

From: [Samantha Woodhouse](#)
To: [KC Mail](#)
Cc: tpc@planning.tas.gov.au
Subject: Biodiversity Offset Policy Admendments
Date: Monday, 27 February 2023 1:53:06 PM
Attachments: [Samantha Woodhouse - Biodiversity Offset Policy Admendments letter.pdf](#)

Hello,

For the attention of the General Manager is my letter in regards to proposed changes to the Biodiversity Offset Policy by Kingborough Council.

Please feel free to contact me if required.

Samantha Woodhouse
0407469272

Sent from [Mail](#) for Windows

Kingborough Council

23/2/23

kc@kingborough.tas.gov.au

CC: Tasmanian Planning Commission

tpc@planning.tas.gov.au

Dear General Manager,

RE: Amendments to Biodiversity Offset Policy

I wish to formally express my concerns of the purposed amendments of the Biodiversity Offset policy for reasons outlined below.

As a family who have experienced a drawn-out Development Application process partly due to the Biodiversity Offset policy, I feel we can adequately voice how this policy has affected us and why the amendment to increase financial rates specifically should not be approved.

The Kingborough Council (Council) have previously boasted over \$1Million in funds¹ contributed to the Kingborough Environment Fund (KEF) since 2018. This is a significant figure and shows that an increase in financial rates cannot be justified. In 2016 Council increased rates by 20%², now Council wish to increase the financial contribution yet again.

It is suggested on each report referenced above that there is no additional expenditure to Council with regards to amending the policy. What is not considered is the cost to the landowners wanting to develop their land that have the Biodiversity overlay. I do want to clarify that I specifically mean landowners wanting to develop their land with a single dwelling/building renovation. Not a big development company wanting to build multiple dwellings and I think it is important to distinguish the two.

With the increasing costs of living, the significant increase of materials in the building and construction industry, rising interest rates and the costs of all the associated reports needed with a Development Application with a Biodiversity overlay, it all impacts on a person's financial ability to build/develop their land. The increase in financial contributions is significant to anyone and should not be discounted. It does not encourage people to develop their land, or even encourage people to look at purchasing land in the Kingborough Municipality. The role of Council, any Council, should be to help and serve their community as whole. Not discourage and place financial hardship on those who do want to develop on their land.

The Council have sent a clear message to the community of Kingborough that they have complete disregard to the impact of this increase and this is shown by their desire to have the amendments to this policy not undertake the usual practices of the advertising period and public consultation. Obviously, and rightly, the Tasmanian Planning Commission (TPC) did not agree. It questions how much the Council are willing to consider the community as opposed to meeting their own benefit of increasing the funds available in the KEF and securing the land with Part 5 Agreements. This is the first time public consultation has been able to occur for the Biodiversity Offset policy as there was none undertaken when it was introduced.

¹ Biodiversity Offset Policy Review – Ordinary Council Meeting, Agenda 16, Aug 15 2022, pg. 79.

² Biodiversity Offset Policy – Ordinary Council Meeting, Agenda 6, April 4 2022, pg. 39.

By increasing the financial rates, it also means that for some people the ability to actually pay the offset becomes even harder, as an alternative, the offset can be implemented by a conservation covenant on their title (Part 5 Agreements), or land transferred to the Council. Council have previously reported in the Biodiversity Offset Policy Review in August 2022 (pg. 80) that their current approach has been working well. There has been 150 hectares placed under Part-5 Agreements, 22 hectares transferred to Council, 9.5 hectares protected off-site through Part-5 agreements, another 12 hectares protected off-site by a conservation covenant – that equates to 193.5 hectares of land impacted by the Biodiversity Offset policy. If the Council indicated the policy is doing well by the Biodiversity Officer in August 2022, and the policy review by the NAB Coordinator in April 2022 say the policy is moderate in its rates why is there a need to increase them? Why make it even harder for the landowners on these properties to build a home.

Another issue I take with the amendment is Definition 2.3 Potential Habitat. From our experience with the Kingborough Council, we know how this concept of a 'potential habitat' was based purely on the opinion of a Council Officer. The definition as written by the Council in this amendment seems to be quite broad with words like 'all habitat types', 'potential range' and of most concern 'unpublished scientific literature'. Compare this to Definition 2.7 Significant Habitat which does not include unpublished, purely 'published scientific literature'. Unpublished scientific literature is concerning as it could have such a broad range, deliberately unspecific, and potentially has not been critiqued by others in the field. I think the definition, if actually included, should only use published scientific literature.

In our situation the Kingborough Council threatened us with a secondary Part 5 Agreement if we did not cease our appeal with TASCAT and sign the original Part 5 Agreement with Council (seeking retrospective approval for clearing of land). The secondary Part 5 Agreement was based on the opinion of the Council Officer that our land 'maybe' potential habitat for the Grey Goshawk. It should be noted that this suddenly became an issue a few days before our scheduled mediation session with Council for the appeal and had not been brought up as an issue in the two years prior that our first Development Application had been with Council. The Council Officer based this on their expertise and the informal information sought. The person whom gave the advice to Council did not come to assess the site in person. The informal advice that the Council Officer based the potential Part 5 Agreement was not derived from any formal, published literature and further information requested by our legal team was denied. Our land had already been assessed in a Naturals Values Assessment and the Grey Goshawk was clearly not listed as a species that may potential inhabit on our land. The Council Officer totally disregarded this report, a report that we had paid for and had to have done for the Development Application. This is an example of the Kingborough Council using its 'discretion' and could have ended with us having an unnecessary Part 5 Agreement. To avoid this happening to others on the future, I believe some more specific terms need to be included and reduce the wide berth Council seem to have on assessing what could be a 'potential habitat'.

Whilst not expressly relevant to the proposed changes to the policy it should also be noted that the increase in rates, the changes to the policy, the way the Council currently conducts itself in enforcing the Biodiversity policy and trying to amend it without community consultation, effects members of the community profoundly. It burdens some to the point of becoming harmful to their mental health. The policy currently allows for the Council to use a high level of discretion, and in our opinion, this seems to be a wide berth, with very little accountability. We have seen firsthand the

way Council conduct themselves when trying to enforce the Biodiversity Offset policy and the experience wasn't pleasant. Anecdotal, we have heard of similar stories from within the community. There is currently, to my knowledge, no third-party independent reviews and no accountability in enforcing the Biodiversity Offset Policy. It feels like there is an over-reach or over-governing of Kingborough Council in the municipality and a confusing amount of by-laws being implemented.

In summary, I do not support the changes proposed by Kingborough Council to the Biodiversity Offset Policy. I do not agree that Council tried to amend this policy without community feedback in the first instance and I am pleased that the TPC directed the Council to proceed as it is required. I particularly do not agree that an increase in financial rates is warranted. I hope that this is met with unbiased from the Council and taken seriously by all involved in the process of amending the Biodiversity Offset Policy. This policy has very real and trying consequences to landowners, and we are one of them. I find it abhorrent that this is the first time the community have actually been able to have any consultation on this policy. The Biodiversity Offset Policy is not well received in the community by those who are adversely affected by it, contrary to the opinion of Council.

Kind regards,

Samantha Woodhouse

samantha_woodhouse@outlook.com