ASSESSED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT TASMANIA UNDER THE RIGHT TO INFORMATION ACT 2009

Hon Jacquie Petrusma MP
Minister for Parks

myDAS No: D21-30907v32

QUESTION TIME BRIEF

SUBJECT: ARM END GOLF COURSE DEVELOPMENT

(Date: 13/0802/06/2021)

KEY MESSAGES

- The Arm End Golf Course Development provides for a range of recreational activities, together with rehabilitation and management of the Gellibrand Point Nature Recreation Area.
- The status of the development is approved, including planning approval to pipe recycled water from the TasWater Blackmans Bay Sewerage Treatment Plant to the peninsula at South Arm.
- I am advised that the proponent entered into a licence for the pipeline route on 1 March 2021, and a variation to the head lease agreement has been finalised. The proponent is addressing the obligations required under the approved Development Applications (DA) and Reserve Activity Assessments (RAA).
- The project has been delayed while the proponent negotiated approvals for a water supply adequate to meet the irrigation demands of the golf course. A pipeline will be constructed across the Derwent River to convey recycled water from the TasWater plant to the site.
- Planning requirements for the drilling works are now largely satisfied; however, Tthe proponent is negotiating a service agreement with TasWater, and planning approvals with the Kingborough Council, for works at the Blackmans Bay

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Wastewater Treatment Plant. ~~and is addressing permit requirements so that drilling works for the pipeline can commence.~~

- The project aims to regenerate the area into a multi-functional reserve that includes an 18-hole golf course of approximately 40 hectares. The site would consist of fairways and greens, a public café, public walking trails, single track cycle paths, lookouts, shelters, interpretation, family open play spaces, public barbecue facilities, public toilets, and extensive planting of native flora to restore habitat for endemic fauna and to reduce erosion.
- The proponent submitted a draft Construction Environmental Management Plan (CEMP) in October 2020 for the pipeline, the review of which is now largely complete.
- The proponent has also recently submitted, in July 2021, a draft Environmental Management Plan for works in the Gellibrand Point Nature Recreation Area, the review of which is currently underway.
- Both documents are ~~review and endorsement. The CEMP is one of the~~ key requirements from the RAA in order to adequately~~. The draft has been circulated to DPIPWE specialists for comment to ensure that it adequately addresses~~ mitigate the risk to important natural and cultural values, including potential impacts on the handfish populations and their habitat~~requirements regarding handfish impact mitigation measures and other environmental considerations~~.
- Given the complexities and multi-tenure (unallocated Crown land and Reserved land) nature of the development, the Parks and Wildlife Service (PWS) has convened a working group to manage

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the next stage of the project. The group meets periodically with the proponent.

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Talking Points:

- The proponent held two community consultation sessions; one at Opossum Bay, and another at Arm End, on Sunday 16 February 2020.
- A temporary site office within the lease area at Arm End has been installed.
- Weed management works have commenced, with the recent removal of tall African boxthorn plants.

Timeline

- A head lease under the *National Parks and Reserves Management Act 2002* was executed on 20 November 2014. This agreement was varied on 21 October 2020 to include the requirements from the approved RAA.
- The Clarence City Council (CCC) gave planning approval for the development on 10 December 2012, with further amendments being approved in October 2015 and upheld through appeal in April 2016.
- A planning permit for the pipeline was issued by the Kingborough Council on 24 December 2018, and an amended planning permit was issued by the CCC on 26 April 2019. The planning permit will expire on 1 April 2022.
- The PWS approved the RAA for the pipeline and application of the recycled water to the reserve on 11 May 2019.

Political Lines:

- *For Minister's Office to insert*

~~**Quick facts:**~~

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- ~~Optional (Delete if not relevant)~~
- ~~Key facts or figures that the minister may want to add to the answer.~~
- ~~Note, just the facts please – narrative is not required.~~
- ~~Maximum 3 short dotpoints (otherwise the information can be provided in the background section)~~

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BACKGROUND AND FACTS:

- The Arm End property, 116 hectares located at the northern tip of the South Arm Peninsula, was purchased by the Crown in 2002 to be managed for conservation and public recreation.
- The area was formally proclaimed a Nature Recreation Area on 3 August 2011. The reserve is known as the Gellibrand Point Nature Recreation Area.
- The Tasmanian Labor-Green government was approached by Mr Greg Ramsay late in 2010 with a proposal to develop Arm End as a commercial public golf links course.
- The Tasmanian government took the view that the concept submitted by Mr Ramsay had merit; would not be inconsistent with the management objectives; and provides a rare opportunity to combine the economic benefit of golf tourism to help achieve sustainable reserve land conservation and recreation management.
- Following CCC approval obtained in December 2012, and a detailed review of the approved concept, a further planning application was necessary to address variations required to the approved planning permit.
- The CCC approved the amendments in October 2015, with local residents subsequently initiating an appeal through the Resource Management and Planning Appeal Tribunal (RMPAT).
- RMPAT dismissed all grounds of appeal in April 2016.
- Whilst Aboriginal heritage permits are in place for the development, Aboriginal organisations have been vocal in their objection to it. Future or additional permits may be required.
- The former Minister for Aboriginal Affairs granted a permit, which imposes a range of conditions to ensure impacts to Aboriginal heritage values are minimised, for the proposal.
- When deciding whether to issue a permit, the Minister for Aboriginal Affairs considers the recommendation of the Director of National Parks and Wildlife, as well as seeking advice from the Aboriginal Heritage Council.
- The lease signed in 2014 is for a term of ten years, with four options for further ten year terms, and the proposed licence will be set up to correspond with this timeframe.
- The purpose of the proposed lease is defined as "the development of a multi-purpose public recreation space, including a golf links". Conditions of the lease provide for unrestricted public access and specify timeframes and milestones for performance and progression through the development stages.
- A licence for the pipeline ~~will be~~has been issued ~~that~~ and requires compliance with all conditions contained within both the approved DAs and the RAA. The pipeline transects Reserved and Crown land.
- Enhanced measures have been put in place to ensure that the protected Spotted Handfish is not impacted by the laying of the water pipeline across the River Derwent.
- The RAA was determined to be a 'Level 2/3' under the previous RAA system – which did not trigger public advertising. The initial level of assessment was based on factors including:

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  - the use of Horizontal Directional Drilling (HDD) methodology to install the pipe under the Opossum Bay Marine Conservation Area - and the handfish habitat;
  - external and internal (DPIPWE) specialist advice that this methodology would not have significant impact on the nationally listed handfish and its habitat; and
  - advice from the Environment Protection Authority confirming that the development did not trigger assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA).

- The RAA was not referred under the EPBCA based on the above advice. This was further checked and confirmed by DPIPWE specialists part way through the assessment process.
- The pipeline development triggered discretionary DA processes for both the CCC and the Kingborough Council. The CCC planning permit was appealed, and additional conditions (primarily environmental and relating to handfish impact mitigations) were placed on the permit, following successful mediation by the parties.
- The concerns and amended conditions resulting from the appeal and mediation process were incorporated into the final RAA conditions. This included additional advice from the National Handfish Recovery Team. The appeal process also resulted in additional information being provided by the proponent (i.e. preliminary geotechnical information).
- The pipeline has the potential to benefit the wider South Arm community.
- The TasWater treatment plant at Blackmans Bay currently generates approximately 1 600 megalitres per annum of secondary treated effluent which is currently wasted and discharged via an outfall to the Derwent River, a negative impact to the marine environment. A plant upgrade is currently being undertaken by TasWater which involves nutrient removal and, following the upgrade, the capacity of the plant will be more than doubled. A major benefit of effluent re-use by irrigation is the decrease in wastewater discharges to natural waterways.
- Pending approval from the Kingborough Council, Sstage one includes infrastructure at the TasWater Blackmans Bay site for connection, pumping and a buffering tank; the pipeline across the Derwent River; a booster station at South Arm; and the pipeline running north to the lease area at Arm End.
- Following construction of the pipeline and supply infrastructure, it is likely that additional properties will be connected to the recycled water supply.
- Stage two includes the pipeline running south to the Iron Pot Golf Club; connection of other users to both north and south sections; and the potential addition of further water treatment (filtration and UV). Stage two is proposed for a later date, and a variation to the pipeline licence would be required if and when a water co-operative is formed for future potential recycled water users.
- Subject to the completion of Stage two, the delivery of water to the peninsula at South Arm would enable farmers, vineyards, the RSL Golf Club and other community users to have access to the recycled water. Eventually, the entity responsible for the operation and management of the completed pipeline infrastructure would likely be a registered co-operative membership of water users, stakeholders and regulators. The pipeline would aim to operate on a cost-neutral basis. The pipeline would not be considered as a potential revenue stream, and all users would pay proportionally. For now, the proponent will own the infrastructure for the pipeline project.

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- The proponent met with State Government Ministers in 2019 to discuss funding opportunities regarding the pipeline, given the community benefit this will potentially offer. The Government has subsequently agreed to explore options, and to consider ~~it is likely to provide~~ a loan for that purpose~~.~~.

Cleared by:	Jason Jacobi **DEPUTY SECRETARY** **PARKS AND WILDLIFE SERVICE**
Contact Officer:	Kathryn Clark phone:

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Tasmanian Government

Subject:	**ARM END GOLF COURSE**
Date prepared:	**13 August 2021**
Output Group:	**8 - Parks and Wildlife Management**
Output:	**8.2 - Crown Land Services**

KEY MESSAGES

- **The Arm End Golf Course Development provides for a range of recreational activities, together with rehabilitation and management of the Gellibrand Point Nature Recreation Area.**
- **The status of the development is approved, including planning approval to pipe recycled water from the TasWater Blackmans Bay Sewerage Treatment Plant to the peninsula at South Arm.**
- **The proponent has a current licence for the pipeline route, and a variation to the head lease agreement has been finalised. The proponent is addressing the obligations required under the approved Development Applications (DA) and Reserve Activity Assessments (RAA).**
- **The proponent submitted a draft Construction Environmental Management Plan (CEMP) in October 2020 for the pipeline, the review of which is now largely complete.**
- **The proponent has also recently submitted, in July 2021, a draft Environmental Management Plan for works in the Gellibrand Point Nature Recreation Area, the review of which is currently underway.**
- **Both documents are key requirements from the RAA in order to adequately mitigate the risk to important natural and cultural values, including potential impacts on the handfish populations and their habitat.**

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Speaking points:

- The Arm End golf course development project aims to regenerate the area into a multi-functional reserve that includes an 18-hole golf course of approximately 40 hectares. This exciting project will provide golf fairways and greens, a public café, public walking trails, single track cycle paths, lookouts, shelters, interpretation, family open play spaces, public barbecue facilities, public toilets, and extensive planting of native flora to restore habitat for endemic fauna and to reduce erosion.
- The project has been delayed while the proponent negotiated approvals for a water supply adequate to meet the irrigation demands of the golf course. A pipeline will be constructed across the Derwent River to convey recycled water from the TasWater plant to the site.
- Planning requirements for the drilling works are now largely satisfied; however, the proponent is negotiating a service agreement with TasWater, and planning approvals with the Kingborough Council, for works at the Blackmans Bay Wastewater Treatment Plant.
- Given the complexities and multi-tenure (unallocated Crown land and Reserved land) nature of the development, the Parks and Wildlife Service (PWS) has convened a working group to manage the next stage of the project. The group meets regularly with the proponent.
- The proponent held two community consultation sessions; one at Opossum Bay, and another at Arm End, on Sunday 16 February 2020.
- A temporary site office within the lease area at Arm End has been installed.
- Weed management works have been on going with a program of removal of tall African boxthorn plants.

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Key Statists:

- A head lease under the *National Parks and Reserves Management Act 2002* was executed on 20 November 2014. This agreement was varied on 21 October 2020 to include the requirements from the approved RAA.
- The Clarence City Council (CCC) gave planning approval for the development on 10 December 2012, with further amendments being approved in October 2015 and upheld through appeal in April 2016.
- A planning permit for the pipeline was issued by the Kingborough Council on 24 December 2018, and an amended planning permit was issued by the CCC on 26 April 2019. The planning permit will expire on 1 April 2022.
- The PWS approved the RAA for the pipeline and application of the recycled water to the reserve on 11 May 2019.

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Background:

- The Arm End property, 116 hectares located at the northern tip of the South Arm Peninsula, was purchased by the Crown in 2002 to be managed for conservation and public recreation.
- The area was formally proclaimed a Nature Recreation Area on 3 August 2011. The reserve is known as the Gellibrand Point Nature Recreation Area.
- The PWS was approached by Mr Greg Ramsay late in 2010 with a proposal to develop Arm End as a commercial public golf links course.
- The PWS took the view that the concept submitted by Mr Ramsay had merit; would not be inconsistent with the management objectives; and provides a rare opportunity to combine the economic benefit of golf tourism to help achieve sustainable reserve land conservation and recreation management.
- Following CCC approval obtained in December 2012, and a detailed review of the approved concept, a further planning application was necessary to address variations required to the approved planning permit.
- The CCC approved the amendments in October 2015, with local residents subsequently initiating an appeal through the Resource Management and Planning Appeal Tribunal (RMPAT).
- RMPAT dismissed all grounds of appeal in April 2016.
- Whilst Aboriginal heritage permits are in place for the development, Aboriginal organisations have been vocal in their objection to it. Future or additional permits may be required.
- The former Minister for Aboriginal Affairs granted a permit, which imposes a range of conditions to ensure impacts to Aboriginal heritage values are minimised, for the proposal.
- When deciding whether to issue a permit, the Minister for Aboriginal Affairs considers the recommendation of the Director of National Parks and Wildlife, as well as seeking advice from the Aboriginal Heritage Council.
- The lease signed in 2014 is for a term of ten years, with four options for further ten year terms, and the proposed licence will be set up to correspond with this timeframe.
- The purpose of the proposed lease is defined as "the development of a multi-purpose public recreation space, including a golf links". Conditions of the lease provide for unrestricted public access and specify timeframes and milestones for performance and progression through the development stages.
- A licence for the pipeline has been issued and requires compliance with all conditions contained within both the approved DAs and the RAA. The pipeline transects Reserved and Crown land.
- Enhanced measures have been put in place to ensure that the protected Spotted Handfish is not impacted by the laying of the water pipeline across the River Derwent.
- The RAA was determined to be a 'Level 2/3' under the previous RAA system – which did not trigger public advertising. The initial level of assessment was based on factors including:
    - the use of Horizontal Directional Drilling (HDD) methodology to install the pipe under the Opossum Bay Marine Conservation Area - and the handfish habitat;
    - external and internal (DPIPWE) specialist advice that this methodology would not have significant impact on the nationally listed handfish and its habitat; and
    - advice from the Environment Protection Authority confirming that the development did not trigger assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA).

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- The RAA was not referred under the EPBCA based on the above advice. This was further checked and confirmed by DPIPWE specialists part way through the assessment process.
- The pipeline development triggered discretionary DA processes for both the CCC and the Kingborough Council. The CCC planning permit was appealed, andadditional conditions (primarily environmental and relating to handfish impact mitigations) were placed on the permit, following successful mediation by the parties.
- The concerns and amended conditions resulting from the appeal and mediation process were incorporated into the final RAA conditions. This included additional advice from the National Handfish Recovery Team. The appeal process also resulted in additional information being provided by the proponent (i.e. preliminary geotechnical information).
- The pipeline has the potential to benefit the wider South Arm community.
- The TasWater treatment plant at Blackmans Bay currently generates approximately 1 600 megalitres per annum of secondary treated effluent which is currently wasted and discharged via an outfall to the Derwent River, a negative impact to the marine environment. A plant upgrade is currently being undertaken by TasWater which involves nutrient removal and, following the upgrade, the capacity of the plant will be more than doubled. A major benefit of effluent re-use by irrigation is the decrease in wastewater discharges to natural waterways.
- Pending approval from the Kingborough Council, stage one includes infrastructure at the TasWater Blackmans Bay site for connection, pumping and a buffering tank; the pipeline across the Derwent River; a booster station at South Arm; and the pipeline running north to the lease area at Arm End.
- Following construction of the pipeline and supply infrastructure, it is likely that additional properties will be connected to the recycled water supply.
- Stage two includes the pipeline running south to the Iron Pot Golf Club; connection of other users to both north and south sections; and the potential addition of further water treatment (filtration and UV). Stage two is proposed for a later date, and a variation to the pipeline licence would be required if and when a water co-operative is formed for future potential recycled water users.
- Subject to the completion of Stage two, the delivery of water to the peninsula at South Arm would enable farmers, vineyards, the RSL Golf Club and other community users to have access to the recycled water. Eventually, the entity responsible for the operation and management of the completed pipeline infrastructure would likely be a registered co-operative membership of water users, stakeholders and regulators. The pipeline would aim to operate on a cost-neutral basis. The pipeline would not be considered as a potential revenue stream, and all users would pay proportionally. For now, the proponent will own the infrastructure for the pipeline project.
- The proponent met with State Government Ministers in 2019 to discuss funding opportunities regarding the pipeline, given the community benefit this will potentially offer. The Government has subsequently agreed to explore options, and to consider ~~it is likely to provide~~ a loan for that purpose.

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Position:	Manager Property Services	Position:	Deputy Secretary PWS
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Document reference:	D21-126500	(Incl. Mobile)	[redacted]

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Department of Natural Resources and Environment Tasmania
Budget Estimates Briefing
Minister for Parks

Tasmanian Government

Subject:	**ARM END GOLF COURSE DEVELOPMENT**
Date prepared:	**10 May 2022**
Output Group:	**4. Parks**
Output:	**4.2 Crown Land Services**
Related Brief/s	

OOS

KEY MESSAGES

- **The Arm End Public Recreation Reserve provides for a range of recreational activities, together with rehabilitation and management of the Gellibrand Point Nature Recreation Area (NRA).**
- **The status of the development is approved, including planning approval to pipe recycled water from the TasWater Blackmans Bay Sewerage Treatment Plant to the peninsula at South Arm.**
- **The proponent has a current licence for the pipeline route, and a variation to the head lease agreement has been finalised. The proponent is addressing the obligations required under the approved Development Applications (DA) and Reserve Activity Assessments (RAA).**
- **The proponent submitted a draft Construction Environmental Management Plan (CEMP) in October 2020 for the pipeline, the review of which is now largely complete.**
- **The proponent has also recently submitted, in July 2021, a draft Environmental Management Plan (EMP) for works in the Gellibrand Point NRA, the review of which is currently underway.**
- **Both documents are key requirements from the RAA in order to adequately mitigate the risk to important natural and cultural values, including potential impacts on the handfish populations and their habitat.**

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Speaking points:

- The Arm End golf course development project aims to regenerate the area into a multi-functional reserve that includes an 18-hole golf course of approximately 40 hectares. This exciting project will provide golf fairways and greens, a public café, public walking trails, single track cycle paths, lookouts, shelters, interpretation, family open play spaces, public barbecue facilities, public toilets, and extensive planting of native flora to restore habitat for endemic fauna and to reduce erosion.

- The project was delayed while the proponent negotiated approvals for a water supply adequate to meet the irrigation demands of the golf course. A pipeline will be constructed across the Derwent River to convey recycled water from the TasWater Wastewater Treatment plant to the site, and this water will service the South Arm community, including the Arm End development.

- Planning permits have been approved from both the Clarence City Council and the Kingborough Council as part of the proposal to pipe recycled water from the TasWater Blackmans Bay Sewerage Treatment Plant to the peninsula at South Arm.

- As of 2 May 2022, the proponent is addressing EPA guidelines and information requirements. A draft Environmental Affects Report was submitted to the EPA but it required the proponent to address a range of matters. Once a final report has been submitted and accepted by the EPA, the documentation will be published and matters from representations received addressed as necessary. The EPA Board will then consider the matter and make a determination in relation to enabling the assessment process under LUPAA to be progressed by the Kingborough Council.

- The proponent has a current licence for the pipeline route across the River Derwent to convey recycled water, which is valid to 26 April 2023, and a variation to the head lease agreement has been finalised. The proponent is now addressing the obligations required under the approved Planning Permit Applications (PA) and RAA.

- The proponent is also negotiating a service agreement with TasWater, and the remaining planning approvals with the Kingborough Council and the EPA, for works at the Blackmans Bay Wastewater Treatment Plant.

- In July 2021, the proponent submitted a draft EMP for works in the Gellibrand Point NRA and now needs to progress a revised EMP for re-submission to the Parks and Wildlife Service (PWS) prior to final assessment.

- The CEMP in relation to the pipeline is also complete, however the PWS has advised that the proponent needs to provide additional information in relation to marine hygiene protocols, and documentation in relation to the proponent's support of the National Handfish Recovery Team's monitoring program.

- Both the CEMP and EMP documents are key requirements of the RAA in order to adequately mitigate the risk to important natural and cultural values, including potential impacts on handfish populations and their habitat.

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- Both are required to be provided by the proponent prior to commencement of construction of the pipeline. The CEMP will also be revised to include the new conditions issued by the Kingborough Council and the EPA.
- The Australian and State Governments have announced $5 million in Federal funding for the South Arm Recycled Water Pipeline as part of the $108 million National Water Grid Connections initiative.
- Given the complexities and multi-tenure (unallocated Crown land and Reserved land) nature of the development, the PWS has convened a working group to manage the next stage of the project. The group meets regularly with the proponent.
- The proponent held two community consultation sessions, one at Opossum Bay and another at Arm End, on Sunday 16 February 2020; has a temporary site office within the lease area at Arm End; and has been undertaking weed management works, including the removal of tall African boxthorn plants.

Key Statists:

- A head lease under the *National Parks and Reserves Management Act 2002* was executed on 20 November 2014. This agreement was varied on 21 October 2020 to include the requirements from the approved RAA.
- The Clarence City Council (CCC) gave planning approval for the Arm End Golf Course development on 10 December 2012, with further amendments being approved in October 2015 and upheld through appeal in April 2016. The planning permit for the Arm End Golf Course was due to expire on 1 April 2022, consistent with Section 53 of the *Land Use Planning and Approvals Act 1993* (LUPAA).
- The permit was extended by a period of six months by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* with the expiry date now being 1 September 2022.
- The applicant was advised of this by the CCC in writing on 24 November 2021. No further extensions of time are currently available.
- A planning permit for the pipeline was issued by the CCC on 26 April 2019.
- A planning permit for the pipeline was issued by the Kingborough Council (KC) on 24 December 2018, with an amended planning permit issued on 4 August 2021 in response to a minor change to the location of the pipeline. This permit is due to expire on 24 December 2022. The proponent is eligible to apply for an additional two-year extension to this expiry date under LUPAA.
- The KC referred the proposed works at the Blackmans Bay Sewage Treatment Plant to the EPA on 7 December 2020.
- The EPA provided guidelines to the proponent in September 2020 to prepare an Environmental Effects Report (EER). The EPA is waiting for the required EER to progress the assessment.
- A further information request was sent to the proponent on 22 December 2020 for the Blackmans Bay Sewage Treatment Plant works. The KC is waiting for the FI requested.
- The PWS approved the RAA for the pipeline and application of the recycled water to the reserve on 10 May 2019.

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Background:

- The Arm End property, 116 hectares located at the northern tip of the South Arm Peninsula, was purchased by the Crown in 2002 to be managed for conservation and public recreation.
- The area was formally proclaimed a NRA on 3 August 2011. The reserve is known as the Gellibrand Point NRA.
- The PWS was approached by Mr Greg Ramsay late in 2010 with a proposal to develop Arm End as a commercial public golf links course.
- The PWS took the view that the concept submitted by Mr Ramsay had merit; would not be inconsistent with the management objectives; and provides a rare opportunity to combine the economic benefit of golf tourism to help achieve sustainable reserve land conservation and recreation management.
- Following CCC approval in December 2012, and a detailed review of the approved concept, a further planning application was necessary to address variations required to the approved planning permit.
- The CCC approved the amendments in October 2015, with local residents subsequently initiating an appeal through the Resource Management and Planning Appeal Tribunal (RMPAT).
- The RMPAT dismissed all grounds of appeal in April 2016.
- Whilst Aboriginal heritage permits are in place for the development, Aboriginal organisations have been vocal in their objection to the golf course. Future or additional permits may be required.
- The former Minister for Aboriginal Affairs granted a permit, which imposes a range of conditions to ensure impacts to Aboriginal heritage values are minimised.
- When deciding whether to issue a permit, the Minister for Aboriginal Affairs considers the recommendation of the Director of National Parks and Wildlife, as well as seeking advice from the Aboriginal Heritage Council.
- The lease signed in 2014 is for a term of 10 years, with four options for a further 10-year term. The proposed licence will be set up to correspond with this timeframe.
- The purpose of the proposed lease is defined as "the development of a multi-purpose public recreation space, including a golf links". Conditions of the lease provide for unrestricted public access and specify timeframes and milestones for performance and progression through the development stages.
- A licence for the pipeline has been issued and requires compliance with all conditions contained within both the approved DAs and the RAA. The pipeline transects Reserved and Crown land.
- Enhanced measures have been put in place to ensure that the protected Spotted Handfish is not impacted by the laying of the water pipeline across the River Derwent.
- The RAA was determined to be a 'Level 2/3' under the previous RAA system – which did not trigger public advertising. The initial level of assessment was based on factors including:
    - the use of Horizontal Directional Drilling (HDD) methodology to install the pipe under the Opossum Bay Marine Conservation Area - and the handfish habitat;
    - external and internal (formerly the Department of Primary Industries, Parks, Water and Environment [DPIPWE] now the Department of Natural Resources and Environment Tasmania [now NRE Tas]) specialist advice that this methodology would not have significant impact on the nationally listed handfish and its habitat; and
    - advice from the Environment Protection Authority confirming that the development did not

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trigger assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA).

- The RAA was not referred under the EPBCA based on the above advice. This was further checked and confirmed by NRE Tas (formerly DPIPWE) specialists part way through the assessment process.
- The pipeline development triggered discretionary DA processes for both the CCC and the KC. The CCC planning permit was appealed, and additional conditions (primarily environmental and relating to handfish impact mitigations) were placed on the permit, following successful mediation by the parties.
- The concerns and amended conditions resulting from the appeal and mediation process were incorporated into the final RAA conditions. This included additional advice from the National Handfish Recovery Team. The appeal process also resulted in additional information being provided by the proponent (i.e. preliminary geotechnical information).
- The pipeline has the potential to benefit the wider South Arm community by making available for re-use treated effluent that would otherwise be discharged into the River Derwent.
- Pending approval from the KC and the EPA, stage one includes infrastructure at the TasWater Blackmans Bay site for connection, pumping and a buffering tank; the pipeline across the Derwent River; a booster station at South Arm; and the pipeline running north to the lease area at Arm End.
- Following construction of the pipeline and supply infrastructure, it is likely that additional properties will be connected to the recycled water supply.
- Stage two includes the pipeline running south to the Iron Pot Golf Club; connection of other users to both north and south sections; and the potential addition of further water treatment (filtration and UV). Stage two is proposed for a later date, and a variation to the pipeline licence would be required if and when a water co-operative is formed for future potential recycled water users.
- Subject to the completion of Stage two, the delivery of water to the peninsula at South Arm would enable farmers, vineyards, the RSL Golf Club, and other community users to have access to the recycled water. Eventually, the entity responsible for the operation and management of the completed pipeline infrastructure would likely be a registered co-operative membership of water users, stakeholders and regulators. The pipeline would aim to operate on a cost-neutral basis. The pipeline would not be considered as a potential revenue stream, and all users would pay proportionally. For now, the proponent will own the infrastructure for the pipeline project.
- The proponent met with State Government Ministers in 2019 to discuss funding opportunities regarding the pipeline, given the community benefit this will potentially offer. The Government subsequently agreed to explore options, and recently announced $5 million in Federal funding for the South Arm Recycled Water Pipeline as part of the $108 million National Water Grid Connections initiative.

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QTB converted to BEB template:	Lucy Thorne	Cleared by:	Stuart Fletcher
Original author:	Manager Property Services	Position:	Acting Deputy Secretary PWS
Document reference:		Telephone: (Incl. Mobile)	

ASSESSED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT TASMANIA UNDER THE RIGHT TO INFORMATION ACT 2009

2023-24 BUDGET ESTIMATES BRIEF

Subject:	ARM END GOLF COURSE DEVELOPMENT
Date prepared:	21 April 2023
Output Group:	4 Parks
Output:	4.2 Parks

KEY MESSAGES

- **The Arm End development project is within the Gellibrand Point Nature Recreation Area and seeks to deliver a golf course, a public café with toilets, public walking trails, single track cycle paths, lookouts, shelters, interpretation, family open play spaces, and planting of native flora to provide native habitat and to reduce erosion.**
- **The project is consistent with the management objectives of the land; and provides a rare opportunity to combine the economic benefit of golf tourism to help achieve sustainable reserve land conservation and recreation management.**
- **The proposal has and continues to be subject to a number of processes and approvals through local councils, Aboriginal Heritage Tasmania (AHT) and the Parks and Wildlife Service (PWS) and has previously involved consultation by the proponent (including two community sessions held in Opossum Bay and then Arm End itself.**
- **Given the complexities of the project, the PWS continues to meet regularly with the proponent to ensure they continue to work towards meeting the requirements under their lease and Reserve Activity Assessments (RAA).**

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Speaking points:

Environmental Management Plan

- I am advised that in May 2022, the proponent submitted components of a revised draft Environmental Management Plan (EMP) for works in the Gellibrand Point Nature Recreation Area.
- Following a review of the revised EMP by the PWS, the proponent was advised that further information was required to meet outstanding matters, including the requirement for another Aboriginal cultural heritage permit.

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- Outstanding matters in the EMP were again communicated to the proponent in November 2022, and the PWS continues to liaise with the proponent over both the Pipeline and Arm End proposal.
- I am advised that the proponent is required to address all of these obligations, as a requirement under their lease and Reserve Activity Assessments (RAA), before undertaking development works.
- The EMP is a key requirement of the RAA in order to adequately mitigate the risk to important natural and cultural values, including potential impacts on Aboriginal cultural heritage.
- PWS is working with the proponent on a number of solutions to enable water monitoring works to commence for the project, subject to a number of legal requirements and Aboriginal Heritage concerns. PWS is awaiting advice from the proponents on this matter.

Alleged unauthorised works

- I am aware of reports in relation to potential unauthorised works at the site and am advised that the Department of Natural Resources and Environment Tasmania (NRE Tas) is currently undertaking an active investigation.
- The Tasmanian Government takes the protection of our Parks, Reserves and Aboriginal heritage very seriously.
- As a formal investigation is currently underway, it would be inappropriate for me to comment further until the investigation has been completed.
- I am advised that a Stop Works Notice has been issued until formal investigations and the outstanding EMP are completed.

If asked – Aboriginal Heritage

- This government is committed to protecting Tasmania's remarkable 40 000-plus years of Aboriginal heritage.
- No matter what a development may be, the government expects that if suspected breaches occur, they will be investigated and prosecuted according to the department's compliance and enforcement policy.
- Last year, the government finalised a comprehensive review of the Act and announced development of a new Aboriginal Heritage Act for Tasmania, subject to further consultation which is currently underway.
- Protecting Tasmania's unique Aboriginal heritage is critically important, and anyone who has information about damage is asked to contact the Tasmania PWS Compliance on 0488 184 847, or Crime Stoppers anonymously on 1800 333 000.

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If asked – Pipeline Project details

- I am advised that the proponent has a current licence for a pipeline route across the River Derwent to convey recycled water – which is valid to 30 November 2024, with four 10-year options to renew.
- I understand the proponent is still negotiating approvals for a water supply adequate to meet the irrigation demands of the golf course.
- The pipeline is planned to be constructed across the River Derwent to convey recycled water from the TasWater Wastewater Treatment plant at Blackmans Bay to the site, and this water will service the South Arm community, including the Arm End development.
- Planning permits have been approved from both the Clarence City Council and the Kingborough Council as part of the proposal to pipe recycled water from the TasWater Blackmans Bay Sewerage Treatment Plant to the peninsula at South Arm, and works have commenced on the pipeline.
- However, I am advised that planning and environmental approvals for the treatment plant at Blackmans Bay have not yet been granted, and the proponent is currently addressing the assessment requirements of the Environment Protection Authority (EPA).
- I am further advised that the proponent is also negotiating a service agreement with TasWater.
- I am advised that the Construction Environmental Management Plan (CEMP) in relation to the pipeline is complete and has been accepted by the PWS; however, it may require amendment to address any new conditions or refinements to construction methods issued by the Kingborough Council or the EPA.
- Both the Pipeline CEMP and Golf Course EMP documents are key requirements of the RAAs in order to adequately mitigate the risk to important natural and cultural values, including potential impacts on Aboriginal cultural heritage and handfish populations and their habitat.

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Key Statistics:

- The Australian and State Governments have announced $5 million in Federal funding for the South Arm Recycled Water Pipeline as part of the $108 million National Water Grid Connections initiative.

Background:

- A head lease under the *National Parks and Reserves Management Act 2002* was executed on 20 November 2014. This agreement was varied on 21 October 2020 to include the requirements from the approved RAA.

- The Clarence City Council (CCC) gave planning approval for the Arm End Golf Course development on 10 December 2012, with further amendments being approved in October 2015 and upheld through appeal in April 2016. The planning permit for the Arm End Golf Course was due to expire on 1 April 2022, consistent with Section 53 of the *Land Use Planning and Approvals Act 1993* (LUPAA).

- The permit was extended by a period of six months by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, with the expiry date then being 1 October 2022.

- The applicant was advised of this by the CCC in writing on 24 November 2021. No further extensions of time are available.

- On 22 December 2022, the Clarence City Council advised the PWS that the proponent had achieved through the significant weed control work undertaken on the site, which was a condition of the planning permit, the substantial commencement. Therefore, the permit remains valid.

- A planning permit for the pipeline was issued by the CCC on 26 April 2019.

- A planning permit for the pipeline was issued by the Kingborough Council (KC) on 24 December 2018, with an amended planning permit issued on 4 August 2021 in response to a minor change to the location of the pipeline. This permit is due to expire on 24 December 2022. The proponent is eligible to apply for an additional two-year extension to this expiry date under LUPAA.

- The KC referred the proposed works at the Blackmans Bay Sewage Treatment Plant to the EPA on 7 December 2020.

- The EPA provided guidelines to the proponent in September 2020 to prepare an Environmental Effects Report (EER). The EPA is currently reviewing the EER submitted by the proponent.

- It is understood that following review of the EER by the EPA, assessment by KC will recommence.

- The PWS approved the RAA for the pipeline and application of the recycled water to the reserve on 10 May 2019.

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The Proposal

- The Arm End property, 116 hectares located at the northern tip of the South Arm Peninsula, was purchased by the Crown in 2002 to be managed for conservation and public recreation.
- The area was formally proclaimed a Nature Recreation Area on 3 August 2011. The reserve is known as the Gellibrand Point Nature Recreation Area.
- The PWS was approached by Mr Greg Ramsay late in 2010 with a proposal to develop Arm End as a commercial public golf links course.
- Following Clarence City Council approval in December 2012, and a detailed review of the approved concept, a further planning application was necessary to address variations required to the approved planning permit.
- The Clarence City Council approved the amendments in October 2015, with local residents subsequently initiating an appeal through the (then) Resource Management and Planning Appeal Tribunal (RMPAT).
- The RMPAT dismissed all grounds of appeal in April 2016.
- The lease signed in 2014 is for a term of 10 years, with four options for a further 10-year term.
- The purpose of the lease is defined as "the development of a multi-purpose public recreation space, including a golf links." Conditions of the lease provide for unrestricted public access and specify timeframes and milestones for performance and progression through the development stages.
- A licence for the pipeline has been issued and requires compliance with all conditions contained within both the approved Development Applications (DA) and the RAA. The pipeline transects Reserved and Crown land.
- The pipeline development triggered discretionary DA processes for both the Clarence City Council and the Kingborough Council. The Clarence City Council planning permit was appealed, and additional conditions (primarily environmental and relating to handfish impact mitigations) were placed on the permit, following successful mediation by the parties.
- The concerns and amended conditions resulting from the appeal and mediation process were incorporated into the final pipeline RAA conditions. This included additional advice from the National Handfish Recovery Team. The appeal process also resulted in additional information being provided by the proponent (i.e., preliminary geotechnical information).

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Prepared by:	Krissy Ward	Cleared by:	Alice Holeywell-Jones
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ASSESSED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT TASMANIA UNDER THE RIGHT TO INFORMATION ACT 2009

2024-25 BUDGET ESTIMATES BRIEF

Subject:	**ARM END GOLF COURSE DEVELOPMENT**
Date prepared:	**22 August 2024**
Output Group:	**4 – Parks**
Output:	**4.2 – Crown Land Services**

KEY MESSAGES

- **The Arm End Golf Course proposal is located within the Gellibrand Point Nature Recreation Area (NRA) and seeks to deliver a golf course, as well as a public café with toilets, public walking trails, single track cycle paths, lookouts, shelters, interpretation, family open play spaces, and planting of native flora to provide native habitat and to reduce erosion.**
- **The proposal has, and continues to be, subject to a number of assessment processes and approvals through local councils, Aboriginal Heritage Tasmania (AHT) and the Parks and Wildlife Service (PWS).**
- **Given the complexities of the project, the PWS continues to meet regularly with the proponent (Mary Ann's Island Pty Ltd) to ensure they continue to work towards meeting the requirements under their lease and Reserve Activity Assessments (RAA).**
- **An Environmental Management Plan and a Construction Environmental Management Plan are key requirements of the RAA process to mitigate the risk to important natural and cultural values.**
- **In May 2022, the proponents submitted a draft EMP. Following feedback and advice from PWS on matters outstanding, including the requirement for Aboriginal heritage assessment and updated/current permits, an updated draft EMP was received by PWS for assessment in June 2024. PWS recently provided feedback and advice to the proponent on the latest draft EMP.**
- **The proponent is to achieve a completed/approved EMP, addressing changes to the initial proposal and all outstanding requirements under their lease and RAAs, before undertaking development works. Changes to the initial proposal may require further environmental assessment if not included in the initial RAAs.**

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- **The proponent has been directed to seek all necessary Aboriginal Heritage approvals/permits for the land and the proposed development directly from AHT.**

Speaking points:

Water Monitoring Works

- The proponent is required to undertake 12 months of baseline groundwater monitoring as part of their agreement conditions.
- On 3 October 2023, the proponent was issued a Grant of Authority to enable groundwater monitoring and research to commence, which included a number of conditions that the proponent must comply with as part of that Authority.
- Six groundwater bores were installed in October 2023 and monitoring has commenced.

If Asked* - *Alleged breaches of the Aboriginal Heritage Act 1975

- On 8 August 2024, the Tasmania Parks and Wildlife Service laid charges against Mary Ann's Island Pty Ltd regarding four alleged breaches of the *Aboriginal Heritage Act 1975* at the Hobart Magistrates Court.
- The charges relate to the alleged interference with Aboriginal relics at the Gellibrand Nature Recreation Area between 2014 and 2022.
- The Office of the Department of Public Prosecutors (DPP) has deemed the matter is within the public interest and is undertaking prosecution on behalf of the Department of Natural Resources and Environment Tasmania.
- **As the matter is before the courts no further comment can be made.**

If Asked* – *Aboriginal Heritage

- This government is committed to protecting Tasmania's Aboriginal heritage.
- No matter what a development may be, the Government expects that if suspected breaches occur, they will be investigated and prosecuted according to the Department's compliance and enforcement policy.
- Protecting Tasmania's unique Aboriginal heritage is critically important, and anyone who has information about damage is asked to contact the Tasmania PWS Compliance on 0488 184 847, or Crime Stoppers anonymously on 1800 333 000.

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If Asked – Pipeline Project Details

- The proponent is addressing an appeal through Kingborough Council for pipeline development works at Blackmans Bay.
- A current licence for a pipeline route across the Derwent River is valid to 30 November 2024, with four 10-year options to renew. (Note the pipeline agreement is a tri-partite licence between the Crown Lands Minister, the Parks Minister and South Arm Pipeline Pty Ltd).
- Construction of the pipeline to convey recycled water from the TasWater Wastewater Treatment plant at Blackmans Bay, to service the South Arm community, including the Arm End development has been approved by PWS.
- Planning permits have been approved from both the Clarence City Council and the Kingborough Council, as part of the proposal to pipe recycled water from the TasWater Blackmans Bay Sewerage Treatment Plant to the peninsula at South Arm.
- I am advised that the Construction Environmental Management Plan (CEMP) in relation to the pipeline is complete and has been accepted by PWS, however amendment of the CEMP to address any new conditions or refinements to construction methods issued by the Kingborough Council or the EPA or as requested by the proponent remains possible.

If Asked – Water funding

- In August 2021, the Australian and State Governments announced $5 million in Federal funding for the South Arm Recycled Water Pipeline, as part of the $108 million National Water Grid Connections initiative.

Background:

- A head lease under the *National Parks and Reserves Management Act 2002* was executed on 20 November 2014. This agreement was varied on 21 October 2020 to include the requirements from the approved RAA.
- The Clarence City Council (CCC) gave planning approval for the Arm End Golf Course development on 10 December 2012, with further amendments being approved in October 2015 and upheld through appeal in April 2016. The planning permit for the Arm End Golf Course was due to expire on 1 April 2022, consistent with Section 53 of the *Land Use Planning and Approvals Act 1993* (LUPAA).
- The permit was extended by a period of six months by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, with the expiry date then being 1 October 2022.
- The applicant was advised of this by the CCC in writing on 24 November 2021. No further extensions of time are available.

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- On 22 December 2022, the Clarence City Council advised the PWS that the proponent had achieved through the significant weed control work undertaken on the site, which was a condition of the planning permit, the substantial commencement. Therefore, the permit remains valid.
- A planning permit for the pipeline was issued by the CCC on 26 April 2019.
- A planning permit for the pipeline was issued by the Kingborough Council (KC) on 24 December 2018, with an amended planning permit issued on 4 August 2021 in response to a minor change to the location of the pipeline. This permit is due to expire on 24 December 2022. The proponent is eligible to apply for an additional two-year extension to this expiry date under LUPAA.
- The KC referred the proposed works at the Blackmans Bay Sewage Treatment Plant to the EPA on 7 December 2020.
- The EPA provided guidelines to the proponent in September 2020 to prepare an Environmental Effects Report (EER). The EPA is currently reviewing the EER submitted by the proponent.
- It is understood that following review of the EER by the EPA, assessment by KC will recommence.
- The PWS approved the RAA for the pipeline and application of the recycled water to the reserve on 10 May 2019.

The Proposal

- The Gellibrand Point (Arm End) property, 116 hectares located at the northern tip of the South Arm Peninsula, was purchased by the Crown in 2002 to be managed for conservation and public recreation.
- The area was formally proclaimed a Nature Recreation Area on 3 August 2011. The reserve is known as the Gellibrand Point Nature Recreation Area.
- The PWS was approached by Mr Greg Ramsay late in 2010 with a proposal to develop Arm End as a commercial public golf links course.
- Following Clarence City Council approval in December 2012, and a detailed review of the approved concept, a further planning application was necessary to address variations required to the approved planning permit.
- The Clarence City Council approved the amendments in October 2015, with local residents subsequently initiating an appeal through the (then) Resource Management and Planning Appeal Tribunal (RMPAT).
- The RMPAT dismissed all grounds of appeal in April 2016.
- The lease signed in 2014 is for a term of 10 years, with four options for a further 10-year term.
- The purpose of the lease is defined as “the development of a multi-purpose public recreation space, including a golf links.” Conditions of the lease provide for unrestricted public access and specify timeframes and milestones for performance and progression through the development stages.

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- A licence for the pipeline has been issued and requires compliance with all conditions contained within both the approved Development Applications (DA) and the RAA. The pipeline transects Reserved and Crown land.
- The pipeline development triggered discretionary DA processes for both the Clarence City Council and the Kingborough Council. The Clarence City Council planning permit was appealed, and additional conditions (primarily environmental and relating to handfish impact mitigations) were placed on the permit, following successful mediation by the parties.
- The concerns and amended conditions resulting from the appeal and mediation process were incorporated into the final pipeline RAA conditions. This included additional advice from the National Handfish Recovery Team. The appeal process also resulted in additional information being provided by the proponent (i.e., preliminary geotechnical information).

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Prepared by:	Alice Holeywell-Jones	Cleared by:	Sophie Muller
Position:	A/General Manager Park Operations and Business Services	Position:	Deputy Secretary, Parks and Wildlife Service
Document reference:	D24-169579	Telephone: (Incl. Mobile)	[redacted]

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Hon Nick Duigan MLC
Minister for Parks and Environment

myDAS No: D24-111229[v~~2~~3]

QUESTION TIME BRIEF

SUBJECT: ARM END GOLF COURSE DEVELOPMENT

(Date: 27 ~~12DD July September~~ August 2024)

KEY MESSAGES

- The Golf Course development project is within the Gellibrand Point NRA (Arm End), and seeks to deliver a golf course, golf course member facilities, a public café with toilets, public walking trails, single track cycle paths, lookouts, shelters, interpretation, family open play spaces, and planting/rehabilitation of native flora to provide native habitat and to reduce erosion.
- The proposed ~~Mary Ann's Island (the proponent)~~ project ~~is considered consistent with the management objectives of the land; and~~ provides a unique opportunity to combine the economic benefit of golf tourism to help achieve sustainable reserve land conservation and recreation management.
- The proposal has, and continues to be, subject to a number of processes and approvals through local Councils and the Parks and Wildlife Service (PWS), the project ~~and~~ has also involved broad ~~significant consultation~~community consultation including two community meetings held in Opossum Bay and Arm End.
- Given the complexities of the project, PWS continues to meet regularly with the proponent's project managers to ensure they continue to work towards meeting the

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requirements under their lease and Reserve Activity Assessments (RAA).

- An Environmental Management Plan and a Construction Environmental Management Plan are key requirements of the RAA and support the proponent to adequately mitigate the risk to important natural and cultural values, including potential impacts on Aboriginal cultural heritage, natural values and Handfish populations and their habitat.~~An Environmental Management Plan for the Golf Course and a Construction Environmental Management Plan for the Water-supply Pipeline are key requirements of the RAAs, and therefore the lease, in order to adequately mitigate the risk to important natural (flora and fauna) and cultural values, including potential impacts on Aboriginal cultural heritage, natural values and Handfish populations and their habitat.~~

Talking Points

Environmental M~~m~~anagement Plan (EMP)

- A completed and approved ~~Environmental Management Plan – Golf Course (~~EMP for the proposed golf course~~)~~ is a key requirement~~plan~~ to manage use and mitigate potential impact to important cultural and natural values.
- In May 2022 the proponents submitted a draft EMP. Following feedback and advice from PWS on matters outstanding, including the requirement for Aboriginal heritage assessment and updated/current permits, in June 2024 an updated (draft) EMP ~~has recently been~~was received by PWS for assessment. PWS recently provided feedback and advice to the proponent on the latest draft EMP.

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- The proponent is to achieve a completed/approved EMP, addressing changes to the initial proposal and all outstanding requirements under their lease and RAA/s, before undertaking development works. ~~at Gellibrand Point NRA (Arm End).~~ Changes to the initial proposal may require further environmental assessment if not included in the initial RAA.
- The proponent has been directed to seek all necessary Aboriginal ~~Hertiage~~Heritage approvals/permits for the land and the proposed development, directly from Aboriginal Heritage Tasmania.

Water pipeline

- ~~The proposal (Golf Course and Water supply Pipeline) has, and continues to be subject to~~to, a number of ~~processes and approvals through local Councils and the Parks and Wildlife Service (PWS), and has also involved consultation by the proponent including community meetingssessions held in Opossum Bay and then Arm End~~itself.
- I am advised that Mary Ann's Island are addressing an appeal thought Kingborough Council for Pipeline development works at Blackmans Bay.

Water monitoring works

- ~~The proponents are required to undertake 12 months of water monitoring as part of their agreement conditions.~~
- On 3 October 2023, the proponent was issued a Grant of Authority ~~to enable authorisation~~ to enable groundwater monitoring and research, which included a number of Conditions that the proponent must comply with as part of that Authority.

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The proponents are required to undertake 12 months of water monitoring as part of their agreement conditions.

-

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~~**Lease milestones**~~

- ~~The PWS are reviewing an extension to the milestones under their lease agreement, to be approved by the delegate being the Director of National Parks and Wildlife. The proponent detailed why it was unable to achieve the initial milestonesinitial milestones, and what measures it hasd in place to ensure achievement if an extension is granted.~~

If asked - Alleged breaches of the Aboriginal Heritage Act 1975~~**Unauthorised works**~~

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- On 8 August 2024, Tasmania Parks and Wildlife Service laid charges against Mary Ann's Island Pty Ltd regarding four alleged breaches of the Aboriginal Heritage Act 1975 at the Hobart Magistrates Court.
- The charges relate to the alleged interference with Aboriginal relics at the Gellibrand Nature Recreation Area between 2014 and 2022.
- The Office of the Department of Public Prosecutors (DPP) has deemed the matter is within the public interest and is undertaking prosecution on behalf of the Department of Natural Resources and Environment Tasmania.
- As the matter is before the courts no further comment can be made.
- ~~I am aware of reports in relation to potential unauthorised works at the site and allegations of breaches of the *Aboriginal Heritage Act 1975*. I am advised that the Department of~~

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~~Natural Resources and Environment Tasmania (NRE Tas) has undertaken an investigation into these alleged breaches.~~

- ~~The Tasmanian Government takes the protection of our Parks, Reserves and Aboriginal heritage very seriously.~~
- ~~As a formal investigation is currently underway, it would be inappropriate for me to comment further until the investigation has been completed.~~

If asked – Aboriginal Heritage

- This Tasmanian Government is committed to protecting Tasmania's remarkable 40,-000-plus years of Aboriginal heritage.
- ~~No matter what a development may be, the~~The Government expects that if suspected breaches occur, they will be investigated and prosecuted according to the departments compliance and enforcement policy.
- Last year, the Government finalised a comprehensive review of the Act and announced development of a new Aboriginal Heritage Act for Tasmania, subject to further consultation which is currently underway.
- Protecting Tasmania's unique Aboriginal heritage is critically important, and anyone who has information about damage is asked to contact the Tasmania PWS Compliance on 0488 184 847, or Crime Stoppers anonymously on 1800 333 000.

If Asked – Pipeline Project details

- I am ~~further~~ advised ~~that~~ the proponent has a current licence for a pipeline route across the River Derwent to convey

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recycled water - which is valid to 30 November 2024, with four 10 year options to renew.

- Construction ~~for~~ of the pipeline ~~-~~ to convey recycled water from the TasWater Wastewater Treatment plant at Blackmans Bay to service the South Arm community, including the Arm End development, has been approved by PWS.
- Mary Ann's Island advised that the installation of the pipeline ~~wasis~~is expected to be ~~programmed from the late26 August 2024~~commence in the coming weeks and will take approximately three weeks pending weather.
- I am advised that the Construction Environmental Management Plan (CEMP) in relation to the pipeline is complete and has been accepted by PWS, however amendment of the CEMP to address any new conditions or refinements to construction methods issued by the Kingborough Council or the EPA or as requested by the proponent remains possible.

~~:~~

- ~~Planning permits have been approved from both the Clarence City Council and the Kingborough Council as part of the proposal to pipe recycled water from the TasWater Blackmans Bay Sewerage Treatment Plant to the peninsula at South Arm.~~
- ~~I am advised that the Construction Environmental Management Plan (CEMP) in relation to the pipeline is complete and has been accepted by PWS, however amendment of the CEMP to address any new conditions or refinements to construction methods issued by the Kingborough Council or the EPA or as requested by the proponent remains possible.~~
- ~~PWS advise that the CEMP and the conditions ensure appropriate Both the Pipeline CEMP and Golf Course EMP documents are key requirements of the RAAs, and therefore the lease, in order to adequately mitigation toe the risk ofto important natural and cultural values, including potential~~

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~~impacts on Aboriginal cultural heritage and Handfish populations and their habitat.~~

If Asked – Water funding

- In August 2021, the Australian and State Governments announced $5 million in Federal funding for the South Arm Recycled Water Pipeline as part of the $108 million National Water Grid Connections initiative.

Political Lines:

- *For Minister's Office to insert*

BACKGROUND

Key statistics

- ~~A head lease under the *National Parks and Reserves Management Act 2002* was executed on 20 November 2014. This agreement was varied on 21 October 2020 to include the requirements from the approved RAA and a further request to vary the lease was received from the proponent 24 May 2023 and approved by PWS 14 July 2023. The new lease providing and extension untill November 2026 is to be executed before November 2024. The lease provides for a future 38 years.~~
- The Clarence City Council (CCC) gave planning approval for the Arm End Golf Course development on 10 December 2012, with further amendments being approved in October 2015 and upheld through appeal in April 2016. The planning permit for the Arm End Golf Course was due to expire on 1 April 2022, consistent with Section 53 of the *Land Use Planning and Approvals Act 1993* (LUPAA).
- The permit was extended by a period of six months by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020,* with the expiry date then being 1 October 2022.
  - The applicant was advised of this by the ~~Clarence City Council~~CCC in writing on 24 November 2021. No further extensions of time are available.
  - On 22 December 2022, the ~~Clarence City Council (~~CCC~~)~~ advised PWS that the proponent had achieved substantial commencement through the significant weed control work undertaken on the site, which was a condition of the planning permit. Therefore, the permit remains valid.
  - PWS are aware that the Tasmanian Conservation Trust (TCT) commenced

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court proceedings on the proponent Mary Anns Island Pty Ltd in the Supreme Court of Tasmania on 30 June 2023. TCT assert the proponent failed to substantially commence the golf course development by the statutory ~~deadline, and~~deadline and are seeking a declaration from the court that the Council planning permit for the golf course has lapsed and no further works can be undertaken in relation to the proposal. CCC have stated that the large amount of weed control including boxthorn was undertaken and that in their opinion that constitutes substantial commencement. TCT are challenging this assertation.

- A planning permit for the pipeline was issued by the Kingborough Council on 24 December 2018, with an amended planning permit issued on 4 August 2021 in response to a minor change to the location of the pipeline. A further extension of time to the permit was issued by Council and the permit is current until 24 December 2024.
- The Kingborough Council referred the proposed works at the Blackmans Bay Sewage Treatment Plant to the EPA on 7 December 2020.
- The EPA provided guidelines to the proponent in September 2020 to prepare an Environmental Effects Report (EER). ~~It is my understanding that the EPA is currently undertaking assessment of the revised draft EER.~~
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- A further information request was sent to the proponent on 22 December 2020 for the Blackmans Bay Sewage Treatment Plant works. The Kingborough Council ~~has~~ advised that this works application has been withdrawn and a new Development Application ha~~ds~~ been lodged for ~~that is undergoing initial assessment and~~ referral to EPA as a level 2 activity.
- PWS approved the RAA for the pipeline and application of the recycled water to the reserve on 10 May 2019. PWS confirming compliance with conditions in August 2024

The Proposal

- The Gellibrand Point (Arm End) property, 116 hectares located at the northern tip of the South Arm Peninsula, was purchased by the Crown in 2002 to be managed for conservation and public recreation.
- The area was formally proclaimed a Nature Recreation Area on 3 August 2011. The reserve is known as the Gellibrand Point Nature Recreation Area.
- PWS was approached by Mr Greg Ramsay late in 2010 with a proposal to develop Arm End as a commercial public golf links course.
- Following Clarence City Council approval in December 2012, and a detailed review of the approved concept, a further planning application was necessary to address

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variations required to the approved planning permit.

- The Clarence City Council approved the amendments in October 2015, with local residents subsequently initiating an appeal through the (then) Resource Management and Planning Appeal Tribunal (RMPAT).
- The RMPAT dismissed all grounds of appeal in April 2016.
- The lease signed in 2014 is for a term of 10 years, with four options for a further 10-year term.
- The purpose of the lease is defined as “the development of a multi-purpose public recreation space, including a golf links”. Conditions of the lease provide for unrestricted public access and specify timeframes and milestones for performance and progression through the development stages.
- ~~The CCC approved the amendments in October 2015, with local residents subsequently initiating an appeal through the (then) Resource Management and Planning Appeal Tribunal (RMPAT).~~
- ~~The RMPAT dismissed all grounds of appeal in April 2016.~~
- A licence for the pipeline has been issued and requires compliance with all conditions contained within both the approved Development Applications (DA) and the RAA. The pipeline transects Reserved (Marine Conservation Area) and Crown land.
- The pipeline development triggered discretionary DA processes for both the Clarence City Council and the Kingborough Council. The Clarence City Council planning permit was appealed, and additional conditions (primarily environmental and relating to handfish impact mitigations) were placed on the permit, following successful mediation by the parties. PWS are aware that Tasmanian Conservation Trust ~~are seeking~~sought~~t~~ further information from Clarence City Council regarding the legality of drilling works during Handfish breeding season and ~~have~~ submitted a Right to Information request regarding how the Council have assessed potential impacts on the spotted handfish.
- Previously, the concerns and amended conditions resulting from the appeal and mediation process were incorporated into the final pipeline RAA conditions. This included additional advice from the National Handfish Recovery Team. The appeal process also resulted in additional information being provided by the proponent (i.e. preliminary geotechnical information).
- The PWS has confirmed compliance with the RAA with the laying of the underwater pipe programmed from ~~26~~ August 2024. The pipeline will be connected with the sections of pipe drilled from each end approximately 500 meters into Derwent River. The subsurface drilling was undertaken to mitigate potential disturbance of

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Handfish environment.

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