

## Community Questions - Northern Regional Prison Proposal

In fulfilment of a commitment to respond within 30 days to outstanding community questions arising from the 11 August public meeting, the below responses have been provided by Meander Valley Council and the Tasmanian Government.

### The following responses (1 to 18) have been provided by Meander Valley Council:

- 1. If the Tasmanian Planning Commission goes to the Supreme Court to appeal a negative decision for the planned prison (e.g. No prison allowed by Council protocol/decision) who will absorb the costs? What mechanism besides ratepayer paying the costs?**

Generally speaking, the jurisdiction of the Supreme Court in planning matters is supervisory. The *Land Use Planning and Appeals Act 1993* doesn't have the provisions for a scheme amendment decision to be appealed. However, there is a right of appeal to the Supreme Court, but only on questions of law. Who raises the question of law and what decision is found, will determine who pays what costs.

- 2. How will Council remedy the unfortunate divide in our community due to this project?**

Council understands the State Government's proposal to build a prison is a highly emotive issue and people in the community hold very diverse views about the project. Council will continue to encourage people to voice their opinions in a respectful way with a focus on facts, rather than the person. Council will also continue to support equity in discussion and ensure all Meander Valley residents who wish to have a say, have the opportunity to be heard.

- 3. If the MVC (says by its logo) that it's "working together" - Why did it not work together with their community to find out if they wanted a prison in their vicinity?**

Council has acknowledged that consultation with the community could have been done better. The Tasmanian Government at the time it called for expression of interest was clear about the importance of consultation and that this would be undertaken. The consultation was not what was anticipated.

The prison proposal is divisive. There are clear differences of opinion in the community and Council needs to facilitate all views being heard. In February 2020, Council made a commitment to work with both pro and anti-prison groups to plan Council's own consultation when information is provided by the Tasmanian Government. This commitment still stands. Council will also continue to advocate for the Tasmanian Government to work harder to ensure residents of Meander Valley are informed on the pros and cons of a prison in Meander Valley as and when due diligence on the Brushy Rivulet Reserve, Birralee, is progressed. Such consultation should be undertaken before any final decisions are made.

**4. Why has the MVC failed to conduct a poll of the Westbury people as to whether they want a maximum security prison near their town?**

The Tasmanian Government has already surveyed residents in Westbury and also the broader community of Meander Valley. This helped inform the choice by the Government to move the site to Brushy Rivulet.

If a planning application is received from the State Government, Council may ask the Government for more information to assist it to make decisions. The Government may consider surveys and other consultation as a means of responding to issues raised. A social impact assessment is also something that is likely to be undertaken by the Government as part of the rezoning and development application process.

**5. What action has MVC taken to correct the wrong that was made by its previous Manager in submitting an expression of interest for the Northern Regional Prison to be located in Westbury, on behalf of the Ratepayers/Residents without any consultation at all?**

The actions undertaken by the former General Manager were not wrong. The expressions of interest were from private landowners. When asking Council to facilitate these, the Government suggested it would undertake consultation. Such consultation fell short of community expectations; the level of consultation that occurred is acknowledged as something that could have been done better.

It is Council's focus to work with and support the community to express the full range of views (both for and against the prison) throughout the current and future stages of the State Government's process.

**6. Since the new Marney's Hill site has no water, power or sewerage, and is quite different geographically from the original site, will the MVC ask for a new economic impact statement (EIS) for the new site, since the one and only old EIS is now outdated and irrelevant?**

Yes. Council will consider its formal response to the issues raised in the public meeting 11 August 2021. This includes considering a motion advocating for a review and updating of social-economic and environmental studies relating to the northern prison proposal to reflect the Brushy Rivulet Reserve, Birralelee, site variation.

**7. Why are we meeting with two employees and one elected person when the two petitions wanted to meet with the elected representatives?**

Councillors attended the public meeting on 11 August to listen to all views expressed by the community. The Mayor is the nominated spokesperson for Council and answers on behalf of all Councillors. This is consistent with the roles and function of Councillors as set out in the Local Government Act. Council officers were there to answer technical or operational questions.

**8. Does MVC realise the land known as Marney's Hill Reserve is not owned, controlled or even managed by the State Government? That the land on which the prison is proposed to be built was bought using Federal Government funds under a National Heritage Trust partnership, that is only deemed to be the property of the Tas Govt if it is retained as a Reserve?**

The tenure and constraints over the site due to environmental and other considerations are a matter for the Tasmanian and Australian Governments to settle. It is the expectation that any planning application made to Council would confirm the status and land owner consents needed to support any proposal moving forward.

**9. Is Council aware that the Statement by DOJ / A & G Archer, that an adult prison could not be built on the grounds of Ashley due to UN regulation was later admitted to be wrong (document available if required)**

The State Government has not provided Council with advice on the effects of the UN regulation and its impact on any options relating to the Ashley site. Council is generally aware of the UN convention (not regulation) but this has no bearing on the current site.

**10. Why did it take a petition to make Council hold a Public Meeting over such a big project that could impact so many? Would be good if MVC were more proactive in their actions.**

Council has always been committed to consultation and has pro-actively met with pro-prison and anti-prison representatives and made a commitment in February 2020 to convene further meetings in the community when there is something tangible to discuss. Ideally, this would be when information from the Tasmanian Government on its due diligence investigation etc. were provided.

**11. What opportunity is there for the Community to vote on the prison proposal as many people would like to have a say on such a large project with a potential major impact on the community?**

The community does not get to vote on the Tasmanian Government's proposal, but can influence and voice concerns to the Tasmanian Government.

When it comes to Council, the community gets to have formal input into any rezoning or planning application process. Assuming an application is made, then Council will advertise and call for submissions and representors will be able to participate in the formal decision making processes.

Outside of any formal role, Council has committed to work with both pro and anti-prison groups to plan Council's own consultation, the results of which will be considered by Council and also provided to the Tasmanian Government.

**12. Who does the MVC work for? The State Liberal Govt or the ratepayers of the Meander Valley? If the former then maybe a rate moratorium should be in order.**

Council delivers services to benefit all residents in Meander Valley. Council must work in accordance with its legislated role and the processes applicable to all Tasmanian Councils. This also means working to ensure all views, both for and against a proposal, are considered.

**13. Is Council aware that the most recent escape from Risdon saw roadblocks, 18 police cars, helicopter overhead, school lockdowns - and many people reported being afraid. Would Council accept that as Okay for Westbury - Hagley residents?**

We expect the Tasmanian Government to provide the community with advice regarding any risk mitigation plans that it will have in place for security.

**14. To Cr Cameron: How can we trust Cr Stephanie Cameron to remain unbiased in her Planning Authority role if/when Council receives the DA from Government, considering she ran for the Liberals in the State Election, and this clearly has a conflict of interest in this project?**

As I have always stated, I take my role on the planning authority very seriously. I assess every planning application as it is presented on its merits and within the planning scheme.

**15. To Cr King: Do you stand by your support of the Northern Regional Prison being located in the Meander Valley as offered in your email of September 26th, 2018? To Martin Gill & Craig Perkins.**

As a Councillor, I need to keep an open mind about the proposal until I have all the information and I can only make decisions supported by planning laws. In regards to the email mentioned, I feel there needs to be an explanation and clarification. I sent an email to the General Manager Martin Gill and Mayor Craig Perkins on 26 September 2018 with the intent to recommence discussion on the proposal to build a prison in the Meander Valley. Discussion over the proposal commenced in that election term and was unresolved. In my mind, we had been presented with an opportunity for the State Government to spend hundreds of millions of dollars in our

municipality. Given part of our brief was to promote economic development, I felt Council had a duty to the community to keep the conversation going and explore all options. It would have been premature to dismiss outright such a significant initiative for Meander Valley. In those early stages of the proposal, I could see the pros and cons of a prison proposal based at that stage of thinking around the Ashley facility. Three years later, as we work towards having more detail, I remain committed to an open consideration of those pros and cons of the prison and listening to the community's views about this project. I will assess and make decisions on merit when it comes to Council in the New Year.

**16. To the Mayor: Would you agree that the current council should back away from the previous council's application for a prison being located in the Meander Valley?**

Council believes it is time to move beyond what has occurred in the past. Given there is a new proposed site for the Northern Regional Prison on the table, all facilitated expressions of interest and any representations made by Council prior to the last ordinary election in 2018 are effectively redundant. Council's focus now is to ensure the community remains informed about developments with the Tasmanian Government's Northern Regional Prison proposal and to advocate for proper community consultation throughout the process.

**17. To the Mayor: Will Council comply with its obligations under Section 20 (2) of the Local Government Act to consult and involve its community as to whether there should be a prison in the municipality?**

Council is committed to consulting with the Meander Valley community and is complying fully with legislation, noting that the prison is not a Council project and Council's formal role will start if and when a planning application is lodged. This aside, in February 2020 Council met with pro and anti-prison groups committing to work with them to help design consultation across the community when information on the prison project was to hand. The recent public meeting on 11 August was a Council event and provided an opportunity for the community to put forward their views about the proposal and also to explore the broader question of whether a prison should be located in the Meander Valley. As part of this process, Council also called for submissions from the public and 86 were received. Council is calling on the Tasmanian Government, as the proponent, to consult with the Meander Valley community on the pros and cons of a prison in Meander Valley. We think this needs to occur once the Tasmanian

Government has done its due diligence on the Brushy Rivulet site and before any final decisions are made.

**18. To the Mayor: Do you believe that there is a social license from Westbury community for this prison?**

We appreciate there are varied views (both for and against) in the community about the proposal to build a prison in the Meander Valley. This was clear in the surveying undertaken by the Tasmanian Government. At the public meeting on 11 August, we also heard from people with strong views against the project and also others who are strongly in support of the project. It is our job as Councillors to listen to all views and ensure the community has a chance to have their say. Council will advocate on behalf of the community to ensure the Tasmanian Government adequately consults with residents also updates social-economic and environmental studies to reflect the new proposed site at Brushy Rivulet.

**The following responses (19- 29) have been provided by the Tasmanian Government:**

**19. Other councils applied to take on this prison. Is any documented study of any other site in existence?**

*Response from the Tasmanian Government:* The site at 135 Birralelee Road was determined by a multi-disciplinary interdepartmental Siting Panel through an Expressions of Interest (EOI) process that utilised detailed site selection criteria to assess all the applications received. There was no requirement to undertake more detailed studies of the proposed sites as this process was considered sufficient. The new preferred site on Birralelee Road, being in proximity to the original site, meets many of those criteria to the same level. Therefore it is considered that the new site has been determined through an appropriate level of assessment and more detailed studies of other locations are not required.

**20. Why aren't the public informed and other places considered for this prison?**

*Response from the Tasmanian Government:* A targeted Expressions of Interest (EOI) process was conducted to identify a shortlist of suitable sites. The EOI opened on 20 September 2018, with

letters of invitation from the Minister being sent to local government, councils, government owned utilities, and property and economic development sector groups. A total of 11 prospective sites were received (seven private sector and four government), with one Government site subsequently withdrawn. A part of the EOI process was a commitment to maintain confidentiality of private landowners who submitted potential sites.

**21. What is wrong with building the prison on the Ashley site? It would be cheaper to re-house the juvenile inmates elsewhere. Ashley has all the services required and would most likely meet with far fewer objections!**

*Response from the Tasmanian Government:* The Government has made a commitment to retaining the Ashley Youth Detention Centre at its current site.

*[Council notes the announcements in relation to Ashley by the Premier on 9 September 2021 – this response was provided before that announcement. Meander Valley Council].*

**22. Would it not be better to correct the drug problem than incarcerate them, you will soon fill up the prison.**

*Response from the Tasmanian Government:* The Department of Health run a Tasmanian Alcohol and Drug Service which offers a range of information, education, treatment and community-based supports for Tasmanians affected by alcohol and drug use. This organisation aims to ensure that Tasmanians affected by alcohol, tobacco and other drug use have access to appropriate, timely, effective and quality treatment services, supports and interventions which are based on contemporary best practice.

The Tasmania Prison Service (TPS) contributes to a safer Tasmania by keeping in secure custody those sentenced by the Courts, and providing the best opportunity for prisoners to stop re-offending within a secure, safe and decent environment that reflects the values and opportunities of the wider community it serves. The Tasmania Prison Service (TPS) is committed to providing evidenced based drug and alcohol treatment to offenders and this has included the development and delivery of the Alcohol and Drug Treatment Program (ADTP). The design of the northern correctional facility will include amenities and programs which support offender development and include a strong focus on prisoner rehabilitation, reintegration and wellbeing.



**23. Have the results of the geo-technical drilling been published?**

*Response from the Tasmanian Government:* No. All the relevant information collected through the diligence investigations (including geo-technical drilling assessment), will be made publically available when the Department of Justice submits its Combined Planning Scheme Amendment (CPSA) and Development Application (DA) to the Meander Valley Council in early 2022.

**24. When was the current Risdon Prison built?**

*Response from the Tasmanian Government:* The original Ron Barwick Prison was opened in November 1960. Since that time a number of additional facilities have been added at the location including the Mary Hutchinson Women's Prison, and the Risdon Prison Complex that provides accommodation for maximum and medium classified offenders.

**25. Why is the Government so hell bent on putting a prison in such an unsuitable site? Wildlife corridor, unsuitable road already, dangerous, no facilities eg electric, fire & ambulance etc?**

*Response from the Tasmanian Government:* The Department of Justice is currently undertaking the due diligence investigations required to support the Combined Planning Scheme Amendment (CPSA) and Development Application (DA) submissions to council. This work consists of a suite of independent studies that will address all of the requirements of the normal statutory planning process. Ultimately, the suitability of the site will be determined by the Meander Valley Council and/or the Tasmanian Planning Commission through the independent statutory planning process.

**26. What economic benefit has the prison bought to Risdon Vale?**

*Response from the Tasmanian Government:* The Tasmania Prison Service employs approximately 493 employees. Naturally these employment opportunities are filled by people who often live in close proximity to the complex. The Risdon Prison Complex also provides an indirect benefit to local businesses such as maintenance providers and support services.

**27. If an 'offset' is to be sought for the natural values of the identified site - the Reserve - wouldn't it be more cost-effective to identify a different prison site?**

*Response from the Tasmanian Government:* Should an offset be required it is not anticipated it would require purchase of land.

**28. Why is a waterway/course area being impacted when they are so valuable to human, animal and flora in times of extreme temperature fluctuations! Water is life. Nature's infrastructure. Storm water. Car emissions. Sewerage. Rubbish.**

*Response from the Tasmanian Government:* It is not anticipated that the construction and operation of the Northern Regional Prison will impact on any watercourse. Sewage will be connected to the existing infrastructure and reticulated to the existing treatment facility. Engineering advice will be sought in relation to stormwater to ensure it is collected and either re-used on site or removed from the site and disposed of in accord with applicable standards and guidelines. The site will be a highly controlled environment and will not generate rubbish. Waste be will be removed from the site and recycled or disposed of in accord with regulatory requirements. The acceptability of the proposed treatment of stormwater and sewage will be assessed through the independent statutory planning process.

**29. What are the plans to upgrade the Public Transport to Westbury? Westbury may be central in Northern Tasmania but it is not easy to get from many other parts of Northern Tasmania.**

*Response from the Tasmanian Government:* By locating the new correctional facility in the northern region of the state, offenders originating or with family in the north and north west regions of Tasmania will have the possibility of being located closer to family, friends and support networks. There is evidence to support maintaining links with support networks as contributing to lower recidivism rates and improved offender rehabilitation. The Government are fully cognisant of the limitations of current community and public transport from the north west to central and southern regions of the Tasmania. The need to improve public transport options to the new correctional facility will be considered jointly by the Department of Justice and Department of State Growth, to ensure that the offender population has a means of staying connected with their social support networks, as the project progresses.