

Mayor Kerry Vincent and Councillors,
Municipality of Sorell
19th January 2023

Sent via E-Mail for the attention of General Manager Mr. Robert Higgins

Dear Mayor and Councillors,

Now that the holiday period is behind us, we are again taking up the cudgels in respect to outstanding matters with your council, going back seven years and yet to be acted upon.

I discovered during the recent election process that most, if not all, of the matters raised by us in the past were not tabled or formally discussed with full council and for this reason we will be copying in all council members on any matters that we raise.

Firstly, if we could re-cap matters of the past so that there is an awareness of our difficulties with new (and old) councillors.

Dog noise complaints.

This is now a past matter due to the sale of 26 Pendell Dive and the owners moving elsewhere, a great relief, but devoid of actual council assistance.

However, it is worth noting:

- In reply to numerous complaints from surrounding residents the General Manger sent three, supposedly expert in their field, officers to investigate the complaints.

- Not one of these three actually spoke to us or others other than by cursory phone calls taking an unreasonably and impractical bureaucratic approach despite the self-evident night and day howling and fighting of fourteen hunting dogs and multiple surrounding resident complaints.
- There were several recordings made of the dog disturbances of which the officers were aware but did not bother to access. These were dated and timed and therefore applicable evidence.
- The only action taken by officers were suggest lining of the kennels with old carpet in noise suppression. Of course, this achieved nothing, and the complaints continued.
- A kennel license for ten hunting dogs swelling to fourteen in a suburban setting and that license rolled over without reference to the prevailing circumstances and complaints is an outrage and not only injudicious but also ridiculous!

Poultry:

- At one stage there were in excess two hundred birds wandering freely.
- Council has no ruling on the number of birds that can be kept.
- Council sent inspectors who concluded that the situation was allowable given council's approach to allowing this under current zoning.
- Despite this zoning approach Pendell Drive, with thirty-three residences in a short dead-end street is obviously totally unsuited to both this sort of poultry and dog keeping.
- Officers viewed the situation as satisfactory. Two hundred birds? Again ridiculous.

Shedding:

- Sheds for keeping poultry were erected without an application to council
- Clearly the extent of buildings was in contravention of local government regulations.
- Following the removal of a small section of roofing we were advised that the buildings did not require permits
- We suspect that this shed alteration was made on the advice from someone in council itself.

- An officer inspected and reported on the wrong set of sheds not those the subject of complaint
- The wreckage of these sheds remains in an unacceptable state on the now sub divided block

By any stretch of imagination, the above matters are total unreasonable and fly in the face of accepted behaviour given the “suburban” nature of Pendell Drive.

Council’s unwillingness to act on these matters were further exacerbated by the appointment of the subject of all complaints as the council ranger.

General knowledge within the community believes that there are leaks within council and experiences throughout this 3-year period would indicate that this is probable. It seemed that the perpetrators were often aware of pending inspections.

The question remains as to how we have been singled out for the criminal poisoning of our garden with what appears now to have been a residual weed killer. It would appear likely that this knowledge emanated from within council.

The absence of actual evidence pertaining to the poisoning of our garden, (and subsequent placing of a tiger snake in our letterbox), due to the clandestine after dark nature of the attack precludes any direct accusations to be made. However, we believe we know the perpetrators as indeed, based on all probability would the council GM and probably blind Freddy as well.

Given the above we believe the blame for the herbicide poisoning of pour garden lies directly with council due to their total failure to act on multiple resident complaints in a timely and reasonable manner and their acceptance of behaviours contrary to generally accepted community standards.

26 Pendell subdivision:

Council's special development committee recently passed this subdivision without merely a whimper and in a meeting which already had made a predisposed decision.

We understand that our letter sent in objection to the way in which this subcommittee meeting was conducted was to be used as the subject for the induction of new councillors. We have received no reply to our objections or the outcome of this meeting.

We are hopeful that the election of five new councillors might prove a turning point in reaching better balanced decisions not only with subdivisions but in council decisions as a whole, rather than the acceptance of past attitudes and cultures.

- We notice that a new culvert and driveway entrance was installed immediately following councils' subdivision permission from twenty-six was granted.
- Over seven years nothing has been forthcoming regarding storm water complaints and the personnel and machine applied to this entrance over 2 days to the new subdivision could well have made inroads in solving these complaints. First responsibilities first should be a good mantra in our view.
- The development sub committee has the power to refuse planner recommendations otherwise why have such a process?
- Due consideration to resident ratepayers should or indeed must be duly considered in light of their objections and not solely bypassed in favour of planners who have no active involvement
- This subdivision was objected to by some 90% of surrounding residents.
- It is apparent that council is not swayed by its rate payers' views given a possible appeal process with Tascat should the subdivision application be refused. What weakness indeed, in the face of ratepayer preferences and the absence of adequate storm water and septic tank services.

- Given that the special Development Sub Committee (as it was then) is responsible for all development applications it would be hard not to question its wisdom as we see the area becoming the container/ shack centre of Tasmania. This, together with other seemingly inappropriate multiple dwelling and hospitality developments. Surely a more professional and improved process could be developed.

The above synopsis of past history in our dealings with council are but concrete examples of council mis management and the ignoring of rate payer complaints over some years.

Regrettably, our matters are far from settled and we are now revisiting our complaints regarding storm water and drainage easements.

Letters to council over seven years are on council record and we see no need to repeat these but as a precis:

- Throughout this period council general manager or his staff have not made a meaningful physical representation towards reconciling our complaints other than finally acceding to sending an engineer who found our complaints legitimate.
- Both the council engineer and in turn the GM have agreed these matters are the council's responsibility and that there is a need to address them. Despite this there has been no undertaking to budget for the creation of drainage easements to alleviate storm water drained into our block as promised.
- As an interim measure the GM did organise a small diversion bund at the beginning of our driveway. We thank him for this, but it is less than satisfactory and only continues to funnel storm water onto our property
- Perhaps, it would be reasonable for us to not budget the payment of rates to council over the next seven years?
- We accept that council has many demands, but this matter is over 20 years old.

- Apart from storm water we suffer from sewage effluent leakage and council might look at this given the ongoing creation of temporary accommodations rife throughout the municipality.
- Council allows sand septic tank drainage within metres of our residence yet insist on a full sewage system on the block approximately 100 metres from our residence and well below us. Is this yet another example of poor information presented to the Development Subcommittee thereby the creation of inadequate decisions through the concern of a Tascat appeals process?
- Please note that the temporary residence at number fourteen is being professionally constructed and we are making no reference to this property per se.
- The awarding of a subdivision application from 26 Pendell clearly increases the likelihood of further drainage/ sewage disposal problems.
- Advice received from the GM that our string of complaints brought to his notice that the end of Pendell drive was still in the name of the original development company. This is surely a direct indication that successive councils over some 20 years had, in fact, omitted to sign off the development correctly.
- Due to council signing off on the original development without due care it is evident that the area subdivision was and continues to be below an acceptable public standard resulting in the absence of general residential amenity and community standards.

We are all aware that Sorell is a growing municipality thereby placing demands at all levels of council and management decisions and the separation of each level.

However, past practices of bulldozed executive and managerial decisions within council should and must be closely examined by the new and, we are sure, progressive regime.

New schools, police and SES stations, sporting and entertainment centres, large residential developments are a wonderful thing for bravado and expansive outlooks.

However, ignoring the presence of past errors and judgements should not be an option and be of equal consideration from a council and its overarching responsibility for the guidance and responsibility of management together with the culture of the municipality as an entity.

We look forward to your attention to our unacceptable drainage difficulties, as already promised, and avail ourselves for any meeting that you may deem appropriate.

Yours sincerely,

Anne and Richard Dax