

7.6 Temporary Local Planning Instrument - Biodiversity Protection.

PORTFOLIO: Planning and Regulatory Compliance

DIRECTORATE: Community Sustainability

DOC ID:

LINKS TO CORPORATE/OPERATIONAL PLAN

KEY RESPONSE AREAS:

1. Community and Environment
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1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

At the Ordinary Meeting of 23 August 2023 Council considered a report on the renewal of the Temporary Local Planning Instrument – Protection of Biodiversity Values (the TLPI) and resolved (M10/08/23) that Council 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.

2. REPORT

After discussion with Councillors at the Planning Scheme workshop held on 22 May 2023, it was proposed that the TLPI provisions, having been “road tested” by Council over the past 18 months, be rolled into the new GRC Planning Scheme to ensure the scheme addresses biodiversity conservation and thereby also addressing the State Planning Policy.

It was further noted the current TLPI will lapse on 24 February 2024, before a new planning scheme could come into effect, giving rise to the report to Council and the resolution of 23 August 2023 where Council resolved to seek the Minister’s approval of a new TLPI to ensure no gap in the protection of biodiversity would occur. The request for the new TLPI, accompanied by the necessary documentation, was referred to the Minister, via the Department’s Wide Bay regional office on 6 September.

The Planning Act requires that Council, once in receipt of an approval notice from the Minister, must resolve to adopt the TLPI for it to come into effect.

Council is now in receipt of advice from the Minister advising that the making of the new TLPI has been approved with a commencement date of 23 February 2024, one day before the lapsing of the current TLPI thereby ensuring a continuity in biodiversity protection measures within the Gympie Region. A copy of the Minister’s correspondence is provided at Attachment 1 to this report, a copy of the new TLPI document is provided at Attachment 2. Council will note that the only change from the current Biodiversity Protection TLPI is the change to the effective date provided at Section 7.0, where the effective (commencement) date has now been changed to 23 February 2024.

3. BUDGET IMPLICATIONS

There are no budget implications arising from this proposal.

4. POLICY IMPLICATIONS

The proposal to adopt the new TLPI, upon receipt of the Minister's approval, is consistent with Council's resolution of 23 August 2023 to request the Minister make a new Biodiversity TLPI to ensure no gap in biodiversity protection arises following the lapsing of the current TLPI in February 2024.

5. CONSULTATION

TLPIs are not subject to public consultation before they are made as the circumstances that typically give rise to their implementation are such that the timeframes involved in public consultation could be prejudicial to the intent of the TLPI. That said, engagement occurred with a number of stakeholders in the 12-month period leading up to the adoption of the current Biodiversity TLPI. Further, an 8-week public exhibition of the draft Biodiversity Policy Position Paper has just concluded wherein the proposal to "extend" the current Biodiversity TLPI until the new planning scheme was in force was explicitly stated. Consultation feedback highlighted the importance of biodiversity protection in the Gympie Region to many members of the community (Top 3 of 8 issues raised by 34% of respondents).

6. CONCLUSION

The adoption of the new TLPI by Council, it having now been approved by the Minister, will ensure a seamless transition from the current TLPI to the new TLPI.

ATTACHMENTS

1. [Minister's Correspondence](#)
2. [New TLPI Protection of Biodiversity Values](#)

M16/12/23

Moved Cr J Milne

Seconded Cr DH Stewart

That Council adopt the new Temporary Local Planning Instrument – Protection of Biodiversity Values in accordance with the advice of the Minister dated 28 November, 2023.

Carried

FOR: Cr HT Smerdon, Cr DH Stewart, Cr RA Fredman, Cr NG Jensen, Cr GC Hartwig, Cr SA Waldock, Cr WA Polley, Cr BM Devereaux and Cr J Milne

AGAINST: Nil