

**Extract from proposed Amendment No. 29 to Local Planning Scheme 21 (Omnibus #4),  
initiated by Council on 13 December 2017:**

**4. City and Town Centre Zone provisions**

4.1 Amending clause 5.20 (Development in the Business Zone) to read as follows –

***“5.20 DEVELOPMENT IN THE CITY/TOWN CENTRE ZONE***

*5.20.1 Development within the City/Town Centre zone shall demonstrate adherence to the following design principles –*

- (a) Context and character*
- (b) Landscape quality*
- (c) Built form and scale*
- (d) Functionality and build quality*
- (e) Sustainability*
- (f) Amenity*
- (g) Legibility*
- (h) Safety*
- (i) Community*
- (j) Aesthetics*

*5.20.2 Development within the City/Town Centre zone shall address the following provisions, unless otherwise identified in an endorsed Activity Centre Plan:*

- (a) No residential uses shall be permitted at ground floor fronting Queen Street and Prince Street, Busselton and Dunn Bay Road and Naturaliste Terrace, Dunsborough;*
- (b) A nil front setback is to be provided to the development, unless otherwise designated in an Activity Centre Plan, or the development is providing for an associated alfresco space within the setback;*
- (c) Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;*
- (d) At the ground floor level, developments shall address the street with a primary business entrance and a shop front façade;*
- (e) Ground floor commercial uses shall incorporate transparent glazing for 70% of all building frontages to adjacent streets;*
- (f) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;*
- (g) A minimum ceiling height of 3.3 metres shall be achieved for the ground floor level, whilst all other floors shall achieve a minimum ceiling height of 2.7 metres;*

- (h) Roller doors or screens of solid material on shop fronts will not be permitted, security measures should be located and installed internally behind the glazing line;*
- (i) Pedestrian shelter, through the provision of a verandah, awning or the like, shall be provided over the public footpath for the full width of the lot frontage;*
- (j) No vehicle accessways or carparking shall be provided between buildings and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind buildings;*
- (k) No vehicular access to sites shall be taken from Queen Street, Prince Street or Kent Street (between Queen Street and Brown Street), Busselton or Dunn Bay Road or Naturaliste Terrace, Dunsborough, unless no alternative is available, in which case a single crossover width shall be no greater than 5 metres with a cumulative maximum width of 7 metres;*
- (l) Vehicle crossovers and driveways shall be co-located wherever possible with adjoining properties;*
- (m) Vehicle access to developments shall be designed in a way which minimises potential pedestrian/vehicular conflict, clearly recognising the primacy of pedestrian amenity;*
- (n) Multi-storey car parks shall incorporate interactive street frontages, such as shops or other uses that promote activity and where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors;*
- (o) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;*
- (p) Where land is zoned 'City/Town Centre' and is designated a residential density coding of R-AC3 the maximum plot ratio shall be 1.5, except for where the following incentives for mixed use development apply:
  - (i) Where residential or short-stay accommodation uses represent more than 25% of the plot ratio area of a proposed mixed use development, the maximum allowable plot ratio area may be 2.0; or*
  - (ii) Where a development incorporates a Restaurant/Café, Tavern or other similar use that will provide for informal social**

*interaction the maximum allowable plot ratio area for the remainder of the development may be 2.0; and*

*(iii) The plot ratio incentives set out in sub-clauses (a) and (b) above may be combined, provided that the total plot ratio area does not exceed 3.0.*

*(q) Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally;”*

- 4.2 Inserting a new clause 5.5.2(b) (Variations to site and development standards and requirements) as follows:

*“(b) Drive-through facilities in the Drive-through Facility Exclusion Area, as specified by clause 6.13.”*

- 4.3 Modifying clause 6.1.1 (Operation of Special Control Areas) by including a new Area - “Drive-through Facility Exclusion” after the Development Contribution Area as listed.

- 4.4 Inserting a new clause 6.13 as follows and renumbering subsequent clauses and clause references accordingly:

**“6.13 DRIVE-THROUGH FACILITY EXCLUSION AREA**

*Drive-through facilities shall not be approved in the Drive-through Facility Exclusion Area.”*

- 4.5 Amending Schedule 1 (Interpretations) by inserting the following new definition:

*“‘Drive-through facility’ means a facility or development involving vehicles entering a site, such as shop, takeaway food outlet or development with fuel bowsers, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle and also includes the provision of fuel to motor vehicles or a Motor Vehicle Wash.”*

- 4.6 Amending the Scheme map to apply the ‘Drive-through Facility Exclusion Area’ to the Busselton City Centre as depicted on the Scheme Amendment map, being:

- (a) Land being rezoned to ‘City/Town Centre’ bound by West Street, Marine Terrace, Brown Street, Harris Road and Albert Street, Busselton; and
- (b) Land bound by Brown Street, Peel Terrace, Cammilleri Street and Harris Road, Busselton;

And subject to the following exclusions:

- (a) Lots 15 (3), 150 (5), 381(7), 110(9), 454 (11), 453 (15), 9 (17), 19 (10), 11 (23), 120 (25), 391 (27), 7 (37), 8 (39), 10 (41) and portion of Lot 26 (45) Albert Street, Busselton;

(b) Portion of Lot 170 (56) Prince Street, Busselton.

4.7 Amending the Scheme map to apply the 'Drive-through Facility Exclusion Area' to the Dunsborough Town Centre as depicted on the Scheme Amendment map, being:

(a) Land being rezoned to 'City/Town Centre' and bound by Cape Naturaliste Road, Reserve 42673, Reserve 35758, Reserve 26513, Chieftain Crescent, Seymour Boulevard and Caves Road and excluding portion of Lot 1 (No. 61), portion of Lot 1 (No. 64) and Lot 2 (No. 64) Dunn Bay Road, Dunsborough.