

# ***Planning Act 2016***

## **CENTRAL HIGHLANDS REGIONAL COUNCIL TEMPORARY LOCAL PLANNING INSTRUMENT 02/2022 (OPERATIONAL WORK INVOLVING VEGETATION CLEARING WITHIN THE CARNARVON GORGE AREA – SPECIFICALLY LOTS 7AP15625, 7SP103687, 6SP103687, 236NPW490 [SEGMENT NO. 44206, PARCEL NO. 17], 8CUE78 AND 10CUE87)**

### **1. Purpose of the Temporary Planning Instrument 02/2022**

1.1. The purpose of the Temporary Local Planning Instrument 02/2022 (Operational work involving vegetation clearing within the Carnarvon Gorge area – specifically lots 7AP15625, 7SP103687, 6SP103687, 236NPW490 [Segment No. 44206, Parcel No. 17], 8CUE78 and 10CUE87) is to:

Ensure that these lots, identified within the Carnarvon Gorge area, are subject to an appropriate level of assessment for vegetation clearing to provide for the protection and maintenance of areas supporting biological diversity, ecological integrity, scenic amenity and landscape character as the current Planning Scheme does not trigger Operational work for vegetation clearing.

### **2. Effect of this Temporary Local Planning Instrument**

2.1. This Temporary Local Planning Instrument prescribes, for lots 7AP15625, 7SP103687, 6SP103687, 236NPW490 [Segment No. 44206, Parcel No. 17], 8CUE78 and 10CUE87 (refer Appendix A – Subject area), the:

- Category of development and assessment for Operational work involving vegetation clearing not associated with a Material Change of Use and/or Reconfiguring a Lot
- Category of development and assessment for Operational work involving vegetation clearing associated with a Material Change of Use and/or Reconfiguring a Lot; and
- Assessment benchmarks for assessable development.

Assessable development is to be assessed against the requirements and assessment benchmarks contained in 7. Temporary Local Planning Instrument 02/2022 code as well as any requirements under the Central Highlands Regional Council Planning Scheme 2016.

### **3. Duration of the Temporary Planning Instrument**

3.1. This Temporary Local Planning Instrument 02/2022 (Operational work involving vegetation clearing within the Carnarvon Gorge area - specifically lots 7AP15625, 7SP103687, 6SP103687, 236NPW490 [Segment No. 44206, Parcel No. 17], 8CUE78 and 10CUE87) will have effect in accordance with the *Planning Act 2016* for a period not exceeding two (2) years from 25 May 2022, or until the approval and commencement of Planning Scheme Amendment No. 7 - Major Amendment - Business Improvement and Innovation Amendment (reference MA-00041).

### **4. Application of Temporary Planning Instrument**

4.1. This Temporary Local Planning Instrument applies to lots 7AP15625, 7SP103687, 6SP103687, 236NPW490 [Segment No. 44206, Parcel No. 17], 8CUE78 and 10CUE87 within the Central Highlands Regional Council Planning Scheme area (refer Appendix A – Subject area).

## 5. Definitions

5.1. Terms exclusive to this Temporary Local Planning Instrument have been identified in Table 7.1. All other terms in this instrument have the meaning given to it by the Central Highlands Regional Council Planning Scheme 2016 or the *Planning Act 2016*.

## 6. Operational work involving vegetation clearing within the Carnarvon Gorge area – specifically lots 7AP15625, 7SP103687, 6SP103687, 236NPW490 [Segment No. 44206, Parcel No. 17], 8CUE78 and 10CUE87

6.1. For the purposes of administering Section 5.8, Table 5.8.1 of the Central Highlands Regional Council Planning Scheme 2016, the following shall apply in addition to any other provisions of that Section not suspended by this Temporary Local Planning Instrument:

**Table 6.1 Categories of development and assessment - within lots 7AP15625, 7SP103687, 6SP103687, 236NPW490 [Segment No. 44206, Parcel No. 17], 8CUE78 and 10CUE87**

<b>Development</b>	<b>Category of development and assessment</b>	<b>Assessment Benchmarks for Assessable Development and requirements for Accepted Development</b>
<b>Vegetation clearing on lots 7AP15625, 7SP103687, 6SP103687, 236NPW490 [Segment No. 44206, Parcel No. 17], 8CUE78 and 10CUE87</b>		
<b>Operational work</b> involving vegetation clearing not associated with a Material Change of Use and/or Reconfiguring a Lot  Editor's note: Vegetation clearing as defined under the <i>Vegetation Management Act 1999</i>	<b>Accepted development if:</b>  1. for exempt vegetation clearing; or 2. for vegetation clearing equal to or less than 100m <sup>2</sup> in total cleared area.	
	<b>Code assessment</b>	Temporary Local Planning Instrument 02/2022 code
<b>Operational work</b> involving vegetation clearing associated with a Material Change of Use and/or Reconfiguring a Lot  Editor's note: Vegetation clearing as defined under the <i>Vegetation Management Act 1999</i>	<b>Accepted development if:</b>  1. for exempt vegetation clearing; or 2. for vegetation clearing equal to or less than 100m <sup>2</sup> in total cleared area.	
	<b>Code assessment</b>	Temporary Local Planning Instrument 02/2022 code

## 7. Temporary Local Planning Instrument 02/2022 code

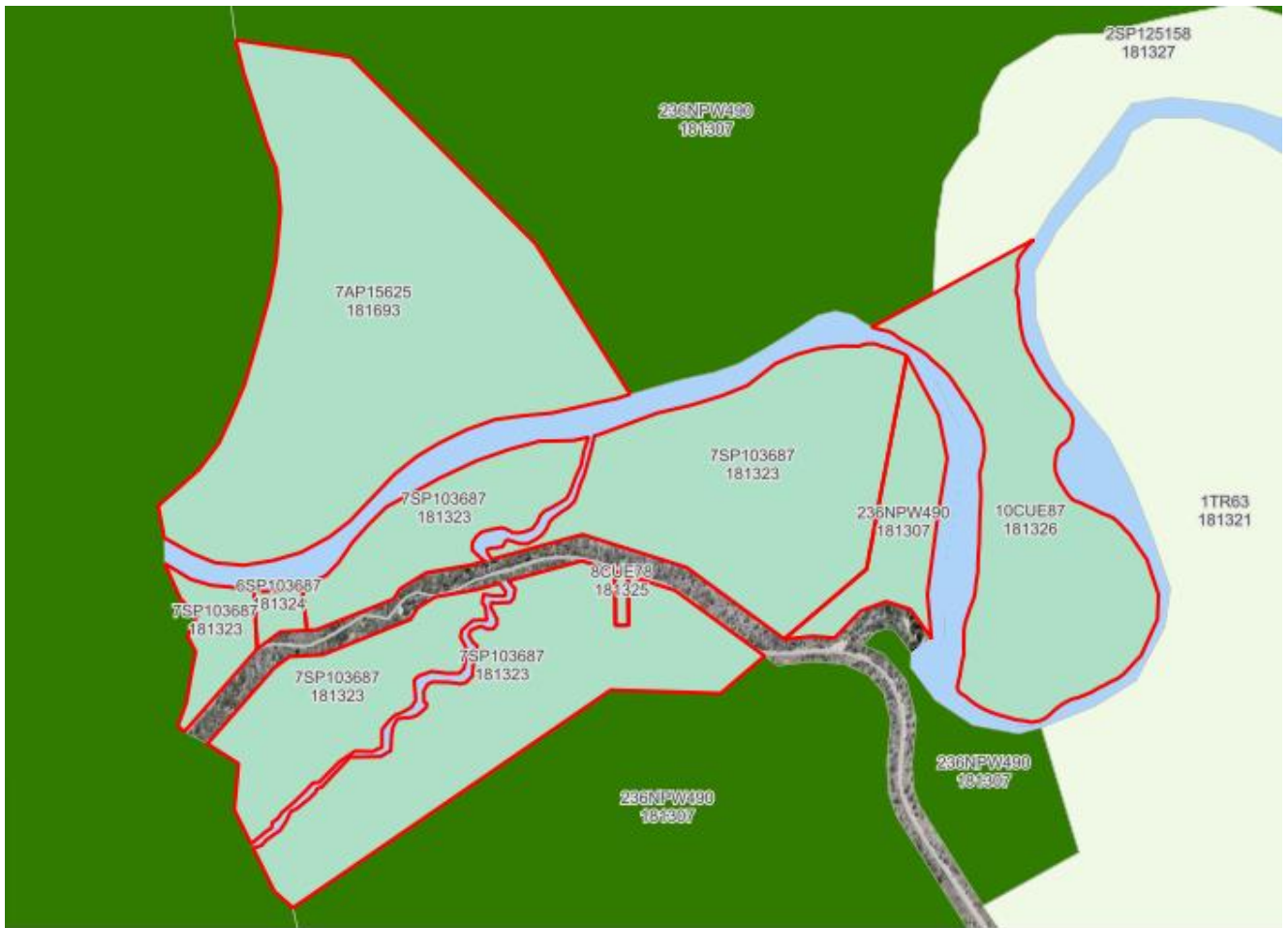
## **Purpose and overall outcomes**

1. The purpose of the Temporary Local Planning Instrument 02/2022 code is to provide for the protection and maintenance of areas supporting significant biological diversity, ecological integrity, scenic values and landscape character.
2. The purpose of the Temporary Local Planning Instrument 02/2022 code will be achieved through the following overall outcomes:
  - a. areas having significant natural environmental values for biological diversity, water catchment, ecological functioning and historical or cultural significance are:
    - i. conserved for their importance in contributing to ecological sustainability; and
    - ii. appropriately managed to the general exclusion of most forms of development;
  - b. development maintains the scenic values and landscape character of the area, particularly prominent ridgelines, significant landmarks, and rural views and vistas;
  - c. natural features such as creeks, gullies, waterways, wetlands, flora and fauna communities, habitats, environmental values, vegetation and bushland are conserved and buffered from activities in the area and adjoining land uses;
  - d. development conserves and enhances the Central Highland's biodiversity values and associated ecosystem services;
  - e. development avoids as far as practicable, or if avoidance is not feasible, minimises adverse impacts on native vegetation;
  - f. development does not adversely impact on the continued operation, viability and maintenance of existing infrastructure or compromise the future provision of planned infrastructure.

**Table 7.1 - Administrative definitions**

Column 1 Term	Column 2 Definition
Exempt vegetation clearing	<p>Vegetation clearing under the following circumstances:</p> <ul style="list-style-type: none"> <li>(a) vegetation clearing undertaken by a statutory authority on land other than freehold land;</li> <li>(b) vegetation clearing undertaken by the Council in the exercise of its power under the <i>Local Government Act 2009</i>;</li> <li>(c) vegetation clearing undertaken by or on behalf of the Council on Council owned or controlled land included within the Environmental Management and Conservation zone;</li> <li>(d) clearing of a plant declared as a pest pursuant to the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>;</li> <li>(e) vegetation clearing in accordance with a current development approval: <ul style="list-style-type: none"> <li>(i) for material change of use, reconfiguring a lot or other operational work; or</li> <li>(ii) for building work associated with a dwelling house;</li> </ul> </li> <li>(f) vegetation clearing in accordance with an approved Property Vegetation Management Plan, current permit or other approved plan granted under a local law;</li> <li>(g) vegetation clearing required for emergency works, where: <ul style="list-style-type: none"> <li>(i) a person honestly and reasonably believes that an immediate threat exists to life or property;</li> <li>(ii) no other lawful action is reasonably available to the person to avoid the immediate threat to life or property;</li> <li>(iii) no reasonable opportunity exists for an application to be made to clear the vegetation; and</li> <li>(iv) Council is advised in writing as soon as practicable after the action has been taken</li> </ul> </li> <li>(h) vegetation clearing that is for <i>essential management</i> as defined under the Planning Regulation 2017.</li> </ul> <p><b>Editor’s note</b>— vegetation clearing which is defined as exempt vegetation clearing for the purposes of the planning scheme may be subject to assessment under State and/or Federal legislation.</p> <p><b>Editor’s note</b>— Any clearing outside of what is approved under a current development approval may require an Operational works for vegetation clearing application to be made to Council.</p>
Vegetation clearing	<p>Clear, for vegetation—</p> <ul style="list-style-type: none"> <li>(a) means remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding or draining; but</li> <li>(b) does not include destroying standing vegetation by stock, or lopping a tree.</li> </ul> <p><b>Editor’s note</b>— This definition reflects the definition provided under the <i>Vegetation Management Act 1999</i>. Where there is any inconsistency between the definition set out in the <i>Vegetation Management Act 1999</i> and this TLPI, the Act definition prevails.</p>

**Appendix A: Subject area**



**Figure 1: Subject area this TLPI applies to highlighted in red**