

From: [Charlie's Tree Service](#)
To: [KC Mail](#)
Subject: Regarding: Planning scheme amendment (PSA-2022-3)
Date: Saturday, 18 February 2023 7:11:22 PM

Attention:

General Manager
Kingborough Council

Hello,

I write to you to lodge a public objection regarding the proposed changes to the Interim Planning Scheme that seek to update its references to the Kingborough Biodiversity Offset Policy 6.1 August 2022

My objection is that Kingborough's Biodiversity Offset Policy creates a conflict of interest for Kingborough Council acting as Planning Authority. The Offset Policy is Kingborough's very own creation that the Council was never required to develop, never sort legal advice before setting up has no regulatory authority to enforce. Kingborough relies upon its role as Planning Authority to leverage compliance with the terms of its very own Offset Policy. Landowners Development Application / Building Permit are withheld until the terms dictated by the Offset Policy are met, to appeal the Councils discretionary application of the Biodiversity Offset Policy is to delay one's Development Application indefinitely. Having the Planning Officers withholding a Building Permit until Biodiversity Offsets are paid is seen as a form of coercion rather than compliance with the Offset Policy and the source for much community angst.

By updating the Planning Scheme's references to Kingborough's Offset Policy the Planning Scheme shall remain the head of power for the Biodiversity Offsets and the perceived conflict of interest between Kingborough Council acting as Planning Authority and Kingborough Council providing an Environmental Service shall continue. Local Council under the Local Government Act can charge a Fee for a Service and this is what the Offset Policy is, an Environmental Service and like all service charges there must first be consent to the terms and conditions. How can anyone independently consider the terms and conditions of the Offset Policy and appeal the cost of the associated fees when their Development Application is being withheld until they consent ?

In short the link between the Kingborough Biodiversity Offset Policy and the Planning Scheme should not be maintained, that a separate By-Law such as the proposed Trees on Private Land By-Law be established as the head power for Kingborough's Biodiversity Offset Policy.

Regards

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