

From: [Nick Rudenno](#)
To: [KC Mail](#)
Cc: tpc@planning.tas.gov.au; [lilli harrison](#)
Subject: Response to proposed amendments to the Biodiversity Offset Policy.
Date: Monday, 27 February 2023 12:24:03 PM
Attachments: [Response to Amendments to Biodiversity Offset Policy.pdf](#)

Dear General Manager,

Please find attached our response to the proposed changes to Kingborough Council's Biodiversity Offset Policy.

Regards,
Nick Rudenno

25th February 2023

Kingborough Council
kc@kingborough.tas.gov.au
CC: Tasmanian Planning Commission
tpc@planning.tas.gov.au

Dear General Manager,

RE: Amendments to Biodiversity Offset Policy

I am writing to express my concerns regarding the biodiversity offset policy. In this letter you will find our recent experience with the policy and we write it in the hope that going forward kingborough council will be able to use our feedback and provide a better service to our community.

In April 2019 we looked to buy a vacant block of land in Bonnet Hill. Having never embarked on a journey like this, the first thing we did was call Kingborough council to find out more. We were congratulated on doing our “due diligence” and told it was zoned as low density residential suitable for building a single dwelling. At the time I had been told by a friend to ‘watch out for swift parrots’, so enquired along these lines and was told unequivocally that there wasn’t anything to worry about. Upon purchasing our land, for at the time a premium price, we were told that in fact it held a biodiversity overlay. When I called Council back to communicate my disappointment, I was told the person I should have contacted and the website I could go to. This information would have been helpful when I first called and would have been used to formulate a much lower offer to the real estate agent.

Since that discovery we have gone through a long planning consultation process with council and got there in the end. We now have a beautiful house and we are very happy to be in Bonnet Hill. We applaud Kingborough Council for their commitment to retaining the character of the local area. However, on reflection, there are a number of things that could have increased transparency of the process, reduced the costs incurred, made the process more efficient and overall eliminated the mental and the emotional anguish that we suffered during that time.

The process for someone looking to buy a vacant block of land is without any guidance. As demonstrated there clearly needs to be a protocol that Kingborough council follows when someone calls with enquiries about land use as the repercussions of wrong information extend far. Although we had already viewed the property on ‘the list’ certain overlays are not immediately present and in fact without an understanding of how things are categorized and which planning scheme is currently in effect, it is extremely difficult to view applicable overlays which appear ‘hidden’ within the many subcategories. It felt like council were not at all sympathetic to our confusion and offered little support or guidance. In future we would love to see council working ‘with’ residents and offering support when trying to understand the ins and

outs of complex and evolving planning schemes.

Once we established what overlays applied to us it became apparent that there is no way of calculating how much the offset may cost without first employing several professionals to conduct site visits, formulate reports and undertaking all planning work. We rang council and they simply told us they couldn't give any guidance on overall cost and couldn't point us to any resources or precedence that would assist us in estimating. This seems backwards to us in that you must commission several reports on councils behalf before you can decide if you can afford to build, meanwhile planning has already commenced forcing potential changes along the way once budget is finally established. We are lucky that after negotiation with council the offset cost did not force us to abandon our plans. I understand that assessing biodiversity is a complex process however in order to project transparency and if the objective of the policy is to protect biodiversity then these discussions should be had at the start of the planning process rather than being presented as an ultimatum at the end.

Further confusion arose when it was unclear if bushfire mitigation or retaining biodiversity took precedence. We commissioned a bushfire hazard management plan with the view of retaining as much vegetation as our BAL rating would allow. This report, conducted by an expert in the field (recommended by council) was then deemed inappropriate, this resulted in our bushfire management overlay tripling in size. The knock on effect being our compulsory biodiversity offset amount also tripled and we began to question the merits of the policy.

The first biodiversity offset amount we were presented with was double what we eventually paid. After discussion with our consultants we responded to council questioning the validity of the policy being applied and the ratio at which our block was being assessed. It was determined in an environmental report that although the vegetation was of high priority, the condition was poor and this thankfully allowed us to use a replacement ratio of 3:1 rather than 5:1. A consideration I believe should be included in the new policy to ensure fair and valid offsets to be calculated. Despite council's discretion this was no small sum, especially given we were simply seeking to build a single dwelling for a small family hoping to make our life in the Kingborough municipality.

It bears mentioning how complex the above process was for us. Without the tireless efforts of our architect and consultants we would never have understood how to proceed and what was in our best interest, as council appeared combative at best. It put us through a huge amount of emotional and mental strain, it was scary and it truly felt like our dream was being held hostage.

We've never had communication about what the funds have been used for and cannot see any evidence of it in the Bonnet Hill area. We are aware that someone is employed to administer the funds and that part of our contribution goes to their salary, however if the sole purpose of the fund is to do good in the community we have to wonder why aren't we hearing about it.

It's hard to succinctly summarize our entire experience however we hope we have at least communicated how badly this policy needs further consideration and community consultation. Our experience was negative and in summary we'd like to see the following points considered.

- Greater transparency with overlays that affect land use and development
- Easily understood resources to support land owners in navigating the complex planning schemes.
- Given the extra fees being paid, a representative within council should be assigned to help guide more equitable outcomes.
- A streamlined process that allows landowners to estimate and understand their offset cost before planning commences.
- The number of significant trees being cleared should be the main consideration, not purely the square meterage as this differs significantly depending on zone e.g. low density residential.
- 3rd party reviews of all biodiversity offset determinations.
- Greater trust given to external consultants which landowners are encouraged to consult.
- If environmental protection is the main objective and not financial gain, then adequately show how the money is being spent to re-establish natural values within the local area.

As a final note, the sentiment expressed by certain members of council that the policy has been met with few objections is farcical. We approached contesting the initial calculation put forward by council with immense trepidation, as we felt raising concerns would put any chance we had of building our home at risk. The absence of objections and silence in the community is not a clear indication that the policy is working well, far from it. Rather, it's a symptom of a system that does not encourage discussion, collaboration or consultation. As the entity that holds all the power, you should take greater care in actively seeking input from every member of the community that has been impacted by this policy, not just those who have the time and fortitude to raise their voice.

If required we are more than happy to sit down and talk further on the topic.

Sincerely,

Lillias Harrison
Nick Rudenno

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