



### **6.1.16 WINDY HARBOUR DESIGN CODES**

#### 1. Preliminary

##### 1.1. Purpose

The **purpose** of this Policy is to:

- (i) Act as the development control mechanism required by the Windy Harbour Management Plan and individual site leases;
- (ii) Identify the objectives for a variety of design elements for continued development within the Windy Harbour Settlement;
- (iii) Set out performance criteria for each design element in order to meet these objectives;
- (iv) Establish acceptable development provisions that show one way of satisfactorily meeting the performance criteria; and
- (v) Clearly establish the development parameters for Windy Harbour in a manner that is easily understood by leaseholders, the local government and the general community.

##### 1.2. Objectives

The **objectives** of this Policy are:

- (i) To ensure new development enhances and protects the existing character of Windy Harbour as a low-impact holiday settlement that responds to its natural surrounds;
- (ii) Provide a clear set of design objectives that are based on retaining and enhancing the existing character of Windy Harbour; and
- (iii) Provide for individual lease areas to be developed in a manner that is consistent with the character of Windy Harbour, whilst not becoming overly restrictive.

##### 1.3. Application of Policy

This Policy applies to all development within lease areas of the Windy Harbour Settlement, located within Special Use Zone No. 5 as depicted on the Scheme Maps.

The Policy is to be read in conjunction with the Scheme, Windy Harbour Management Plan, individual site leases and any other relevant Local Planning Policy.

If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

##### 1.4. Policy Exclusions

This Policy excludes development undertaken for public purposes on land within the Windy Harbour Settlement.

The Windy Harbour Caravan Park is excluded from this Policy.

#### 1.5. Definitions

For the purposes of this Policy, the definitions contained in the Scheme apply.

#### 1.6. Planning Approval Required

Except where otherwise stated in this Policy, all development within the Windy Harbour Settlement requires Development Approval prior to works commencing.

### 2. Policy Background and Issues

The background and issues associated with this Policy and development in Windy Harbour are included in a separate Background Paper that forms an appendix to this Policy.

The Background Paper is to be read in conjunction with this Policy.

### 3. Policy Structure

Part 5 of this Policy contains the core design elements of the Windy Harbour Design Codes. These use a performance approach and are set out as follows:

First, the aim or **objective** of the design element or special provision is stated;

Second, a set of **performance criteria** is provided that must be satisfied if the objective is to be met; and

Third, a set of **acceptable development** provisions related to the performance criteria is established.

The **objective** outlines the desired outcome for a particular design element or special provision.

The **performance criteria** are general statements of the means of achieving the objective. They are not meant to be limiting in nature. Instead, they provide applicants with an opportunity to develop a variety of design responses to address each design issue.

The **acceptable development** provisions illustrate one way of satisfactorily meeting the corresponding performance criterion and are provided as examples of acceptable design outcomes. Acceptable development provisions are intended to provide a straightforward pathway to assessment and approval. Compliance with an acceptable development provision automatically means compliance with the corresponding performance criterion and fulfilment of the objective.

### 4. Policy Precincts

In order to meet the overall objectives for Windy Harbour contained in the *Windy Harbour Management Plan*, the settlement has been divided into five (5) Precincts as outlined in the Background Paper. The Precincts allow for the individual character of each area within the settlement to be adequately protected by this Policy.

The location of the Precincts is shown on the plan at **Attachment A** of this Policy.

5. Design Elements

5.1. Character

*Objective:*

*To protect and enhance the existing character of Windy Harbour as a low-scale holiday settlement that does not seek to modify the natural attributes of the area or to replicate conventional residential development.*

5.1.1. Building Design

<b>Performance Criteria</b>	<b>Acceptable Development</b>
To ensure that new and modified holiday cottages are complementary to the design of surrounding cottages and the Precinct in which it is located.	<ul style="list-style-type: none"> <li>a) Holiday cottages in Precincts 1 and 2 are to incorporate a pitched roof and gable design unless the existing holiday cottage has an alternative roof design.</li> <li>b) Holiday cottages in Precincts 3, 4 and 5 are to incorporate a roof design that is consistent with surrounding cottages.</li> <li>c) Verandahs and patios are to use skillion roof construction. The construction of gabled patios will generally not be approved unless incorporated into the roofline of the cottage.</li> <li>d) The local government will apply a general presumption against the demolition or substantial modification of holiday cottages in Precinct 1.</li> <li>e) Modifications to existing holiday cottages in Precinct 1 will only be approved where the local government is satisfied that the design and construction of the existing cottage is appropriately maintained.</li> </ul>

5.1.2. Colours and Materials

<b>Performance Criteria</b>	<b>Acceptable Development</b>
To ensure new development retains the character of Windy Harbour as a settlement where use of light weight materials is evident and colours reflect the coastal location.	<ul style="list-style-type: none"> <li>a) Brick and masonry walls may be permitted where the local government grants Development Approval after taking into account the character of the surrounding cottages.</li> <li>b) Re-cladding of existing cottages does not require Development Approval.</li> <li>c) Roofing is to be metal sheeting.</li> <li>d) Clay or cement roofing tiles are not permitted unless required on cottage extensions to match into an existing tile roof.</li> <li>e) The use of unpainted 'Zincalume' steel roof sheeting is permitted.</li> <li>f) Second-hand materials are to have an 'as new' appearance.</li> </ul>

**5.2. Setbacks**

*Objective:*

*To ensure adequate provision of direct sun and ventilation for holiday cottages and to ameliorate the impacts of building bulk, interference with infrastructure and overshadowing on adjoining lease areas.*

**5.2.1. Setbacks**

<b>Performance Criteria</b>	<b>Acceptable Development</b>
<p>Holiday cottages and outbuildings setback from lease boundaries and other cottages so as to provide adequate fire separation, direct sun, ventilation, noise amelioration and to protect the character of Windy Harbour.</p>	<p>a) Precinct 1:</p> <ul style="list-style-type: none"> <li>(i) A minimum separation distance of 1.8m and 0.9m between the walls and eaves respectively of separate holiday cottages to be maintained at all times.</li> <li>(ii) 2.0m minimum setback between holiday cottage wall and front lease boundary or existing building line, whichever is the lesser.</li> <li>(iii) 1.0m minimum setback between front line of a verandah/porch and front lease boundary or existing building line, whichever is the lesser.</li> <li>(iv) 1.0m minimum setback between holiday cottage wall / edge of roof and side and rear lease boundaries.</li> <li>(v) Nil side / rear setbacks to unroofed decks, steps or similar.</li> <li>(vi) Nil setbacks to outbuildings, subject to being located behind the front building line of the holiday cottage and ensuring all roof water is retained within the lease area.</li> </ul> <p>b) Precinct 2:</p> <ul style="list-style-type: none"> <li>(i) A minimum separation distance of 1.8m and 0.9m between the walls and eaves respectively of separate holiday cottages to be maintained at all times.</li> <li>(ii) 4.0m minimum setback between holiday cottage wall and front lease boundary or existing building line, whichever is the lesser.</li> <li>(iii) 1.5m minimum setback between front line of a verandah/porch and front lease boundary or existing building line, whichever is the lesser.</li> <li>(iv) 1.0m minimum setback between holiday cottage wall / edge of roof and side and rear lease boundaries.</li> <li>(v) Nil side / rear setbacks to unroofed decks, steps or similar.</li> <li>(vi) Nil setbacks to outbuildings, subject to being located behind the front building line of the holiday cottage</li> </ul>

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	<p>and ensuring all roof water is retained within the lease area.</p> <p>c) Precinct 3:</p> <ul style="list-style-type: none"><li>(i) A minimum separation distance of 1.8m and 0.9m between the walls and eaves respectively of separate holiday cottages to be maintained at all times.</li><li>(ii) 6.0m minimum setback between holiday cottage wall and front lease boundary or existing building line, whichever is the lesser.</li><li>(iii) 3.0m minimum setback between front line of a verandah/porch and front lease boundary or existing building line, whichever is the lesser.</li><li>(iv) 1.5m minimum setback between holiday cottage wall / edge of roof and side lease boundaries.</li><li>(v) 1.0m minimum setback between unroofed decks, steps or similar and side lease boundaries.</li><li>(vi) 3.0m minimum setback between holiday cottage wall, edge of roof or unroofed decks, steps or similar and the rear lease boundary.</li><li>(vii) Nil setbacks to outbuildings, subject to being located behind the front building line of the holiday cottage and ensuring all roof water is retained within the lease area.</li></ul> <p>d) Precinct 4:</p> <ul style="list-style-type: none"><li>(i) A minimum separation distance of 1.8m and 0.9m between the walls and eaves respectively of separate holiday cottages to be maintained at all times.</li><li>(ii) 6.0m minimum setback between holiday cottage wall and front lease boundary or existing building line, whichever is the lesser.</li><li>(iii) 3.0m minimum setback between front line of a verandah/porch and front lease boundary or existing building line, whichever is the lesser.</li><li>(iv) 1.5m minimum setback between holiday cottage wall / edge of roof and side lease boundaries.</li><li>(v) 1.0m minimum setback between unroofed decks, steps or similar and side lease boundaries.</li><li>(vi) 6.0m minimum setback between holiday cottage wall / edge of roof and the rear lease boundary.</li></ul>
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	<p>3.0m minimum setback between unroofed decks, steps or similar and the rear lease boundary.</p> <p>(vii) Nil side setbacks and minimum 3.0m rear setback to outbuildings, subject to being located behind the front building line of the holiday cottage and ensuring all roof water is retained within the lease area.</p> <p>e) Precinct 5:</p> <p>(i) A minimum separation distance of 1.8m and 0.9m between the walls and eaves respectively of separate holiday cottages to be maintained at all times.</p> <p>(ii) 6.0m minimum setback between holiday cottage wall or front line of a verandah / porch and front lease boundary or existing building line, whichever is the lesser.</p> <p>(iii) 1.5m minimum setback between holiday cottage and side lease boundaries where wall is less than 5m high.</p> <p>(iv) 2.5m minimum setback between holiday cottage and side lease boundaries where wall is greater than 5m high.</p> <p>(v) 6.0m minimum setback between holiday cottage and the rear lease boundary.</p> <p>(vi) 1.0m minimum setback between outbuildings and side and rear lease boundaries, subject to being located behind the front building line of the holiday cottage.</p>
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**5.3. Site Coverage and Open Space Requirements**

*Objective*

*To ensure the size and scale of development remains consistent with the function of providing private holiday accommodation and maintaining the small-scale, open character of Windy Harbour.*

**5.3.1. Holiday Cottage Footprints**

<b>Performance Criteria</b>	<b>Acceptable Development</b>
To ensure that the size of holiday cottages remains consistent with the character of the Precinct Area and reflects the short-stay nature of tenure in Windy Harbour.	<p>a) Holiday cottages, excluding any outbuildings or attached areas are to have a maximum ground level footprint as follows:</p> <p>(i) Precinct 1: 80m<sup>2</sup></p> <p>(ii) Precinct 2: 100m<sup>2</sup></p> <p>(iii) Precincts 3 and 4: 120m<sup>2</sup></p> <p>(iv) Precinct 5: 200m<sup>2</sup></p> <p>b) Roofed areas, such as patios and verandahs that are attached to the holiday cottage are not included in the footprint calculation.</p>

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	c) Unattached roofed areas, such as outbuildings and gazebos are not included in the above footprint calculation but are included in the proportion of overall site coverage required in 5.3.2.
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### 5.3.2. Site Coverage

Performance Criteria	Acceptable Development
Sufficient open space around buildings to complement the small-scale character of the holiday cottages and to promote permeability of the settlement.	a) Notwithstanding the provisions of 5.3.1 and 5.8.1, maximum site coverage of any lease area is not to exceed the following proportions of the lease area: (i) Precincts 1 and 2: 50% (ii) Precincts 3, 4 and 5: 40% b) The calculation of site coverage is to include all roofed areas on a lease area.

### 5.3.3. Private Outdoor Living Area

Performance Criteria	Acceptable Development
Provide an appropriate private outdoor living area for each holiday cottage that may be screened or sheltered from prevailing winds.	a) An outdoor living area is to be provided for each holiday cottage that is wholly located within the lease area and behind the front building line of the cottage. b) The minimum size of the outdoor living area is to be as follows: (i) Precincts 1 and 2: 25m <sup>2</sup> (ii) Precincts 3, 4 and 5: 50m <sup>2</sup> c) An outdoor living area may be wholly or partly roofed and can incorporate raised decks or verandah areas. d) An outdoor living area may be cleared of vegetation and levelled, subject to Development Approval being granted. e) An outdoor living area may be screened or protected from winds, subject to Development Approval being granted.

## 5.4. Access and Parking

### *Objective:*

*To ensure access and car parking arrangements remain informal and low impact.*

### 5.4.1. Vehicle Access and Parking

Performance Criteria	Acceptable Development
Car and boat parking on and access to lease areas is to be informal and with minimal impact on the topography, vegetation and surrounding lease areas.	a) Each lease area to allow for the parking of at least one vehicle within the site, except in Precinct 1 where use of communal parking areas is permitted. b) Sealing or paving of driveway access or parking areas is not permitted without Development Approval. c) Any earthworks or vegetation clearing required to allow for car parking or

	access is to obtain Development Approval prior to works commencing.
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#### 5.4.2. Pedestrian Access

Performance Criteria	Acceptable Development
Pedestrian access through individual lease areas and the settlement in general is not to be impeded by development.	<ul style="list-style-type: none"> <li>a) Each lease area is to allow pedestrian access through it in order to maintain or improve on existing levels of accessibility and permeability within Windy Harbour.</li> <li>b) Lease area boundaries are not to be fenced or otherwise blocked in a manner that prevents access through the entirety of a site.</li> <li>c) Partial fencing or retaining of a lease area may be permitted, subject to ensuring the level of access afforded prior to the development being maintained and in accordance with 5.9.1.</li> </ul>

#### 5.5. Landform and Vegetation

*Objective:*

*To maintain and enhance the existing natural topography and vegetation within Windy Harbour and to ensure development responds to the natural environment rather than unduly modify it.*

##### 5.5.1. Site Works

Performance Criteria	Acceptable Development
Maintain existing ground levels as much as practicable.	<ul style="list-style-type: none"> <li>a) The local government will apply a general rule against the modification of ground levels.</li> <li>b) Excavation of a lease area below the lowest point on the lease area is not permitted..</li> <li>c) Cutting and filling of land to accommodate buildings will not be permitted unless the local government is satisfied that this is necessary to allow development to occur on a particular lease area.</li> <li>d) Construction of retaining walls will only be permitted where pedestrian accessibility through the lease area has been taken into account.</li> <li>e) Except where underneath a cottage footprint, retaining walls are not to exceed 900mm high unless the local government is satisfied that a higher wall is necessary in order to protect landform or native vegetation and pedestrian accessibility is appropriately considered.</li> </ul>



	f) The construction of retaining walls of a height that requires fencing or balustrading to ensure pedestrian safety will not be permitted.
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### 5.5.2. Vegetation Protection

Performance Criteria	Acceptable Development
Maintain and enhance native vegetation in Windy Harbour.	<ul style="list-style-type: none"> <li>a) The local government will apply a general rule of presumption against the removal of vegetation, except declared weeds.</li> <li>b) No vegetation is to be removed from a lease area without the approval of the local government.</li> <li>c) The removal of vegetation will only be approved where the vegetation is dead, diseased or considered by the local government to be dangerous.</li> <li>d) Notwithstanding 5.5.2 c), removal of vegetation associated with an approved development or in accordance with the local government's annual Fire Break Order is permitted.</li> <li>e) Where removal of vegetation is permitted, the local government will place any conditions on the Development Approval necessary to ensure replacement vegetation using indigenous species is planted.</li> <li>f) Removal of vegetation from dune slopes or other areas where its removal may cause erosion will generally not be permitted.</li> </ul>

### 5.6. Building Height

*Objective:*

*To ensure the height of buildings in Windy Harbour are consistent with the low-rise character of the settlement.*

#### 5.6.1. Building Height

Performance Criteria	Acceptable Development
Building height consistent with the existing nature of Windy Harbour and taking into account the desire to maintain existing ground levels.	<ul style="list-style-type: none"> <li>a) Building height is to be calculated from the lowest point underneath the existing or proposed footprint of the holiday cottage and is to not exceed 8.5m to the top of the roof ridge.</li> <li>b) Excavation of a lease area below the lowest point of a lease area is not permitted.</li> <li>c) Cutting and filling of land to accommodate buildings is permitted within the approved cottage footprint.</li> </ul>

### 5.7. Servicing

*Objective:*

*To ensure all holiday cottages are appropriately serviced and infrastructure is protected from inappropriate development.*

5.7.1. Water

<b>Performance Criteria</b>	<b>Acceptable Development</b>
Ensure that the Windy Harbour public drinking water supply and mains is protected from development that may cause damage or restrict access and ensure each holiday cottage is supplied with drinking water.	<ul style="list-style-type: none"> <li>a) Each holiday cottage is to be connected to the Windy Harbour reticulated drinking water supply to the satisfaction of the local government.</li> <li>b) Notwithstanding the setback requirements contained in 5.2, no building is to be constructed above or within 1.0m of the alignment of the water main.</li> <li>c) Rainwater tanks are to be located wholly within the lease area in a location that avoids adverse impacts on access, landform and vegetation.</li> </ul>

5.7.2. Sewerage

<b>Performance Criteria</b>	<b>Acceptable Development</b>
Ensure each holiday cottage is connected to an approved effluent disposal system.	<ul style="list-style-type: none"> <li>a) Each holiday cottage is to be connected to an on-site effluent disposal system approved by the local government.</li> <li>b) The effluent disposal system for a holiday cottage is to be located wholly within the same lease area and setback a minimum of 1.2m from a holiday cottage.</li> <li>c) Where an existing effluent disposal system is not of a standard acceptable to the local government or is located partly or wholly outside of the lease area for the holiday cottage it services, the local government will require the system to be replaced / relocated where practicable as a condition of any Development Approval.</li> <li>d) No buildings are to be located above an effluent disposal system so that access to the system is blocked or impaired.</li> </ul>

5.7.3. Electricity

<b>Performance Criteria</b>	<b>Acceptable Development</b>
<p>Provide for each cottage to have on-site electricity generation with amenity considerations subservient to the need to generate power.</p>	<ul style="list-style-type: none"> <li>a) Wind turbines located wholly within the lease area of the subject cottage up to a height of 20m in Precincts 1 - 4 and 25m in Precinct 5 are permitted subject to local government Development Approval and taking into account the potential impact on access, landform and vegetation.</li> <li>b) Roof-mounted solar panels are permitted without Development Approval.</li> <li>c) Ground-mounted solar panels located wholly within the lease area of the subject cottage are permitted subject to local government Development Approval and taking into account the potential impact on access, landform and vegetation.</li> <li>d) New motorised power generating equipment is to be contained within a noise-insulated structure as approved by the local government.</li> <li>e) Existing motorised power generating equipment is to be included within a noise-insulating structure as a condition of any Development Approval for additions or alterations to a holiday cottage.</li> <li>f) Any power generating installation (ground- or roof-mounted) to service two or more lease areas is to obtain Development Approval with the local government to consider the impact on access, landform and vegetation. Approval will be subject to an appropriate operational agreement between the affected leaseholders to ensure the installation is maintained and managed to the satisfaction of the local government.</li> <li>g) Roof-mounted solar hot water systems are permitted without Development Approval.</li> <li>h) Wind turbines and motorised generating equipment are to be shut down between 10pm and 7am.</li> </ul>

5.7.4. Telecommunications

<b>Performance Criteria</b>	<b>Acceptable Development</b>
<p>Provide for each cottage to access appropriate land line, satellite and terrestrial telephone, radio, television and internet.</p>	<ul style="list-style-type: none"> <li>a) No development is to be built over underground telephone lines.</li> <li>b) Roof-mounted satellite dishes are permitted without Development Approval.</li> </ul>

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	<p>Approval, subject to projecting no greater than 1m above the top of the roof ridge.</p> <p>c) Roof-mounted antennae and similar devices are permitted without Development Approval, subject to projecting no greater than 1.5m above the top of the roof ridge.</p> <p>d) Ground-mounted satellite dishes, antennae and similar devices are only permitted where Development Approval is granted, taking into account the potential impact on access, landform and vegetation.</p>
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**5.7.5. Clothes Drying**

<b>Performance Criteria</b>	<b>Acceptable Development</b>
Provide for each cottage to have a clothes drying area / device that are not visually intrusive, impact on access through a site or capable of causing injury to pedestrians.	<p>a) Clothes drying areas are to be located behind the cottage in a position out of sight from the roadway.</p> <p>b) Rotary hoist – style clothes lines are not permitted.</p> <p>c) A retractable or fold-away clothes line is permitted without Development Approval where this is attached to the cottage or outbuilding, not visible from the roadway and will not block access or cause injury to pedestrians.</p>

**5.8. Outbuildings**

*Objective:*

*To ensure that outbuildings are maintained to a size commensurate with the holiday cottages and do not detract from the streetscape or character of Windy Harbour.*

**5.8.1. Outbuildings**

<b>Performance Criteria</b>	<b>Acceptable Development</b>
Outbuildings that do not detract from the streetscape or the character of Windy Harbour.	<p>a) Precinct 1:</p> <ul style="list-style-type: none"> <li>(i) 30m<sup>2</sup> maximum combined floor area.</li> <li>(ii) Located behind the front building line of the holiday cottage.</li> <li>(iii) Setback in accordance with 5.2.</li> <li>(iv) 3.6m maximum height to eaves.</li> <li>(v) 4.5m maximum height to roof ridge.</li> <li>(vi) The outbuilding is not to be used for habitation.</li> <li>(vii) The outbuilding is to be coloured to complement the holiday cottage on the same lease area.</li> </ul> <p>b) Precinct 2:</p> <ul style="list-style-type: none"> <li>(i) 45m<sup>2</sup> maximum combined floor area, or maximum 10% of the total lease area, whichever is the greater.</li> </ul>

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	<ul style="list-style-type: none"> <li>(ii) Located behind the front building line of the holiday cottage.</li> <li>(iii) Setback in accordance with 5.2.</li> <li>(iv) 3.6m maximum height to eaves.</li> <li>(v) 4.5m maximum height to roof ridge.</li> <li>(vi) The outbuilding is not to be used for habitation.</li> <li>(vii) The outbuilding is to be coloured to complement the holiday cottage on the same lease area.</li> </ul> <p>c) Precincts 3 and 4:</p> <ul style="list-style-type: none"> <li>(i) 60m<sup>2</sup> maximum combined floor area, or maximum 10% of the total lease area, whichever is the greater.</li> <li>(ii) Located behind the front building line of the holiday cottage.</li> <li>(iii) Setback in accordance with 5.2.</li> <li>(iv) 4.0m maximum height to eaves.</li> <li>(v) 5.5m maximum height to roof ridge.</li> <li>(vi) The outbuilding is not to be used for habitation.</li> <li>(vii) The outbuilding is to be coloured to complement the holiday cottage on the same lease area.</li> </ul> <p>d) Precinct 5</p> <ul style="list-style-type: none"> <li>(i) 200m<sup>2</sup> maximum combined floor area.</li> <li>(ii) Located behind the front building line of the holiday cottage.</li> <li>(iii) Setback in accordance with 5.2.</li> <li>(iv) 7.5m maximum height to eaves.</li> <li>(v) 10.0m maximum height to roof ridge.</li> <li>(vi) The outbuilding is not to be used for habitation.</li> </ul>
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**5.9. Fencing and Screening**

*Objective:*

*To ensure any fencing and screening is limited in a manner that restricts the ability for a 'suburban' character to develop within the Windy Harbour settlement.*

**5.9.1. Fencing**

<b>Performance Criteria</b>	<b>Acceptable Development</b>
To ensure fencing is limited to areas where visual or acoustic privacy is determined to be necessary and to ensure fencing does not detract from the character of Windy Harbour.	<ul style="list-style-type: none"> <li>a) Fencing of lease area boundaries in a manner that prevents pedestrian access through the site will not be permitted.</li> <li>b) Fencing of an outdoor living area required by 5.3.3 may be permitted where this is determined to be necessary to afford some level of privacy or to provide shelter from prevailing winds.</li> <li>c) Where fencing is permitted, the maximum height is to be 1.2m.</li> </ul>

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	<p>d) Fencing is to visually permeable, except where approved by the local government as a privacy screen.</p> <p>e) The use of cement fibre, masonry or metal fencing is not permitted.</p> <p>f) The location of fencing on or near a lease boundary will only be permitted in the event that the local government does not receive an objection from adjoining leaseholders.</p>
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**5.9.2. Screening**

<b>Performance Criteria</b>	<b>Acceptable Development</b>
To ensure screening is limited to private areas or where there is a demonstrated need to protect a holiday cottage from prevailing winds.	<p>a) The use of brush, lattice, shade cloth or similar screens is permitted without Development Approval where integrated into an existing patio or verandah.</p> <p>b) Stand-alone screens will be considered fencing and are subject to 5.9.1.</p>

**6. Administration**

**6.1. Development Approval Required**

Except where otherwise provided in this Policy, all development on lease areas in Windy Harbour requires Development Approval to be granted prior to work commencing.

**6.2. Applications Consistent with the Acceptable Development Provisions**

Where an Application for Development Approval is consistent with all relevant acceptable development provisions, Development Approval will be granted by the Chief Executive Officer or a nominated officer under delegated authority.

**6.3. Applications Requiring Assessment against the Performance Criteria**

Where an Application for Development Approval requires a variation to an acceptable development provision it is required to be assessed against the relevant performance criteria.

The onus is on the applicant to demonstrate to the satisfaction of the local government that the proposal complies with the performance criteria.

The variation is to be considered by the local government after suitable advertisement of the application, and can be determined by delegated authority in the absence or remediation of any objections received.

**6.4. Proposals Inconsistent with Design Element Objectives**

Where in the opinion of the local government a proposal is inconsistent with a design element objective, the application shall be refused through Council determination.

**6.5. Consultation**

Except where otherwise provided in the Policy, where an Application for Development Approval is consistent with all relevant acceptable development provisions, consultation is not required.

Where variation to the acceptable development provisions is proposed, consultation is to occur as follows:

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- a) All leaseholders that immediately adjoin the development site are to be provided details of the proposal in writing, identifying where variation from the acceptable development provisions is necessary and invited to comment on the variation within 21 days.
- b) The Coastal Ward Councillor is to be informed of the Application at the same time that adjoining leaseholders are advised.
- c) Where the variation is considered by the local government to be of a nature that requires consultation to be more extensive, additional leaseholders can be informed in writing and/or a sign placed on site as per (a).

**ADOPTED – 8 July 2021**

**EFFECTIVE – 21 July 2025**

**NEXT DUE FOR REVIEW – July 2025**

<p style="text-align: center;"><b>The Administration of this Policy is by the Development and Regulation Division.</b></p>
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