

**THE PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS
MET IN THE CENTRAL COAST COUNCIL CHAMBERS, ULVERSTONE, ON
WEDNESDAY 15 AUGUST 2007**

**INQUIRY INTO THE ADMINISTRATION OF THE CROWN LANDS (SHACK
SITES) ACT 1997**

JENNY BOATWRIGHT WAS CALLED, MADE THE STATUTORY DECLARATION
AND WAS EXAMINED.

CHAIR (Mrs Smith) - Jenny, this is a formal committee of the Parliament and as such this process does come under parliamentary privilege. It is an open hearing, which means members of the public can attend.

Jenny, thank you for the paperwork that you sent to this committee. The committee is meeting today to hear from about half a dozen people who have expressed concerns about particular issues in their area. In the first instance I ask you to add to the comments or clarify anything that you have sent to us and then undoubtedly members of the committee will have some queries they would like to raise with you. If you would like to make your comments we will take it from there.

Ms BOATWRIGHT - Like most people, I am surprised at the length of time that it took. I bought my house in 1998 and the first meeting I went to was in 1999. The value of my land then was \$12 000 and we have papers to say that we would be able to buy a house at that price, the valuation price, less probably \$1 000 or a little less for legal costs. I have the documents and I have kept the minutes from back then. I ended up paying \$37 000 now, after all that time, and I suppose that is most people's argument.

One of my big concerns is that we put on our water and sewerage, that's okay. I tried to get the water put through; I wrote a letter to the council and tried to get water put through while they were doing the road, and that was going to be at a cost of about \$80 000 to \$100 000 for each person in that area. Then we had a letter from the shack site people saying that we would get our sewerage from Penguin. So at the end of all this I put in new water tanks and a new sewerage system and on top of that we had to pay \$6 000 each person - over \$30 000 - to build a road, and we already had a road there. That's a lot of money for us to have to build our own road before we can buy our land.

I am a disabled pensioner now; I used to work but I have shoulder problem. I used to work at Lactos and I have worked at other factories more or less all my life, so I am a factory worker. I had to spend all the money that I had getting this and that's it; I'm broke. I know I have my house, I am luckier than some people, but that's not really the issue, is it.

CHAIR - Jenny, you stated you had some paperwork there that clarifies that the valuation would be \$12 000. Are you happy to table that paperwork?

Ms BOATWRIGHT - Yes, I brought all my documents. If you are interested, I have written here how the values went up. In 1996-99, the land was valued at \$12 000, then in 2003 it was valued at \$20 000. In April 2005, I paid \$29 000 - that was the initial price when I bought my land. It was valued in 2003 but in 2006 it was valued at \$26 000 and now this year it says on my rates demand it is worth \$85 000.

CHAIR - Is that \$85 000 for land only, or land and building?

Ms BOATWRIGHT - For my land only. So each time my rates go up.

Just up from me a shack was pulled down and they allotted some land to each resident on either side. Then that put the price of their land up and now their rates have gone right up, an extra \$100 or so a year. So they give them the land and get extra rates as well.

I have all my valuations here.

Mr STURGES - Can I clarify something. When you say they gave you the land, does that mean you have now been given the title for that additional land?

Ms BOATWRIGHT - Yes.

Mr STURGES - So that was just given to you without cost?

Ms BOATWRIGHT - Not to me - my other neighbours.

CHAIR - Was that an instance of a shack being removed quite possibly because it was too close to either side?

Ms BOATWRIGHT - I thought at the time it was unpaid rates. I didn't really know why they pulled it down. It was a nice little shack in between two others. I couldn't see why it was pulled down. I had a look when they were pulling it down and it was a nice little place. I think the owner was on the mainland and the rates hadn't been paid so it was pulled down. I don't really know why.

CHAIR - You made the comment in your letter to us that, as you have said, the valuation was \$12 000 in 1999 when the process started and that you had to buy your land with all additional costs for \$36 920. Was that in 2006 or 2005?

Ms BOATWRIGHT - 2005.

CHAIR - Can you tell me what the additional costs were? It was \$29 000 for land, so we can presume there was \$7 920 as additional costs. Could you give us an indication of what those costs were?

Ms BOATWRIGHT - The land is \$29 697; the infrastructure, inclusive of GST, is roadworks, \$6 361.30; fire tank, \$860.95; infrastructure subtotal, \$7 222.25. Then we had to pay other charges - stamp duties and records for the titles, \$725 and \$131. That is calculated on full price.

CHAIR - So the additional cost was for road infrastructure, for a share of a water fire tank and sewerage connection?

Ms BOATWRIGHT - I did have sewerage connection. My sewerage was okay but I did put in a new septic tank anyway.

CHAIR - Were the roadworks inclusive of the \$30 000 you talk about or is that another amount?

Ms BOATWRIGHT - No, the \$631 was my share of the road.

Mr ROCKLIFF - Are you responsible for the maintenance of that from now?

Ms BOATWRIGHT - Since we had the road built there have been a lot of potholes. About 12 months ago I went to the council and asked them to come and have a look at our road. Right at my house on the end we have a turning circle and a big council truck was turning around so I went out and said, 'Have you come to fix our road?' and he said, 'Not today. We'll come back and have a look at it'. That was months and months ago - probably 12 months ago. I said that to the council and they said, 'We don't think we're responsible for maintaining your road. It's not our road, it's your road'. That was in our agreement but I cannot find those papers. We had to sign something and send it back. That was in the agreement, that we built the road and the council would maintain it.

Mr ROCKLIFF - That was your understanding?

Ms BOATWRIGHT - That is what I understood, yes.

CHAIR - Do you have clear title or are you stratum title in the crown circuit road?

Ms BOATWRIGHT - I have a clear title; I own my land.

CHAIR - So the presumption is that when you paid for the road upgrade it was to bring it up to local government standard and then it would be transferred to local government from the State and then would be their responsibility?

Ms BOATWRIGHT - Yes.

CHAIR - There is now a question mark in your mind as to whether that is correct or not.

Ms BOATWRIGHT - That's right. It is really dusty. I wash my car and go out and when I come home I need to wash it again, so it isn't any better than it was.

CHAIR - Did you receive an indication from a staffer on the ground or from senior management within the council as to the road ownership?

Ms BOATWRIGHT - Probably just from the office people.

CHAIR - So it was in the office structure itself?

Ms BOATWRIGHT - Yes. I think when I went in they said, 'We're not sure. Someone's out. We'll get them to ring you back', which they don't do. So we filled the potholes in ourselves and then the rain came after a while and washed them out.

Mrs BUTLER - Jenny, can I get a sense of what being there means to you? What do you feel about living there?

Ms BOATWRIGHT - I think it is just lovely; I love it. When I first went there I paid \$29 000 for my house. It was all the money I could get together; that was all I could afford. I did not want to rent, I just scrounged up that money and went to live there. When I first went there I thought, 'I don't know what I'm doing here. I lose the sun, I'm under the trees' but, as anyone does in any house, you grow to love it. It's your home and you love it. You make your environment around yourself.

Mr STURGES - Can I clarify - through you, Chair - are we going to get that document tabled?

CHAIR - Yes.

Mr STURGES - I will not ask any further questions about the breakdown then. Who reconstructed the road that was there when it was rebuilt? Was it done by council or contractors?

Ms BOATWRIGHT - I don't know. Some contractors, I think.

Mr STURGES - You don't know whom they were working for?

Ms BOATWRIGHT - No. Would Pitt & Sherry have something to do with it?

Mr STURGES - Yes.

Ms BOATWRIGHT - I had a man come and ask where I wanted my road because I had the cars going right around my house. They were blocked off so people couldn't go right around.

CHAIR - Except for the maintenance levels around the area that you have paid for, are you happy with the process at the end of the day - that they listened quite clearly to removing the road from around your house and put it in an area that you were comfortable with?

Ms BOATWRIGHT - Yes.

CHAIR - There are no issues outstanding in your mind.

Ms BOATWRIGHT - No, only the issue of the road when the other shacks are removed. They said they would put some dirt along the front to block it off so cars can't go along there, but whether that will ever happen or not, I don't know. That's the only other issue I have with the road when those shacks are removed. I have already written away and found out about them because at the moment we have had squatters living in the shack in front of me, which is very unnerving because I live by myself. We have had somebody

living there and, as you can imagine, living under the trees it is very dark at night and it is a bit scary by yourself.

CHAIR - How many shacks are you aware of that are supposed to be removed?

Ms BOATWRIGHT - Two.

CHAIR - Have you any indication in writing of the commitment to remove them and the time line?

Ms BOATWRIGHT - Yes, I have. I have letters from Brett Whiteley and David Llewellyn. As you know, we had a murder down there. That happened in 2002 and just shortly after that, there was an understanding that the deceased's family were paid to have one of the shacks removed. Now I have a letter to say -

CHAIR - This is a letter from Minister Llewellyn?

Ms BOATWRIGHT - Yes. It says:

'The site determined for removal was issued with a removal notice dated 7 September 05'

That gave them 36 months to complete the removal, all improvements and rehabilitation of the site. I understood that it happened in 2002, but he says it is in 2005. So that makes it three years, which is 2008, which will be another year. That is going to take a lot of time to happen, from 2002 to 2008 - that's six years to move a house. That's a long time.

CHAIR - So your concern is that in 2002 you were given an indication they would be removed, yet quite clearly the formal paperwork from the minister's office was 2005, giving three years from 2005.

Ms BOATWRIGHT - Yes.

CHAIR - Would you be happy to table that letter?

Ms BOATWRIGHT - Yes.

CHAIR - If you could table the letter from Minister Llewellyn and the earlier one that gave the cost breakdown originally in 1999 - that was a \$12 000 valuation.

Ms BOATWRIGHT - This one came from Mr Llewellyn to Brett Whiteley and he sent that one to me.

CHAIR - My presumption - and it is a personal presumption - was that in this entire process the negotiations between the State and the council were to bring all properties up to local government standard and when that happened with roads and infrastructure, water, sewerage et cetera, the local authority then took over total responsibility. That was one of the reasons, I personally believe, for some of the costs appearing expensive. You have to attempt to put them on a level playing field with other residents within a

community. The purpose of this inquiry is to get all these issues, to clarify them and then to put in a formal report to Parliament. All people who give evidence to the committee will get a copy so that it can clarify these issues for them.

Mr STURGES - And if necessary, Madam Chair, make recommendations.

CHAIR - That is right. We can make recommendations to the minister and the Government of the day on any issues that need to be rectified.

Mr ROCKLIFF - Ms Boatwright, you mentioned the cost of nearly \$37 000 - a long way from the \$12 000 mark, as you have said. In your letter you have said, 'which of course is a great hardship'. Jenny, did you consider or were you made aware of any hardship provisions to purchase or lease the shack? I think the Parliament introduced that in 2004.

Ms BOATWRIGHT - No. When it was time I had money to pay for my land.

CHAIR - Whilst you had the financial capacity to purchase, it left a hardship at the end of it because you didn't have money available?

Ms BOATWRIGHT - I don't have any now; I have used all my money.

CHAIR - I am aware there were some meetings in the Heybridge area, as in other areas. At that time were you comfortable with the information given by department people about hardship provisions, infrastructure and how the process would happen?

Ms BOATWRIGHT - Yes.

CHAIR - Did they give indications of time lines that then couldn't be met for particular reasons?

Ms BOATWRIGHT - Oh yes, it was going on all the time. They said it would be next year when we buy our land, or in six months' time or 12 months' time. Then the paperwork would come through and they would say, 'We've got this ready. It's going to be next month', and then it would be another year and they'd say, 'Something has held it up'. I have had letters all the time. I have another big file at home of paperwork that has come over the years.

CHAIR - At any stage did anything give an indication as to why the time lines were pushed out?

Ms BOATWRIGHT - There would be different reasons. I can't remember what they were now.

CHAIR - Were you generally dealing with one or two individuals all the time or did the faces change?

Ms BOATWRIGHT - We had different people. There was a lady here, Vicky, and people would change all the time. There have been so many people and when you rang up you would have to check who they were. They were changing all the time. I don't know why that happened. Maybe it was too hard for people and they had to move on. They would

get so much abuse from people about the time it was taking. Everyone you rang would be very nice.

CHAIR - There are particular reasons undoubtedly that staff turn over. It could be stress of the job or a new job they apply for or whatever. Would you accept that staff turnover can create problems in that they then have to get up to speed to continue? Would you see that as one of the issues that created the push-out in time?

Ms BOATWRIGHT - I never thought about it, but it could be.

CHAIR - Thank you very much for putting in a submission and coming here this morning to answer some of our questions. As I indicated, at the end of the process those who have given evidence will receive a copy of the report once it has been tabled in Parliament. Hopefully in it we can answer some of those questions that you have raised this morning.

Ms BOATWRIGHT - Can I ask something that isn't anything to do with me; it is about one of my friends across the river? She has a little house across the river and I am not sure how much her land was, around about the same as mine, but her land was valued at \$75 000 and she can't get a loan. She is my age and she cannot pay back \$75 000 in her lifetime. She gets a disability pension and at the moment she is having treatment for a tumour in her back, causing more stress. I haven't spoken to her but I believe from one of the neighbours, a friend of mine, that the land lease has now gone up to \$3 000 and so she has to now pay her rates plus a lease of \$3 000, so that is even more hardship. Why did the lease have to go up so much? To me, you are either paying a lease to the Government for the land or you own your land and you pay rates to the council. I know we have done the same but it seems as though they are having two goes at it.

CHAIR - If I might make two comments. One is that lease arrangements, I believe, with the State Government departments are attached to the value of the land, a percentage of it, so of course when land values rise, the lease arrangements would change as well. My impression always was that there was a component of rates paid on a lot of shack sites around the State, even when people were leasing them.

If you look at the business sector in any community, for instance, you will find that they are leasing the premises and paying the rates and the land tax as part of that component, so it is not an unusual concept. But if I might suggest, from a personal point of view, if you make contact with my office in Ulverstone, I will have a look at that situation for that person and may be able to make representations to the minister and see if there are some issues that can be assisted with. But that is outside the remit of this particular committee.

Ms BOATWRIGHT - I understand that but I thought I would raise it while I was here. Her neighbour is an elderly man and his land was even more. He has a tiny, squeezed-in corner block and his is about \$85 000. That's nothing to do with me but I thought it was something that you might look into or something you might like to know, if you don't already know.

CHAIR - The valuation component of land around is separate from ministerial intervention or the department's or anyone's intrusion into it. You can appeal that valuation and you have 60 days after a valuation is received. At the end of that time it is accepted you have won or lost your argument on the valuation of the land, but with the issue of hardship for

individuals, there may be some sort of assistance and that can be looked at separately. That is the only suggestion I can make at this particular time.

Ms BOATWRIGHT - At the time they did have the land revalued but it still came up the same.

CHAIR - If you have nothing else to add, thank you very much. We appreciate your time this morning.

THE WITNESS WITHDREW.

Mrs JUDY DENNEY WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mrs Smith) - Thank you for your submission to the inquiry and for your time this morning in appearing before the committee to give us a better understanding of the issues. We note that the location of your shack site is Ansons Bay. We invite you to speak further to your submission, add anything you wish and present any further documentation, if you so wish, and then members will have some questions for you.

Mrs DENNEY - Firstly, I apologise for my husband not being here; he is up in the Tiwi Islands working to pay for the shack.

Laughter.

Mrs DENNEY - He retired two years ago and we were on limited income and he has picked up a bit of work to help with the finances. I have brought along a few more copies of bits and pieces - we have a huge file of paperwork. Neil has done most of the attendance at meetings because I stayed home to look after the kids. Our query is that negativity from the Break O'Day Council has caused our major delay. I have photocopied a few more items that I found in our paperwork that state that things will be done by a certain time and then, as the previous lady said, there are hold-ups. We were held at bay from making any investments. My son brought a property in 2000 and then sold it later at a nice profit. If we had known that we were going to be held up that long, we could have probably invested, but our finances have been locked in, waiting for the outcome of the price et cetera. We found that very frustrating and it has been a tiresome nine years.

CHAIR - Following through your submission, you quite clearly believe that it is the Break O'Day Council's opposition to the process that has created your problems. You make comments about the roadworks et cetera. In your opinion, who was responsible for doing the roadworks initially? Was it the Break O'Day Council or private contractors?

Mrs DENNEY - Which section?

CHAIR - You have broken down some of the issues: roadworks, walkways and fencing into the shack, for which you paid \$914. There has been some damage repaired that was caused by the sewer installation. You have paid for the waste disposal system that has not been connected.

Mrs DENNEY - We did get a little paragraph in the council information that came out with the rates. That is the only communication we have had from the council to say that we can possibly connect. Apparently my brother has gone down to help another person who has a shack there and there is nothing to connect to. This, again, is another delay. Whatever we have suggested they have knocked on the head. We attended a meeting when it was first being put to the process of categorisation and basically they stated that they didn't want us there. Anything that has been suggested has had negative feedback from the council. As the previous lady said, it has been awkward because we have had many various people to deal with through the shacks. They have all been marvellous people - Ray McKendrick. I don't know if they have been called to give evidence on how hard it is to deal with the council. In just speaking to the people in Hobart, I got the

impression from them, without them committing themselves, that they found the council extremely hard to deal with. It just seems terribly unfair.

Mr STURGES - I have read your submission and it is very comprehensive. In relation to dealing with the council and the initial phases, is it hard to deal with to the extent of arriving at a financial break-up of costs for shack owners? Can you be a little more specific?

Mrs DENNEY - They were very negative, they basically didn't want us there. They didn't want any expense to be shared by the freeholders, so the crown people paid for the power to be connected - that was another delay because the power couldn't come to the national park. So there was another six to eight months delay until it went to Parliament to get the land opened up so the powerline could come through. We tried to make suggestions. The Government had a trial sewerage system they wanted to run at Ansons Bay and I have a letter here with regard to them knocking it back because -

Mr STURGES - So that is the council knocking back the proposed trial?

Mrs DENNEY - Yes, the proposed trial.

Mr STURGES - Are you able to table that letter?

Mrs DENNEY - Yes, I have it here. They knocked it back on the basis that it would take three years for the trial to go through and the categorisation had to be done by such and such a date.

Mr STURGES - I am just trying to follow this line of questioning. Do you have any other letters from the Break O'Day Council refusing to participate or delaying proposed work in those additional papers you have? Just to back your claim, I was wondering if you had documentation from council and if you were prepared to table that. If there are any letters at all, I think it would assist the committee in its deliberations.

Mrs DENNEY - This is a draft minute of the meeting that the council attended. Robert Legge asked how they could determine whether people didn't know prices and stated that 'many of the shack owners were elderly pensioners with little or no money; whether people would know how much this was all going to cost them'. Scott Marsden replied that the SSP and stated to everybody 'that the expected minimum price would be at least \$30 000 and would most likely be more'. That is not the letter. I am hoping I brought that piece of paper; if there are any papers I can forward onto you -

CHAIR - That would certainly interest the committee.

Mrs DENNEY - Also my husband is going to be home at the end of August and there may well be things he can add I could well have missed because, as I said, he was the one who attended a lot of the meetings.

Mr STURGES - Madam Chair, with your concurrence, if that is acceptable then I think that would be helpful to our deliberations if there are any letters from council or any official letters from whomever.

Mrs DENNEY - I thought I did photocopy one from the council but obviously I decided not to because I thought I did not want to come here with too many bits of paper and confuse myself.

Mr STURGES - The chair has accepted that if you can gather those up over the next few days -

Mrs DENNEY - Any negativity from the council?

Mr STURGES - Yes, just to back up the claims you have made.

CHAIR - In your information time line, in 1999 the source was Wilkinson crown land, Break O'Day Council opposing sale of shacks. Is that likely to have been in a written form or is some of this purchase time lime information conversation? It is dot point 5 in the shack purchase information time line, which was very good in the way it helped us work through the process.

Mrs DENNEY - Sorry, what was your question again?

CHAIR - Whether or not that was a verbal communication or whether there is likely to be some written material between yourself and Mr Wilkinson stating that the council opposed the sale of the shacks.

Mrs DENNEY - I couldn't tell you that information. Neil might be able to fill you in on that because, as I said, he attended the meetings.

Neil was involved in the Ansons Bay Progress Association so whether that came from a meeting that he attended to do with it, I am not sure. The Break O'Day Council letter is on page 6. At the end of the first paragraph it says -

Mr ROCKLIFF - There is a letter here - number 5.

CHAIR - Mr Rockliff has answered the question I asked. He has found a copy of Mr Wilkinson's letter which clearly stated that the Break O'Day Council is adopting a fundamental position of wanting all crown land shacks removed.

Mrs DENNEY - That is where I got confused because I thought I had photocopied it and sent it to you. On number 6, the septic tank study, 'will not be finished for three years, whereas the shack sites process said it has to be completed by November this year'. That was on 11 March 1999.

Mrs BUTLER - And it is still not sorted out.

CHAIR - Have you any indication as to the reason it has taken so long? Has anyone given you any comfort as to the rationale?

Mrs DENNEY - Basically it is to do with various delays that have held us up. They wanted the power on to set up the waste reticulated water system.

CHAIR - So you now have clear title to your property?

Mrs DENNEY - We did. We wondered about going against the price that they offered but our group members advised us against it, saying that it would probably be dearer because they would come and revalue it and add the cost of the valuation on again. By that stage everybody was so exhausted. It has been so negative and stressful.

CHAIR - What year did you get clear title to your property?

Mrs DENNEY - It was 2006.

CHAIR - So there would not have been a council revaluation process in the community since?

Mrs DENNEY - I have a council notice here. The Break O'Day Council's rates for 2005-06 were \$15 000; for 2006-07, \$19 000; for 2007, \$70 000.

CHAIR - So \$70 000 is the value of the land now?

Mrs DENNEY - Yes.

CHAIR - Land-only component?

Mrs DENNEY - Yes.

CHAIR - And that has been done by a revaluation in the Break O'Day area of all property?

Mrs DENNEY - I don't know if it is done on the freehold as well. They have also put a coastal environmental policy on the whole of the bay. Our shack site is very small and you are only allowed to build on 35 per cent of the land. We have to consider Aboriginal sites; we are not allowed to go above 5 metres, even though our block of land has bush behind us. I don't think they will even consider it. So 35 per cent doesn't leave much room. If you were looking for a block of land and you knew all these contingencies before you bought it, you probably wouldn't have a bar of it. That is how I would personally view it if I was looking for a block. You would look into what problems you would be facing before you purchased it, not while you are purchasing it.

CHAIR - You certainly have opened some questions for us to ask of others who are giving evidence. We are calling the Break O'Day Council tomorrow in Hobart to give evidence.

Mrs DENNEY - We are just average joes that are trying to make a nice place. We could not afford a place a Shearwater at that time. For 30 years we have been travelling that way. We used to camp at Policemans Point. The kids outgrew the van and the tent so this was our next option up. In 30 years the road has not improved. We do not have a shop; we do not even have a pay phone. I would not retire there. I would not feel safe to retire there with the road in the condition that it is in. We are not putting pressure on the council, we are accepting that that is our lot, but we do not feel that the infrastructure that they are carrying towards us is the value that they are putting on the blocks.

Mr STURGES - Yes, fair call, thank you.

Mrs DENNEY - Did you need that copy or is that covered?

Mr STURGES - Madam Chair, if I may, with your agreement, if there are any documents that you think you may have overlooked mentioning in your submission this morning -

Mrs DENNEY - In the negativity from the council?

Mr STURGES - Yes - if we could get that in the next couple of days. Documents at all that may have impeded the price for sale. I have just refreshed my memory, though, and you have a lot of documents attached to your submission so they may well be all we need.

Mrs DENNEY - They may cover it. Yes, we have reams of it. It is almost a nightmare to go through. There was one comment made shortly after we got the price for our land. I rang the council and spoke to Tony Walker and said, 'What is our next step?', because we had to get the title and we had to make sure that we were going to connect to this sewerage system. I must have been one of the first callers through and he said, 'What price did they ask?' I said, '\$75 000', and he said, 'Wow, I'll have a lot of angry people on my doorstep'. I think he was absolutely blown away by the price.

CHAIR - As I said to the last person giving evidence, the valuations put on the land are done independently of government departments or government by a valuer-general.

Mrs DENNEY - But if everything had gone smoothly and we had the go-ahead, the values would have been so much lower in 2001 and 2002. Interest rates are going up now so in two years the price, by rights, if the interest keep going up, will go down again, will it? We have been caught between a rock and a hard spot.

CHAIR - Quite clearly there are several submissions that say - hindsight is a wonderful thing -

Mrs DENNEY - Oh yes.

CHAIR - that perhaps every site should have been valued first and then worked on from there -

Mrs DENNEY - Infrastructure worked on.

CHAIR - if there was something that took the 1999 valuations, regardless of when the other work was done.

Mrs DENNEY - That is right.

CHAIR - But again we say hindsight is a wonderful thing. You cannot predict that somebody, in the instance of Ansons Bay, would look to taking something to the court, which again appears has caused a delay, which created problems again too.

I note in your letter that perhaps the land developer should have to pay the difference in values. That, of course, is a private common law suit between individuals so that would not be something that a government of the day could interfere in but certainly you have

raised some significant concerns about paying for property and infrastructure and not having that infrastructure erected.

Mrs DENNEY - My husband started to voice the feelings to the other residents that perhaps we should approach Dorset Council to put a petition to the freehold and leaseholders to see if they are interested in going into a council that is perhaps more proactive towards its ratepayers.

CHAIR - An interesting scenario.

Mrs BUTLER - Mrs Denney, did you say the sewerage connections were all ready to go as far as you were concerned, that it was only the council holding that up?

Mrs DENNEY - The council delayed it. Rain getting into the tanks was his concern.

My husband saw him at a meeting - he was at a presentation for an award and Tony, by chance, was there - and in discussion he said, 'We have to make sure that the water cannot leak in, and it is not leaking out.' I heard through a lady friend of mine, whose husband went down to check out the sewerage system, that it had been okayed. That was about four months ago and the only bit of information we have received was that little snippet about a month ago that came with the rates. I do not even have any written letter to say that we can connect and go ahead.

Mrs BUTLER - It is very frustrating.

Mrs DENNEY - Yes, it has been. Did you want a copy of my rates or not?

CHAIR - Yes, because it will actually give us some tangible proof of land valuations so if you have your rates there, we would be pleased to take copies of that.

We thank you, Mrs Denney, for your time today. As we progress through this, if we have other queries we will make contact. We note your husband, who was the chief representative in all of this, will be returning at the end of August and if we feel a need we will make contact over that.

We are having hearings over the next two days, the first day here in Ulverstone and the second day in Hobart. The process is that when we complete our hearings we put a report to Parliament and we can make recommendations in that report. It is the intention of this committee to ensure that everybody that gives evidence gets a copy of that report so whilst it cannot connect your sewerage for you, it may give you some answers to some of the queries that have arisen in this process. We thank you for your time this morning.

Mrs DENNEY - Thank you very much.

THE WITNESS WITHDREW.

RONALD LESLIE FREEMAN WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mrs Smith) - Good morning, Mr Freeman. Thank you for your very comprehensive paperwork on your property which again is in the Ansons Bay area. The process we are taking this morning is asking people to make further comment that they wish to make verbally and then members of the committee who wish to clarify something will ask their questions at the end of that process. Would like to make any comments on this information that you have forwarded to us?

Mr FREEMAN - Where do I start?

Mr STURGES - The beginning is not a bad place.

Mr FREEMAN - I am just sick of starting at the beginning though, that is the trouble, it has gone on and on.'

Mr STURGES - If I can, Mr Freeman, I note that you are unhappy with the entire process so maybe an overview of your concern with the process might be a good start.

Mr FREEMAN - My overview of the whole process is one big balls-up, I tell you. I have in my submission the valuation of blocks which Mrs Denney just brought up and the cost of infrastructure on the Hydro. The Hydro's issue with me now is that we have pay \$7 000 in our interest rates in costs towards the Hydro and then after that I have been talking to people in the Hydro in Hobart. They were telling me that in certain places like Lake Leake, if you get 20 shacks to connect to the Hydro, the Hydro have to put the line in there at no cost to the shack owners - to the tune of \$7 000. This came from a good source in the Hydro. While we and the other private shack owners at Ansons Bay had to pay \$7 000, all the others had to pay was a hook-up fee of about \$45.

Mr ROCKLIFF - Ron, explain to me further the issue concerning the titles. Has that been resolved as yet?

Mr FREEMAN - I have been pursuing it through my solicitor and my hope was that the money was paid back to the end of July last year. I thought that within 30 days of payment of the money we would get the titles. The shack is nothing until I get the title - you have to present that to your bank when you have to borrow money. After nine months, I did receive the titles in about April/May -

Mr ROCKLIFF - This year?

Mr FREEMAN - This year. After about nine months went past I was pursuing compensation for the interest lost on the money. They agreed to pay me \$3 000 in compensation.

CHAIR - So you feel the \$3 000 is basically the interest that you may have received on what you paid?

Mr FREEMAN - We could get a housing loan for 7 or 8 per cent. You know, you are paying an unsecured loan of 15 per cent, which a lot of people down there did because they did not have the titles.

Mr ROCKLIFF - And you have had to incur a legal cost to obtain that \$3 000?

Mr FREEMAN - Yes, the sum was \$2 975 and Mark Temple-Smith said, 'Your costs would be about \$200'. I have not accepted it but I am about to put it back to them. I have to go and see them about the Hydro. He said I was entitled to any other compensation through delays in trying to negotiate with the shack sites committee -

Mr STURGES - The overall administration of the project.

Mr FREEMAN - Yes, it is just shocking. I think there about eight or nine different heads of the department and every time you ring up you have to go over and over it.

Mr STURGES - With this legal representation: what sorts of costs have you incurred having to engage legal representation; who were you taking action against; and what was it about?

Mr FREEMAN - The crown right of Tasmania. We have a deed of release that we have to sign.

Mr STURGES - What sorts of costs have you incurred with your legal representation?

Mr FREEMAN - About \$300. It is like a dog chasing its tail.

CHAIR - It is the mental stress of it all, and that is the message coming from people, that you were talking to different faces every time you wanted answers.

This is a deed of release that the Government is looking for you to sign and they are looking at a compensation of \$3 000. Is that right?

Mr FREEMAN - Yes, that is for the interest loss.

CHAIR - So they are offering you \$3 000 for the interest loss, the time issues - for the nine months of hold-up of title et cetera?

Mr FREEMAN - Yes.

CHAIR - And through your legal representative you have to make a decision on whether you accept that or otherwise?

Mr FREEMAN - Yes.

CHAIR - Are you aware of whether there are other people in your circumstances who have gone through this process and been offered the same thing?

Mr FREEMAN - Not offered the same thing, but I believe there are lot more people in the same boat as me but whether they pursued it I don't know. You have to have time on your hands to do it and there is also the cost of solicitors.

CHAIR - Could you give us a percentage of people in Ansons Bay who would have had the titles issued incorrectly and have been through this hold-up process? I didn't get the impression from the previous witness that they had the issue of title; they had other issues. You state 'some title holders are annoyed about the mistake and were not willing to return them, thus the hold-up on the titles issued'.

Mr FREEMAN - The nextdoor neighbours received the title about a month after they paid the money last June but they were issued with no covenants. This is why they had to recall the titles. The argument with the shack sites committee was 'It's not my fault that they got it wrong'. I was suffering because of not having the titles to present to the bank for the money. Whether I did borrow money or not is another issue. It is just stupid.

CHAIR - In your opinion, would that have happened to 50 per cent of the people in the area who were getting titles at that time, or do you have no idea?

Mr FREEMAN - I know of some in our group of shacks. There must be groups of shacks in different areas. There is a something they have to put to the Land Titles Office - section 121 or something or other - and they didn't put that in. I reckon there would be a dozen shacks in our area.

Mr ROCKLIFF - Regarding the infrastructure, Mr Freeman, in your submission you have a total cost of \$25 500, or a bit above that. It is composed of roadworks, walkways and fencing, but then you clearly state that you cannot see any evidence of roadworks, fencing or walkways.

Mr FREEMAN - Not in our vicinity, no.

Mr ROCKLIFF - So you feel as though you have paid for something you simply haven't received?

Mr FREEMAN - Yes. I went to the council about the water coming down Boobyalla Drive - I don't even know who we belong to now. We pay rates and whatever. Boobyalla Drive comes down and we go down to the left to the shack - it is about 500 metres to the shack. It is a crown land area. The council man said, 'We finish at the end of Boobyalla Drive'.

CHAIR - Do you have clear title or stratum title?

Mr FREEMAN - Clear title, as far as I understand.

CHAIR - I am aware that there was some discussion about stratum title in some areas with tight and little blocks - like a unit development - and as such, it was everybody's responsibility, but you have clear title?

Mr FREEMAN - Yes.

CHAIR - You have included your valuation notices, which show a value in 2001 of \$16 000 and then in 2005 of \$22 000. I believe there has been a revaluation in the Break O'Day area since. Do you have new information on what your current valuation is, on land value?

Mr FREEMAN - Land value is \$80 000.

CHAIR - So the land value has increased from \$22 000 in 2005 to \$80 000 in 2007? Is that a 2007 notice?

Mr FREEMAN - Yes.

Mrs BUTLER - As to the waste water disposal system, whose requirement was that? Was that the council telling you that you had to do that? You said \$16 998 for reticulated water.

Mr FREEMAN - That is the balance probably. The Hydro has taken the actual infrastructure costs of \$25 500.

Mrs BUTLER - I was wondering what you received for that money.

Mr FREEMAN - We've got nothing yet.

Mrs BUTLER - The people up behind you haven't had to put the same system in.

Mr FREEMAN - As far as the sewerage at Ansons Bay goes, one of the biggest mistakes they ever made was not including all the residents at Ansons Bay. Why should a shack there and one 60 metres away not connect to the sewerage? To me, nobody wants to know Ansons Bay.

Mrs BUTLER - Is that the attitude you have received from the council?

Mr FREEMAN - Oh, for sure.

Mrs BUTLER - Is that from officers or councillors?

Mr FREEMAN - From officers at the council chambers. I thought they were there to help you but they don't want to know anything about it.

Mrs BUTLER - Do you have final connection of sewerage?

Mr FREEMAN - No, and not in the foreseeable future either.

CHAIR - In another area of the State there was an issue of takeover of a waste treatment plant and the council in the area refused to take it over from the State Government because it was not properly operational and there was work to be done on it. It appears to me from what you are saying that titles were given and people paid for facilities in the Break O'Day area and it appears it is the Break O'Day Council that is responsible for making sure all of these processes are ready, rather than a State government department. Is that your interpretation?

Mr FREEMAN - No. The council doesn't want anything to do with the sewerage at the moment because it has been leaking water. This is only hearsay. It is not right. The pits have been put in and they are not level - that was going back three weeks ago.

CHAIR - So we have a situation, you believe, where the council has not taken legal ownership of the treatment plant because there are issues. We then have, one can presume, a State government department that is responsible on the other side that would have to correct those issues before the council would take it over. Is that a fair assumption?

Mr FREEMAN - Yes.

CHAIR - We have the Break O'Day Council, along with other councils, giving evidence before us tomorrow so I am trying to get a handle on responsibility in this process. In your rate notices, to your knowledge, are you paying any water or sewerage rate or anything specified to the council?

Mr FREEMAN - No.

CHAIR - So the issue is that you have paid your money to get title that includes infrastructure and the infrastructure has not been provided by other parties?

Mr FREEMAN - Exactly, yes.

CHAIR - It is our responsibility to find the blame of the other parties.

Mr FREEMAN - When you pay for something you expect to get it. This \$25 500 should have gone into my solicitor's fund and when the sewerage is up and ready that amount of money should have been handed over to the shack sites committee. I should be getting the interest on that, not them. It is just so wrong.

CHAIR - It has been a back-to-front process because I think, under law, if you are in a local government area and they put a sewage treatment plant in, you, as a home owner, are then required to connect within a space of two years.

Mr FREEMAN - Yes.

CHAIR - That is a law but this was a different process with shack sites that was attempting to give people title to their properties but bring them into a legal process with everyone else in the community of water, sewerage, roads et cetera, equivalent to a rate base that you are paying. But there are issues that we will progress and attempt to get some answers along the way. Other members, do you have questions for Mr Freeman?

Mr ROCKLIFF - I have no more but I have learnt a lot, thank you.

Mr STURGES - Yes, thanks, you have cleared a few matters up.

CHAIR - The title issue is certainly new to this committee, I think it fair to say. The concept of an offer is certainly new.

Mr FREEMAN - With the law side, you know, I go along for someone to have a look at it - at the legal things - and whether I am entitled to any more compensation for my \$25 500 for which I have nothing -

Mr STURGES - That is a fair call.

Mr FREEMAN - I have nothing left aside for the titles. I have been down there six years now and when I first went down there the cost of the blocks was around \$30 000 and the infrastructure comes out of that, which up the lakes area is the same. Now you are looking at \$80 000, less \$25 000 for the infrastructure and we are paying about \$52 000 for the blocks. I would not have minded paying around \$52 000 but the \$80 000 is plain ridiculous and the valuations came out after we paid for the blocks. There is the valuation there.

Mr STURGES - Because of the protracted negotiation process or administrative process.

Mr FREEMAN - Yes, but it all stems back to the fact that it is not our fault.

Mr STURGES - Yes, I understand.

Mr FREEMAN - It is just one mess.

CHAIR - Mr Freeman, anything else you wish to tell the committee?

Mr FREEMAN - No, I do not think so. That was the main point.

CHAIR - You have certainly given us an insight and some new information that neither anyone else in submissions nor anyone that we have spoken to on the government side has brought to this committee's attention and it will be progressed. We, as a committee, certainly cannot give you any advice on 'where to from here' with it. That is between you and your legal adviser. The process is that we are having hearings today and tomorrow. After that we will decide who we need to talk to again within governments, councils, engineering consultants or whatever. The committee then will put a report to Parliament and there may be recommendations in that process.

Mr FREEMAN - Recommendations in which way, you think?

CHAIR - That we do not know until we hear all this process. It is quite clear that this is so far down the track that there is no mental comfort, I do not think, for anyone that has been involved in this long protracted process. Certainly, we have to learn from the mistakes made to make sure they are not made again but individually I would not see anyone should hang their hat on an individual benefit out of a final report - and that is a personal opinion, not a committee opinion. But we will certainly ensure that everybody who has come forward to give evidence gets a copy of that report when it is tabled in Parliament and goes to the minister.

If nothing else, we hope we learned some very significant lessons from this whole protracted process which, in the first instance, under law, is going to take 12 months.

Mr FREEMAN - The compensation of \$3 000 was a lot for me for interest lost on the loan business but I know other people down there who do not have their titles and they paid way back at the same time as me. It is unfair on these people - they cannot afford the legal costs and everything like that.

Mr STURGES - And the increase in valuation during that period of time.

Mr FREEMAN - Yes.

CHAIR - They quite clearly see there is an issue there that they have recognised. It may be something that this committee debates and deliberates on as to whether or not that sort of offer should be progressed to everyone in that situation rather than just the people who have taken the time, effort and strain of going through a legal process to ensure they get something back. If nothing more than that came from your submission and your contribution may see a recommendation anyway. But, again, that is a personal opinion and a committee has to deliberate before they put something in but your time this morning, I can assure you, has been very well spent for this committee.

We thank you again and we will see you in January.

THE WITNESS WITHDREW.

Ms ILENE BURROWS WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mrs Smith) - Thank you, Ms Burrows, for taking the time to put in a written submission and for making yourself available to the committee. We are finding that you gather much more knowledge in a face-to-face with individuals who have time to make a verbal contribution so we appreciate the time you have given us this morning. Would you like to speak to your submission? You said you would welcome an opportunity to provide further oral evidence. If you have any further paperwork you would like to present, please table that as well. I am sure members will have questions at the end of your contribution.

Ms BURROWS - I am here representing a family of my husband's brother and wife and sister and husband, but I was the only one able to make it here today. I would like to thank you very much for having the hearing here on the north-west coast. Had it been held in Hobart I do not know that I would have been able to go down there and appear in person.

We are a family of three couples who are owners of the shack at Rainbow Road, Great Lake. It is not a shack that is in a cluster; it is on its own. It is at least half a kilometre from any other shack in that area so consequently there was a fair bit of expense we had to come up with in 2004 for the roadworks. I suppose the purpose of my appearing here today is to highlight the experience we have had up there, initially dealing with the crown shack site categorisation people. That was a good experience. We found out later on down the track that the money we paid to the Crown had been passed on to the Central Highlands Council to carry out the roadworks that we had agreed to. We were a little sceptical as to whether or not the intent of what we had agreed to would be passed on to others further down the track. We then learnt that the Central Highlands Council had passed that responsibility on to a subcontractor and then the subcontractor, unfortunately, went into voluntary liquidation. We were advised by newsletter from the Central Highlands Council, which came some time further down the track. I think it might have been a newsletter later in 2006 when we received that information.

We have had very little written communication from the Central Highlands Council about the progress of what is happening up there to know what is going on, hence my letter to them in November 2006. I sent a copy to the State government department and the minister but I never received an acknowledgment or reply from them. After a bit of prompting to the Central Highlands Council I did get a response on 19 December 2006, which gave us a little information about the hold up, which we had heard through rumour and from speaking to council officers. But that was the first time we got something in writing. There was a bit of a newsletter out to the shack owners saying that they would let us know in October, roadworks would commence in November and that they would be in contact with us. We never ever got the 'we will be in contact with you' letter. That has been our experience. We understand that the State Government might have liked to hand that responsibility on to other people to deal with and normally that handing on to a council would have been fine, but it is the time frame. We paid money over in 2004 and we have found out in the last two weeks that our road has been top coarse-gravelled and rolled and the drainage system put in. We have not had an opportunity since I found that

out last Friday to go and inspect what has been done. We now have a contact with the road supervisor, based at Breona for the next three or four weeks, from the Central Highlands Council. Another member of our family is going to meet Tony Bailey, the road supervisor, up there in the next couple of weeks. That is for us to have a look at what has been done. He has said that, if there is anything that's not quite what was agreed to in the first place, he is more than happy to sort it out with us, as long as it is reasonable.

When we paid the money over in 2004, little did we think that it was going to take until 2007, more than three-and-a-half years later, to get the roadworks completed.

Mr ROCKLIFF - That was the \$8 291.

Ms BURROWS - Yes.

Mr STURGES - Has the land been valued during that period?

Ms BURROWS - We have not had a revaluation of the land up there, no. An amount of \$20 949 was the market value that was given to us from the shack sites project people in March 2004 but we have not had a land value. We have had a change in AAV because our land tax changed so I do not think it has been like a full revaluation.

CHAIR - There is capacity now, under law, for a percentage change each year rather than the big full-blown every five- or six-year change in valuations so that is probably reflected in that AAV change. But some have given evidence on a valuation when they purchased and a full community valuation has been done since so we were looking to -

Ms BURROWS - The market value, including all the infrastructure, in 2004 was \$20 000. That was what it was based on - our actual money that we paid over - it was attachment F to my submission. There is a page there that details the purchase price and then how that was made up as far as roadworks were concerned and the roadworks component was \$8 291 which we were quite happy to deal with.

This process first started when both my mother and father-in-law were alive. They passed away in 2000 so they never saw the end result of it so their three siblings have taken over ownership and management of the shack.

We have yet to see whether the roadworks have been carried out as was agreed with the crown shack sites officer that was up there - Matthew McCrossen. He did assure us in e-mails that his instructions were very well documented as to what had happened and what we had agreed to. I do not know whether you picked up from the maps that I put there that the actual alignment to the access road was changed so we share the road access past the other 12 shacks and up a different alignment, whereas before we used to come straight off the Great Lake Highway and drive directly half a kilometre straight uphill, instead of winding around the escarpment. But to share the costs with the other owners, we came up with a compromise which meant that some more drainage had to be incorporated into what was going to be provided.

Until a member of our family is able to get up there on a weekday to meet the roadworks foreman, we will not really know whether what we agreed to is being carried out. That is to happen in the next two to three weeks when my brother-in-law is on leave.

I have spoken to Mr Bailey, the Central Highlands road foreman, and he is very confident that we will be very happy with what is being done. He has told me that they have carted very good quality top course gravel from Bothwell and he has gone to some extra lengths to ensure that the drainage is satisfactory because, of course, up there with the snow and the water run-off a good road soon gets washed out on created ruts and gets washed away.

Mr STURGES - I can attest to that. I came through yesterday.

Ms BURROWS - Yes. From our family's point of view we want to make the point that we were not pleased that the responsibility of doing the roads was transferred on and we were not kept informed of the progress, whether it was the Central Highlands Council or whether the State Government still should have had some sort of input into ensuring that the work was done.

You can understand that up there they have only got a window of six months to do anything because of the weather. We understand that. The family has owned the shack since 1974 so we know what the weather conditions are like. It is not that we are being unreasonable with unreasonable expectations of what should have been done but we are really a little bit miffed as to the length of time that it has taken. All of our family are in business in one way or another and we understand what happens when someone goes into liquidation, and particularly when it is a voluntary liquidation because they still had the opportunity to come back and do works maybe later on, further down the track.

As far as other communications are concerned, in our rates notice, we received from the Mayor, Deirdre Flint, the little information flyer that you get from the Central Highlands Council and there is one paragraph in there that says:

'Work has recommenced on the shack site roads and is progressing well.
All works completed will be revisited after they have gone through a winter to see how they stand up.'

That is the only written communication we have had from the Central Highlands Council since they sent us a newsletter last year. In March, after I put in my submission, I did contact the administration people at Central Highlands Council and left a message for the roadworks supervisor that was going to be at Riana to contact us when roadworks were to commence. That message was never passed on to the roadworks supervisor. The work has taken place up there so we will go up in a couple of weeks' time and see.

I do have a photograph here of the site - you will probably get an idea of the size of the road that we were travelling on. I do not know whether any of you are familiar with up that way.

Mr STURGES - What is the distance of the road now that it is being reconfigured? Just roughly.

Ms BURROWS - It is about 500 metres.

Mr STURGES - So we are not talking about a large stretch?

Ms BURROWS - It is for up there, yes.

Mr ROCKLIFF - It is half a kilometre.

Ms BURROWS - It goes up quite a steep gradient. I am not sure whether you would have noticed where Rainbow Road is up there because invariably, with such a lovely name the sign gets stolen quite frequently. As fast as the council puts the sign back it is taken again. It is one of those things. But when you see the signs 'Breona' at each end of Breona, coming from Hobart, it would be on the right-hand side about halfway between the two road signs, and you turn in. This is not very far from where you turn off the Great Lake Highway and wind in and around. Then you come up to the other shacks around the edge of the lake - there are about 12 or 13 there - and then you wind up around to ours. I think ours is lot 14.

CHAIR - If on inspection you are comfortable with the standard of the road and the commitment of the council that it will be inspected after a winter process, does that complete all the issues your family have had with the shack sites process or are there outstanding issues still?

Ms BURROWS - No, that is all. One of the other responsibilities was to put a fire tank in which we did in the first instance. When I was speaking to the roadworks foreman - the supervisor up there yesterday, Mr Bailey - he told me that he is still trying to work out where he has to put the tank at our place. It has been at place for two years. The State Government, as part of their swap-over, made arrangements with some of the shack owners to put in a communal tank. I think the 12 or 13 shacks down the bottom might have a communal fire tank but, being such a distance from all the others, we had to have our own separate tank.

CHAIR - So you have put your own fire tank in?

Ms BURROWS - Yes.

CHAIR - So there is something wrong with the communication between the department and the council?

Ms BURROWS - Yes, there is. We have said, 'You can put another one in if you like, but we have already put it there'. We had to connect to a septic system as well, and that has been done.

On the title, the plan of survey, enclosure D, the hatched area isn't the footprint of the shack; that is the actual septic tank marked on the title. The actual shack is further towards the eastern side. All the families up there, not just our family, did a lot of this work all in good faith. They got it all in, paid their money over to the State Government which passed off the money to the Crown. What safer place can you place it to, we thought.

CHAIR - Can I just clarify this - this is a formal title - the hatched area is the septic and the house is?

Ms BURROWS - I would say it is further over, probably where the m₂ is.

CHAIR - Can you request a correction of that on a title?

Ms BURROWS - I understand that that is how a septic tank area is shown. I don't think that is a misprint.

CHAIR - But it doesn't show on the title where the house sits.

Ms BURROWS - It wouldn't normally show on a title where your house sits. You don't normally have a footprint of your house on a title.

CHAIR - The other issue on the septic tank virtually appears to be in your roadway. If you extend the roadway, do you drive over the septic tank area to get to your house?

Ms BURROWS - No, the track continues around.

CHAIR - It seemed an unusual spot to put a septic tank, right at the entrance way. You have to put them where they will work, of course. We all know and accept that. So there are no issues with that?

Ms BURROWS - There are no other issues.

CHAIR - Is there anything else you wish to add, Ms Burrows, to your submission.

Ms BURROWS - No, I don't think so. We are obviously not going to get any written communication advising us of the progress. We have put in the phone calls and got verbal answers but invariably with those sorts of things you have to think and say this is when it is going to happen. We will have to play it by ear, as we have done as long as this process has been going – since 1998. It is nearly 10 years since the whole thing was started.

CHAIR - Is that criticism of both council and the department?

Ms BURROWS - The communication is from the department and the council. When I did contact what I thought was the shack sites project officer - those people in that department have all moved on and are doing something else now - it took me three or four different phone calls to different departments. The frustration of going through that process I think could probably have been avoided if we had had a written communication. People are involved in these recategorisations and transfers. There are three families who own the one shack, so the communication is coming to us and we have to intelligently relay that out to the other two members of the family. I am sure there are others who own shacks in that area in a similar situation. There are multiple owners of these properties and there is difficulty in trying to get some sort of clear, easy to understand idea of a time line to relay to the other members of the family - right now we need a working bee to go up and do this part, perhaps we have to dig some drains, perhaps we have to install a fire tank, maybe someone has to organise to meet a

supervisor up there at a certain time. Being able to plan your life around those things when you are not living there on site and at hand, logistically that is the biggest issue for our family. I suppose it would be for others as well. You are not there on the spot to see what is going on, so you need something from somewhere to tell you what is happening.

CHAIR - Thank you very much for your time and appearing this morning.

THE WITNESS WITHDREW.

Mr DAN SUTTON WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mrs Smith) - Thank you, Mr Sutton, for coming along. We note that the location of the shack site is Cowrie Point and also that you are the elected representative of Cowrie Point Home Owners. We welcome you to the table this morning. Would you like to add anything to your submission?

Mr SUTTON - I must admit I didn't give this as much time as I would like, but I can scroll through it. Could there have been a significantly different financial outcome for the Crown at Cowrie Point? Yes, I believe there should have been. We workshopped alternative systems with the council. We got a unanimous decision from the council to request a review from shack sites. There is a submission here from Aussie Clean. We worked out that it would cost about \$10 000 and then we doubled it, so we had plenty of slack. It was fully costed. It would cost us \$625 a year to maintain that system. That was its ongoing maintenance contract. There were guarantees with Aussie Clean to meet all the council specifications. About eight of those systems were in place in Circular Head. There are tens of thousands of them all over Australia. There is a document there that said it was supported by all of the Cowrie Point residents.

I was fortunate that I lived in Boat Harbour with a friend of mine for a few years and we saw the Boat Harbour development take place. There was excellent communication between the council and the shack sites group. They went through and it was a condition of setting up a sewer district that a likely rate be worked out and put to the people so that they knew what the ongoing costs were. That is reasonable. It ended up working out at about \$3 500 to install it - the rates might be \$1 000.

We finally got Cowrie Point back on the freeholding list; the council had taken us off because they thought we might interfere with the north-west industrial park. Once we got back on the list and shack sites started to progress, we addressed some of the major concerns. One was that DIER has formulated the highway to go through the backyards of half the shacks. The whole effluent system was on the common. Bryan Green was excellent. When we asked him to check out our problems up there, he would turn up at the next opportunity. He would tell Peter Pearce what was required, tell DIER to have another look at it and it would happen. When we lost Bryan Green, Peter Pearce said, 'Things will be different under Judy Jackson'. They certainly were. He said that she did not have the same affinity with shacks that Bryan had. At that point shacks really spiralled out of control. There was much more contempt going through. We were pursuing this system through council. Council had its own problems. We had had a new engineer, Darryl Poulson, and this was his first real job. He had been a system engineer up until this one. He wanted to build a monument and, as you can see in that report, in the review process - we had asked the minister and Judy had granted us a review - he had set a secret condition. I will read out the condition:

'All effluent, after treating on individual blocks, had to be collected via the design reticulation system stored in the main pump station [adjacent to Block 13]. Effluent would then be transferred to the irrigation area on the south side of the highway.'

Williams actually hid it in the secret tendering process so that we could not get our hands on that. What that actually said was that we could put in any system we liked as long as it went through this marvellous piece of engineering, which had started off about \$200 000's worth. At that stage the tender, I believe, had a minimum of a million dollars on it. It ended up being \$1.3 million.

So Williams - and Pearce was party to it - hid that ridiculous condition. How can you have a review when he is saying that you are not allowed to change anything? Unfortunately I elected not to be the representative of Cowrie Point because I was still fighting issues for the tendering process and when John Philips - he cannot be here today because he is in Adelaide - went to the review, he got kicked out. The review was held by the same people - David Connelly had spent 12 months designing this white elephant, Philip Williams, still head of shack sites, and the engineer - that did the review that the minister promised. That is deceit. How can you have a review when the same people are reviewing themselves? Utterly unbelievable.

So that is the comment. I believe the review created by shack sites personnel was a fraud. Had that been a reasonable review with integrity and intent, we would have had micro-systems and we would have been running on a system that cost us \$600-odd a year to maintain and the State Government would about half a million dollars better off.

There is a lack of communication. We had a public meeting on the common in September 2002 and they said, 'Yes, we are part of the freeholding process'. Phil Williams was there and he said, 'Yes, you have a good chance of being freehold'. He later on told us that he thought we had 'Buckley's' which did not give us much confidence in his integrity.

The next public meeting was in August 2005 at Rocky Cape. We had councillors there and I prepared a major submission - I still have it on my computer - but they did not allow us to give it. They fronted up with just a fait accompli - like it or lump it.

Since then we have continued to have letters from the minister saying how admirable shack sites were and they have had numerous meetings - they were the two meetings in four years.

CHAIR - You have clear title now?

Mr SUTTON - Yes.

CHAIR - So can you give us an indication of which year most of the residents of Cowrie Point would have achieved their clear title?

Mr SUTTON - I would suggest about the last 12 months. Over the last 12 months basically everyone -

CHAIR - In 2006?

Mr SUTTON - The first would have been about November 2006 and the last may even still be progressing but it may have gone through.

CHAIR - And your main issue is that you maintain that there could have been a different process to treat the effluent, much cheaper than the Rolls Royce-type of system that you now have in this process?

Mr SUTTON - Yes.

CHAIR - And the issue surrounding the tendering. We take on board what you are saying and we will inquire into those processes as we progress.

Mr SUTTON - Yes, we are after an open process and they did not even allow the review that the minister had said. We had the councillors unanimously recommending to shack sites - that is appendix 2 - that the council request shack sites execute an urgent review of effluent disposal options at Cowrie Point, that the council would accept designs including Aussie Clean sub-surface irrigation, the absorption area on the south side of the road leased to home owners or a body corporate, any other effluent disposal that may be suitable for a settlement of similar size at Cowrie Point. So they were requesting the review and Williams turned it into a sham. He did not give the review that the minister had actually said we could have - no, it was a sham.

CHAIR - I want to clarify this: so the job of doing the tender work and getting the design process was given to the Circular Head Council to progress by the department? Is that correct? You say the council engineer, or was it Pitt and Sherry?

Mr SUTTON - Pitt and Sherry did the original design; David Connelly was the overseeing engineer and they had the overriding design responsibilities.

CHAIR - Then tenders were called and you asked for a review, and the minister granted it?

Mr SUTTON - Yes.

CHAIR - And the review was done by?

Mr SUTTON - Phil Williams, David Connelly and Darryl Poulson.

CHAIR - So that is Pitt and Sherry, plus the council -

Mr SUTTON - Circular Head council officers gave our representative about two minutes and asked him to leave.

CHAIR - So there were three individuals on the review?

Mr SUTTON - I know those three individuals were there. There may have been one other.

CHAIR - I just want to clarify, one of them was a Pitt and Sherry's engineer?

Mr SUTTON - Yes.

CHAIR - One of them was a Circular Head Council representative?

Mr SUTTON - Yes.

CHAIR - And the other one was?

Mr SUTTON - Phil Williams, from Shack Sites.

CHAIR - Thank you.

Mr SUTTON - So the whole time we were continuing to ask for what is the cost of running this operation. It was a part of the development condition 29, which revolves around the declaration of a separate sewer district. It says, 'The submission for declaring this separate sewer district shall include the following points - ... in particular a summary of financial aspects including capital costs, likely rating levels and proposed financial arrangements, an explanation of community consultation processes that have been implemented and their results.'

They are now proceeding to tell Shaws that they have won the tender and to build it, and they still have not told us how much it is going to cost to run. In workshopping with the council, we said, 'Look, this thing is going to cost close to \$3 000'. The engineer, Winton, said, 'I can't see that but I won't write it in my own blood' - he should have done because before Darryl Poulson left his job - Oakes has since replaced him - he gave an estimate to council - not to shack owners - of something like \$2 300, plus there is still the grinder maintenance cost. So it is \$2 500-odd a year in annual costs, that is without the costs associated with the maintenance of the absorption area. That is the only indication we have at this point of the likely rating levels. The council or Shack Sites people still have not fulfilled 4 and 5. Since then the council gave information to the minister to say that they have fulfilled all those, but that is also deceit. We can't pursue that. Cowrie Point shack owners aren't pursuing the council that strongly because we still want them to look upon us favourably when they set the rating level.

CHAIR - Are you telling me that the council has designated to the State Government that the work is complete and they are comfortable to take over the process and take full responsibility at this time, but you are saying that the work is not complete?

Mr SUTTON - No, that's not correct. They are saying that the part of information required to set up a sewer district is complete, and it is not. The council is still commissioning tests on that, despite the fact we have been using it for something in the order of 12 months.

CHAIR - So the system has been operational for 12 months?

Mr SUTTON - It has been connected and working for at least 12 months, but they have still not supplied council with all the tests that DA requires.

CHAIR - The council of Circular Head operates different sewerage districts for different areas, do they? Your concern is that it may be very expensive in your area because of the cost of the system?

Mr SUTTON - I believe they operate only one. Stanley and Smithton share the rating costs; they are not separate sewer districts so they don't run on individual costs. We would

hope that the council put us on the same system, but that is going to be a matter for council deliberation. We believe we have good arguments as to why the council should look upon us favourably.

CHAIR - So if you have been using this for 12 months you are telling me that it wasn't operational before your last rates bill so you are looking to have a rating cost on the next one that comes?

Mr SUTTON - We got the rates in September and it wasn't on there and they said, 'Be happy'. I said, 'No, I'm not happy until I know. I would prefer to pay the annual rating bill for sewerage in Circular Head' - about \$700 or \$800, depending on AAV - 'every year, including this one, rather than \$2 500 to \$3 000 a year when you get around to it'. I can imagine that council officers will say that the councillors should look upon it as a user-pays system. Normally, if it was State government-run, you would say, 'You're using it, you pay for it'.

CHAIR - So there is an expectation then that in your next rates this September there may be a sewerage cost on it?

Mr SUTTON - Next year. We have been pursuing that with council. Council is saying that they will not even talk about sewer rates until they take over.

CHAIR - Under law they can't charge until they have ownership of it, so to speak.

Mr SUTTON - We were talking about informing us of what the likely sewer rate is. They can do that prior to taking over.

CHAIR - Yes, that is right - when they progress that with the Circular Head Council when they get evidence.

Mr SUTTON - That is why I haven't thrown one at the Ombudsman about this. If we were fighting the Circular Head Council with the Ombudsman, it would be hard to get them to look upon us favourably. It is a bit like asking Bryan Green to back me up when you would be asking him to lay evidence that could be contrary to David Llewellyn, his party and his Government.

CHAIR - You have given us a very good handle on the issue surrounding the reticulation system. Were there any other issues, to your knowledge, in the Cowrie Point area that people had concerns about? Are they happy with road infrastructure, the costs, the transfer of titles, fire tanks et cetera?

Mr SUTTON - There were numerous issues but I tried to narrow this down to a couple that you could ask pertinent questions and get some action, because of Rocky Cape basically. If they continue on this line, heaven knows how Rocky Cape will get on.

The other issue - I was used to lies and deceit coming through, and I know how it came about - revolves around what I said about shack sites officers lying to the minister and the ministerial adviser. I will go back a step. There was a small chunk of land at the access. I will try to draw a map for you. This is in March 2004 and I will show you the sequence of events to make sure I get it right.

CHAIR - We are quite happy to take on board your memory of it because we don't have the capacity in *Hansard* for the whiteboard. Could you just give us a quick education?

Mr STURGES - Just give us a bit of a mud map.

CHAIR - When you finish drawing can you pinpoint the Bass Highway so that we can get our directions right. Jeremy and I at least will be aware of the area.

Mr SUTTON - When the first plan came out - this is my house in here - I find out that I have been driving over a bit of Damian's corner. I bought the place about six or seven years ago now, but all that time I had been going over it. I said to Damian, 'Can I have that little bit?' 'Oh no, I can't do it'. So I gave him a piece down here with a bit more frontage. Then the plans came out for infrastructure and there was a power pole in the middle of my driveway. I had a word to Damian and he said, 'No, you can't possibly have it one inch over your side. I am going to have a big garage here with access and it is going to interfere with that'. 'Okay, can I have it there then?' 'Yes, fine.' At this time John Latham came up - and I think Peter Pearce - to talk with Damian Herron, who works for DPIWE - a public relations officer for the Fisheries. We were talking about the position of the firefighting tank. It was the pump station which had to be, according to them, directly in front of our boundary. We sorted that out, it was a council ordinance requirement that it be there, and then I was asked to leave. They went around the front, without my knowledge, and said, 'Because we need a maintenance of 1 metre there, you can have a chunk here'.

CHAIR - Did it affect your access?

Mr SUTTON - Yes, quite severely. They came up and took a photograph from the Bass Highway looking at a shrub and said, 'It's not interfering with your access at all'. But that was before they put up a 6-foot high fence. I have complained to them -

Mr STURGES - Has the fence impeded the access to your driveway?

CHAIR - Where do you drive off the Bass Highway now? If you are coming along the highway and you want to get to your home, where do you go?

Mr SUTTON - I come around here and in there.

CHAIR - So the properties are coming on one access out onto the Bass Highway.

Mr SUTTON - That is the piece of land we were talking about. When they gave it to Damian it looked different. They were starting to put the road in and you couldn't turn in there so we were continuing to come in off the highway. They negotiated to give him a piece of land. The original plan was the straight line. It is the extra that they have decided to give Damian.

CHAIR - But it is titled now?

Mr SUTTON - It is titled now but the main issue is that McArdle and Peter Pearce told the minister that that was piece of land was essential for Damian Herron's access - and that is a lie. I have a photo taken this morning.

CHAIR - Are you happy to table those?

Mr SUTTON - Yes.

This is where Damian continues to use his normal access around the other side of the block. It actually made his access worse. I have not been able to find the letter from Pearce and McArdle; but you do have a copy of the letter from David Llewellyn saying that that area is required by Mr Herron for access. It always was a public road, so it is not required for him to have that as access.

CHAIR - I have one other question, Mr Sutton, bearing in mind that you are representing the people in that area. In this submission there is a letter to Philip Williams from John Phillips of Irishtown and on the second page of the letter he makes the comment: 'The overseeing engineers, Pitt and Sherry, are on 10 per cent of the project cost'. Do you have information on that, something that backs up that statement?

Mr SUTTON - Probably.

CHAIR - It is something we can query further on, but I am trying to prove it. The statement he makes following that is quite correct, if that is a factual comment. We need to prove our comments. I thought you might be able to assist us.

Mr SUTTON - This is going back to 2003. It was when the project was only going to cost \$300 000. 'Fees design, including survey, 10 per cent; contract administration, 5 per cent; principal, 2.5 per cent'.

CHAIR - Are you happy to table that document?

Mr SUTTON - I am happy to table it, but I would like a copy of it back.

CHAIR - Mr Sutton, do you have anything else you wish to say? You have given us some invaluable information this morning for us to progress with departments, councils and others.

Mr SUTTON - Just to give you an idea of how snotty it got in the end, the Shack Sites people maintained that they did not want to be part of stormwater and the stormwater line runs down here, straight across my corner and then that was a buried line that went across to the ocean.

The other thing is that these were two rights of way over private land. Right at the end, with no community consultation, they did a wonderful thing for these people; they dug up that buried stormwater line and left an open drain.

CHAIR - On the common?

Mr SUTTON - On the common, I have a photograph of it, and I believe without the Lattas' knowledge they did that.

Mr STURGES - Who did that? The council?

Mr SUTTON - No, the shack sites people. Then the developer had a licence to do whatever they wanted. Without the Lattas' knowledge - they did wonderful things to the Lattas - they gave them that driveway as part of their title. This is access to East and West Cowrie Beach and if you go fishing, like we all do, at Cowrie you can go to the east side but if an easterly springs up, which it does - it is quite dangerous, you can get an easterly quite fast - the only way to come in is around and up into West Cowrie Beach. There is a concrete boat ramp that services that. They gave the Lattas that land - and this was long after that shack sites legislation had expired - so that the only people who are allowed on there are people that the Lattas allow. So they effectively shut down quite possibly all access to West Cowrie Beach.

CHAIR - So the boat ramp is on private property now?

Mr SUTTON - Access to it. It has three lines. There is the access to Lattas, there is a private right of way over crown land, there is a private right of way to Holsteins, to here over crown land, and there is a private right of way to the council's pump station, and there is the firefighting tank.

CHAIR - Would you clarify clear title or private right of way?

Mr SUTTON - These are all private rights of way over crown. The council has ended up having to take over the road to there and to here.

CHAIR - You made the comment, 'This was given to these people'.

Mr SUTTON - Yes.

CHAIR - On their title or a private right of way?

Mr SUTTON - On their title.

CHAIR - You have property here still?

Mr SUTTON - Yes.

CHAIR - So why wouldn't you give this and keep the seaside? Why wouldn't you give this to this title, if your drawing is correct?

Mr SUTTON - The Holsteins have a house here and the Lattas have theirs here.

CHAIR - So where is their access?

Mr SUTTON - It is this private right of way.

CHAIR - Right, okay.

Mr SUTTON - In theory these people can now put up a fence along there and shut off you.

CHAIR - So these people have title?

Mr SUTTON - Yes.

CHAIR - And these people have right of way access?

Mr SUTTON - They have a title here and a private right of way there. We were after, and they just ignored us, either that as public land, that we all had a right of way onto the common, because at present only these people and the Crown give us the right to go down onto the common.

CHAIR - But the Crown is still involved.

Mr SUTTON - Yes, the Crown is still involved. Very helpful for once.

CHAIR - The Crown gives the right to go anywhere.

Thank you very much, Mr Sutton.

Mr SUTTON - Thank you for your time.

CHAIR - We do appreciate the time you have taken to travel from Circular Head to make your presentation and, as I have told others, when a final report is delivered to Parliament you will get a copy of that report.

THE WITNESS WITHDREW.