



Your ref: AMD21/0050  
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Dear Sir/Madam

### **LOCAL PLANNING SCHEME NO. 21 - AMENDMENT NO. 50**

The Western Australian Planning Commission (Commission) has considered Amendment No 50 and submitted its recommendation to the Minister in accordance with section 87(1) of the *Planning and Development Act 2005* (the Act).

The Minister has required the amendment to be modified in the manner specified in the Attachment 5 - Schedule of modifications in accordance with section 87(2)(b) of the Act, before it is resubmitted under section 87(1):

In order for the amendment documents to be finalised in a timely manner, please ensure the following:

- the maps in the modified document accurately reflect the intentions of the amendment as detailed in the amending text; and
- in carrying out modification to the amendment document, previous Council resolutions pursuant to clauses 35(1), 41(3) and/or 50(3) are not to be modified.

Please forward two copies of the modified amendment document directly to the Perth office and email the final modified text of the amendment, in word format, to [localplanningschemes@dplh.wa.gov.au](mailto:localplanningschemes@dplh.wa.gov.au) to assist in limiting Government Gazette publishing costs.

Please direct any queries about this matter to [localplanningschemes@dplh.wa.gov.au](mailto:localplanningschemes@dplh.wa.gov.au)

Yours sincerely

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission  
19 April 2022

**CITY OF BUSSELTON  
AMENDMENT 50 TO LOCAL PLANNING SCHEME 21  
SCHEDULE OF MODIFICATIONS**

No.	Proposed Modification	Reason
1.	That the Amendment be modified to exclude lots 115 and 116 Geographe Bay Road .	<ul style="list-style-type: none"> <li>• The proposed designation of the R60 coding on Lots 115 and 116 (26-28) Geographe Bay Road, whilst retaining the R80 coding on Lots 139 and 140 (23-25) Lorna Street, is potentially confusing given that the lots will be amalgamated to form one development site, with development approval for one building.</li> <li>• The R80 coding will not affect the validity of the R80 type approval already issued for these lots.</li> <li>• The valid development approval for R80 type development is substantially commenced and is expected to be completed.</li> <li>• It makes no practical sense to have any coding other than R80.</li> </ul>
2.	<p>That the Amendment be modified so that clause 4.3.2 of the Scheme is amended to state:</p> <p><i>Building height provisions as specified under –</i></p> <p><i>(a) Table 3 <del>and Table 4</del>, and Deemed-to-Comply provision 5.1.6 C6 and 6.1.2 C2 of Volume 1 of the R-Codes, and</i></p> <p><i>(b) Table 2.1, and Acceptable Outcome A2.2.1 of Volume 2 of the R-Codes;</i></p> <p><i>do not apply, except for on land coded R-AC3. In all other areas, maximum building height requirements are required to comply with the provisions of clause 4.8 of the Scheme.</i></p>	<ul style="list-style-type: none"> <li>• Updates references to the R-Codes, to reflect amendments to Volume 1 and the introduction of Volume 2.</li> <li>• Reference to R80 an R60 lots is unnecessary as the Scheme allows discretion to consider and apply Design Principles and Element Objectives of the R Codes to lots Coded R80 and R60.</li> <li>• It is unnecessary to clarify that the clause should be read in accordance with amended versions of the R-Codes, as the R Codes are read into the Scheme pursuant to clause 4.2.1 of the Scheme.</li> </ul>
3	<p>The amendment to be modified so that clause 4.8.1 of the Scheme is amended to state:</p> <p><i>A person must not erect any building that –</i></p>	<ul style="list-style-type: none"> <li>• For the purposes of clarity.</li> </ul>

	<p>(a) contains more than two storeys or exceeds a height of 9 metres <i>above natural ground level</i>, where the land is within 150 metres of the mean high water mark; or</p> <p>(b) contains more than three storeys or exceeds a height of 12 metres <i>above natural ground level</i> where the land is more than 150 metres from the mean high water mark, except where otherwise provided for in the Scheme.</p>	
<p>4.</p>	<p>That the Amendment be modified so that clause 4.8.3 of the Scheme is amended to state:</p> <p><i>In respect to clauses 4.8.1 and 4.8.2 above, the local government, upon receipt of an application for development approval, may approve building heights which exceed those maximum height limitations as specified, subject to the local government being satisfied that the building height is consistent with the relevant assessment criteria specified under clause 67 of the Deemed Provisions and the Design Principles specified under 5.1.6 P6 of Volume 1 of the R-Codes; or the Element Objectives specified under O2.2.1-O2.2.4 of Volume 2 of the R-Codes as applicable.</i></p>	<ul style="list-style-type: none"> <li>• Updates references to the R-Codes, to reflect amendments to Volume 1 and the introduction of Volume 2.</li> </ul>