibre cement sheet.</p> <p>(vi) Custom orb (for walls).</p> <p>(vii) Limestone blocks (natural or reconstituted).</p> <p>(viii) Tilt concrete or precast concrete with textured and painted finishes.</p> <p>19. Store(s) may be approved on the lower terrace of a lot provided they comply with the following requirements—</p> <p>(a) The store(s) shall be non-habitable and constructed at the 1.875m AHD level;</p> <p>(b) The store shall have a concrete slab with a minimum finished level of 1.975 metres AHD;</p> <p>(c) The store(s) shall be setback a minimum of 2.3 metres from the canal setout line;</p>

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	Area B—Precinct 7 Tourist Commercial Mixed use As a 'P' use— <ul style="list-style-type: none"> • Serviced apartment 	<p>(d) The maximum cumulative width of the store(s) shall be limited to 50% width of the secondary retaining wall;</p> <p>(e) The store(s) shall be constructed of lightweight materials and clad in Primeline Weatherboard or similar material, provided that the finished presentation has a similar profile effect;</p> <p>(f) The construction of the store(s) shall be certified by a structural engineer;</p> <p>(g) Signage shall be attached to store(s) door or adjacent to store door to read "Residents to ensure all chemicals and petroleum products are securely stored at least 1.3 metres above the floor level to avoid contamination in the event of a flood";</p> <p>(h) Store(s) doors shall be designed and constructed such that in the event of a flood, the door will remain in the closed position;</p> <p>(i) Store(s) must not be used actively in the event of a cyclone or significant rainfall event;</p> <p>(j) The height of the store(s) shall not exceed the height of the existing retaining wall.</p> <p>20. The minimum height from ground level for a canopy or awning overhanging a footpath is 2.75 metres. Signage suspended beneath a canopy should have a minimum clearance of 2.4 metres.</p> <p>21. Awnings shall project into the pedestrian area of a street space by 1.5 metres. Awnings shall be designed to appear as thin, lightweight elements. Bull nose verandahs shall not be permitted.</p> <p>22. Where access from the rear is available all on-site car parking for residents and/or employees is to be accessed from the rear.</p> <p>23. Where commercial buildings have a nil front setback, the provision of weather protection to the public footpath in the form of a verandah, canopy or awning is required.</p> <p>24. Residential awnings are permitted to project 1 metre into the street and Lot 77 (POS).</p> <p>25. The mooring of boats, including associated mooring piles, shall be located wholly within the Mooring Envelope as approved by the Department of Transport.</p> <p>26. The mooring of vessels shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.</p> <p>Area B—Precinct 7—Tourist Commercial Mixed Use Site requirements 1. Setbacks—</p> <p>(a) Nil setback: to Landing Park boundaries on ground floor, permitted to 50% of upper floors</p>

No.	Description of Land	Special Use	Conditions
		<p>As a 'D' use—</p> <ul style="list-style-type: none"> • Consulting rooms; • Fast food outlet; • Grouped dwelling; • Holiday accommodation; • Holiday house; • Home occupation; • Multiple dwelling; • Office; • Restaurant/café; • Single house; • Shop <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Bulky goods showroom; • Liquor store—small; • Residential building; • Tavern; • Telecommunications infrastructure 	<p>fronting Landing Park, with the balance a minimum of 1.5 metres; and to side boundaries adjoining other lots.</p> <p>(b) Eastern Boundary (public boulevard) setbacks to both lots to be as follows—</p> <ul style="list-style-type: none"> (i) Ground floor: 3.6 metres from boundary. (ii) First floor and above: 50% of the building may project 1 metre into the Ground floor setback by way of cantilever only. The balance to be a minimum of 3.6 metres from the boundary. (iii) The façade of buildings facing the eastern boundary are to be designed to minimise large areas of wall/glass on the same plane. To break up this façade, no more than 50% of the area of the façade is permitted to be built at the same setback. The balance is to be constructed at a minimum of 1 metre forward or back from the façade. <p>Development requirements</p> <ol style="list-style-type: none"> 1. Only commercial land uses are permitted on the ground floor of any development. 2. No commercial land uses are permitted on the upper floors of any development. 3. A shop shall not be greater than 300m² in net lettable area. 4. The minimum height from ground level for a canopy or awning overhanging a footpath is 2.75 metres. Signage suspended beneath a canopy shall have a minimum clearance of 2.4 metres. 5. Awnings shall project into the pedestrian area of a street space by 1.5 metres. Awnings shall be designed to appear as thin, lightweight elements. Bull nose verandahs shall not be permitted. 6. Where access from the rear is available all on-site car parking for residents and/or employees is to be accessed from the rear. 7. Where commercial buildings have a nil front setback, the provision of weather protection to the public footpath in the form of a verandah, canopy or awning shall be required. 8. Residential awnings are permitted to project 1 metre into the street and Lot 77 (POS). 9. Vehicle crossovers shared between adjoining properties shall not exceed 6 metres in width. 10. Development shall ensure that it is capable of accommodating bin storage areas that can be serviced by rubbish

No.	Description of Land	Special Use	Conditions
			<p>trucks within the property and / or the verge immediately adjoining the property.</p> <p>11 Weather protection shall be provided to entrances of residential buildings.</p> <p>12. External Materials—</p> <p>(a) At least two different materials must be featured on external walls and shall be selected from the following—</p> <p>(i) Rendered brickwork (light, flat, bagged texture).</p> <p>(ii) Timber boarding (to provide the appearance of clear finished or weatherboard timber).</p> <p>(iii) Fibre cement boards (to provide the appearance of clear finished or weathered timber).</p> <p>(iv) Painted timber or fibre cement weather boarding.</p> <p>(v) Painted flat fibre cement sheet.</p> <p>(vi) Custom orb (for walls).</p> <p>(vii) Limestone blocks (natural or reconstituted).</p> <p>(viii) Tilt concrete or precast concrete with textured and painted finishes.</p> <p>13. Buildings must address the Landing Park, Horwood Quays, secondary street and the canals.</p> <p>14. Car Parking—</p> <p>(a) Residential—</p> <p>(i) Car parking areas shall be located on site and screened from public view.</p> <p>(ii) A minimum of 2 car bays is to be provided per dwelling with 2 or more bedrooms. 1 car bay shall be provided for single-bedroom dwellings.</p> <p>(b) Commercial development car parking has been provided either at car parking facilities north and south of Horwood Quays.</p> <p>15. The building envelope is to be a minimum of 2 storeys and maximum of 3 storeys.</p> <p>16. Fencing—</p> <p>(a) Rear boundary and side boundaries to corner lots to be fully fenced/screened to a maximum height of 1.8 metres.</p> <p>(b) Garage doors will be permitted to the rear boundary. All fencing to these areas to be non-permeable.</p> <p>(c) Side boundary fences in these locations to be rendered masonry/paint finish—complimenting the building at the local government's discretion.</p>

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	<p>Area B—Precinct 8 Murat Road</p> <p>As a 'P' use—</p> <ul style="list-style-type: none"> • Serviced apartment <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Consulting rooms; • Fast food outlet; • Grouped dwelling; • Holiday accommodation; • Holiday house; • Home occupation; • Motel; • Multiple dwelling; • Office; • Restaurant/café; • Service station; • Single house; • Shop <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Bulky goods showroom; • Industry—cottage; • Liquor store—small; • Residential building; • Tavern; • Telecommunications infrastructure 	<p>Area B—Precinct 8—Murat Road</p> <p>Site requirements</p> <p>1. Setbacks—</p> <ul style="list-style-type: none"> (a) Murat Road and Horwood Quays: 6 metres. (b) Rear: commercial use—at the discretion of the local government. (c) Rear: residential use—as per the R40 Density Code. (d) Canal arm 4.5 metres from canal setout line. Setback to 50% of the canal frontage can be reduced to 4.5 metres from the canal setout line. (e) Nil setbacks permitted to side boundaries at the discretion of the local government. (f) Canal arm 5: minimum 4.3 metres from canal setout line. 0.5 metres cantilever permitted to 50% of canal frontage into setback. <p>Development requirements</p> <p>1. A shop shall be no greater than 300m² in net lettable area, with the exception of Lot 30 where a shop of up to 350m² net lettable area is permitted for retail use other than a supermarket.</p> <p>2. The finished ground level at the time of subdivision shall not be raised.</p> <p>3. Buildings within the 3 metre 'no load' zone behind the secondary retaining wall shall be certified a structural engineer.</p> <p>4. No development shall be permitted within 6 metres of the secondary retaining wall below the finished ground level at the time of subdivision.</p> <p>5. The maximum wall height shall be 6.2 metres above natural ground level. A loft may be provided and may be partly within the main structure of the building provided the maximum wall height is not exceeded. Modifications to conventional loft construction are acceptable provided the building remains within the envelope described above.</p> <p>6. Store(s) are not permitted to be built on the lower level in canal arm 4.</p> <p>7. Fencing—</p> <ul style="list-style-type: none"> (a) No fencing permitted on boundaries fronting Horwood Quays. (b) Fencing to be in accordance with the general intent of fencing in adjoining precincts. (c) Fencing to the lower terrace level (1.85m AHD) is not permitted under any circumstances. <p>8. Parking—</p> <ul style="list-style-type: none"> (a) Car parking to be contained on site and screened from public view where possible. (b) For non-residential development, parking shall be in accordance with the Scheme.

No.	Description of Land	Special Use	Conditions
			<p>(c) Where a rear lane is available, vehicle access must be from this lane.</p> <p>(d) Residential parking shall comply with the R-Codes.</p> <p>9. Where short-term tourism uses and permanent residential uses are combined, no more than 20% of the total accommodation units shall be approved for permanent residential uses, unless otherwise approved by the local government.</p> <p>10. The maximum residential density shall be R40. Strata subdivision may be permitted.</p> <p>11. Vehicle crossovers shared between adjoining properties shall not exceed 6 metres in width.</p> <p>12. Development shall ensure that it is capable of accommodating bin storage areas that can be serviced by rubbish trucks within the property and / or the verge immediately adjoining the property.</p> <p>13. Weather protection shall be provided to entrances of residential buildings.</p> <p>14. External Materials—</p> <p>(a) At least two different materials must be featured on external walls and shall be selected from the following—</p> <p>(i) Rendered brickwork (light, flat, bagged texture).</p> <p>(ii) Timber boarding (to provide the appearance of clear finished or weatherboard timber).</p> <p>(iii) Fibre cement boards (to provide the appearance of clear finished or weathered timber).</p> <p>(iv) Painted timber or fibre cement weather boarding.</p> <p>(v) Painted flat fibre cement sheet.</p> <p>(vi) Custom orb (for walls).</p> <p>(vii) Limestone blocks (natural or reconstituted).</p> <p>(viii) Tilt concrete or precast concrete with textured and painted finishes.</p> <p>15. Buildings must address the Landing Park, Horwood Quays, secondary road and canals.</p> <p>16. Minimum pitch to conventional roof forms shall be 35 degrees for single storey development, excluding carports and patios. Flat and skillion roofs of 15 degrees or less may be permitted only on 2 storey development.</p> <p>17. The mooring of boats, including associated mooring piles, shall be located wholly within the Mooring Envelope, as approved by the Department of Transport.</p> <p>18. The mooring of vessels shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.</p>

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	<p>Area B—Precinct 9 Southern Revetment Lots</p> <p>As a 'P' use—</p> <ul style="list-style-type: none"> • Aged or dependent persons dwelling <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Grouped dwelling; • Holiday accommodation; • Holiday house; • Home occupation; • Multiple dwelling; • Serviced apartment; • Single house <p>As an 'A' use—</p> <ul style="list-style-type: none"> • Industry—cottage; • Residential building; • Telecommunications infrastructure 	<p>Area B—Precinct 9—Southern Revetment Lots</p> <p>Site requirements</p> <p>1. Setbacks—</p> <ul style="list-style-type: none"> (a) 5 metres for garages and carports. (b) 4 metres for the main dwelling. (c) The southern boundary setback is 13.5 metres from the cadastral boundary for 50% of the length of the boundary. The setback for the balance of the boundary to be a minimum of 16.5 metres from the cadastral boundary. (d) The eastern boundary setback is 5 metres from the canal setout line for a maximum of 50% of the envelope. The balance to be setback a minimum of 7 metres from the canal setout line. (e) Side setbacks: Nil. Lots with a primary street frontage of 13 metres or greater are restricted to zero side setbacks to the ground floor only. First floor side setbacks must comply with the R-Codes. (f) Upper floor rear balconies may project up to 0.5 metres into the rear setback but must be setback 0.5 metres from a side boundary. (g) Ground floor rear balconies and decks shall have a minimum setback of 2.3 metres to the canal setout line. (h) Where side boundaries abuts a public road the minimum setback from the common boundary shall be 1 metre for a minimum of 50% of the length of the building and a nil setback for the remainder. (i) Ground floor rear decks / terraces are permitted to be built against the side boundary provided a 1.65 metre high screen fence is constructed on the boundary. The screen fence shall be constructed of materials that complement the dwelling. <p>Development requirements</p> <ol style="list-style-type: none"> 1. The maximum wall height shall be 6.2 metres above natural ground level. A loft may be provided and may be partly within the main structure of the building provided the maximum wall height is not exceeded. Modifications to conventional loft construction are acceptable provided the building remains within the envelope described above. 2. The finished ground level at the time of subdivision shall not be raised. 3. Buildings within the 3 metre 'no load' zone behind the secondary retaining wall shall be certified a structural engineer.

No.	Description of Land	Special Use	Conditions								
			<p>4. No development shall be permitted within 6 metres of the secondary retaining wall below the finished ground level at the time of subdivision.</p> <p>5. Parking—</p> <p>(a) Car parking areas shall be located on site.</p> <p>(b) A minimum of 2 car bays are to be provided per dwelling.</p> <p>6. Stores(s) may be approved on the lower terrace of a lot within canal arm 5 provided they comply with the following requirements—</p> <p>(a) The store(s) shall be non-habitable store, constructed at the 1.875m AHD level;</p> <p>(b) The store shall have a concrete slab with a minimum finished level of 1.975 metres AHD;</p> <p>(c) The store(s) shall be setback a minimum of 10.8 metres from the cadastral boundary;</p> <p>(d) The maximum width of the store(s) shall be limited to 50% width of the block width;</p> <p>(e) The store(s) shall be constructed of lightweight materials and clad in Primeline Weatherboard or similar material, provided that the finished presentation has a similar profile effect;</p> <p>(f) The construction of the store(s) shall be certified by a structural engineer;</p> <p>(g) Signage shall be attached to store(s) door or adjacent to store door to read "Residents to ensure all chemicals and petroleum products are securely stored at least 1.3 metres above the floor level to avoid contamination in the event of a flood";</p> <p>(h) Store(s) doors shall be designed and constructed such that in the event of a flood, the door will remain in the closed position;</p> <p>(i) Store(s) must not be used actively in the event of a cyclone or significant rainfall event;</p> <p>(j) The height of the store(s) shall not exceed the height of the existing retaining wall.</p> <p>7. Landscaping is not permitted within 2.2 metres of the secondary retaining wall.</p> <p>8. Fencing—</p> <p>(a) Fencing on side boundaries shall be constructed in one or a combination of the following materials—</p> <table border="1" data-bbox="1023 1879 1385 2089"> <thead> <tr> <th data-bbox="1023 1879 1193 1908">Material</th> <th data-bbox="1193 1879 1385 1908">Colour</th> </tr> </thead> <tbody> <tr> <td data-bbox="1023 1908 1193 1973">Colorbond Steel</td> <td data-bbox="1193 1908 1385 1973">Terrace or Similar</td> </tr> <tr> <td data-bbox="1023 1973 1193 2058">Painted / Rendered Masonry</td> <td data-bbox="1193 1973 1385 2058">Limestone or Similar</td> </tr> <tr> <td data-bbox="1023 2058 1193 2089">Limestone</td> <td data-bbox="1193 2058 1385 2089">Natural</td> </tr> </tbody> </table>	Material	Colour	Colorbond Steel	Terrace or Similar	Painted / Rendered Masonry	Limestone or Similar	Limestone	Natural
Material	Colour										
Colorbond Steel	Terrace or Similar										
Painted / Rendered Masonry	Limestone or Similar										
Limestone	Natural										

No.	Description of Land	Special Use	Conditions
			<p>(b) Fencing Height as follows—</p> <p>(i) Side Boundaries: maximum 1.8 metres with the exceptions of the side boundary between the secondary retaining wall and the rear of the dwelling to be a maximum of 1.5 metres in height.</p> <p>(ii) Fencing to the lower terrace level (1.85m AHD) is not permitted under any circumstances.</p> <p>(iii) No fencing is permitted to the front boundary or forward of the building line on the side boundaries.</p> <p>(iv) Fencing above Eastern secondary retaining wall and to the North boundary of the Eastern lot must be constructed as one of the following—</p> <p>(a) 1 metre high powder coated aluminium and glass balustrading.</p> <p>(b) 1-1.8 metre powder coated aluminium or steel permeable fence between rendered and painted masonry piers.</p> <p>(c) 1.8 metre rendered and painted masonry wall.</p> <p>9. Weather protection shall be provided to entrances of residential buildings.</p> <p>10. External Materials—</p> <p>(a) At least two different materials must be featured on external walls and shall be selected from the following—</p> <p>(i) Rendered brickwork (light, flat, bagged texture).</p> <p>(ii) Timber boarding (to provide the appearance of clear finished or weatherboard timber).</p> <p>(iii) Fibre cement boards (to provide the appearance of clear finished or weathered timber).</p> <p>(iv) Painted timber or fibre cement weather boarding.</p> <p>(v) Painted flat fibre cement sheet.</p> <p>(vi) Custom orb (for walls).</p> <p>(vii) Limestone blocks (natural or reconstituted).</p> <p>(viii) Tilt concrete or precast concrete with textured and painted finishes.</p> <p>11. Minimum pitch to conventional roof forms shall be 35 degrees for single storey dwellings, excluding carports and patios. Flat and skillion roofs of</p>

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	<p>Area B—Precinct 10 Private Moorings As a 'P' use—</p> <ul style="list-style-type: none"> • At the discretion of the local government 	<p>15 degrees or less may be permitted only on 2 storey dwellings.</p> <p>12. Jetty structures shall be located wholly within the Jetty envelope and the mooring of boats, including associated mooring piles, shall be located wholly within the Mooring Envelope, as approved by the Department of Transport.</p> <p>13. The mooring of vessels shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.</p> <p>Area B—Precinct 10—Private Moorings Development requirements</p> <p>1. The local government shall only permit structures in association with private moorings (piles, jetties, gangways and signage frames) within Precinct 10.</p> <p>2. Locations of gangways and signage structures to each mooring is fixed and determined by the existing concrete footing blocks.</p> <p>3. Jetty structures shall be located wholly within the Jetty envelope and the mooring of boats, including associated mooring piles, shall be located wholly within the Mooring Envelope, as approved by the Department of Transport.</p> <p>4. The mooring of vessels shall accord with the Exmouth Cyclone Contingency and Vessel Management Plan.</p> <p>5. Car Parking—</p> <p>(a) One service vehicle parking space shall be provided adjacent to each mooring for use by the lessee / operator only.</p> <p>(b) Vehicle access to the road serving the moorings shall be restricted to the lessee / operators only and shall not be accessed to deliver passengers or customers from buses and charter operators.</p>
SU6	Exmouth Marina (continued)	<p>Area C—Residential As a 'P' use—</p> <ul style="list-style-type: none"> • Aged or dependent persons dwelling <p>As a 'D' use—</p> <ul style="list-style-type: none"> • Bed and breakfast; • Grouped dwelling; • Holiday accommodation; • Holiday house; • Home occupation; • Multiple dwelling; 	<p>Area C Area C consists of the Residential precinct and Built Strata Permanent Residential as defined in Figure 9: SU6—Marina—Area C1.</p> <p>Area C—Residential Site requirements Setbacks shall be in accordance with Figure 10: SU6—Marina—Area C2.</p> <p>Development requirements</p> <p>1. Subdivision and development shall be in accordance with Figure 10: SU6—Marina—Area C2.</p> <p>2. Single dwellings may be constructed on duplex lots in accordance with Figure 10: SU6—Marina—Area C2.</p> <p>3. The maximum wall height shall be 6.2 metres above natural ground level.</p> <p>4. The minimum finished floor level for all habitable rooms shall be 5.25m AHD.</p> <p>5. A minimum of 35% open space is required within each lot.</p>

No.	Description of Land	Special Use	Conditions
SU6	Exmouth Marina (continued)	<ul style="list-style-type: none"> • Serviced apartment; • Single house As an 'A' use— <ul style="list-style-type: none"> • Telecom-munications infrastructure Area C—Built Strata Permanent Residential As a 'P' use— <ul style="list-style-type: none"> • Grouped dwelling As a 'D' use— <ul style="list-style-type: none"> • Bed and breakfast; • Holiday accommodation; • Holiday house; • Home occupation; • Serviced apartment As an 'A' use— <ul style="list-style-type: none"> • Telecom-munications infrastructure 	<p>6. Vehicle crossovers shall be in accordance with Figure 10: SU6—Marina—Area C2.</p> <p>7. Fencing shall be in accordance with Figure 10: SU6—Marina—Area C2.</p> <p>8. Fencing in the street setback area which includes the street front lot boundary and side lot boundary, shall be a maximum 0.9 metres high above natural ground level.</p> <p>Area C—Built Strata Permanent Residential</p> <p>Site requirements Setbacks shall be in accordance with the R30 Density Code.</p> <p>Development requirements</p> <p>1. All residential development shall comply with the R30 Density Code.</p> <p>2. Building Heights shall be a maximum of 12 metres, above natural ground level.</p> <p>3. Roof form shall be complementary to the existing resort development at the discretion of the local government.</p> <p>4. Boundary fencing shall be 2x courses of reconstituted limestone blocks with intermittent dividing limestone pylons, separated by visually permeable uniform fencing. Internal fencing shall be at the discretion of the local government.</p> <p>5. A high standard entry statement sign shall be installed between Madaffari Drive and the Built Strata Permanent Residential.</p> <p>6. Building design shall provide a clear expression of the architectural style envisaged for the overall site including height, colour, texture, external material, roof pitch and character to existing development.</p> <p>7. Pedestrian paths shall be provided within the development to provide internal pedestrian connectivity to the resort.</p> <p>8. A consistent landscaping theme shall be adopted throughout the development to provide visual consistency with the existing resort.</p>
SU7	Lot 9510 on Plan 55557.	As a 'D' use— <ul style="list-style-type: none"> • Bed and breakfast; • Grouped dwelling; • Holiday accommodation; • Holiday home; • Hotel; • Motel; • Single house; • Tourist development As an 'A' Use— <ul style="list-style-type: none"> • Industry—light; • Industry—service; • Marine support facility; 	<p>1. Applications for subdivision and development approval shall not be supported unless—</p> <p>(a) the Exmouth Marina Village Outline Development Plan has been amended as a new structure plan for Lot 9510 on Plan 55557 to the satisfaction of the local government, pursuant to Part 4 of the deemed provisions; and</p> <p>(b) New Design Guidelines have been prepared for the structure plan area, which revoke the Exmouth Marina Village Broad Design Guidelines, and adopted as a local planning policy under Part 2 of the deemed provisions.</p> <p>2. The Design Guidelines adopted under condition 1(b) above are to be implemented as if they form part of the Scheme.</p>

No.	Description of Land	Special Use	Conditions
SU8	Lot 1481 Neale Cove, Exmouth	<ul style="list-style-type: none"> • Service station; • Telecom- munications infrastructure; • Trade display; • Warehouse/ storage As a 'P' use— <ul style="list-style-type: none"> • Marine support facility; • Marina 	<p>1. Site and development requirements shall be in accordance with any local planning policy adopted under Part 2 of the deemed provisions or other lawfully adopted planning policy.</p> <p>2. The local government may consider additional land uses, as outlined in any local planning policy adopted under Part 2 of the deemed provisions or other lawfully adopted planning policy, as 'D' uses.</p> <p>3. Development shall be marine and port related.</p> <p>4. The maximum number and length of sea containers shall be in accordance with the General Industry zone.</p>
SU9	Lots 301-313 on Deposited Plan 2955; Lots 314-327 on Deposited Plan 33791. 'Cape Wilderness Estate'	As a 'D' use— <ul style="list-style-type: none"> • Ancillary dwelling; • Bed and breakfast; • Holiday house; • Home occupation; • Single house 	<p>1. Lots shall not be further subdivided.</p> <p>2. A building envelope, not exceeding 4,000m² and setback a minimum of 20 metres from any lot boundary is to be defined by the owner and in accordance with the approved Foreshore Management Plan, and approved by the local government prior to the determination of development approval pursuant to Clause 68 of the deemed provisions.</p> <p>3. No building envelope is to be situated on land below the RL 3.0 metre natural contour and no floor level of any dwelling shall be less than RL 3.5 metres.</p> <p>4. Unless otherwise specified, any development is to be in accordance with the general development requirements specified in Clause 3.10.9.</p> <p>5. Clearing of vegetation outside of a building envelope is prohibited, except in the following circumstances—</p> <ul style="list-style-type: none"> (a) A driveway to the building envelope. (b) Strategic firebreaks or other fire management requirements as defined in the Subdivision Guide Plan or Bushfire Management Plan; and (c) Provision of underground services. <p>6. On-site effluent disposal shall be located within the building envelope and is to be provided to the specification and satisfaction of the local government.</p> <p>7. Access from all lots onto Minilya-Exmouth Road is to be to the satisfaction of the local government with advice from Main Roads Western Australia.</p> <p>8. Development is to be of a high standard and be compatible with the overall landscape, colours and textures of the area.</p>

No.	Description of Land	Special Use	Conditions
			<p>9. The local government may require the applicant at the time of seeking a development approval to prepare a landscaping plan to demonstrate how structures will be screened from Minilya-Exmouth Road. Where a landscape plan is required, the local government will only permit the planting of local species.</p> <p>10. Notwithstanding any other provision of this Scheme, the keeping of stock, including horses, is prohibited on any lot within the Special Use zone.</p>

COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the Shire of Exmouth at the Ordinary Meeting of the Council held on the 29th day of October 2015.

T. SHALES, Shire President.
B. PRICE, Chief Executive Officer.

COUNCIL ADOPTION FOR FINAL APPROVAL

Adopted for submission to the Minister for Planning for approval by resolution of the Council of the Shire of Exmouth at the Ordinary Meeting of the Council held on the 15th day of December 2016 and the Common Seal of the Shire of Exmouth was hereunto affixed by the authority of a resolution of the Council in the presence of—

M. NIIKKULA, Shire President.
C. WOODS, Chief Executive Officer.

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

S. COLLINGWOOD, Delegated under S.16 of the
Planning and Development Act 2005.

Dated: 5 February 2019.

APPROVAL GRANTED

R. SAFFIOTI, Minister for Planning,
S.87 of the *Planning and Development Act 2005.*

Dated: 22 February 2019.
