

6.3 Temporary Local Planning Instrument - Protection of Biodiversity Values

PORTFOLIO: Planning and Sustainability

DIRECTORATE: Community Sustainability

DOC ID:

LINKS TO CORPORATE/OPERATIONAL PLAN

STRATEGIC THEMES:

4. Our Environment - sustainable, well-managed and accessible

1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

Council at the Ordinary Meeting of 23 February 2022 considered a report on the Temporary Local Planning Instrument – Protection of Biodiversity Values (the TLPI) and resolved:

M13/02/22

That Council:

1. *Proposes to make a Temporary Local Planning Instrument (TLPI) titled Protection of Biodiversity Values as discussed in this report.*
2. *Authorises the Chief Executive Officer to write to the Minister for State Development, Infrastructure, Local Government and Planning to seek approval of the Proposed TLPI in accordance with Chapter 3, Part 2, Section 8.1 of the Minister's Guidelines and Rules requesting that pursuant to section 9(4) of the Planning Act 2016 that the date of this public meeting (being 23 February 2022) be the effective date of the proposed TLPI.*
3. *Authorises the Chief Executive Officer to make any minor, administrative or editorial changes to the proposed TLPI prior to submitting the document to the Minister for State Development, Infrastructure, Local Government and Planning.*
4. *On the basis that the Minister for State Development, Infrastructure, Local Government and Planning gives the Council a notice stating that the Minister approves the making of the Proposed TLPI, the Chief Executive Officer bring forward a Council report to adopt the TLPI in accordance with Chapter 3, Part 2, Section 9 of the Minister's Guidelines and Rules.*

In accordance with the above resolution, the proposed TLPI was referred to the Minister for State Development, Infrastructure, Local Government and Planning on 8 March 2022. In response, the Minister advised by letter dated 29 March 2022 that Council could proceed to adopt the proposed TLPI with an effective date of 23 February 2022 as requested by Council. A copy of the Minister's letter is provided at Attachment 1.

As required by the Planning Act, Council must now resolve to either adopt the proposed TLPI or not to proceed with it. A copy of the proposed TLPI document is provided at Attachment 2. The supporting map sets are provided at Attachments 3 – 5.

If Council resolves to adopt the proposed TLPI Council must publish a notice to that effect in a newspaper circulating in the locality and upon Council's website.

Council must also, within 10 days of making the resolution to adopt a TLPI, furnish the Chief Executive of the Department with:

- a copy of the public notice
- a certified copy of the TLPI as adopted
- an electronic copy of the TLPI and the relevant mapping files.

Should Council resolve not to adopt the proposed TLPI, Council must give the Minister notice of this decision and Council's reasons for not proceeding with the proposed TLPI.

2. BUDGET IMPLICATIONS

There are no budgetary implications arising from this matter.

3. POLICY IMPLICATIONS

The TLPI addresses a gap in Council's current planning scheme. The application of the TLPI will be monitored over the next two years in the lead up to the preparation of Council's new planning scheme with a view to informing the policy positions Council takes forward within the new planning scheme.

4. CONSULTATION

TLPI's are not subject to public consultation before they are made as the circumstances that give rise to their implementation are generally such that the timeframes involved in public consultation could be prejudicial to the intent of the TLPI. That being said, Council has engaged with a number of stakeholders on an informal basis over the past 12 months or so with the aim of striking a sustainable balance between biodiversity conservation and meeting the development needs of a growing community.

5. CONCLUSION

The proposed TLPI has been drafted to achieve a better balance between the often-competing objectives of facilitating the development and economic activity that supports the community and the conservation of the environmental values that underpin the quality of life of that same community. The proposed TLPI addresses a gap in Council's current planning scheme and will inform Council's biodiversity policy position going forward into the new planning scheme. It is recommended that Council adopt the proposed TLPI. If adopted the TLPI will remain in force until 23 February 2024.

ATTACHMENTS

- ↓1. Letter from Deputy Premier
- ↓2. TLPI document
- ↓3. Ecological Corridor Mapping
- ↓4. Priority Species Habitat Mapping
- ↓5. Wetlands and Waterways Mapping

RECOMMENDATION

That Council:

- 1. adopt the Temporary Local Planning Instrument – Protection of Biodiversity Values as attached to this report;**
- 2. publish a public notice to that effect as required by the Planning Act 2016; and,**
- 3. furnish the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning with a copy of the adopted TLPI and mapping as required by the Minister’s Guidelines and Rules.**