

Jamie Nve



To the Public Works Parliamentary Committee regarding the New Tasmanian Youth Justice Facility:

It is my understanding that the Tasmanian Planning Scheme is supposed to create a legal framework in which to enact the Land Use Planning and Approvals Act 1993 (LUPAA). In using their discretionary power to pass Development Application DA2500106 Custodial Facility at 466 Brighton Road, Pontville the Southern Midlands council failed to address any of the intentions cited in the act below, claiming they only had to follow the procedures of the Tasmanian Planning Scheme, this indicates that the act is not working as intended. I'm hopeful that as a Parliamentary committee you can address this disfunction of the system.

Land Use Planning and Approvals Act 1993

Section 5: It is the obligation of any person on whom a function is imposed or power is conferred under this Act to perform the function or exercise the power in such manner as to further the objectives set out in Schedule 1.

Schedule 1 Part 1:

2. In clause 1(a) sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and their health and safety.

Schedule 1 Part 2:

c)provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and

f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for work, living and recreation; and

g) to conserve those buildings, areas, or other places which are of scientific, aesthetic, architectural or historical interest or of special cultural value...

Where the Planning Act has not been implemented by the council's use of the Planning Scheme:

With respect to Schedule 1 Part 2 paragraph f) the council demonstrated no consideration for the affect of marijuana odour on the detainees to be held in the centre, citing the applicants claim that the odour would be attenuated by a distance of 100 meters. During the meeting the council admitted that they have received complaints from as far away as Bagdad and Tea Tree, so they know the smell travels several kilometres, but their interpretation of the planning scheme is "after 100 meters is does't matter", this is at clear odds with the stated intentions of the Act.

For those that have either witnessed traumatic events or enacted violent behaviour in the presence of the smell of marijuana or are in remission from addiction to marijuana to be contained in an environment where they are constantly subjected to the scent of marijuana could be considered a form of torture, as the smell could well trigger traumatic memories or initiate/amplify desire/need for a drug they have no access to. "If someone has a smell that is linked to their trauma, that smell is almost certainly one of the most robust triggers for their trauma," says Kerry Ressler, HMS professor of psychiatry and chief scientific officer at McLean Hospital. "From the burning diesel fumes of a combat zone to an abuser's cologne, invisible odors can arise without warning and quickly trigger an intense flashback or [post-traumatic stress disorder episode](#)."

Quote from: [The Connections Between Smell, Memory, and Health | Harvard Medicine Magazine](#).

Now if you also take into consideration that Australia is a signatory to the UN's charter of the Rights of the Child you will also find a direct conflict here..... and as Australia's Federal

commitment to UN agreements have been legally found to override State laws this whole complex could be found to be unsuitable for the housing of children.

With respect to Schedule 1 Part 2 paragraph f) the council demonstrated no consideration for the affect of the sound of gun shots from the 2 gun clubs that are less than 1 km from the proposed site. The council only seemed to consider the detrimental effect of gun shots from an auditory harmful perspective and that this was mitigated by being inside. No consideration was given to the outside effect of the sound of gunshots on anyone who may have experienced traumatic gun violence.

With respect to schedule 1 Part 1 section 2 and Schedule 1 Part 2 paragraphs c) & f) council demonstrated no consideration for the well being of their own rate payers or those in the town of Pontville, who are now suffering perceived economic loss from the devaluation of their properties (there are already examples of lower prices offered or contracts lost because of this development) and are already feeling anxiety and/or depression because of this development.

With respect to Schedule 1 Part 2 paragraph f) the council's approval only considered the traffic flow on the old Midlands Hwy, now Brighton Rd, and gave no consideration to the actual access via Rifle range road as that is in another municipality. The amount of traffic on Rifle Range Rd accessing Tas Botanicals is already causing bumper to bumper gridlock at certain times, (see photo attached) if an emergency vehicle needed to access the Justice Centre at such a time, it would be seriously delayed, this is not a good planning strategy where health and safety outcomes are to be optimised.

It has since come to my attention that the passing of this development application without proper access already been approved may in it's self not be legal, which would effectively make the council approval process null and void, I doubt the proponents are unaware of this, yet they are proceeding as if they're good to go.

Another traffic concern is that of visiting hoons who already use Brighton RD and Brighton bypass as a drag circuit, revving loud engines, initiating back fires and doing burn outs, this behaviour is often used as a "mark of respect" by some for friends buried at the Pontville Lawn cemetery. It is quite logical that the presence of the detainees in the Justice centre will exacerbate this behaviour. This form of communication between the detainees and their friends will not be beneficial to the detainees rehabilitation, as they will effectively be getting constant signals from their old associates reminding them the of the past and probably making them look forward to meeting up again, a sure path to recidivism rather than reform, defeating the whole purpose of this development, and highlighting the inappropriateness of this site. Also adding to the negative impacts on health and safety to the local community.

A further traffic complication is the truck stop on the Midlands Hwy, opposite the proposed site. Stationary trucks and their drivers would be obvious targets for hijacking or stowaways by any opportunistic escapees. The truck stop would also be a perfect loitering/get away spot right on the highway for planned escapes.

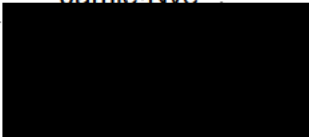
On a personal scale this development is already having a negative effect on my family, when I returned to what is my family's generational home my wife moved from an ideallicly secluded rural location under much duress, just as she was becoming comfortable with our new semi urban location we're told there's going to be a prison built across the road. She is now living in abject fear of that future, worrying as to who might accost her when she goes out to her horses during the night. Added to that, part of my retirement plan included subdivision of the part of the hill that looks out over the proposed sight. So instead of offering rural views with the Shene stables in the back ground the could be blocks will have a birds eye view into a prison, hardly an appealing purchase, slashing value. Speaking of property value I've heard that that sale of Marlbrook was cancelled when the bank found out about this development and reduced the amount it was prepared to loan, hardly encouraging, and indicative of how people feel about living in close proximity to such an establishment. When my wife confronted the mayor of Southern Midlands about compensation for the loss in property value he literally laughed in her face. As there is already evidence of this proposal causing depreciation in local realestate value this really should be of serious concern given the act says that planning decisions have to be made in a way to preserve the economic well being of all Tasmanians.

The planning act also says it is “to conserve those buildings, areas, or other places which are of scientific, aesthetic, architectural or historical interest or of special cultural value...” putting a modern prison complex in the middle of a heritage area is hardly complying with that intention.

It is my understanding that the recidivism rate of Ashley detainees is close to 100%, this is hardly an endorsement for this model in the rehabilitation of troubled youth, yet this new facility will operate on the same principals with the same administration, how will that drive institutional change for a better outcome? That question is addressed in the from [Harm to Healing](#) document, which also details many of the concerns I have raised.

Yours Sincerely,

Jamie Nve



Morning traffic on Rifle Range Rd.

