

## **Submission to Public Works Committee re Proposal for Duplication of the Tasman Highway Causeways between Cambridge and Sorell, via Midway Point.**

Submitted by **Robyn Lewis**, Milford, 1431 Tasman Hwy Cambridge, immediately adjacent and affected landowner, and current custodian of Milford Forest. **5 May 2025**

### **Executive Summary:**

1. I consider that this Committee needs to follow due process, and also to insist the proponents do likewise.
2. In order to avoid repeating the situation that has occurred with the adjacent section of SETS – namely enormous delays, significant cost over-runs, costs to commuters, loss of public confidence, etc – this Committee needs to satisfy itself now, prior to approval, that this expenditure on the Causeways is needed now and meets your criteria, given that delays ARE inevitable with this proposal (see explanation below and Appendices).
3. To do this, the Committee needs to request further information from the proponents and independent sources before a decision to approve or not can be made.
4. There is no urgency – the preparation of the documentation required to be submitted to the Federal DCCEEW for their environmental assessment will take at least a year, and likely the assessment process will also be lengthy<sup>1</sup>.
5. To meet your legislated requirements, I also believe this Committee needs to recommend provisions for rigorous oversight, accountability and transparency relating to expenditure and performance, should this project proposal be approved by DCCEEW.

### **Body of submission:**

#### **1. Due process must be followed, and the impacts of not doing so**

In making this submission I consider that it is extremely important that this Committee follows due process in assessing funding for this section of SETS<sup>2</sup> (*i.e.* the Causeway duplication) and in making any recommendations, that you insist on due process be followed by the proponents DSG, their designers and all sub-contractors before you make any decision or recommendations on this proposal.

In the immediately adjacent section of SETS to the west (*i.e.* the widening of the Tasman Hwy between Hobart International Airport (HIA) Interchange and the Causeway), it is clearly evident that due process was not followed by the proponents.

The direct result is the ongoing significant delays in construction, cost blowouts to (both Federal and State government funding), wasted time and fuel costs for commuters, adverse impacts on myself and other adjacent landowners including Barilla Bay Oysters and the Tasmania Golf Club.

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<sup>1</sup> Depending on the quality and completeness of the information with which DCCEEW are supplied by the proponents.

<sup>2</sup> The South-East Traffic solution, of which this proposal is a part.

I submit that this Committee should not permit this situation to occur again, on the Causeway duplications.

It is almost 6 years since the adjacent section of SETS was first advertised for public comment, and 3 ½ years since the 2021 Committee approved funding for it, and to date the proponents have still not met the basic requirements of the EPBC Act because they have not followed the requisite processes (See Appendix 1 Point 1).

The EPBC Act must be followed, it is not optional. As in this Causeway section of SETS, both are Federally-declared ‘controlled actions’ and DCCEE’s conditions must be met before construction can commence. This Committee will be failing in its duties if this is not mandated.

The 2021 Public Works Committee<sup>3</sup> approved funding for the western adjacent section of SETS on 30/11/2021, at a then estimated cost of \$28.7 million. Work has not started, because DCCEE<sup>4</sup> has still not yet received a full “assessable project” from the proponents. That is, DCCEE cannot start their assessment except in a general manner until the requisite information is provided (See Appendix 1 Point 1).

One critical missing piece of requisite information is the mapping of areas required to be avoided<sup>5</sup> under the EPBC Act (see below, and Appendix 1 Point 1). You simply cannot avoid something if you don’t know where it is. Ignoring it will not make this problem go away.

This Committee needs to insist that this identification and mapping of HCCS occurs, by an independent, qualified consultant, as the same condition applies to the Causeway duplication project currently under consideration.

This is because in addition to the marine environmental impacts, approximately 4 months ago<sup>6</sup>, I was informed that the Causeway duplication plans were modified to take a further section of my property Milford, which has yet to be environmentally assessed, let alone have the habitat (HCCS) mapped. The proponent has had 6 years to do this, and has not, despite repeated requests.

This area is part of the controlled action area for the Causeway duplication project, and works cannot start in ANY of the project footprint until this is properly done, and any DCCEE conditions applied<sup>7</sup> are met.

So once again, I consider that you are currently being asked to approve funding prematurely, with the same risks or delay, cost overruns etc, that applied to the HIA-Causeway section of Tasman Highway widening.

I do not believe you should approve funding for this project other than for these preliminary works to be completed to the satisfaction of DCCEE.

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<sup>3</sup> Then made up of different members

<sup>4</sup> The Federal Department of Climate Change, Energy, Environment and Water, who assess all projects with impacts of MNES (Matters of National Environmental Significance).

<sup>5</sup> Known as Habitat Critical to the Survival of the Species (HCCS).

<sup>6</sup> Up until January 2025 I was repeatedly informed by the proponents that my property would not be impacted and there was no further acquisition (i.e. in addition to that for the HIA-Causeway section).

<sup>7</sup> Namely: avoidance, mitigation and/or offset. See EPBC Act.

There is no guarantee of approval if the Minister/DCCEEW consider the impacts are too great, or if avoidance has not been properly considered (see 4 below), or if avoidance proves impossible, if the residual impacts have not been sufficiently mitigated or offset.

If any of these events occur, the proponents will be required to provide an alternative design which DOES meet the requirements of the EPBC Act, the first of which is avoidance (see 4 below). This has been the case since 1999.

It is evident that approving funding of that section of SETS years in advance of DCCEEW receiving an 'assessable project' was premature and will also be the same in this section. At absolute minimum assembling the requisite information will take the proponents a year to assemble.<sup>8</sup>

Moreover, you are also being asked to approve funding for a project which has been designed to meet up with/join a section that has yet to be approved. It may well be that DCCEEW did not approve it due to ongoing environmental impacts which have yet to be addressed<sup>9</sup>. The works will then not be "fit for purpose". (Also see 4 below)

## **2. Cost overruns**

Regarding the HIA interchange to Causeway section, costs have increased significantly since 2021. Can the Committee or the proponent explain to me/taxpayers where the additional funds for those cost overruns are being sourced? Who approves them? Are they to come from the section of SETS currently under consideration?

This Committee also needs to know the current location of the balance of the \$28.7 million of funds this Committee approved in 2021. Has any of it been spent on other project(s)? How much remains? What interest has accrued, and where has that been allocated?

These are significant financial questions which need to be answered by this Committee, because they directly impact on this Causeway duplication project you are reviewing now (see 3 below).

When the HIA-Causeway section of SETS was submitted to this Committee by DSG in 2021, the proponent overstated the length of the project by approximately 700 m at the western (HIA) end, ie approximately one quarter of the entire project length for which funding approval was applied (and granted)<sup>10</sup>. Part of this section had already been constructed (as part of the HIA interchange works funded previously), i.e. the then Committee approved funding for the same section of highway, twice.

This equates to almost \$7 million of taxpayers' money, of which 80% was Federally funded.

The reason this is immediately relevant is that it appears the same thing is about to happen at the western section of the Causeway duplication (i.e. where the proposed Midway Point Causeway duplication abuts the HIA-Causeway Highway widening section of SETS).

Until only a few months ago, the interface between these two projects was stated by the

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<sup>8</sup> I have this in writing from the proponents, email dated 7 April 2025.

<sup>9</sup> As of 5<sup>th</sup> May 2025.

<sup>10</sup> This was clearly apparent in the maps supplied at the time.

proponents to be at the western end of the Causeway. However, for what I am informed are technical reasons this interface has recently been moved approximately 300 m westwards. Funding for that 300 m section has already been approved, in 2021. This Committee needs to ask: are you being requested to approve duplicate funding for this section, again? From the Rawlinson guide 2025, the cost of this 300 m section is now over \$3 million, which perhaps might seem trivial to you in the overall cost of this project proposal, but its likely not trivial to taxpayers, particularly when combined with the \$7 million duplication at the western end.

It is also clear that this Committee needs to recommend provisions for rigorous oversight, accountability and transparency of expenditure and performance, should this proposal be approved by DCCEEW.

This is apparent on examining the Conclusion and Recommendations of the Committee's report on the Tasman Highway widening dated 30 November 2021. That report made four recommendations to the proponents (6.2, 6.3<sup>11</sup>, 6.4 and 6.5)<sup>12</sup>, none of which have yet been met/resolved.

### **3. Another cost consideration: acquisition compensation**

As a potentially affected landowner, I would also like to know what amount has been allowed for compulsory property acquisition in the Causeway duplication section of SETS? I was recently informed I will lose more of my property in the proposal under consideration, including an entire private beach, the only swimmable beach on my property (not yet valued, the acquisition has yet to occur). How much has been factored into the budget submitted to you? (Also for affected landowners in Midway Point, etc?). These are not costs that can be addressed/met later, they have to be budgeted for from the outset.

The Committee also needs to be aware that it is now 4 ½ years since the Government compulsorily acquired land from me for the HIA-Causeway section, for which I have yet to receive compensation, totally due to the proponent's failure to follow due process (see 4 below).

There are other affected landowners in the Sorell section of SETS who, approximately 3 years later, have also yet to receive their land acquisition compensation<sup>13</sup>, or to have their legal fees reimbursed, to both of which they are entitled, despite that section of SETS already being completed.

This is completely unacceptable and another indication of failure of the proponents to follow due process, including to treat affected parties with respect, and I believe that this Committee must make provision in your recommendations that this does not occur again in this section of SETS under your consideration<sup>14</sup>.

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<sup>11</sup> This pertains to Barilla Bay Oysters

<sup>12</sup> PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS Tasman Highway-Hobart Airport to Midway Point Causeway pp

<sup>13</sup> Confirmed on Monday 5<sup>th</sup> May 2025.

<sup>14</sup> And, if within your current remit, to recommend that this outstanding situation be rectified immediately.

You should also note that these unpaid amounts continue to attract interest<sup>15</sup> since the time of acquisition. Is there provision for these previous accumulated interest payments in the budget you are being asked to approve? If not, where is the funding for compensation of the completed section coming from, if that budget has already been disbursed? This is taxpayers' money and they have a right to know, as do those who are entitled to compensation.

I do not believe you should be approving funding for this proposed next stage of SETS before these outstanding liabilities, and any other compensation that may be owed as a consequence, incurred by the proponents on other sections are rightfully and promptly acquitted.

#### **4. Environment assessment – PER is significant, and onerous**

As I presume this Committee is aware, the Causeway duplication proposal is highly significant, expensive and located in a very environmentally sensitive area, being an internationally-listed Ramsar wetlands, home to many migratory seabirds, in addition to being habitat to other Matters of National Environmental Significance (MNES) species including but not limited to the live-bearing seastar (*Parvulastra vivipara*) in the surrounding marine environment. There are also potentially impacted terrestrial species (see Appendix 1 Part 2), and potential economic impacts on nearby businesses including oyster farming.

The complexity and stringency of the Federal environmental assessment for the Causeway duplication project you are considering today is much greater than for the adjacent Highway widening proposal. It has been deemed assessable by PER (Public Environment Report, guidelines attached Appendix 2). This is extremely onerous and will likely take a year to compile.

So, why is this funding being approved now, once again, before the project even goes to DCCEEW?

I believe this increased level of stringency in environmental assessment is likely in part response by DCCEEW to the inadequate approach taken by the proponents DSG regarding the adjacent section of the Tasman Highway widening, which if this Committee is not aware has now caused a section of the proposed roadworks to be moved away from my property Milford, because it contains Habitat Critical to the Survival of the Species (HCSS) for 2 Critically Endangered and one Endangered orchid species<sup>16</sup>, which under the EPBC Act, as mentioned is required to be AVOIDED.

Their presence has been known for many decades and is (or should have been) a major red flag to any developer and should never have been put forward by the proponent in the first instance. To do so was extremely risky, as has now become apparent.

This delay and associated redesign costs, additional consultancy fees, materials and construction cost inflation etc could have been completely avoided had the proponents followed due process from 2019. Indeed I believe that if they had done so, that phase of SETS would now be completed.

I therefore believe that it is necessary for you as a Committee – charged with approving funding for this Causeway duplication section of SETS – to ask yourselves the following:

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<sup>15</sup> Payable by the government to the affected parties

<sup>16</sup> Plus State-listed white-gum habitat.

**4.1** Why are you considering approving this at least a year before DSG can (hopefully) even submit an assessable project to DCCEE? I am aware that gaining environmental approval is an iterative process, however the current designs for the Causeway project include MNES values on my property that have STILL not been fully assessed (6 years later) and no works will be approved by DCCEE until this is done, by an independent, expert environmental consultancy firm, preferably one experienced in conducting PER assessments<sup>17</sup>. (This terrestrial impact assessment is in addition to the other environmental impacts, on birdlife, seastars, water flow and quality, etc, covered by other submissions).

In no other State of Australia would a PER be permitted to be conducted by the proponents' own effectively in-house consultants<sup>18</sup>. This is clearly not independent and DCCEE are aware of this, and will be a likely cause of additional costly delays unless addressed now.

**4.2** Why are you also considering approving this now, when the design put forward is planned to join another project for which the environmental assessment has not yet been completed by DSG to meet the EPBC Act requirements<sup>19</sup>, and (even when and if they do so) may not gain approval?

What if the plans for that section are rejected and a further redesign is required, which then impacts on this Causeway project?

This does not demonstrate fitness for purpose.

**4.3** This also raises a question you need to request an answer to: why did the assessments of alternative routes/solutions (See Appendix 1 part 3) not consider the most logical solution to this Highway widening and Causeway duplication, *i.e.* a straight-line solution?

At minimum this alternative should have been costed and properly considered, particularly as it saves significant commuting time and would improve road safety, the two purported reasons for the SETS project (as I submitted to this Committee in 2021).

You should also note that the report on the assessment of alternatives to the Causeway duplication was prepared only 2 years ago, 4 years after the route for the adjacent section of SETS was already 'decided' by the proponent. This could be considered another waste of taxpayers' money<sup>20</sup>, apart from the fact that nothing is yet locked in as works cannot start.

So it is not too late for you to examine and request answers to these questions and others below, before proceeding further.

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<sup>17</sup> In my qualified opinion the Committee should recommend the use of an interstate firm with experience in PERs, as few consultants in Tasmania have the expertise, especially given the level of complexity with multiple MNES. To do so will likely avoid the sort of delays and cost-overruns evidenced in the adjacent section of SETS.

<sup>18</sup> For example, NSW has very stringent requirements on this separation, to avoid this conflict-of-interest situation

<sup>19</sup> Through no fault of DCCEE's; the responsibility to provide the information they require is the proponent's, ie DSG.

<sup>20</sup> Estimated cost approx. \$40,000

## **5. Additional matters not covered above:**

### **5.1 Do the proposed works meet an identified need or needs, or solve a recognised problem?**

I contend that the proponent has failed to demonstrate the need for these works at present.

As a Committee you should also acknowledge there is a TRANSPORT problem between Hobart and Sorell/environs. It is not a 'traffic' or 'roads' problem, it is a transport problem.

Public transport is still not addressed, although this was stated as important when the Committee examined the adjacent section of SETS in 2021 (ref report dated 30 Nov 2021). Before spending a significant amount of money duplicating the Causeways, the Committee needs to satisfy itself, and the public, that other forms of transport – and taking a long-term view – are not only being considered but are going to be part of the solution.

A holistic view for spending such a large amount of money is required. It has been well demonstrated worldwide that building more roads makes traffic problems worse. Moreover, these extra cars etc will mostly end up in the bottleneck of the Tasman Bridge, which is already too small, and is 50 years old and requiring additional, highly expensive works.

Once past this bottleneck, the majority of the traffic then ends up in or traversing Hobart's CBD, which also has significant traffic problems, or heading north on the Brooker Hwy, when perhaps an alternative route to growing industrial areas around Brighton etc via Tea Tree should be receiving higher priority consideration for the available funds.

### **5.2 Are the proposed works the best solution to meet identified needs or solve a recognised problem within the allocated budget?**

As discussed above, this depends how you define the 'needs' and the 'recognised problem', which is one of transport, not of traffic. Hobart, and indeed Tasmania, is growing, and 'growing up' and needs proper public (and freight) transport solutions – we cannot continue to rely on cars, trucks etc forever.

It is part of your Committee's job to satisfy yourselves that these alternatives have been properly defined and thoroughly examined. It is clear that they have not (see 5.3).

If however you are assuming meeting say a 10-year 'need', then given the proposed enormous cost of these works, and their environmental impacts, can this proposal be justified?

This is especially the case as also discussed above that the report on alternatives did not include examination of a straight-line road through part of Tasmania Golf Club (TGC) which (as previously demonstrated to you in 2021) is a cheaper, safer and more effective solution to the highway widening aspect of the transport problem between Hobart and Sorell.

You may also recall at the time SETS was first planned that the TGC was for sale and also had viable plans to reduce its area to 9 holes and form a partnership with the new 7 Mile Beach golf links, which has now been completed. Such an acquisition may still have the highest cost-benefit ratio and it needs to be re-costed and re-examined.

An additional impact of the TGC to take into account is the fact that the TGC uses treated, potable water taken from the Sorell town water supply for their irrigation of their greens etc<sup>21</sup>, which does not appear to be a viable long-term activity given increasing water demands for human consumption and related use in Sorell and surrounds.

### 5.3 Are the proposed works fit for purpose?

As discussed above, the design for which you are being asked to approve funding adjoins a section of SETS which has yet to receive Commonwealth approval, 6 years after design were first released for public consultation. The information required for DCCEEW to assess it, namely identification and mapping of the habitat critical to the survival of the 2 Critically Endangered and one Endangered orchid species (HCSS), has yet to be undertaken or provided to DCCEEW. When they finally receive this, and assess that section, they may reject it or require further design modifications to that section of SETS.

Therefore, the current Causeway design is not fit for purpose as it adjoins another section of SETS which may be rejected and require redesign, or of further avoidance measures are recommended by DCCEEW. It is simply premature, and you cannot assume that this will happen.

See also my points about wildlife in Appendix 1 Point 2. Tasmania has a wildlife protection policy, which is routinely ignored, but – like failure to consider transport – this also has to stop, especially with new works like these that are being planned to last for many decades and will impact on wildlife and their habitats for that duration and beyond.

You also need written confirmation by the proponents that the sewerage pipeline ('rising main') between the TasWater treatment plant at HIA and Midway Point (and thence to Orienton/Penna) is being incorporated now (*i.e.* if this proposal proceeds), and also confirmed in writing that it meets TasWater and HIA's and surrounds growth requirements.

It will be vastly more expensive to retrofit such a pipeline later, which if not done now, will effectively curtail development at HIA and surrounding light industrial areas to its west, as the HIA TasWater plant is already at full capacity during a normal rainfall year, and beyond capacity in times of high rainfall. In periods of heavy rain sewerage is discharged via Sinclair Creek (which runs through my property) into Lower Pittwater, affecting seawater quality, causing algal blooms and bacterial growths, affecting the rare migratory waterbirds, and adversely affecting the nearby oyster leases and recreational fishing areas. This cannot be allowed to continue, via neglect or otherwise.

I have also requested that this new Causeway design incorporates a second flow channel to the west of McGee's Bridge. I was advised by the proponents that this is unnecessary from the engineering point of view. However, no consideration has been given by the proponents to the environmental benefits, including improving the already declining water quality and the need for better tidal flows to reduce algal blooms etc, which are increasing due to higher nutrient runoff from horticulture, viticulture etc upstream in the Coal River Valley, plus from TasWater at Cambridge (into Upper Pittwater) and general population growth in the area<sup>22</sup>.

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<sup>21</sup> Their offtakes are on my property.

<sup>22</sup> This can be ascertained by Justin Goc at Barilla Bay Oysters



Again, it will be far cheaper to do this now than later, as had to be done retrospectively on the Midway Point-Sorell Causeway, due to eutrophication caused by inadequate tidal flows/drainage.

Also on the subject of fitness for purpose, Australia – including Tasmania – is a signatory to several international environmental agreements, including but not limited to the Ramsar Convention of Wetlands and the UN Decade of Ecological Restoration 2021-2030, plus national agreements including the Australian Government's Strategy for Nature 2024-2030, which includes the National Biodiversity Strategy and Action Plan.

You also need to ascertain, again via independent, third-party verification, that given its significant potential environmental impacts, that this proposal meets the requirements of these legal national and international obligations.

#### **5.4 Do the proposed works provide value for money?**

The Committee needs to refer to Rawlinson's Australian Construction Handbook 2025 <https://www.rawlhouse.com.au/publications/2025-australian-construction-handbook> and seek independent advice from qualified engineers to fact-check the figures, mapping etc with which you have been supplied by the proponents, and determine if the proposed expenditure is 'value for money', or not.

As already discussed, you also need to factor in significant cost over-runs if due process is not followed by the proponents, and to provide advice on how and by whom this is to be controlled.

#### **5.5 Are the proposed works a good use of public funds?**

Already discussed above, a full transport solution needs to be examined. Currently the traffic bottlenecks on the Tasman Highway have been largely alleviated by the new HIA interchange, the Midway Point signalled interchange and the Sorell Bypass, which effectively 'buys time' for your Committee to demand a full, proper, independent assessment.

Given the other huge infrastructure challenges facing Tasmania and the shortage of skilled labour etc for the works that are essential or already committed to, plus the current State budget issues, I do not believe that proceeding now – and certainly not until the issues concerning the adjacent western section of SETS are properly resolved – is a good use of public funds. This Committee cannot currently recommend to Parliament that these works are 'expedient'.

Thank you for the opportunity to make this submission.

*Robyn Lewis*

Robyn Lewis, B. Ec., M.Sc. (Oxon), FLS, GAICD, MWCEI.

**Appendix 1:** Community Consultation of Duplication of Midway Point and Sorell Causeways – feedback. Robyn Lewis 11 March 2025

**Appendix 2:** DCCEEW Guidelines for Public Environment Report (PER) assessment