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**THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON FRIDAY 19 OCTOBER 2012.**

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### **THREE CAPES TRACK**

**Mr KIM EVANS**, SECRETARY; **Mr ANDREW ROBERTS**, DIRECTOR, COMMERCIAL AND BUSINESS SERVICES, TASMANIAN PARKS AND WILDLIFE SERVICE; **Mr COLIN SHEPHERD**, PROJECT MANAGER (THREE CAPES TRACK), TASMANIAN PARKS AND WILDLIFE SERVICE; AND **Mr PETER MOONEY**, GENERAL MANAGER, TASMANIAN PARKS AND WILDLIFE SERVICE, DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER AND ENVIRONMENT, WERE CALLED AND EXAMINED.

**CHAIR** (Mr Harriss) - Welcome, gentlemen. Thank you for indulging us, we ran overtime with the previous hearing on the prison project, and we appreciate you adjusting your time to facilitate that. We will pick up from where we were last time.

**Mr SHEPHERD** - We have had the hut designs done for us by Jaws Architecture. The huts have been designed based on feedback we got through surveys with walkers and an internal review of Parks staff and other stakeholder consultation. We have also looked at some of the hut designs from comparable walks in New Zealand and we have come up with these. This is the design for the huts at Surveyors Cove - this would be the first night on the eastern side. We have split the designs into separate sleeping and communal arrangements. Some of the feedback from the Overland Track walker survey indicated large numbers of people all sleeping together was less desirable, that is one of the reasons we have gone for smaller sleeping arrangements. The green diagram represent three sleeping buildings, each of them will hold 16 people. The blue diagrams represent the communal areas, which have the tables and chairs and benchtops for preparing meals and cooktops for cooking. The yellow building off to the right-hand side is the ranger's quarters and the area the hut wardens would use during the walking season.

**CHAIR** - I am conscious that Kim has another commitment so, if there are any questions members might specifically wish to go to Kim as secretary of the department, can we pause here, Colin, to facilitate those questions?

**Mr BROOKS** - Do you have the funds allocated to finish the project?

**Mr EVANS** - As we explained during the first hearing, we have funding interest of \$25.3 million allocated by the commonwealth and the states. The approach we took was to do the Cape Hauy upgrade first so we could get a better handle on how much it would cost to build the track. It was more or less a pilot. That has shown that the costs associated with the infrastructure development are greater than we had anticipated, so we have rejigged the project. We believe that we have enough funding to finish the eastern section, so we are concentrating on getting a first-class product to market as quickly as we can on that section. At that point we will assess what the next steps will be to

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complete the track. That will depend on the remaining budget and additional funding. We still have to go to tender for the commercial product.

**Mr BROOKS** - Have you asked the government for any more funding?

**Mr EVANS** - We have not felt the need to do that because we have a project plan and an approach which enables us to get a first-class product to market on the eastern side. We have not yet confirmed with the commercial sector because we have not given out a tender for that part. It may well be that the commercial product is the bit they are most interested in anyway. It is a phased approach. We have done the Cape Hauy upgrade and we will concentrate on the eastern sector and then we will assess the western sector at that point and the approach for the western sector.

**Mr BROOKS** - Based on that and media reports that call it the 'two capes track', will that change the projected numbers of visitors and stays?

**Mr EVANS** - Several months ago the steering committee firmed up the approach of taking it in two phases and, recognising that that question was likely to be asked about the economic benefits associated with only the eastern sector in the first instance, because it may be that we don't start the western sector for a couple of years, we have re-run all the economic analysis based only on the eastern sector. We have looked at two options with the eastern sector, one with a boat experience and one without, and done some sensitivity analysis around the numbers of walkers, based around 6 000, 8 000 and 10 000 walkers, and in all cases the economic benefits are very significant under all models.

To give you an example, at a statewide level, the economic benefits associated with the full track come out to something in the order of \$19 million per annum. For the eastern sector only with the ferry, it is close to \$16.5 million. There is no great difference in terms of the economic benefits coming from the track whether it is complete or is only the eastern sector. We will finetune this analysis as we go forward and as we complete the eastern sector and then make a reassessment in 2015 of the next best approach.

**Mr HALL** - Kim, can you please clarify; does the eastern sector include right down to Cape Pillar and back up to Denmans Cove?

**Mr EVANS** - That is correct. I am happy to table this update of the economic analysis because I think it is important for the committee to understand that this project has very significant economic benefits whether it is completed in its entirety or only the first phase is completed in the short to medium-term.

**CHAIR** - Thank you.

**Mr BOOTH** - Is that the current economic benefit because it is already there or is this is an add-on?

**Mr EVANS** - This is an add-on.

**Mr SHEPHERD** - Contrary to the evidence you heard from the TCT and the TMK, we have done a quantitative demand analysis. It is in the back of the feasibility study. It was undertaken for us by Instinct and Reason and, contrary to the evidence that was put

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forward by the TMPA, it shows that the demand from independent walkers, noting that they are the vast majority -in excess of 80 per cent - of the people that the track is being built for, was a preference for a five night / six day walk. That was followed fairly closely by a three night / four day walk. By building only on the eastern side we still very clearly meet the demand from the independent market even though there was a lesser preference for a slightly shorter walk. As Kim said, for the commercial market - and I agree with the evidence that has been put up by the TMPA - the preference was always for a three night / four day walk.

In terms of the demand it is quite clear that a three night / four day walk is still very strongly supported by the commercial and independent walkers that were interviewed as part of the assessment that Instinct and Reason did for us.

**Mr EVANS** - I probably need to add that, as the minister said in the last couple of days, the government remains committed to the Three Capes Track in its entirety, but it is a question of the timing for completing the entire project. We will have a really first-class product to market which will derive very significant economic benefits. I am happy to table the economic modelling to support.

**Mr BOOTH** - Thank you. We have touched on this at a number of the hearings; you said that you haven't gone to market for the commercial side of the it yet. Is it within your contemplation that there may not be commercial interest? What would you do in that event?

**Mr EVANS** - I will answer that and then ask Colin or Peter to elaborate because they have been dealing more with the commercial sector. The work we have done in the initial expression of interest process and the work subsequent to that with commercial interests shows that there is very significant commercial interest in this walk. We don't envisage that when we finally go to tender we are not going to have a very significant level of interest from commercial operators certainly with Tasmania and Australia and maybe even New Zealand. You have been talking with others, Colin, in the commercial sector, is there anything you wanted to add?

**Mr SHEPHERD** - We have had a number of commercial operators who, in the last two years, have shown considerable interest in this and have been following its development. We fully anticipate that we will be signing someone up once we go to tender.

**Mr BOOTH** - Do you think that it will be profitable venture in terms of the track and that the commercial contracts will yield a proper return, given the state investment in it?

**Mr ROBERTS** - If we go back to the start of this project, for one of the original funding streams for this project the government asked us to check for commercial interest. That was before we received federal and state commitments to funding the project. We have already been out to three or four of the biggest players and trawled through their ideas. In fact, we paid them for the ideas, so there was no concept of a leg-up or conflict of interest. There were a couple of them that stood out and said they wanted to keep their powder dry and keep their ideas for later on. It appears to be a sought-after opportunity for businesses to get involved with. When the tender processes go out, a part of that will be getting the best market return we can for that offering because it will be competitively

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offered. The best that the market is able to provide will come through the tendering process.

**Mr BOOTH** - If there was no interest? I know you are saying that is not something that you are contemplating, but if that were the case, the project then still stacks up in some ways in terms of the economic benefit? Do you have two models there?

**Mr SHEPHERD** - I don't think we did that when we re-ran the analysis with that out because it is not something we are anticipating. We have not done that.

**Mr BOOTH** - I can understand why.

**CHAIR** - Anything more for Kim before he needs to take leave?

**Mr BOOTH** - I think Paul Lennon was the Premier at the time, and he announced that this project was going to proceed. Did that take the department by surprise in the sense that it was suddenly announce that it would be done?

**Mr EVANS** - No. We had been involved in putting together proposals for seeking matching funding from the commonwealth and we had been putting this to government and having discussions with government along the way. It did not come as a surprise to us.

**Mr BOOTH** - The project had been in its inception for some period before the funding announcement. It wasn't a project following political announcements?

**Mr EVANS** - Absolutely not. As I described during the last hearing, we went through a process: the government's decided it was interested in an iconic, multi-day walk; we looked at all of the options, we did the sifting and the fine-tuning of those back to a walk on the Tasman Peninsula; then we did the feasibility study around that; then put the funding submissions to the government.

**Mr BOOTH** - Thank you.

**CHAIR** - Thank you.

**Mr SHEPHERD** - These are the designs: the green represents the sleeping quarters, the blue represents the communal quarters and the yellow is the ranger / hut-warden's quarters. At Surveyors Cove, which is the site where there was contention about the potential visual impact from Port Arthur, we have deliberately split the huts into smaller units so we can hide them amongst the existing vegetation. That was part of our consideration to ensure there would be no unacceptable visual impact.

**Mr BOOTH** - Regarding the ranger's hut; would that be occupied 24/7 or 365 days a year?

**Mr SHEPHERD** - No, it would be occupied 24/7 for the period of the walking season, which is nominally six months, but in line with what is happening on the Overland Track this year, I suspect it is likely to be at least eight months and, because the climate is a little more favourable on the peninsula than the Overland Track, it might even be nine months. So for that period it would be occupied and then for the three months outside that it would be available for park staff when they are doing routine works.

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**Mr BOOTH** - It would not be three shifts, it would just be where a ranger would live to operate out of it.

**Mr SHEPHERD** - That is right.

**Mr HALL** - What was the hut capacity?

**Mr SHEPHERD** - The independent huts which Parks will be managing will accommodate 48 people plus up to four staff in the ranger's accommodation.

**Mr HALL** - Forty-eight per hut?

**Mr SHEPHERD** - No, 48 in total, in three groups of 16. We have split the sleeping huts into two units and each of them can sleep eight people. There are four bunks in each of those split units and there are 16 beds provided per building.

Deliberately, as part of the brief with the architects, we requested that it be done as a modular design, which is behind this thinking. These modules are replicated across the other hut sites and are effectively distributed in a different configuration.

The total area for the huts is around 300 square metres, so they are not small. We have to be able to accommodate 48 people. By way of comparison, that is a similar size as you would find at the New Pelion hut on the Overland Track and slightly larger than the Bert Nicholls / Windy Ridge hut - whichever name you want to give it - which is about 250 square metres.

We also compared them to some of the huts in New Zealand which are able to accommodate similar numbers of people; one of the huts we looked at was the Routeburn Falls hut which is about 350 square metres.

**CHAIR** - Are there any further questions with regard to accommodation facilities?

**Mr BROOKS** - Do you agree with the concerns raised about the visual impact from Port Arthur?

**Mr SHEPHERD** - I think we can argue until we are blue in the face about whose expert is more expert. I am quite comfortable with the opinion that was offered through our assessment. We devoted a section of the DPMP to visual assessment. Recently, when I had the committee down at Fortescue Bay and we were in the carpark, I asked you to look along the coastline to see if you could see the track hidden amongst the trees. We have done a visual assessment both close and at distance on Fortescue Bay beach itself. If you look back we do not believe that you can see the track, we think it has been cleverly designed to follow the natural contours.

We did a visual assessment of the hut at Surveyors Cove. There is a reasonable distance from the Port Arthur historic site or the Isle of the Dead. From Port Arthur to the hut site is approximately 4.5 kilometres and from the Isle of the Dead it is about 3 kilometres. When we put up the EPBC referral and submitted the DA, the Port Arthur Historic Site Management Authority had no comment to make because it was quite comfortable the

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proposal would have no visual impact on the site they're responsible for managing. I am happy with the person who did the work for me, I believe they are an expert and qualified to make that assessment. There will be no unacceptable visual impacts from the proposal.

**Mr BROOKS** - I would consider you as one of the most experienced walkers around this table and I am asking for your opinion as a recreational and professional user of the area: do you think it will have an impact?

**Mr SHEPHERD** - I don't believe it will an unsustainable or unacceptable impact. We haven't shied away in the DPMP from admitting that when you get up high and look down onto a landscape at a lower altitude you will be able to see the track in places. That is the reality of any track. You can see the track that is currently there if you are on Mount Fortescue or Arthurs Peak. You guys would have seen it; I deliberately took you to the Orchid traverse when we were out there so you could look down onto Cape Hauy and you could see the track in the distance. I don't believe that being able to see a track will diminish the values of the national park so dramatically that people won't enjoy the experience and want to come back and do it again or tell their friends it's something worth doing.

**CHAIR** - Any further questions?

**Mr BOOTH** - I would like to go back to the risk assessment issue we were talking about. I have thought about that a bit since and it seems a reasonable thought that providing a pathway to a dangerous spot where you may have a family that is not familiar with the area - and I know you spoke about putting up signs et cetera - and who cannot read English -. The kids gallop ahead, which kids will do on a pathway you feel you can't lost on. It is going to be a very well-worn, clear track out to the cliffs. I am wondering whether I am being neurotic about this or whether there is a real issue when you take kids to a place that is highly dangerous. Are you going to have to put up safety barriers? The committee is being asked to approve expenditure of a lot of money for upgrading this track and, if some kids fall off it at the other end as a result of there not being adequate safety barriers and so forth -. I am curious to get a bit more detail from you with regard to that proposition.

**Mr MOONEY** - It's a consideration we have on all our walking tracks, as I explained last session. It's something we continually review and update. With the Cape Hauy track, being a track that has been in place for many years, it is very different from a brand-new track. It will probably bring in a different type of walker than used to do it and that is part of our consideration. We have done a risk assessment and items such as barriers, signs, and the location of the walking track itself have been considered. It is fair to say that it's an issue we are extremely concerned about and are continually considering. I can't give a black and white answer for every part of that track at the moment.

**Mr BOOTH** - You're increasing the usage in numbers and the type as well. We talked about the Blowhole and, quite rightly, you said there is a car park 20 feet away, so self-evidently you get there and you go, 'I'm glad there are rails here' because your kids are running around and the next minute they could fall off the edge so obviously it has to be there. That is not going to be much different for the experience of parents who do end up going. If you get 6 000 people a year going out to that point - I don't know how many of

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them will actually go to that lookout, but there will be considerable numbers if you are talking about per week. Is there a need for some additional, if not measures, at least some very careful scrutiny of the kind of risk profile -.

**Mr MOONEY** - I agree with that. You are getting to the type of use of school groups and similar ages: youths and children. There is no doubt that there will be a high use by youths, hopefully. We will encourage that. That has all sorts of considerations with it. I am certainly not saying that we are not considering it. We are certainly considering it, but what the final result of that consideration will be, I cannot explain now for every section of the track.

I think I said that if barriers were considered we would certainly be reasonable and sensible in how they would be placed. We would not put them right on the edge of a cliff because you could see them from the ocean, for example.

**Mr BOOTH** - Not fluorescent yellow?

**Mr MOONEY** - There are sensible ways to put barriers up. For example, if you walk the Wineglass Bay lookout track now, there are barriers along that track where you have quite steep drop-offs on the track edge. The consideration of the type of barrier was quite a process and what we have ended up with is just three horizontal metal bars. They are built in a manner which will rust naturally, and they will tend to blend into the environment. We have had no negative feedback about that. We could just as easily have put up pool-type fencing which would have been quite ugly and intrusive. As well as what you do, it is how you do it. We would be really conscious about that on this track as well.

**Mr BOOTH** - It is a bit like the common-law protection that people have against the construction of a man-trap. You can't induce a kid into a yard and then have an Alsatian dog in there or a bear or something to eat them or someone poaching or something. It comes out of the old English law about poachers where you have a common or something bigger, or the lord would have his paddocks and dig a big pit and put spikes in it and a bear so that if someone came and fell in they got eaten. It is not quite the same. I know you don't have bears and spikes, but it is the same issue there, that you induce people to go and do something, and then they fall off a cliff.

**Mr MOONEY** - I must admit that, compared to 20 years ago, we are in a new world of being a lot more open and inviting to visitors to our reserves. Twenty years ago we were not very inviting. We provided the facilities, resources and services for the visitors that came. Now it is a new era and that is a recognition that we are a really important part of the future economy of the state with tourism. We are not only the biggest conservation manager in the state, we are the biggest tourism operator. We have more day visits and overnight visits now as a tourism operator in the state. We have to balance that process. There is a lot of sensibility and wisdom in how you make your decisions. What we are very conscious of is that we don't want to wrap everyone up in cotton wool with everything that we do, but certainly we need to make things safe and keep them safe. The best way to do that is to continually review how we build things and how they are used and what types of people are using them. This would be the type of track that we would have regular reviews of the safety aspects and the use of it because it might all of a

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sudden get a real interest from a particular user group that don't even think about using it now.

**Mr BOOTH** - I think it is likely. You're expecting it, aren't you?

**Mr MOONEY** - Hopefully. It is the century of Asia, as they often announce, for the tourism industry to improve. You are right, not a high percentage of the Asian population speak English well at the moment, but they are pretty good at picking up on it very quickly.

**Mr BOOTH** - It could be contemplated pursuant to the construction of the track and subsequent to that, you might end up having a risk assessment that conceivably could say, we can't let kids go rushing around alone with these cliffs here, we are going to have to put in some clearly-defined, fenced lookout areas

**Mr MOONEY** - I could not say that would be a result. In our risk assessment we will certainly come up with a whole range of ways to put in mitigation measures. Where there are end points and points of assembly for large numbers of people, you would certainly have to safety - what you would see as a fit and proper arrangement for a large number of people to be assembling in that location.

**Mr BROOKS** - Would that come out of your operational budget for fencing requirements? Do you have a discretionary budget?

**Mr MOONEY** - No, we don't have discretionary budgets in the Parks and Wildlife Service.

**Mr BROOKS** - You would have a maintenance or an allowance budget. It is probably within your maintenance budget for safety fencing?

**Mr MOONEY** - It's hard to quote exactly how much we spend on maintenance as a percentage. The industry average is around 1.5 to 2 per cent of our value we will spend on maintenance; that is roads, tracks, building et cetera. Every asset we have we will have a maintenance profile attached to it and requirements to keep that maintained at a certain level.

**Mr BROOKS** - If you determined that you needed to put a certain section of fencing up, could you maintain it within your current budget or would you need more funds for that, depending on the size and scope?

**Mr MOONEY** - In normal circumstances, you would make that part of the construction costs, the capital outlay that we are doing right now.

**Mr BROOKS** - But you've clearly outlined that is not part of the current project.

**Mr MOONEY** - For example, we have a number of day walk tracks at Cradle Mountain which we've had to improve because of significant increases in popularity and therefore we've had to put up some safety fencing - not barriers. That has been taken out of our normal parks and reserves maintenance budget because it is a high priority. It's a high-risk area and we will address it. The areas of very low priority will not get addressed. That is the same as all government management processes. You have an order of priority of how you do things and you hit the high-risk ones first.



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**Mr HALL** - For the record and to remind me too. If only the eastern sector is completed from Denmans Cove around, the direction of walk will still be restricted to one-way?

**Mr SHEPHERD** - West to east.

**Mr HALL** - That's correct. Starting from Denmans Cove, if there is no ferry service, is there vehicle access to Denmans Cove at this stage?

**Mr SHEPHERD** - No. There is state forest which is the light green that you can see on that map. That state forest has a series of roads that access some of the coves. There is a road that comes in very close to the bay at the top of Port Arthur Bay; the next bay up from Denmans Cove. The road comes to within a few hundred metres of that. That is a gravelled forestry road. Over the last couple of hundred metres there is a four-wheel drive track that I think the locals have put in, that brings them to the beach. I may be doing them an injustice there, but I think that is probably where it has come from. Then there is an existing track that comes around the coast to Denmans Cove.

**Mr HALL** - How far is that in extra walking distance?

**Mr SHEPHERD** - Probably 1.8 to 2 kilometres.

**Mr HALL** - Will there be an official start point at Denmans Cove?

**Mr SHEPHERD** - There is potential for a car park to be built and a track brought in onto that existing track that follows the coast around to Denmans Cove. I suppose that is something that could be done, and that was considered in the feasibility -

**Mr HALL** - Is there enough cash in the system to do that?

**Mr SHEPHERD** - We believe there's enough cash in the system to do that. The approval that we currently have is for a jetty to be constructed at Denmans Cove and that is where the walk starts from.

There is certainly the potential that you could come in on the existing track or potentially come in on a new track, I suppose, through State forest and join up with the Denmans Cove track.

**Mr HALL** - It's not going to stop people from day-walking from where we did the other day, going in that direction?

**Mr SHEPHERD** - No, we are very loudly on the record as saying, as a result of the Three Capes Track, there will be no impact to people's day use in the Tasman National Park. That is why, for us, there are quite a number of tracks in the national park, both on the eastern and western sides - I can show you a map where there are currently a number of existing day walks, so the red represents places where there are currently day walks and where we expect it to be strongly multi-directional, the green represents existing tracks that are in the national park and the blue represents the new track that we are building.

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Contrary to the evidence that was given by Mr McGlone, who said that we were building a track that was too wide and would only ever be used in one direction by all walkers, you can see from that map that there is actually quite a large percentage of the national park which has day walks in it and where we have made a commitment that we will not affect that. So people will be able to walk in either direction and, hence, we need to have a track which is wide enough for people to be able to go past each other without stepping off the track.

By our estimates about 70 per cent of the track on the eastern side is strongly multi-directional and about 60 per cent across the whole national park. There is very clearly a need, in our mind, to have track which is wide enough for people to be able to pass each other without having to step off the track because we are committed to protecting the values for which the park was declared in the first place.

**Mr BROOKS** - Given the increase of traffic movement in the area and given the degradation of some parts of that road entering in -

**Mr SHEPHERD** - Noyes Road or Fortescue Bay Road?

**Mr BROOKS** - Where we started off.

**Mr SHEPHERD** - Yes, Fortescue Bay Road on the Cape Hauy track.

**Mr BROOKS** - Is there any inkling to improve that? Do you have any funds for that? Is that a forestry road? Is it a part-state, part-

**Mr ROBERTS** - It's presently a forestry-maintained road. It is a listed tourism route under the State's road plan so there is an expectation that it will be maintained. There hasn't been a plan to make it better than a gravel surface as yet, but that may be a future thing. Also with the traffic use, you can't assume, particularly for the overnight walkers, that there will necessarily be more vehicles because a fair few of them will be in groups with bus pick-ups. It would be more likely to be an increase in use by 25-seater buses than by car use.

**Mr BROOKS** - With the one day walks and the upgrading of the Cape Hauy track you would expect more visitations to the start and finish points. Given that road - and if there were buses on it too - it is where Mark Webber was run over but he was on the wrong side of the road on a bike -

**Mr SHEPHERD** - Doing about 70 kilometers per hour.

**Mr BROOKS** - I have ridden up that road twice. The thing is, it is a windy, narrow dirt road. Is there a maintenance program ready for it? You could expect, during the summer month or walking periods, significantly increased traffic now that the track is such a good track to Cape Hauy.

**Mr SHEPHERD** - Presently it is a forestry-maintained road, built to take forestry vehicles - very heavy trucks and things. It is a robust road. It has not been included as part of this project.

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**Mr BOOTH** - For Adam's benefit. One log truck does the equivalent road damage to about 250 000 passenger vehicles on [inaudible].

**Mr BROOKS** - I think you're doing enough damage to the forestry industry so that will be [inaudible].

**CHAIR** - While you have a little confab down there, we will come back to questions and evidence.

**Mr BROOKS** - Obviously Mr Booth is an anti-forestry campaigner and would like less use on that road. There is a difference between a log truck driving along it and a family car. I would like to know whether there have been any discussions with forestry as to the projected increased use on that road which you have already answered. Do you have any inkling or budget or interest in maintaining it?

**Mr ROBERTS** - There is some cooperation already in the resheeting side of the road to which Parks make some contribution at the moment. As far as a future upgrade, I don't believe our talks have gone that far.

**Mr SHEPHERD** - We spoke with Forestry Tasmania to understand what their usage of the area would be over the next 10 to 20 years. They were suggesting that they weren't going to be doing a lot of extractive logging.

**Mr BOOTH** - First bit of good news I've heard for some time.

**Mr SHEPHERD** - I think they said they might have two or three coups, from memory, that they might be using over the next few years. We have had the Tasman Council undertake a road traffic survey as part of their due diligence, but that was on the Three Capes Track traffic impact rather than the day use as well. On the basis of the information that we provided to them, they were quite comfortable that under the current management framework of FT maintaining the road with a small, annual contribution from Parks, and that the state of the road would be suitable to deal with the expected traffic volumes that would come about as a part of the Three Capes Track. Not necessarily because they did not do the analysis of what might happen as a result of increased usage from the Cape Hauy upgrade.

**Mr ROBERTS** - At the western end where the track presently leads into Shipstern Bluff and Cape Raoul, we have already contributed funds to the council upgrade of the carpark capacity to cope with the current level of increased day use. That was a capacity of an extra 40 cars, wasn't it?

**Mr SHEPHERD** - Yes, for Shipstern Bluff, but for the Three Capes Track there is only one traffic movement per day, up and back, anticipated. If the track is completed in its entirety, that would be the only difference because that would be the commercial start point. The commercials would bring their 10 guests, plus two guides on a minibus, like they do everywhere else. The bus would go up, drop them off and then go back. That is all that would come from that.

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I should say that as part of the DA approval from council, on the western side they put some conditions on us as to improvements to Stormlea Road and Noyes Road. They are built in to our capital expenditure when we get over there and start to do that side.

**Mr BROOKS** - I understand from the Three Capes - or two capes - track, that it won't be a huge increase given that it is one-way. My main interest is the one day walks that you gave evidence on which are still going to be advertised and promoted. I see that as a great medium-level track that people might start getting out and about on. It is important that we don't restrict them, if they don't have modern cars or four-wheel drives, and that the road is so bad and dangerous with the increased traffic flow that it is not worth their day trip.

**Mr SHEPHERD** - I am wondering, chair, if there's an opportunity here - it might not be appropriate - but there was one bit of evidence that I heard recently which I would be keen to debate.

**CHAIR** - It's entirely appropriate.

**Mr SHEPHERD** - On a couple of occasions Mr McGlone said that he did not believe that the commonwealth had done any assessment or, at best, a preliminary assessment under the EPBC act and that they decided, because it was such a poor-level or preliminary form of assessment, that it was not a controlled action. That is not true. The decision from the commonwealth was that it is not a controlled action particular matter - two very important words which Mr McGlone either conveniently left out or possibly didn't realise were part of the decision. The difference is that we put up a series of commitments through management controls and mitigation strategies that say, if we follow these then there will be no significant impact on EPBC-listed matters. That was the decision that the commonwealth made.

I have a document here from the commonwealth which is on their web page. It is a document that they put up as a result of a submission from an organisation on our referral where they requested the statement of reasons from the commonwealth as to why they made the decision that this project was not a controlled action particular matter and I would like to table it. It also has within it the evidence and material upon which the findings were based by the delegate of the commonwealth minister, where that delegate talks about all of the information that they considered in making their decision.

So I want to be very clear that the decision from the commonwealth was not that it was not a controlled action, but that it was not a controlled action particular matter, and there is a very big difference between that. The commonwealth did, as is their norm, a very thorough assessment, I think you will find, of the referral we put up. They have a document that lists the statement of reasons for deciding that, subject to us doing our proposal in accordance with all of those commitments that we made, it would not have a significant impact on any matters listed under their act.

**Mr BOOTH** - Are you going to table that?

**Mr SHEPHERD** - Yes.

## **PUBLIC**

**CHAIR** - Yes please. Thank you for your three appearances here.

**Mr SHEPHERD** - It has been a pleasure.

**THE WITNESSES WITHDREW.**