

**From:** Holly Sorohan  
**To:** s. 73(2) - Not relev  
**Subject:** RE: Temporary Local Planning Instrument 2 – Protection of biodiversity values - Updates in the Plan Making Portal  
**Date:** Tuesday, 11 February 2020 4:47:00 PM  
**Attachments:** [Gympie Regional Council TLPI 03-19 - information request.pdf](#)  
[image002.png](#)  
[image003.png](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image008.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)  
[image012.jpg](#)

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Thank you s. 73(2) - N

For completeness, please find attached the information request. We acknowledge that you are already responded to these matters raised and we are continuing with our assessment.

You do not need to take any further action at this point in relation to the information request.

Kind regards,

**Holly Sorohan**

Principal Planner

Planning and Development Services, Wide Bay Burnett

Department of State Development,

Manufacturing, Infrastructure and Planning

P 07 4331 5605

Level 1, 7 Takalvan Street, Bundaberg QLD 4670

PO Box 979, Bundaberg Qld 4670

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LET'S CONNECT



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**From:** s. 73(2) - Not relevant/ Out of scope @gympie.qld.gov.au>

**Sent:** Tuesday, 11 February 2020 2:50 PM

**To:** Holly Sorohan <Holly.Sorohan@dsdmip.qld.gov.au>

**Cc:** Luke Lankowski <Luke.Lankowski@dsdmip.qld.gov.au>; s. 73(2) - Not r

s. 73(2) - Not r @gympie.qld.gov.au>; s. 73(2) - Not relevant/ Out of sco @gympie.qld.gov.au>; s. 73(2) - Not relev

s. 73(2) - Not relev gympie.qld.gov.au>

**Subject:** Temporary Local Planning Instrument 2 – Protection of biodiversity values - Updates in the Plan Making Portal

**Importance:** High

Good afternoon Holly,

Thank you for your help today regarding the State's requested amendments to the Koala Habitat Values mapping and *Temporary Local Planning Instrument 2 – Protection of biodiversity values* (TLPI) document where it refers to Koala Habitat Values mapping.

Council has now amended the naming convention in the Koala Habitat Values mapping to be referred to as Critical Wildlife Habitat, and amendments have also been made in track-changes to the TLPI document itself to ensure it refers to Critical Wildlife Habitat rather than Koala Habitat Values.

These two documents, the amended mapset and the TLPI, have now been uploaded to the Plan Making Portal for your review and subsequent approval.

Kind Regards

s. 73(2) - Not relevant/ Out

Coordinator - Planning Scheme Program  
PLANNING STRATEGY AND MAJOR PROJECTS

cid:image001.jpg@01D5C9EB.BE57A490

Gympie Regional Council  
29 Channon Street (PO Box 155)  
Gympie Qld 4570

s. 73(2) - Not relevant

@gympie.qld.gov.au

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RTI RELEASE



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our ref: TLPI-00064

11 February 2020

Mr Bernard Smith  
Chief Executive Officer  
PO Box 155  
GYMPIE QLD 4570

Email: s. 73(2) - Not relevant/ O@gympie.qld.gov.au

Dear Mr Smith

**Notice of request for additional information for a proposed temporary local planning instrument (TLPI) 03/2019 – Protection of biodiversity values under chapter 3, part 2, section 8.2 of the Minister’s Guidelines and Rules (MGR)**

I refer to the proposed temporary local planning instrument 03/2019 – Protection of biodiversity values (the proposed TLPI) that was submitted for consideration on 18 December 2019 in accordance with the process described under chapter 3, part 2 of the MGR.

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has carried out a review of the proposed TLPI and, as discussed with council on 11 February 2020, determined that additional information is required to demonstrate compliance with section 23(1) of the *Planning Act 2016* (the Act).

Under chapter 3, part 2, section 8.2 of the MGR, the following information is required:

**State interests**

1. The proposed TLPI has included mapping for koala habitat values. As koalas are a matter of state environmental significance (MSES) any mapping of koala habitat must be in accordance with MSES methodology and verified by the Department of Environment and Science (DES). As the mapping of koala habitat values for the proposed TLPI has not been verified by DES, it cannot be used in the TLPI.

Please amend the TLPI and associated overlay maps to remove reference to mapped koala habitat values.

*Note: the assessment requirements and protections provided for koala habitat within the Biodiversity Overlay Code of the proposed TLPI are supported however the mapping of MSES habitat cannot be supported. Areas identified to contain*

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*environments that provided habitat for koalas may remain mapped for protection of those biodiversity values provided they do not specifically reference MSES (koalas).*

If you require further information, I encourage you to contact Holly Sorohan, Principal Planner, Planning Group, Department of State Development, Manufacturing, Infrastructure and Planning, on (07) 4331 5605 or by email at [holly.sorohan@dsmip.qld.gov.au](mailto:holly.sorohan@dsmip.qld.gov.au).

Yours sincerely



Luke Lankowski  
Manager, Planning – Wide Bay Burnett

RTI RELEASE

**From:** s. 73(2) - Not relevant  
**To:** [Luke Lankowski](#)  
**Subject:** RE: TLPI for Biodiversity matters  
**Date:** Monday, 24 February 2020 10:37:29 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
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[image013.png](#)  
[image015.png](#)  
[image016.png](#)  
[image017.png](#)

Fantastic thank you.

s. 73(2) - Not relevant/ Out of scope

Kind Regards

s. 73(2) - Not relevant/ Out of scope

Coordinator - Planning Scheme Program  
PLANNING STRATEGY AND MAJOR PROJECTS  
cid:image001.jpg@01D5C9EB.BE57A490



Gympie Regional Council  
29 Channon Street (PO Box 155)  
Gympie Qld 4570

s. 73(2) - Not relevant

[@gympie.qld.gov.au](mailto:)

**From:** Luke Lankowski <[Luke.Lankowski@dsdmip.qld.gov.au](mailto:Luke.Lankowski@dsdmip.qld.gov.au)>

**Sent:** Monday, 24 February 2020 10:36 AM

**To:** s. 73(2) - Not relevant/ Out of scope <[@gympie.qld.gov.au](mailto:)>

**Subject:** RE: TLPI for Biodiversity matters

Hi s. 73(2) - ok I'll lock in 4:30pm (QLD time).

If you can send me the phone numbers you would like me to dial in I will sort out the teleconference.

Regards,

Luke

Luke Lankowski

Manager (Wide Bay Burnett)

Planning and Development Services

Department of State Development,

Manufacturing, Infrastructure and Planning

P 07 4331 5602 M [Sch. 4\(4\)\(6\) -](#)

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LET'S CONNECT



**From:** s. 73(2) - Not relevant/ Out of scope <[@gympie.qld.gov.au](mailto:)>

**Sent:** Monday, 24 February 2020 10:32 AM

**To:** Luke Lankowski <[Luke.Lankowski@dsmip.qld.gov.au](mailto:Luke.Lankowski@dsmip.qld.gov.au)>

**Subject:** RE: TLPI for Biodiversity matters

Let's lock it in for 4:30pm please. We should only need 30 mins ☺

Kind Regards

s. 73(2) - Not relevant/ Out

Coordinator - Planning Scheme Program  
PLANNING STRATEGY AND MAJOR PROJECTS



Gympie Regional Council  
29 Channon Street (PO Box 155)  
Gympie Qld 4570

s. 73(2) - Not relevant

@gympie.qld.gov.au

**From:** Luke Lankowski <[Luke.Lankowski@dsmip.qld.gov.au](mailto:Luke.Lankowski@dsmip.qld.gov.au)>

**Sent:** Monday, 24 February 2020 10:31 AM

**To:** s. 73(2) - Not relevant/ Out of scope @gympie.qld.gov.au>

**Subject:** RE: TLPI for Biodiversity matters

Hi s. 73(2) - N

I am in meetings until 3:30pm tomorrow, but I can make time at 3:30pm or 4pm work for a teleconference if that would suit you?

Regards,

Luke

Luke Lankowski

Manager (Wide Bay Burnett)

Planning and Development Services

Department of State Development,  
Manufacturing, Infrastructure and Planning

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LET'S CONNECT



**From:** s. 73(2) - Not relevant/ Out of scope @gympie.qld.gov.au>

**Sent:** Monday, 24 February 2020 8:17 AM

**To:** Luke Lankowski <[Luke.Lankowski@dsmip.qld.gov.au](mailto:Luke.Lankowski@dsmip.qld.gov.au)>

**Subject:** RE: TLPI for Biodiversity matters

Sorry Luke I've just realised s. 73(2) is unavailable today. Does 1pm tomorrow suit you?

Kind Regards

s. 73(2) - Not relevant/ Out

Coordinator - Planning Scheme Program  
PLANNING STRATEGY AND MAJOR PROJECTS



Gympie Regional Council  
29 Channon Street (PO Box 155)  
Gympie Qld 4570

s. 73(2) - Not relevant  
@gympie.qld.gov.au

**From:** Luke Lankowski <Luke.Lankowski@dsmip.qld.gov.au>

**Sent:** Thursday, 20 February 2020 1:06 PM

**To:** s. 73(2) - Not relevant/ Out of scope @gympie.qld.gov.au

**Cc:** Holly Sorohan <Holly.Sorohan@dsmip.qld.gov.au>; s. 73(2) - Not relevant  
s. 73(2) - Not relevant @gympie.qld.gov.au

**Subject:** RE: TLPI for Biodiversity matters

External sender. Be careful with links and attachments.

Hi s. 73(2) - Not relevant

TLPI 03/2019 is actively under review by the department, and I should be able to give you an update on Monday afternoon after 4pm if that time is suitable for s. 73(2) and yourself.

I can also provide an update to at the WBB Regional Plan local government working group meeting on Wednesday if s. 73(2) - Not relevant are present.

With respect to the resolution of council I will need to review this further and get back to you. It may however be worthwhile obtaining your own independent legal advice in relation to this matter, given the direction regarding major policy decisions during the caretaker period.

Please let me know if 4pm on Monday is suitable and I will circulate teleconference details.

Regards,

Luke

Luke Lankowski

Manager (Wide Bay Burnett)

Planning and Development Services

Department of State Development,  
Manufacturing, Infrastructure and Planning

P 07 4331 5602 M Sch. 4(4)(6) - [redacted]  
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LET'S CONNECT



**From:** s. 73(2) - Not relevant/ Out of scope @gympie.qld.gov.au

**Sent:** Thursday, 20 February 2020 12:25 PM

**To:** Luke Lankowski <Luke.Lankowski@dsmip.qld.gov.au>

**Cc:** Holly Sorohan <Holly.Sorohan@dsmip.qld.gov.au>; s. 73(2) - Not relevant  
s. 73(2) - Not relevant @gympie.qld.gov.au

**Subject:** TLPI for Biodiversity matters

Hi Luke,

Is there a time early next week (Monday/Tuesday) that suits you to have a quick teleconference with s. 73(2) and I to discuss the TLPI for Biodiversity Matters?



We were wanting to discuss two things; how the TLPI is progressing, and also in terms of process for adoption and commencement what your thoughts are on the resolution that Council made on this item and our understanding of the below.

In regards to the TLPI for Biodiversity Matters, Council at its Ordinary meeting resolved:

**RECOMMENDATION**

- 1. That following information requested from the Department of Environment and Science, the title of the "Koala Habitat Values" mapping and any associated references in the *Temporary Local Planning Instrument 2 – Protection of biodiversity values*, be amended to "Critical Wildlife Habitat."**
- 2. That subject to notice of approval for *Temporary Local Planning Instrument 2 – Protection of biodiversity values (TLPI)* from the Minister for State Development, Manufacturing, Infrastructure and Planning, Council adopts and commences implementation of the TLPI, with a backdated effective date of 25 September 2019 (incorporating references to "Critical Wildlife Habitat" in place of "Koala Habitat Values").**

Ultimately this means Council has actioned item 9.1 of Chapter 3, Part 2 of the Minister's Guidelines and Rules. Under the *Planning Act 2016* Part 3 item 2a it states that (summarising) a TLPI that is made substantially in compliance with the process in division 2 (Making or amending TLPIs) is valid as long as the noncompliance does not restrict the Minister's opportunity to consider whether the TLPI would adversely affect State interests.

Given the resolution above endorses the adoption and commencement of the TLPI 'subject to notice of approval' from the Minister, it is considered by Council that the 'noncompliance' in terms of the Council 'decision' before the approval notice does not restrict the Minister's ability to consider whether the TLPI would adversely affect State interests. Should the Minister issue a refusal, the resolution would fall away as such.

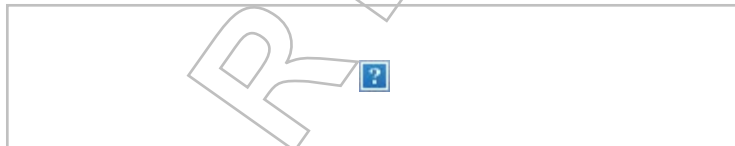
Based on the above, it is our understanding that following approval from the Minister, Council would move straight to releasing the public notice notifying of adoption and commencement of the TLPI, and subsequently sending the Minister the certified copy and supporting required material. This means that we would not be seeking approval from the Minister for LG during caretaker period as we had previously discussed as Council has already made the decision to adopt and commence, as per the resolution above.

We'd love to hear your thoughts on this.

Kind Regards

s. 73(2) - Not relevant/ Out

Coordinator - Planning Scheme Program  
PLANNING STRATEGY AND MAJOR PROJECTS



Gympie Regional Council  
29 Channon Street (PO Box 155)  
Gympie Qld 4570

s. 73(2) - Not relevant

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## Major Amendment No 3. Gympie Regional Council Planning Scheme

Kerry DOSS <Kerry.Doss@dasilgp.qld.gov.au>

Tue 8/12/2020 3:18 PM

To: shane.gray@gympie.qld.gov.au <shane.gray@gympie.qld.gov.au>

Cc: Planning Correspondence <PlanningCorrespondence@dasilgp.qld.gov.au>

📎 1 attachments (52 KB)

State Planner letter to Mr Shane Gray, Chief Executive Officer, Gympie Regional Council.pdf;

Dear Shane,

I tried to call you earlier this afternoon and left a voice message.

Please find attached a letter in respect of Major Amendment No 3 to the Gympie Regional Council Planning Scheme. It relates to matters which I understand will be discussed at tomorrow's Council meeting.

Please do not hesitate to contact me should you wish to discuss this matter further.

regards



**Kerry Doss**  
State Planner  
Planning Group  
Department of State Development,  
Infrastructure, Local Government and  
Planning

E [Kerry.Doss@dasilgp.qld.gov.au](mailto:Kerry.Doss@dasilgp.qld.gov.au)

P 07 3452 7909 M Sch. 4(4)(6) - Discl

Level 13, 1 William Street, Brisbane QLD 4001

PO Box 611, Brisbane QLD 4001

**Unite & Recover** 



Department of  
State Development, Infrastructure,  
Local Government and Planning

Our ref: DEPBN20/1483

8 December 2020

Mr Shane Gray  
Chief Executive Officer  
Gympie Regional Council  
PO Box 155  
GYMPIE QLD 4570

Email: shane.gray@gympie.qld.gov.au

Dear Mr Gray

I refer to the status of the Gympie Regional Council's (the council) proposed Major Amendment No. 3 (the proposed amendment) to the *Gympie Regional Council Planning Scheme 2013* (the planning scheme) and the associated Temporary Local Planning Instruments (TLPI), namely:

- TLPI No. 2/2019 – Southside Structure Plan Area, in effect until 28 August 2021
- TLPI No. 2 – Protection of biodiversity values, in effect until 25 September 2021.

I note that the proposed amendment currently seeks to incorporate the policy intent of the two TLPIs into the planning scheme. This proposed amendment is currently on pause to allow council time to respond to the department's request for additional information.

I have also been advised of the proposal to repeal the two TLPIs and to remove related provisions from the proposed amendment that will be considered at the forthcoming council meeting of 9 December 2020. At this stage, it is not clear on what basis the council is considering repealing these TLPIs and the subsequent change to the proposed amendment, particularly given that both are in place to protect Matters of State Environmental Significance. The identification of Matters of State Environmental Significance is based on studies prepared by the council that identified significant koala populations and habitat in the Gympie region.

I am not aware of any new studies or other justification prepared by council that demonstrates any changes in local circumstances that warrants the repeal of the TLPIs or removal of related provisions from Major Amendment No. 3.

The repeal of these TLPIs, without appropriate protections in place for koalas and koala habitat, is of considerable concern to the Department of State Development, Infrastructure, Local Government and Planning (the department). These TLPIs were supported by the former Minister for Planning based on the evidence provided by the council that demonstrated the existence of areas of State Environmental Significance that were not appropriately protected in the planning scheme or identified in State Planning Policy mapping.

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Queensland 4002 Australia  
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**Website** [www.dsdilgp.qld.gov.au](http://www.dsdilgp.qld.gov.au)  
**ABN** 61 331 950 314

In approving the TLPs, the former Planning Minister acknowledged the evidence provided by the council, including evidence of significant koala habitat – a Matter of State Environmental Significance - in the Gympie region.

The maintenance of the TLPs and incorporating the provisions of these TLPs into the planning scheme therefore remains critically important. This will ensure that appropriate protections are in place, to minimise the significant adverse impacts of development on biodiversity outcomes in the region, to comply with the State Planning Policy and to advance the purpose of the *Planning Act 2016*.

As such, I encourage the council to defer consideration of this matter until such time as further discussions, to consider available options that address both the council's and state interests, can be held between the council and the department. This could include amendment of the TLPs to refine their application and operation. For council's further information amendment of TLP's is provided for under the *Planning Act 2016* and the *Ministers Guidelines and Rules*.

I have asked for Mr Luke Lankowski, Manager – Wide Bay Burnett region, Planning and Development Services in the department to assist you with any further queries. You may wish to contact Mr Lankowski on (07) 4331 5602 or by email at [luke.lankowski@dsmip.qld.gov.au](mailto:luke.lankowski@dsmip.qld.gov.au).

Yours sincerely



Kerry Doss  
**State Planner**  
**Planning Group**

RTI RELEASE

**From:** Mayor Glen Hartwig <[mayorhartwig@gympie.qld.gov.au](mailto:mayorhartwig@gympie.qld.gov.au)>  
**Sent:** Wednesday, December 16, 2020 2:40 PM  
**To:** Deputy Premier <[deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)>  
**Subject:** Gympie TLPI

Dear Minister,

Thank you for the call yesterday. I hope I was able to adequately express the vision that this council has for this particular area and also the greater region.

There are several back issues that are raising the profile of Council's decision and these do not represent the community's view or perspective.

It is fair to say that there are certain Council staff that have used their connections within State Government to disseminate misinformation and misrepresent the vision of Council and the reasons for the TLPI removal. This is compounded by the misinformation and misleading responses staff gave to councillors during public meetings when the TLPI was initially considered.

As I said yesterday, this council has a vision for a unique process where animal welfare and habitat protection live side by side with appropriate residential growth. Gympie's uniqueness with such large parcels under the Q100, give this opportunity merit to explore and implement.

There is no appetite in this council for large scale clearing or lunar scape approach as suggested by some groups. Last Tuesday, prior to the meeting, our CEO and Director of Planning received a call from state government staff in which a threat to intervene was stated. Whilst I understand the concerns of the state, I would suggest, with respect, that such an attempt would not be in line with community sentiment and may create a bigger issue and shift the pushback towards the state.

It is also important to note that most of the pushback has comes from people who do not live in Gympie or who do not know the topography nor the desire and ability of Council to create corridors that will protect wildlife for the next 50 years and beyond.

I appreciate your offer for assistance. Work on the the reference group scope is nearly complete and we intend to release this to the community within a week.

We look forward to working with the state to provide housing opportunities for residents but most importantly to protect the habitat of our native fauna through the development of corridors that fall below the Q100 and therefore never face the possibility of being destroyed.

Thank you again for your time yesterday. If you require clarification on any matter discussed in this email, please do not hesitate to contact me.

Regards

**Glen Hartwig**

Mayor

Gympie Regional Council  
Address (PO Box 155)  
Gympie Qld 4570  
Mobile number -   
[mayorhartwig@gympie.qld.gov.au](mailto:mayorhartwig@gympie.qld.gov.au)  
[www.gympie.qld.gov.au](http://www.gympie.qld.gov.au)

**From:** [WBBSARA](#)  
**To:** [Cavannah Deller](#)  
**Subject:** FW: Shane Gray - CEO Gympie Regional Council - Decision to Repeal Gympie Regional Council Temporary Local Planning Instruments  
**Date:** Wednesday, 21 July 2021 11:22:38 AM  
**Attachments:** [3416\\_001.pdf](#)

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**From:** [s. 73\(2\) - Not relevant/ Out of scope](#) <[s.73\(2\)-Not.relevant.Out.of.scope@gympie.qld.gov.au](mailto:s.73(2)-Not.relevant.Out.of.scope@gympie.qld.gov.au)> **On Behalf Of** Shane Gray  
**Sent:** Monday, December 21, 2020 11:59 AM  
**To:** Deputy Premier <[deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)>  
**Subject:** Decision to Repeal Gympie Regional Council Temporary Local Planning Instruments

Dear Minister

Please see the attached letter regarding the decision to repeal Gympie Regional Council Temporary Local Planning Instruments.

Yours faithfully

**Shane Gray**  
CHIEF EXECUTIVE OFFICER



Council offices will be closed from  
3pm Thursday 24 December 2020 until Monday 4 January 2021

Gympie Regional Council  
242 Mary Street (PO Box 155)  
Gympie Qld 4570  
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[Shane.Gray@gympie.qld.gov.au](mailto:Shane.Gray@gympie.qld.gov.au)  
[www.gympie.qld.gov.au](http://www.gympie.qld.gov.au)

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18 December 2020

The Honourable Dr Steven Miles  
Deputy Premier and Minister for State Development,  
Infrastructure, Local Government and Planning  
PO Box 15009  
CITY EAST QLD 4002  
**Email:** [deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)

Dear Minister

**Re: Decision to Repeal Gympie Regional Council Temporary Local Planning Instruments**

I write with regards to a recent Council resolution to repeal Temporary Local Planning Instrument 02/19 – Southside Structure Plan Area and Temporary Local Planning Instrument 03/19 – Protection of Biodiversity Values (TLPs), previously applying to the Southside structure plan area and remainder of the Gympie Region respectively.

The TLPs do not align with the current expectations from Council and property owners in relation to striking an appropriate balance between environmental protection and the growth needs for the region. In addition, the TLPs have created a range of challenges and unintended consequences in their implementation. As such, at the Gympie Regional Council Ordinary Meeting held 9 December 2020, the following resolution was made to repeal the TLPs in accordance with Section 24 (1) of the *Planning Act 2016* and take the resolved action in regard to Amendment Package 3, currently in the first State interest review stage.

**M10/12/20**

**Moved Cr HT Smerdon**

**Seconded Cr SA Waldock**

**That Council:**

- 1. repeals the following Temporary Local Planning Instruments from:**
  - (a) Southside Structure Plan Area;**
  - (b) Protection of Biodiversity Values (whole of Council Area); and**
- 2. removes the provisions for the Temporary Local Planning Instruments from amendment package 3 and progress the development of a Biodiversity and Koala Habitat Development Strategy which will inform the review and renewal of the Gympie Regional Council Planning Scheme.**

**Carried**

**FOR:** Cr HT Smerdon, Cr RA Fredman, Cr NG Jensen, Cr GC Hartwig, Cr SA Waldock and Cr BM Devereaux

**AGAINST:** Cr DH Stewart and Cr J Milne

Following this resolution of Council, a Public Notice was published in the Gympie Times digital edition at [www.gympietimes.com.au/classifieds/notices/public-notices/gympie-regional-council/5608610/](http://www.gympietimes.com.au/classifieds/notices/public-notices/gympie-regional-council/5608610/) and on Council's website at [www.gympie.qld.gov.au/public-notices](http://www.gympie.qld.gov.au/public-notices) . A copy of the Public Notice as published on 18 December 2020, is included below in accordance with Section 24 (3) and 24 (4) of the *Planning Act 2016*.

## Gympie Regional Council

Date listed: 18/12/2020



### **Notice of repeal of Temporary Local Planning Instrument 02/19 – Southside Structure Plan Area and Temporary Local Planning Instrument 03/19 – Protection of Biodiversity Values**

In accordance with Section 24 (1) of the *Planning Act 2016*, on 9 December 2020, Gympie Regional Council resolved to repeal Temporary Local Planning Instrument 02/19 – Southside Structure Plan Area and Temporary Local Planning Instrument 03/19 – Protection of Biodiversity Values (TLPis).

Accordingly, from 9 December 2020, the TLPis cease to have effect in the assessment of development applications on land within the Gympie Regional Council Local Government Area, including the Southside Structure Plan Area.

Consequently, any associated major amendments to integrate the TLPis into the *Gympie Regional Council Planning Scheme 2013*, will be withdrawn from Amendment Package 3, currently in the State interest review stage of the statutory amendment process.

*Shane Gray, Chief Executive Officer*

Notwithstanding Council's decision to repeal the TLPs, it is recognised that there is a need to address a number of relevant State interests in relation to this matter as part of a future plan making process. Accordingly, Council will progress the development of a new strategy in relation to the direction on biodiversity and koala management and use that strategy to lead the implementation of protection measures in the current review of the Gympie Regional Council Planning Scheme 2013. Council looks forward to proactively working with the relevant State agencies in this context, to deliver a balanced approach to future development in the region.

Should you wish discuss the above matter please contact Council's Strategic Adviser Land Management, s. 73(2) - Not relevant/ Out of scope @gympie.qld.gov.au.

Yours faithfully



**Shane Gray**  
**Chief Executive Officer**

RTI RELEASED

**From:** Mayor Glen Hartwig <[mayorhartwig@gympie.qld.gov.au](mailto:mayorhartwig@gympie.qld.gov.au)>  
**Sent:** Monday, January 4, 2021 2:09 PM  
**To:** Minister for Local Government, Racing & Multicultural Affairs <[LGRMA@ministerial.qld.gov.au](mailto:LGRMA@ministerial.qld.gov.au)>  
**Subject:** TLPI repeal Gympie

Dear Minister MILES,

I thought it maybe appropriate to forward further information and update you on the TLPI repeal.

Sch. 4(4)(6) - Disclosing personal information

For your information

Regards

**Glen Hartwig**  
Mayor

Gympie Regional Council  
Address (PO Box 155)  
Gympie Qld 4570  
Mobile number Sch. 4(4)(6) - Disci  
[mayorhartwig@gympie.qld.gov.au](mailto:mayorhartwig@gympie.qld.gov.au)  
[www.gympie.qld.gov.au](http://www.gympie.qld.gov.au)

**From:** s. 73(2) - Not rele  
**To:** [Luke.Lankowski](mailto:Luke.Lankowski)  
**Cc:** s. 73(2) - Not  
**Subject:** [High Confidence Spam email] RE: TLPI - public notice  
**Date:** Friday, 8 January 2021 11:39:58 AM  
**Attachments:** [image002.jpg](#)  
[image001.png](#)  
[image009.png](#)  
[image010.png](#)  
[08.01.21 - \[02\] Local Government Gazette.pdf](#)

Luke as discussed please see attached a copy of the notice published in today's GG.  
Thanks for your assistance in this matter.

cheers

s. 73(2) - Not relevant/ Out of

COORDINATOR – PLANNING SCHEME PROGRAM

cid:image001.jpg@01D61327.A10D3D20

Gympie Regional Council  
29 Channon Street (PO Box 155)  
Gympie QLD 4570

s. 73(2) - Not releva

@gympie.qld.gov.au

[www.gympie.qld.gov.au](http://www.gympie.qld.gov.au)

**From:** Luke Lankowski <[Luke.Lankowski@dsdmip.qld.gov.au](mailto:Luke.Lankowski@dsdmip.qld.gov.au)>

**Sent:** Tuesday, 5 January 2021 1:48 PM

**To:** s. 73(2) - Not relevant/ Out of scope < > gympie.qld.gov.au>

**Cc:** s. 73(2) - Not relevant/ Out of @gympie.qld.gov.au>; s. 73(2) - Not relevant/ Out of scc @gympie.qld.gov.au>

**Subject:** RE: TLPI - public notice

External sender. Be careful with links and attachments.

Thanks for confirming s. 73(2)

Regards,

Luke

Luke Lankowski

Manager, Planning – Wide Bay Burnett

**Planning and Development Services**

**Department of State Development,**

**Infrastructure, Local Government and Planning**

P 07 4331 5602 M s. 73(2) - Not rele

Microsoft Teams – [meet now](#)

Level 1, Takalvan Street, Bundaberg QLD 4670

PO Box 979, Bundaberg QLD 4670

[dsdilgp.qld.gov.au](http://dsdilgp.qld.gov.au)

I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.

**From:** s. 73(2) - Not relevant/ Out of scope < > @gympie.qld.gov.au>

**Sent:** Tuesday, 5 January 2021 1:27 PM

**To:** Luke Lankowski <[Luke.Lankowski@dsmip.qld.gov.au](mailto:Luke.Lankowski@dsmip.qld.gov.au)>

**Cc:** [s. 73(2) - Not relevant/ Out of] <[@gympie.qld.gov.au](mailto:@gympie.qld.gov.au)>; [s. 73(2) - Not re] <[@gympie.qld.gov.au](mailto:@gympie.qld.gov.au)>

**Subject:** TLPI - public notice

Luke,

Thanks for your call this morning. Having reviewed the Act at Section 24 and the definition of "public notice" in Schedule 2 I agree that paragraph "c" of the definition would apply to the recent repeal of the two Gympie TLPIs.

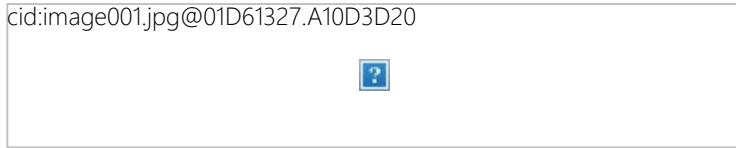
I will make arrangements for a notice to be published in the Government Gazette and for a copy of the notice to be forwarded to the Minister's office, cc'd to yourself.

Thanks again.

[s. 73(2) - Not relevant/ Out of]

COORDINATOR – PLANNING SCHEME PROGRAM

cid:image001.jpg@01D61327.A10D3D20



Gympie Regional Council  
29 Channon Street (PO Box 155)  
Gympie QLD 4570

[s. 73(2) - Not releva]

<[@gympie.qld.gov.au](mailto:@gympie.qld.gov.au)>

[www.gympie.qld.gov.au](http://www.gympie.qld.gov.au)

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attachments.

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RTI RELEASE

**From:** [Infrastructure/Planning ESU](#)  
**To:** ["mayorhartwig@gympie.qld.gov.au"](mailto:mayorhartwig@gympie.qld.gov.au)  
**Subject:** Correspondence from the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning – Our ref: MC20/5974  
**Date:** Monday, 25 January 2021 1:16:00 PM  
**Attachments:** [image001.png](#)  
[MC20-5974 - Letter to Councillor Glen Hartwig.pdf](#)  
[Enclosure.pdf](#)  
[image003.png](#)

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Good afternoon

Please find attached correspondence from the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning.

Please do not respond to this email. If you wish to reply please send your email to [deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)

Kind regards

**Executive Services Unit**

Department of State Development, Infrastructure,  
Local Government and Planning  
1 William Street, Brisbane QLD 4000

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Hon Steven Miles MP  
Deputy Premier  
Minister for State Development, Infrastructure,  
Local Government and Planning

Our ref: MC20/5974

25 JAN 2021

Councillor Glen Hartwig  
Mayor  
Gympie Regional Council  
PO Box 155  
GYMPIE QLD 4570

Email: [mayorhartwig@gympie.qld.gov.au](mailto:mayorhartwig@gympie.qld.gov.au)

1 William Street  
Brisbane Queensland 4000  
PO Box 15009  
City East Queensland 4002  
**Telephone** +61 7 3719 7100  
**Email** [deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)  
**Website** [www.dsdilgp.qld.gov.au](http://www.dsdilgp.qld.gov.au)

ABN 65 959 415 158

Dear Councillor Hartwig

Thank you for your emails of 16 December 2020 and 4 January 2021, following our telephone conversation on 15 December 2020, about the Gympie Regional Council's (the council) recent decision in respect of temporary local planning instruments (TLPI) and associated planning scheme amendments affecting koala habitat and biodiversity. I appreciate this is a significant local issue that is presenting a range of complex policy matters for the council to work through.

From discussions between officers of our two organisations, I understand that the council has a desire to address koala habitat and biodiversity matters balanced against other outcomes for the Gympie region. As discussed, protecting koala populations and biodiversity is a matter of state interest and I welcome the opportunity for the State to work in partnership with the council to determine an appropriate pathway forward.

I support the council's first step to establish a community reference group, given the level of community interest. As you may be aware, my office has received many enquiries from residents raising concerns in relation to this matter. On this basis, and as the council has already identified, it is important to establish a way forward that addresses the broad range of community interests surrounding this matter. I understand this reference group is to be guided by a Terms of Reference and I would appreciate a copy of this once it has been prepared.

Based on current information provided to the State by the council, there are Matters of State Environmental Significance (MSES) which may be at risk as a result of the removal of protections afforded by the council's TLPIs. I understand that the identification of these areas of MSES was informed by studies prepared by the council that identified significant koala populations and habitat in the Gympie region. The Department of Environment and Science, at the time, confirmed the appropriateness of the methodology used for this mapping informing the TLPI's.

I note your advice regarding these studies, and your concerns that key information may have been misrepresented by council officers to the Department of State Development, Infrastructure, Local Government and Planning (the department). As this information was relied upon by the former Planning Minister and the department when originally considering the TLPIs, I ask that the council provide the department with any new information, studies or other justification that corrects or clarifies any misinformation or misrepresentation in the previously provided material.

Notwithstanding the above, I do consider there are matters of state interest at risk and I would like to encourage the council to consider re-introducing interim planning controls to ensure the protection of state interests. I understand that the form and function of the now repealed TLPI's presented a range of unintended consequences for the council. My desire is that any interim response by the council should be fit for purpose, workable, and address both the council's and state's interest in this matter. I consider this interim step would also ease community concerns. As previously discussed, the department is very willing to work with council to develop interim controls and assist with any future strategy proposed by the council.

I also note your concern regarding advice provided by departmental officers prior to the council meeting on 9 December 2020 and I wish to correct the record on this matter. I am advised the department became aware of the council's proposal to repeal the TLPIs on 7 December 2020, upon receiving correspondence from a resident seeking state intervention. I understand at no time prior had council officers formally raised any concerns with the department regarding implementation issues with the TLPIs.

On 8 December 2020, the State Planner wrote to Mr Shane Gray, Chief Executive Officer of the council. I have enclosed a copy of this advice for your records. I understand that Mr Gray and s. 73 s. 73(2) - Not rele contacted a departmental officer on receipt of this letter to further discuss the matter. At this time, the council officers were provided with advice in relation to the department's understanding of the issues, including an outline of previous interactions with council staff and an overview of my obligations as Planning Minister. As the current council supplied information before the department indicates there are matters of state interest involved it was appropriate that the departmental officer identify matters that I must consider. This advice was in no way intended as a threat.

I further note that your email of 4 January 2021 includes information regarding the conduct of a former Gympie Regional councillor. Under section 175G of the *Local Government Act 2009* councillors have an obligation to raise concerns about other councillor's conflicts of interest or material personal interests at council meetings. Given this, you should refer this matter to the Office of the Independent Assessor (OIA). A councillor conduct complaint can be made to the OIA via the online complaint form at <https://www.oia.qld.gov.au/make-a-complaint> or by calling the OIA directly on telephone 1300 620 722.

In closing, and as reflected in our recent phone call, I wish to forge a productive and respectful working relationship with the council as we work together to resolve this important community issue. I look forward to working further with your council on this matter.

If you require any further information regarding the above matter, please contact Ms Danielle Cohen, Chief of Staff in my office on (07) 3719 7100.

Yours sincerely



**STEVEN MILES MP**  
**DEPUTY PREMIER**  
**Minister for State Development, Infrastructure,**  
**Local Government and Planning**

Enc





Department of  
State Development, Infrastructure,  
Local Government and Planning

Our ref: DEPBN20/1483

8 December 2020

Mr Shane Gray  
Chief Executive Officer  
Gympie Regional Council  
PO Box 155  
GYMPIE QLD 4570

Email: shane.gray@gympie.qld.gov.au

Dear Mr Gray

I refer to the status of the Gympie Regional Council's (the council) proposed Major Amendment No. 3 (the proposed amendment) to the *Gympie Regional Council Planning Scheme 2013* (the planning scheme) and the associated Temporary Local Planning Instruments (TLPI), namely:

- TLPI No. 2/2019 – Southside Structure Plan Area, in effect until 28 August 2021
- TLPI No. 2 – Protection of biodiversity values, in effect until 25 September 2021.

I note that the proposed amendment currently seeks to incorporate the policy intent of the two TLPIs into the planning scheme. This proposed amendment is currently on pause to allow council time to respond to the department's request for additional information.

I have also been advised of the proposal to repeal the two TLPIs and to remove related provisions from the proposed amendment that will be considered at the forthcoming council meeting of 9 December 2020. At this stage, it is not clear on what basis the council is considering repealing these TLPIs and the subsequent change to the proposed amendment, particularly given that both are in place to protect Matters of State Environmental Significance. The identification of Matters of State Environmental Significance is based on studies prepared by the council that identified significant koala populations and habitat in the Gympie region.

I am not aware of any new studies or other justification prepared by council that demonstrates any changes in local circumstances that warrants the repeal of the TLPIs or removal of related provisions from Major Amendment No. 3.

The repeal of these TLPIs, without appropriate protections in place for koalas and koala habitat, is of considerable concern to the Department of State Development, Infrastructure, Local Government and Planning (the department). These TLPIs were supported by the former Minister for Planning based on the evidence provided by the council that demonstrated the existence of areas of State Environmental Significance that were not appropriately protected in the planning scheme or identified in State Planning Policy mapping.

1 William Street  
Brisbane Qld 4000  
PO Box 15009 City East  
Queensland 4002 Australia  
**Telephone** 13 QGOV (13 74 68)  
**Website** [www.dsdilgp.qld.gov.au](http://www.dsdilgp.qld.gov.au)  
**ABN** 61 331 950 314

In approving the TLPs, the former Planning Minister acknowledged the evidence provided by the council, including evidence of significant koala habitat – a Matter of State Environmental Significance - in the Gympie region.

The maintenance of the TLPs and incorporating the provisions of these TLPs into the planning scheme therefore remains critically important. This will ensure that appropriate protections are in place, to minimise the significant adverse impacts of development on biodiversity outcomes in the region, to comply with the State Planning Policy and to advance the purpose of the *Planning Act 2016*.

As such, I encourage the council to defer consideration of this matter until such time as further discussions, to consider available options that address both the council's and state interests, can be held between the council and the department. This could include amendment of the TLPs to refine their application and operation. For council's further information amendment of TLP's is provided for under the *Planning Act 2016* and the *Ministers Guidelines and Rules*.

I have asked for Mr Luke Lankowski, Manager – Wide Bay Burnett region, Planning and Development Services in the department to assist you with any further queries. You may wish to contact Mr Lankowski on (07) 4331 5602 or by email at [luke.lankowski@dsmip.qld.gov.au](mailto:luke.lankowski@dsmip.qld.gov.au).

Yours sincerely



Kerry Doss  
**State Planner**  
**Planning Group**

RTI RELEASED

Our Ref: SFT0010 File No: 216618



28 April 2021

The Honourable Steven Miles  
Minister for Department of State Development, Infrastructure, Local Government and  
Planning  
GPO Box 611  
Brisbane QLD 4001

Dear Minister

**Re: Notice about withdrawing proposed Amendment Package 3 to the Gympie Regional Council Planning Scheme 2013 (the Planning Scheme)**

Amendment Package 3 to the Gympie Regional Council Planning Scheme 2013 (MA-00044) currently on pause with the State was intended to integrate both the of above TLPs into the Planning Scheme, and was to introduce a new Street Tree Planning Scheme Policy.

As previously advised in a letter to the Minister dated 18 December 2020, council at its Ordinary meeting on 9 December 2020 resolved to repeal Temporary Local Planning Instrument 02/19 – Southside Structure Plan Area and Temporary Local Planning Instrument 03/19 – Protection of Biodiversity Values (TLPs).

Given both of the TLPs have been repealed by council and the remaining part of the package, being a new Street Trees Policy, is partly addressed through the introduction of Schedule 12A of the *Planning Regulation 2017*, Gympie Regional Council now wishes to withdraw Amendment Package 3. The matters of biodiversity and street trees will be appropriately integrated with the development of the new Planning Scheme.

Should you wish discuss the above matter please contact Coordinator – Planning Scheme Program, s. 73(2) - Not relevant/ Out of scope

Yours faithfully

  
**Shane Gray**  
Chief Executive Officer  
Gympie Regional Council

cc: Luke Lankowski  
Manager – Planning  
Department of State Development, Infrastructure, Local Government and Planning  
PO Box 979  
BUNDABERG QLD 4670

RTI RELEASE