

Council Policy

Council Policy Name: Partial Moratorium on Scheme Amendments
Responsible Directorate: Planning and Development Services
Version: ADOPTED

1. PURPOSE

1.1. The purpose of this Policy is to outline the terms of a partial Moratorium on amendments to *Local Planning Scheme No. 21*.

2. SCOPE

2.1. This Policy applies to amendments to *Local Planning Scheme No. 21* during the preparation, advertising and finalisation of draft *Local Planning Scheme No. 22*.

2.2. This Policy is only applicable during the Moratorium, and ceases the day *Local Planning Scheme No. 22* is gazetted.

3. DEFINITIONS

Term	Meaning
Basic Amendment	As defined by regulation 34 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Complex Amendment	As defined by regulation 34 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Moratorium	Suspension of amendments to <i>Local Planning Scheme No. 21</i> during the preparation, advertising and finalisation of draft <i>Local Planning Scheme No. 22</i> .
Policy	This City of Busselton Council policy titled "Partial Moratorium on Scheme Amendments".
Standard Amendment	As defined by regulation 34 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .

4. STRATEGIC CONTEXT

4.1. This Policy links to Key Theme 4: LEADERSHIP – A Council that connects with the community and is accountable in its decision making, of the City's Strategic Community Plan June 2021 and specifically Strategic Priority 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

5. POLICY STATEMENT

5.1. Council may resolve to initiate an amendment to *Local Planning Scheme No. 21* in the following circumstances —

- a. a Basic Amendment of any type.
- b. a Standard Amendment that is consistent with the criteria set out in 5.2.
- c. a Complex Amendment, prepared by the City, which relates to a development contribution area or development contribution plan.

- 5.2. A Council decision to initiate a Standard Amendment will take account of the following criteria —
- a. the Standard Amendment is:
 - i. urgent from an operational standpoint; or
 - ii. of strategic importance consistent with the intent and strategies of the *Local Planning Strategy*; and
 - b. the Standard Amendment will not:
 - i. adversely affect the progression of the draft Local Planning Scheme No. 22; or
 - ii. unduly affect or pre-empt the Council’s decisions on draft Local Planning Scheme No. 22; or
 - iii. result in ad-hoc rezoning; and
 - c. the Standard Amendment does not deviate significantly from the state or local planning policy framework; and
 - d. the Standard Amendment is well considered and appropriately justified; and
 - e. the City is confident the Standard Amendment can be finalised during the Moratorium period.
- 5.3. If a Standard Amendment is not consistent with the criteria set out in 5.2 —
- a. it will not be formally presented by officers to Council; and
 - b. the Councillors will be briefed; and
 - c. any two or more Councillors could request to the CEO that the Standard Amendment is presented for formal consideration.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Planning and Development Act 2005*
- 6.3. *Planning and Development (Local Planning Schemes) Regulations 2015*
- 6.4. *Local Planning Scheme No. 21*

7. REVIEW DETAILS

Review Frequency		When draft Local Planning Scheme No. 22 is presented to Council for a resolution to proceed to advertise.		
Council Adoption	DATE	19 April 2023	Resolution #	C2304/065