

Temporary Local Planning Instrument

Protection of Biodiversity Values

A new Temporary Local Planning Instrument (TLPI), *Protection of Biodiversity Values*, took effect from 23 February 2022 and will remain in force until 23 February 2024. It applies across the entire Gympie region.

This fact sheet provides an overview of the TLPI. It explains the potential impact on new development including a material change of use, reconfiguring a lot, building work, and operational work, including vegetation clearing.

What is a TLPI?

A Temporary Local Planning Instrument (TLPI) is a statutory instrument created under the *Planning Act 2016*, which sits above the planning scheme. A TLPI provides additional provisions for the assessment of development that are not currently addressed under the planning scheme. Where there is inconsistency between the planning scheme and the TLPI, the TLPI prevails.

The purpose of the TLPI is to protect matters of local environmental significance by introducing new development controls on land that is designated as having ecological importance and warrants an assessment before allowing vegetation clearing. It is intended that the TLPI will protect and enhance core ecological linkages, other ecological linkages, priority species habitat, including koala habitat, wetlands and waterways.

Key features

The key features of the *Protection of Biodiversity Values* TLPI include:

- a Biodiversity Overlay Code, relevant definitions, requirements for ecological assessments, and an environmental offsets policy

- three map sets, providing for core ecological linkages and other ecological linkages, priority species habitat, and wetlands and waterways. The maps are currently available via council's interactive [online maps](#) by clicking 'Town Planning and checking the box in the layer menu titled 'Protection of Biodiversity Values Temporary Local Planning Instrument.
- a table of assessment that details when development requires or does not require an approval.

Please note, the TLPI does not exclude the need to obtain a development approval under the planning scheme; it is to be read in conjunction with the planning scheme.

Implications of the TLPI

The general implications of the TLPI are as follows:

General:

- the TLPI applies to all zones under the planning scheme
- land designated under the mapping may require a development approval for vegetation clearing, operational work, a material change of use, reconfiguring a lot or building work

- the level of assessment under the table of assessment is either:
 - accepted development not requiring a development approval
 - accepted development subject to requirements, which does not require a development approval unless not complying with the requirements; and
 - assessable development which requires a development approval; and
 - the Biodiversity Overlay Code provides the provisions that apply to all forms of development and also the definitions, including for “accepted vegetation clearing” and “minor building work”.

Accepted development:

- where the development is for ‘accepted vegetation clearing’ as defined, no development approval is required
- where the development is for ‘minor building’ as defined, no development approval is required
- where the development is for a boundary realignment, no development approval is required (where not located in a core ecological linkage or a wetland and waterway); however, it is suggested that any proposed boundary realignment should be discussed with council.

Accepted development subject to requirements, applies to new dwellings, extensions to dwellings and garages:

- clearing vegetation for a dwelling and an associated driveway is “accepted development subject to requirements” and does not require a development approval where:
 - the clearing of vegetation does not exceed 500m² in area excluding an access driveway not exceeding 3m in width;
 - the dwelling and the driveway are not located within a core ecological linkage, or a wetland and waterway; and

- where the dwelling and access driveway do not comply with the above requirements, a development approval is required.

Code assessment:

- a development approval is required for development on land designated under the mapping that is for any of the following:
 - operational work for clearing vegetation that is not “accepted vegetation clearing”
 - building work that is not “minor building work”
 - a material change of use that is not for “minor building work”
 - reconfiguring a lot that is a boundary realignment that is not accepted development; and
- operational work other than for vegetation clearing;
- the level of assessment for any of the above is code assessable against the Biodiversity Overlay Code; and
- no development under the TLPI is subject to impact assessment requiring public notification.

Fees payable

The fees that are applicable for an application are relevant to the application type. The current fees and charges are available on council’s website – [Fees and Charges 2021-2022](#).

Need further information?

For further information about the TLPI, please contact the Development Assessment Team:

Email: planning@gympie.qld.gov.au

Phone: 5481 0454

Post: PO Box 155, Gympie QLD 4570

