

From: [Jo Landon](#)
To: [TPC Enquiry](#)
Subject: Re: Kingborough 2015 - draft amendment PSA-2022-3 - Advice on hearing time
Date: Wednesday, 30 August 2023 12:01:35 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.jpg](#)
[image004.png](#)

Dear Mr Ramsay and Mr Ford

Thank you for insisting that the public exhibition goes ahead, “on the basis that the amendment has the capacity to prejudice the public interest”. You may be aware that Kingborough Council’s section 39 report stated that your decision was “due to the community interest in the matter”. I appreciate the Tasmanian Planning Commission’s involvement not only in the assessment of the draft amendment, but also in hopefully getting some answers to some important questions. I’m still not sure about many aspects of this process, despite making several requests for clarification from Council officers and councillors. For those of us without a planning/law background this experience has been quite challenging, but I will attempt to justify why I believe the draft amendment does not meet the requirements of the legislation. I urge you to please consider not only rejecting the draft amendment, but requesting that Kingborough Council prioritise a review of the implementation of the current Biodiversity Offset Policy. I believe that this policy negatively affects the planning system, and it is also having a very concerning impact on the well-being of people who are simply trying to build a single dwelling to enable them to live in our community.

As you will no doubt see in the Kingborough LPS hearings, Council’s engagement with the community could be improved. Their request to avoid the standard public exhibition period follows almost a year of increased community interest in how Council operates. This recent attempt to prevent any input from the public is shocking, yet not that surprising. It’s not clear why Council have stated that the content of the revised policies could not be the subject of our representations. The effect of the update of the list would be to incorporate different documents into the planning scheme. The changes made in the revision of both the Public Open Space Contribution Policy and the Biodiversity Offset Policy were not inconsequential clerical amendments; there were some significant changes made to the guidelines and procedures within both policies. As you will know the TPC’s Practice Note 5 provides guidance on incorporated documents and advises that “if the document is revised from time to time, a formal amendment is required to ensure that the regulatory change is appropriate as a matter of planning policy”. I know several people who would have submitted an objection to the Biodiversity Offset Policy but didn’t because of the advice received.

Although Council has been collecting financial offsets since 2004 I don’t believe there has ever been any community consultation regarding this policy. Following a Council meeting where councillors were provided with conflicting responses as to whether the community had ever had any input into the policies, I tried to clarify this by submitting a question on notice. Frustratingly, my question was significantly edited and as a result the answer only referred to the past public exhibition of the policy, which we know didn’t receive a single submission. Public involvement in planning is definitely not always encouraged by Kingborough Council. Although they meet all the statutory requirements, it seems that some planning scheme amendments are advertised in a way that limits the public’s awareness of them. I believe the planning scheme amendment of the two policies was only listed on a separate page of their website, although being positioned on the homepage would have reached a much wider audience. I imagine most of the community are still unaware of the proposed planning scheme amendment. Some of the past planning scheme amendments have received zero representations, aside from TasWater. The previous incorporated documents amendment was advertised twice yet received no public submissions. I’m certain that this was due

to a lack of awareness of the public exhibition period and not a lack of interest in the policies. The need for community consultation and a review of the Biodiversity Offset Policy is demonstrated by multiple people reporting the same issues: development applications involving this policy are routinely taking over two years; there is a lack of transparency and explanation of the policy; the offsets and information requirements are impossible to predict; the content of costly reports from qualified, experienced specialists is refuted; and requirements are met, only to be closely followed by a new request for additional information, sometimes with little justification. The process has been described as extremely complex, overwhelming and exhausting. Applicants often need to engage the services of a planning consultant to assist, although that adds to the ever-increasing cost of the project. The longer the process takes, the greater the investment. As applicants deal with spiralling costs and delays, they are aware that they may never receive a planning permit. The effects on mental health and general wellbeing are undeniable and they are significant.

The revised Biodiversity Offset Policy could result in increased costs and delays as it would allow a Council officer more discretion when assessing an application eg 'potential habitat' would be considered, and justification based on 'unpublished scientific literature' would be allowed. The financial offsets included in the negotiations are already substantial, they should not be increased. Given that the majority of planning authorities in Tasmania do not have any kind of offset requirement within their planning schemes, and as most planning authorities must be aware of Kingborough's 20 year history of collecting financial offsets, I only assume that the other planning authorities do not consider it reasonable or appropriate to incorporate such a policy within a planning scheme.

It seems that the revised Public Open Space policy would generally result in subdivisions including less public open space, which conflicts with LUPAA's objective of securing a pleasant living environment for all Tasmanians. Most housing developments would be improved by even small areas of trees or other vegetation for example. I think the future residents of the high-density subdivisions would consider it unfair that Council chose to take cash in lieu on open space, and then potentially have spent that money on projects in another area. I think the current policy – as opposed to the revised policy – would be more certain to enable an orderly provision of public facilities for the benefit of the community. Given that the policy was endorsed in 2021, has it already been applied to any subdivision applications? It's not clear why Council waited a year before initiating the planning scheme amendment.

The social and economic impacts of these policies don't appear to have been considered by the planning authority. An analysis of the outcomes and effects of the current policies on past developments would provide for a more accurate assessment of the potential impacts on use and development if the amendment is approved. As well as examining data such as the length of time for DAs to be approved, the size of the financial offsets and the amount of land subject to part 5 agreements etc, feedback from previous applicants about their experience and opinions on how the use and development of land in Kingborough is affected by the Biodiversity Offset Policy would be useful. Many people have said that vegetation is being prioritised over landowners' needs to develop their land to provide for their well-being. Making the building process in rural areas so costly, stressful and time-consuming will have a cumulative impact on those communities. The Huon Valley hearings provide clear evidence of the likely effects of restrictive planning provisions on the social and cultural well-being of rural communities. Is the fact that Council has been prioritising vegetation and collecting financial offsets for almost 20 years one of the reasons that Kingborough doesn't have a vibrant, productive rural community and economy like that of the Huon Valley? As well as establishing the short-term impacts of these policies, there must also be consideration of the longer-term effects on the economy, employment, social cohesion and inter-generational equity.

The restrictions and offsets currently required for development applications are a response to the far less regulated, widespread land clearing and environmental damage over many generations.

There are young families in Kingborough who are already disadvantaged by the housing affordability crisis. To impose an additional penalty - that Council is under no obligation to impose - is unfair and unreasonable. Thank you for considering my submission.

Kind regards

Jo Landon

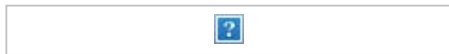
On Tue, 29 Aug 2023 at 10:13, TPC Enquiry <tpc@planning.tas.gov.au> wrote:

Good Morning,

Thank you for your email.

Your hearing attendance has been noted for 5 September 2023.

Yours sincerely,



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From: Jo Landon <otlandon@gmail.com>

Sent: Monday, 28 August 2023 5:05 PM

To: TPC Enquiry <tpc@planning.tas.gov.au>

Subject: Re: Kingborough 2015 - draft amendment PSA-2022-3 - Advice on hearing time

Hello

I would like to attend the hearing next week please. I attach the completed hearing attendance form.

Kind regards

Jo Landon

On Thu, 17 Aug 2023 at 15:35, TPC Enquiry <tpc@planning.tas.gov.au> wrote:

Dear Representor

Re: Kingborough Interim Planning Scheme 2015

Draft amendment PSA-2022-3

Update Appendix 1 - Referenced and Incorporated Documents Public Open Space Contribution Policy and Biodiversity Offset Policy

Please find documents attached in relation to the upcoming hearing for the above draft amendment.

Kind regards



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