



tasmanian conservation trust inc

The Secretary
Public Works Committee
Parliament House
Hobart 7000

Email: shane.donnelly@parliament.tas.gov.au

21 September 2012

Parliamentary Standing Committee on Public Works – Three Capes Track

1. TCT position regarding the Three Capes Track

The TCT is opposed to the Three Capes Track (3CT) as currently proposed and believes that other more acceptable alternatives have never been assessed. In summary, the TCT's concerns are that:

1. The Parks and Wildlife Service (PWS) are the proponent for the 3CT as well as being the main assessor and regulator, thereby raising serious issues of probity and contributing to the assessment being sub-standard;
2. The 3CT, as currently proposed, will cause unacceptable environmental and heritage impacts and many of the assessments have not been done, are incomplete or are inadequate;
3. A comprehensive business case or financial justification for the 3CT has not been done, in particular there is no justification for the claim that 10,000 walkers will use the track each year.

Further details regarding the TCT's concerns are provided in the attached submissions to the PWS and Tasman Council and a letter from the TCT and Tasmanian National Parks Association (TNPA) letter to the Premier.

2. Functions of the Public Works Committee and focus of this submission

We have reviewed the functions of the Public Works Committee as specified in section 15 of the *Public Works Committee Act 1914* and will keep our comments focused on issues related to the financial justification for the 3CT. Our comments relate very strongly to Section 15 (2) (b) of the *Public Works Committee Act* i.e.

(b) the necessity or advisability of carrying it out; and where the work purports to be of a reproductive or revenue producing character, the

Floor 2, 191 Liverpool Street, Hobart TAS 7000 Australia

p (03) 6234 3552 f (03) 6231 2491 e tct6@bigpond.com ABN 63091237520

amount of revenue which it may reasonably be expected to produce;

We assert that the PWS has failed to perform a business case to justify its claims that the investment of \$25 million of government funding (12.8 million from the state government and 12.5 million from the Australian Government) is justified on the basis that it will attract up to 10,000 walkers per year and that this will return substantial direct and indirect income to the proponent and local and regional businesses totally \$19.7 million per year.

The PWS claim that the business model for the 3CT is for full operational cost recovery, meaning that costs of infrastructure and environmental maintenance and monitoring will be fully paid from walker fees. If walker numbers are insufficient to cover these costs then the 3CT will become an additional financial burden on the state government. If additional funding is not provided infrastructure and environmental assets may not be maintained.

3. Recommendation to the Standing Committee

We are uncertain of the powers of the Parliamentary Standing Committee on Public Works but suggest that it makes a strong recommendation to the state government to cease all expenditure and not make contracts in relation to the 3CT until an independent quantitative analysis of potential market (walker) demand is done and considered by the minister and the Standing Committee. Furthermore, we suggest that the Standing Committee call for further public submissions and hearings in relation to the market analysis.

4. Detailed comments regarding the financial justification for the 3CT

To date there has been no attempt by the PWS or any agency of government to substantiate its claim that the 3CT will attract 10,000 walkers each season (November to April).

It is extraordinary that such a major development – proposed to be built in a national park, with very significant environmental impacts and 75% funded by the tax-payers – has never been subject to a full business case which tests the assumption that the 3CT will attract 10,000 walkers per year, or even that the numbers attracted would cover the operational and maintenance cost.

The PWS have had the following four reports prepared in relation to the demand for and likely financial benefits of the 3CT:

- 'Economic Impact Analysis for Three Capes Track', Tasman National Park, Syneca Consulting, April 2008.
- 'Feasibility Study: Three Capes Track Tasman National Park', Department of Tourism, Arts and Environment, May 2007.
- 'How will bushwalkers respond to the development of the Three Capes Track?', Instinct and Reason, February 2007.
- 'Great Bushwalk Scoping Study: Key Attributes and Supply Analysis', Planning for People, March 2006.

These reports constitute subjective and disputable research which shows a high interest from some walkers in a 3CT-like walk. But this research has not attempted to measure, and nor can the results be interpreted to measure, the likely numbers who would actually use the 3CT.

The PWS does not know whether the 3CT track will earn more than the operational and maintenance costs and have significant flow-on benefits or if it will become a white elephant dependent upon state government funding indefinitely.

The 10,000 figure cited by the PWS is the same number as the maximum number of walkers which are permitted to walk the Overland Track each year during the peak November to April period. In recent years the Overland Track has attracted between 7000 and 8000 walkers per year and has never reached the maximum of 10,000 since track fees were introduced in 2005. This is despite it having a deserved international reputation, receiving massive promotion and having a history of 50-plus years as a great walking destination.

The PWS's claim that 3CT can attract more walkers than the Overland Track is an unsubstantiated and wildly optimistic assumption and it will probably attract much less.

We believe that the state government must ensure that all major investment of tax-payer funds on commercial enterprises is done in a way that provides a high likelihood of an acceptable financial return.

This failure of the PWS to objectively measure the likely market (walker) demand for the 3CT puts in doubt all other claims regarding the direct and indirect income from the project. If, as we expect, the demand is substantially lower than the anticipated 10,000 walkers, the 3CT may fail to operate on a full cost recovery basis, as is planned. If this happens, the state government will either have to allocate additional funds for operational and maintenance costs or let the track and associated infrastructure depreciate and potentially cause environmental damage. Low demand may cause the commercial operator to abandon the commercial component of the 3CT and the state government would have to maintain the accommodation huts and other infrastructure as well.

Actual construction costs are blowing out

The 3CT work done to date indicates that the total project cost will be far in excess of the previously budgeted cost of \$33 million. Our estimation, based on publicly available figures for the Cape Huay Track upgrade, is that the total budget will be at least \$40 million. This additional \$7 million dollars will be presumably be requested by the PWS in next year's state budget at a time when all agencies should be maintaining or cutting budgets.

Development application to Tasman Council – additional financial considerations

3CT – the 'half walk'

The Development Application submitted to the Tasman Council on 23 June 2012 only commits to constructing the 3CT between Denmans Cove and Fortescue Bay initially (by late 2015), makes no commitment to completing the western half of the 3CT as proposed and has no information on how the shortened walk will operate.

This very substantial change to the 3CT was almost hidden in the Development Application and this is the only public reference to it. Other than noting a completion date for this work, there is no final completion date set for the full

walk and absolutely no detail provided on how this 'half walk' will operate. For example, there is no information on how people will start the walk, how and from where the entry will be managed, or what walkers will be charged for this significantly reduced walk.

This 'half walk' proposal has a number of significant implications that are also not raised or discussed. These include, for example, the presumably reduced income on which ongoing management, including the track and hut infrastructure is dependent.

We can only assume that this 'half walk' option represents what is affordable, but that the government, having promoted the full walk and its benefits, is not prepared to express its concerns about the affordability and its consequences.

Potential additional costs

The DPEMP submitted with the Development Application to the Tasman Council is the same DRAFT DPEMP that was put out for public comment by the PWS in late November 2011. The only new data were architectural drawings for the proposed accommodation complexes and the two jetties, and specifications for public car parking areas, but still no information about viewing platforms and potential safety barriers, or the finishes for the accommodation complex buildings.

The failure to submit information about viewing platforms and potential safety barriers is a very serious omission both in terms of safety and the cost of the project.

Yours sincerely,



Peter McGlone
Director
Tasmanian Conservation Trust
Email: tct6@bigpond.com
Ph: 03 62343552

Attachments

- TCT submission to the Tasman Council, 'DA 39/2012 – Three Capes Track: Track, Accommodation, Gateway and Jetty Construction', 9 July 2012.
- TCT and TNPA letter to Hon Lara Giddings MP, Premier of Tasmania, requesting that the Three Capes Track development be declared a 'Project of State Significance'. 14 February 2012.
- TCT submission to the 'Draft Three Capes Track Development Proposal and Environmental Management Plan', 23 December 2011.



tasmanian conservation trust inc

Andrew Harvey
Parks and Wildlife Service
Department of Primary Industries, Parks, Water and Environment
GPO Box 1751
Hobart TAS 7001

Email: threecapetrack@parks.tas.gov.au

23 December 2011

**Tasmanian Conservation Trust Submission: Three Capes Track Draft
Development Proposal and Environmental Management Plan**

Please find below the Tasmanian Conservation Trust's submission on the Three
Capes Track Draft Development Proposal and Environmental Management
Plan.

Yours sincerely,

Peter McGlone
Director

Tasmanian Conservation Trust Submission: Three Capes Track Draft Development Proposal and Environmental Management Plan

23 December 2011

Abbreviations used in this submission

3CT = Three Capes Track

DPEMP = Three Capes Track Draft Development Proposal and Environmental Management Plan

PWS = Parks and Wildlife Service

DPIPWE = Department of Primary Industries, Parks, Water and Environment

TSPA = Threatened Species Protection Act

EPBC Act = Environment Protection and Biodiversity Conservation Act

WTE = Wedge-tailed eagle

WBSE = White-bellied sea eagle

TCT = Tasmanian Conservation Trust

Note: All recommendations are included in bullet format.

General Comments

Overall recommendation

- The TCT opposes the 3CT in its current form due to unacceptable impacts on the environmental and heritage values of the Tasman National Park. A secondary reason is the failure of the PWS to have done complete assessments and therefore to fully define the impacts of the 3CT.

If the project goes forward we provide recommendations in this submission for amending the project and the DPEMP to avoid or mitigate the environmental and heritage impacts.

In addition to having strong concerns regarding the likely impacts of the 3CT, we are very disappointed regarding the lack of proper assessment of many impacts and the failure to investigate less damaging approaches, in particular alternative track routes.

There are some areas where the impacts have been assessed by consultants and their information and recommendations are not reflected accurately in the DPEMP or are entirely omitted. The TCT should not have too point out to the PWS that if impacts are not identified, or not accurately identified, they cannot possibly be mitigated or managed. Of particular note are the

numerous omissions, distortions and misrepresentations of the threats posed by the 3CT to flora values and these are discussed at length further in our submission.

Consultation process

While we appreciate this opportunity to make comments on the DPEMP, as we appreciate any opportunity to comment on proposals for development in reserves, we are disappointed that this consultation process is totally informal. The process has no statutory basis or formal structure and we do not have confidence that our comments and those of many other members of the public will be listened too. The DPEMP fails to make a commitment that PWS will respond to public concerns or recommendations and actually attempt to address them. The DPEMP does not even state that our submissions will be reviewed, analysed and reported on as would be the case with submissions on a PWS draft reserve management plan.

The DPEMP (Forward, page i) states that it is a requirement of the PWS Reserve Activity Assessment process that the DPEMP be made publicly available for comment but it does not state the reason or purpose for this public comment.

Needless to say we do not have any right of appeal to a tribunal or equivalent as we would have if this was a development being assessed through a local council or by the Tasmanian Environment Protection Authority.

The TCT hopes that the 3CT is determined to be a controlled action under the EPBC Act and therefore some aspects may be formally assessed by the Australian Government. The Australian Government is yet to make a decision in regard to this determination. Without EPBC Act assessment the project will be assessed and approved primarily through the proponent's internal processes and the Tasman Council.

The PWS will require a permit from the Tasman Council under the Land Use Planning and Approvals Act to proceed with the 3CT but the Tasman Council has very limited capacity to assess the range of highly technical issues related to the project, will not assess all aspects of it and they are strong supporters of the project.

Pending a decision by the Australian Government, the PWS may be both the proponent and assessor/regulator for the 3CT (except for a limited role by the Tasman Council) and this lack of independence and objectivity with assessment and regulatory processes is a major concern.

- In an attempt to address some of the problems with the consultation, assessment and regulatory processes, the TCT recommends that the 3CT be made a project of regional significance pursuant to the Land Use Planning and Approvals Act 1993. We urge the PWS to seek a decision from the Minister for Planning to implement this recommendation.

Note that the Minister for Planning may declare a project of regional significance if it:

- has regional planning significance;
- requires high-level assessment; or

- would have a significant environmental impact.

The TCT believe the 3CT fits all three of these criteria.

Business case and economic

Due to time constraints the TCT has not attempted to do a thorough assessment of the economic impacts of the 3CT or a detailed review of the economic impact analysis provided in Appendix K. However, we are concerned regarding the possibility of the business case for the 3CT failing entirely or substantially. A failure of the business case would affect the income from the 3CT and this would have direct implications for PWS's resourcing for maintenance of 3CT infrastructure and protection of environmental and heritage values.

The business case could fail if

- the PWS fail to attract a commercial operator
- the PWS fail to attract a commercial operator with sufficient funds too invest
- the commercial operator withdraws due to lack of financial viability of 3CT
- the total number of users of the 3CT during peak season is significantly less than the number anticipated

The PWS has failed consider these possibilities and the implications for resourcing for maintenance of the 3CT infrastructure and protection of environmental and heritage values.

It is claimed in the DPEMP (page 1) that the 'business case for Three Capes Track is for full cost recovery' and it continues in that section to itemise all elements of PWS's responsibilities that depend on cost recovery. Clearly if the business case fails entirely or income is significantly short of what is predicted, the PWS will have a very costly and environmentally damaging white elephant to manage with their core state government budget.

The key means of funding the cost recovery and therefore funding management of the 3CT is through the 10,000 walkers, anticipated during the operating season, each paying \$200 (DPEMP, page 1). This 10,000 figure is a key assumption. Although we will not attempt to analyse Appendix K, a simple comparison with the Overland Track shows this figure to be greatly optimistic.

For the Overland Track, the PWS charges a \$180 (including GST) track fee per adult during peak season, 1 November to 30 April. This is 10% less than that proposed for the 3CT. The Appendix K report claims the Overland track can attract only 7,050 walkers during the same peak period compared with an anticipated 10,000 for the 3CT (page 13).

- Having just taken a glance at the economics of the 3CT as compared with the Overland Track, the TCT believes that the PWS would be prudent in expecting far less than 10,000 people during the peak season for 3CT and perhaps only a few thousand for the first 3-5 years. The PWS should amend the DPEMP and include a description of various scenarios in terms of numbers of walkers and total annual income and importantly, what this will mean for the ability of the PWS to pay

maintain 3CT infrastructure and protection of environmental and heritage values.

Anti-competitive behaviour

Costing at least \$33 million dollars, the 3CT proposal constitutes the construction by a government institution of a major new tourist attraction including overnight accommodation using majority government funds (75% of the total). This would appear to provide the one commercial operator and the PWS with a government subsidise and an unfair competitive edge over other existing tourist operators in the region.

- The TCT recommends that the DPEMP be amended to incorporate a detailed assessment of whether or not the 3CT provides an unfair competitive advantage and if this constitutes anti-competitive behaviour.

Specific Comments

4.0 Potential Effects and Their Management

Flora

Clearing and conversion of threatened vegetation communities

The DPEMP identifies areas of three threatened vegetation communities will be cleared and converted (page 88). The communities are:

- Eucalyptus globulus dry forest and woodland (DGL)
- Eucalyptus viminalis-Eucalyptus globulus coastal forest and woodland (DVC) and
- Allocasuarina littoralis forest (NAL).

There are serious flaws with how the DPEMP describes the impact of the 3CT on threatened vegetation communities as well as the response to these impacts. The impacts may appear small in terms of the area cleared as a percentage of the total area of each community. But these are threatened vegetation communities and the potential impacts should be dealt with seriously and every effort must be taken to avoid any further loss or even to rehabilitate them. But rather than show such diligence and precaution the DPEMP deals dismissively with the issue.

The area likely to be cleared and converted to make way for the tracks and other infrastructure are described as 'negligible' (page 89), which is in contrast to the more constrained description by the consultant of 'minimal' loss (Appendix 2, page 13).

The DPEMP states that 'the vegetation type is almost completely avoided'. The expression 'almost completely' seem like marketing spin for the 3CT rather than an appropriately objective description of the impacts.

On page 96 of the DPEMP it states that 'It is likely that the route will entirely bypass the Eucalyptus viminalis-Eucalyptus globulus coastal forest and woodland near Remarkable cave'. The expression 'It is likely that the route will

entirely' is not an objective description of the level of impact. Apart from describing the impact objectively, the PWS should simply insist that the route will entirely bypass the community.

On page 96 of the DPEMP it is stated that the impact on *Eucalyptus globulus* dry forest and woodland community will be negligible and the evidence provide to support this includes that construction will 'only involve removal of the understorey species with limited or no tree removal'. The value being impacted is a vegetation community and not just the canopy. The loss of the understorey is a very significant impact that will virtually result in the total clearance of the community at that site.

The TCT believes that the proposal to clear and convert areas of three threatened vegetation communities is unacceptable. The fact it is proposed to occur in a national park (where they should be entirely secure) makes it even more unacceptable.

- The TCT recommends that no threatened vegetation communities be cleared and converted and the project be amended to achieve this.
- In relation to track upgrades, zero clearance can be achieved by not upgrading tracks where they pass through threatened vegetation communities and instead used existing tracks.

The PWS cannot claim that protecting threatened vegetation communities is less important than upgrading a few short sections of track just to ensure 100% uniformity of track standard. Signs can be placed at both ends of the track where it is of a lower standard and walkers can be proud that, through struggling along a few hundreds of metres of rougher track, they are helping to protect a threatened vegetation community. For example, to avoid all clearing of *Allocasuarina littoralis* forest, walkers would only have to suffer 170 metres of rougher track (based on figures provided in the Appendix B).

In relation to new tracks, it is hoped that alternative track routes are feasible which would enable nil or less impact on threatened communities while achieving acceptable impacts on other values. We are greatly disappointed that the PWS appears to have not explored alternative routes and certainly there is no evidence provided in this section of the DPEMP. We cannot at this point provide details of our suggested alternative routes because of time constraints but would be willing to do so prior to the DPEMP being provided to the Tasman Council.

- In relation to new tracks, the TCT recommends that PWS investigate all possible alternative routes which involve nil or less impact on threatened vegetation communities while achieving acceptable impact on other values. We also strongly encourage PWS to work with stakeholders in this investigation.
- We recommend that, if after thorough investigations, no acceptable alternative track routes can be found then the PWS should either not proceed with new sections of tracks or, if proceeding with current proposed routes, that it makes a commitment to acquiring land or other

conservation outcome as off-sets for the proposed loss of these communities.

TSPA listed threatened species: loss of individuals

As proposed, the 3CT will result in the loss or disturbance of an unstated number of individuals of three state listed plant species: *Allocasuarina crassa*, *Stellaria multiflora* and *Cyathodes platystoma* (page 89). The TCT is totally opposed to any destruction of these threatened species for the 3CT.

- The TCT recommends that no identified threatened flora species be destroyed and that this can easily be achieved in regard to track upgrades by retaining existing tracks and in regard to new tracks, that alternative routes be investigated (as per threatened vegetation communities).
- The TCT recommends that, if after thorough investigations, no acceptable alternative track routes can be found then the PWS should either not proceed with new sections of tracks or, if proceeding with current proposed routes, that it makes a commitment to acquiring land or other conservation outcome as off-sets for the proposed loss or disturbance of these species.

Again we note with disappointment that the DPEMP does not even discuss alternative routes with the aim of avoiding destruction of threatened species.

TSPA and EPBC Act listed species: disturbance and loss of potential habitat

The DPEMP identifies five species which are listed on the TSPA and EPBC Act. Of those listed on the EPBC Act one is critically endangered, three endangered and one vulnerable. Three of these are endemic to Tasmania. One species *Euphrasia amphisysepala*, is known only from two populations within the Tasman National Park. Although the project will not directly impact any known populations of these species we still believe that the approach taken is inadequate and lacking the expected cautious approach warranted for such highly threatened species.

The discussion of the likely threats to some of these species and the potential benefit from the track construction is unconvincing and unprofessional.

In relation to *Euphrasia amphisysepala*, the DPEMP (page 90) states that the track construction 'may result in the stimulation of growth from the seed bank' and that *Euphrasia semipicta* (page 90) 'may benefit from track construction'. This possibility is then used to support the conclusion that track construction will not have a detrimental impact on these species. But this is a false conclusion. Both species may or may not benefit from track construction.

Even if the positive and negative impacts are proven to be roughly the same it is false for the DPEMP to claim in relation to *Euphrasia amphisysepala* that 'The track construction is not considered to have a detrimental impact on this species'. There are known impacts on potential habitat of this species.

Another absurd statement regarding these threatened species is that disturbance and loss of potential habitat is somehow excused because the

species faces greater threat from other impacts such as weeds and disease (page 90).

The dismissive approach taken with assessing impact on potential habitat misses the vital point that these species are endangered with extinction and may require active management to expand existing populations which can probably only occur in potential habitat.

- The TCT recommends that there be no disturbance or loss of potential habitats for the identified TSPA and EPBC Act listed species.
- The TCT recommends that this can easily be achieved in regard to track upgrades by using existing tracks. With proposed new tracks alternative routes should be investigated.
- The TCT recommends that, before making final recommendations in relation to possible disturbance or loss of habitat of these species the PWS must carry out in-field studies to test whether these species actually benefit from track construction works.
- The TCT recommends that, if after thorough investigations, no acceptable alternative track routes can be found then the PWS should not proceed with new sections of tracks. If new tracks are to be built and disturbance and loss of potential habitat cannot be totally avoided, then we recommend that a detailed mitigation strategy be developed. The strategy should measure and compare precisely the possible negative and positive impacts and whether there is a net gain for the species. If the mitigation strategy finds there is a negative impact the PWS should make a commitment to acquiring land or other conservation outcome as off-sets for the proposed loss or disturbance of these species.

Phytophthora management plan

The DPEMP provides no specific description of the potential for the project to impact on particular threatened flora species by spreading Phytophthora nor are any specific avoidance or mitigation measures for these impacts.

- The TCT recommends that the DPEMP be amended to describe the potential impacts on particular threatened flora species including potential habitats from the spread of Phytophthora during construction and operation of the 3CT and provide specific avoidance or mitigation measures for these impacts.

On pages 100-101 the DPEMP describes in general terms the recommendations of the Phytophthora management plan (Appendix C) but fails to acknowledge the specific recommendations made in the plan to reroute the track to avoid several priority species including the threatened *Allocasuarina crassa* population on Arthurs Peak to Tornado Ridge track section (page 34). This recommendation was made on the basis that this species is 'Potentially susceptible to Phytophthora (not confirmed in the field)' (page 34).

This recommendation to reroute the track to avoid the threatened *Allocasuarina crassa* population has been ignored by the PWS and this potentially threatens the entire population.

- The TCT strongly recommends the PWS follow the consultant's recommendation and ensure that the population of *Allocasuarina crassa* is avoided.

There has been no assessment of the potential for the project to cause species to become threatened and listed on the EPBC Act as required by the 'Threatened Abatement Plan for die-back caused by the root-rot fungus *P. cinnamomi*' (produced in 2001 by the Australian Government). This is vital to enable the Australian Government to assess the impacts of the 3CT but we also would appreciate seeing this assessment done.

- The TCT recommends the PWS ensure that a further assessment be done to determine the potential for the 3CT to spread *Phytophthora* and cause species to become threatened and listed on the EPBC Act

Fauna

General mitigation

- While the proposal for track work to 'avoid mature trees or those that support hollows' (page 92) is supported we recommend the measure should be broadened to require protection of all trees which are mature or display oldgrowth habitat elements and this could include hollows, fissures, large sheets of bark etc.

Swift parrot

- While we support the proposed mitigation measures for swift parrots regarding avoiding loss of potential habitat and reducing risk of collision, the DPEMP fails to require these measures be incorporated into a CEMP and/or contracts with builders and architects and the TCT recommends that this should be done.

WTE and WBSE

We note that consultant Nick Mooney recommended in relation to eagle nest no. 451 (which is thought to have been lost to natural causes) that it be subject to annual survey to specifically search 'for the replacement nests' (Appendix 5b, page 6). The DPEMP only recommends that the previously used nest be subject to 'annual survey'.

- We recommend that the consultant's recommendation be included as a required element of the annual survey.

The management recommendations for eagles in relation to helicopter use are very good and are generally supported. However, the risk during the operational stage is greater than that described. For example it is stated on page 105 that 'helicopter flights associated with operation of the Three Capes Track are likely to be infrequent' but the DPEMP fails to identify the additional risk from these flights continuing each year for the life of the project. There is also potential over the life of the project for pilots to take added risks as supervision is not likely to be as effectively as during the construction phase.

- The DPEMP should be amended to appropriately identify the risks from helicopters to eagles during the operational phase of the 3CT and that specific recommendations be included to ensure supervision of pilots each year for the life of the project. These recommendations should be included in the list of commitments in section 6 of the DPEMP.

Marine species

While the recommendations to avoid or mitigate impacts on marine species during construction of jetties or pontoons are very good and we support them. The major problem will be ensuring there are appropriate resources (which mainly means providing a qualified marine observer) committed at the time required and for as long as is required.

- We recommend that the PWS provide a commitment that the observer will be provided for all periods of construction and this be included in the list of commitments in section 6 of the DPEMP.

Aboriginal heritage

It is important to note that on 23 December 2010 the Aboriginal Tasmanian community issued a ban on all surveys for Aboriginal heritage. This ban was instigated as a result of the Tasmanian Government's lack of regard for Tasmanian Aboriginal cultural heritage and the values they hold for the Aboriginal community. Due to this ban, much information relating to areas of Aboriginal Cultural Heritage in areas of the proposed 3CT is not available.

It has been clearly identified in the *entura* survey report that the 3CT development will impact on Aboriginal heritage values. There are known aboriginal heritage values in the area and these need to be thoroughly surveyed as soon as is possible following the lifting of the moratorium.

- The TCT strongly supports the recommendations outlined in the *entura* report and further recommends that no track development go ahead until proper surveying of the area is carried out and advice is sought from the Aboriginal community in relation to track construction and community concerns. Any proposed tracks that are going to impact on Aboriginal heritage sites should be routed away from the site and that a substantial buffer zone be placed around the site to ensure that track construction and associated construction works do not impact on the artefacts. Best practice requires the full protection of Aboriginal heritage and the promotion of sites of Aboriginal significance only where deemed acceptable by the Aboriginal community.

Without adequate information about the location of Aboriginal Cultural Heritage sites, it is unconscionable for the proposed 3CT to be constructed.

5.0 Monitoring and Review

PWS resources

While we are very impressed at the biodiversity monitoring programs which are recommended these will require a great amount of resources to implement effectively. These are very important and time critical programs, especially monitoring compliance mitigation measures.

- The TCT recommends the PWS make a firm commitment (including adding it as a commitment in Section six of the DPEMP) to providing the personnel and other resources to ensure the mitigation and other monitoring will be completed when required and to a satisfactory level. Where specialists from other Divisions of DPIWE are required a commitment should also be provided in the DPEMP from those Divisions.

Monitoring of commercial operators

There is no specific mention of monitoring by PWS of commercial operators of the 3CT.

- We recommend amendment of the DPEMP to include a specific section on how commercial operators of the 3CT will be monitored by PWS and that this be included as a commitment in Section six of the DPEMP.

Monitoring Aboriginal heritage

The statement in the DPEMP regarding Aboriginal heritage survey is totally unsatisfactory and an embarrassment to the PWS. The DPEMP states (page 153-154) that 'If the opportunity arises the PWS within timelines may seek to complete the on-ground survey for those high risk areas identified from the predictive Aboriginal heritage modeling undertaken.' A commitment to Aboriginal heritage survey of high risk sites is an absolute minimum and the statement in the DPEMP must be changed to reflect this.

Clear and measurable recommendations

The wording of many monitoring and review recommendations are vague or too general and this may result in actual programs not being done properly or not appropriately resourced. It is also unlikely that the Tasman Council or Australian Government will be satisfied with such lack of details or precision. For example, the statement regarding annual WTE surveys says it should include suitable control sites but not that there should be an appropriate sample size of control sites.

- Section five should be reworded to ensure a detailed and precise outline of all monitoring programs including clear and measurable performance criteria. These will then be transferred to more detailed and measurable commitments in Section Six.

Level of commitment to compliance

It is proposed that compliance in relation to contractors, builders and architects include withholding of funds in contracts but this is not sufficient.

- We recommend contracts include additional sanctions such as revocation of contracts or parts of contracts and/or prosecution for serious offences.
- We recommend that this section of the DPEMP should state PWS's commitment (including the provision of resources) to compliance checking, enforcement and prosecution of contractors involved in the construction of the project, commercial operators and walkers.

- The DPEMP identifies the CEMPs as the main instrument for project controls but this is developed, approved and monitored only by PWS and we can see the need for external involvement in project control.

6.0 Commitments

The wording of many commitments is too vague or general to allow for accurate compliance checks or too ensure that programs are being done effectively. It is also unlikely that the Tasman Council or Australian Government will be satisfied with such lack of precision.

- The TCT recommends that all commitments are stated with the appropriate detail and precision and include clear and measurable performance criteria.



tasmanian conservation trust inc



Hon Lara Giddings MP
Premier of Tasmania
C/- Parliament House
Hobart Tas 7000

14th February 2012

Dear Premier,

Three Capes Track Project

The Tasmanian Conservation Trust (TCT) and Tasmanian National Parks Association (TNPA) write to formally request that you urgently take action to have the Three Capes Track (3CT) development proposed in the Tasman National Park declared a 'Project of State Significance' under the *State Policies and Projects Act 1993*.

The 3CT project is currently subject to the Parks & Wildlife Service (PWS) internal assessment process and, if approved, will require a planning permit from the Tasman Council. The project is a significant development and is regarded as having regional and statewide importance in terms of tourism promotion and revenue. The outcome of the assessment process will have significant implications locally, and more broadly in terms of the management of national parks in Tasmania.

Given the scale of the project and the significant ramifications for reserves management throughout the State, it is our strong view that the 3CT development requires greater integrated and more independent scrutiny. For all the reasons set out below, we believe that the project is eligible for, and warrants, declaration as a Project of State Significance (**PoSS**).

The public comment period in relation to the Development Proposal and Environmental Management Plan (**DPEMP**) for the 3CT proposal closed on 23rd December 2011 and we anticipate a decision from PWS regarding the project very soon. Therefore, we request that you act urgently to ensure that the proposal is declared a PoSS and its potential impacts are subject to the most rigorous assessment.

Project of State Significance

Section 16 of the *State Policies and Projects Act 1993* provides that a project will be eligible to be a PoSS if it possesses at least two of the following attributes:

- (a) significant capital investment;
- (b) significant contribution to the State's economic development;
- (c) significant consequential economic impacts;
- (d) significant potential contribution to Australia's balance of payments;
- (e) significant impact on the environment;
- (f) complex technical processes and engineering designs;
- (g) significant infrastructure requirements.

We consider that the 3CT project possesses at least three of those criteria, given the significant infrastructure requirements intended to support the recreational facilities, significant environmental impacts and the potential direct and indirect economic benefits that are being used to justify the proposal. In particular:

Significant contribution to the State's economic development and consequential economic impacts

PWS reports have consistently justified the 3CT project on the basis that it will bring significant revenue to Tasmania through 'nature based tourism'. The Tourism Industry Council of Tasmania recently described the proposed 3CT development as "the most significant tourism infrastructure development on the drawing board in Tasmania" (cited in *The Mercury* 11/1/2012).

As outlined below, we dispute the scale of economic returns projected to flow from the 3CT development. However, we acknowledge that a well promoted tourism walk on the Tasman Peninsula can have major economic benefit to the state.

Significant impact on the environment

Tasman National Park is reserved on the basis of its outstanding natural and cultural values, and is required to be managed to protect and promote those values. The scale of the proposed 3CT, which will extend throughout the length of the park, including currently undisturbed areas, and intensify damage at already disturbed sites, will have significant environmental impacts.

The DPEMP highlights some significant environmental risks associated with the proposal, such as:

- Impacts on Aboriginal sites;
- impacts on threatened eagle species (including White Bellied Sea Eagles and Tasmanian Wedge-Tailed Eagles);
- Adverse impacts on wilderness values;
- Damage to rare and threatened plant species (including the nationally listed orchid species, *Prasophyllum apoxychilum* and *P. castaneum*); and

- Potential spread of *Phytophthora cinnamomi* throughout large areas of the Park.

The DPMP also ignores or underestimates other potentially significant impacts (e.g. Aboriginal community heritage values, impacts on the landscape and heritage values of Port Arthur). A number of detailed design and management matters have not been addressed in publicly available documentation¹, which also make it extremely difficult to fully assess the environmental impacts.

Given the elevated conservation values of a National Park, it is imperative that all potential environmental risks are adequately identified and assessed. Further details regarding our concerns associated with the proposed development are outlined in the attached submissions.

Significant infrastructure requirements

The 3CT proposal is by far the largest development in a National Park in Tasmania (and Australia) away from a road head or other mechanised access route. Infrastructure requirements for the proposal include a large commercial facility, nine large huts, two jetties, a number of new access roads, car parks, toilets and over 60km of maintained pedestrian tracks with highly engineered lookouts and viewing points.

Need for comprehensive, independent assessment

Objective assessment

TCT and TNPA have concerns regarding the probity of the current internal assessment process. PWS remains an active proponent of the 3CT project, compromising its ability to objectively assess the proposal or to regulate its implementation if it was to be approved. We believe that it is entirely inappropriate for a project of this scale and impact, involving a considerable investment of public funds, to not be subject to rigorous, independent assessment.

If it decides to proceed with the 3CT proposal, PWS will require a permit under the *Tasman Planning Scheme 1979*. Reliance on this process as a rigorous, independent review of the project is misguided as:

- The *Tasman Planning Scheme 1979* is outdated and provides negligible capacity for Tasman Council to assess issues such as impacts on natural and cultural values in the National Park;
- Tasman Council is under-resourced and lacks internal expertise to review the range of highly technical issues related to the project;
- Tasman Councillors have been heavily lobbied by PWS over the last 4 years and have indicated strong support for the project (prior to any detailed application being received).

¹ Significant issues currently left un-resolved include the design (including height and finish) of the accommodation buildings; their actual location; the final size of the Bushfire Protection Zones; the design of the jetty/pontoon at Denmans Cove; the need to use private property in the Maignon Creek area to bypass an eagle's nest and a professional visual impact assessment (which may have implications for the values of the World Heritage listed Port Arthur Historic Site).

Assessment by the Tasmanian Planning Commission under the PoSS process would allow for a rigorous, objective and transparent overview of the various issues associated with the 3CT proposal.

Economic benefits not substantiated

We believe that economic projections of benefits of the 3CT for the regional economy are, at best, optimistic and, at worst, substantially incorrect. For example,

- Estimates are based on 10,000 walkers using the track annually, yet there has been no analysis to indicate that level of participation. The assumption that the proposed 3CT will be equally or more popular than the Overland Track remains unsubstantiated.²
- The economic modelling in the KMPG assessment assumes an additional annual increase in visitor numbers to the Tasman region of between 3–5% above normal growth of recent years, despite data indicating that the introduction of fees often leads to a reduction in visitor numbers.³

Given the level of public investment proposed for the 3CT, we believe that it is essential that the alleged economic benefits of the project are rigorously assessed by an independent body. Such an assessment should not be undertaken internally by the proponent, and is outside the scope of issues that Tasman Council could consider. Assessment of the 3CT project as a PoSS would provide an opportunity for greater scrutiny of claims regarding the economic benefit of the project.

Community concern

The 3CT project is of considerable community interest, and the PoSS process provides the most appropriate forum in which to encourage public participation in the assessment of potential impacts.

The review of the revised *Draft Tasman National Park Management Plan* (to enable the 3CT development) by the Resource Planning and Development Commission in 2008 attracted an unprecedented 246 submissions. Of those submissions, 209 were specifically opposed to the proposal and only 8 gave unqualified support for the proposal.

The TNPA has received some 747 postcards and an additional 270 online petitions (with some, but not significant, overlap) from Tasmanians, a significant number of interstate visitors, and international visitors opposing the current proposed Three Capes Track development on the basis of its large scale and high environmental costs, and calling on the Minister to consider more environmentally sensitive options.

² Just 7050 people paid to walk the Overland Track during the period November 2006 to April 2007 (the latest figures available), even though up to 10,000 are permitted. This is despite the Overland Track being in existence for over sixty years and being heavily marketed as a world-class wilderness walk for many years. This calls into question the PWS claim that the Three Capes Track will attract 10,000 walkers paying a \$200 fee (a higher fee than the Overland Track) during the same time period.

³ The PWS figures indicate that compared to 2004–05, visitor numbers to the Cradle Mountain region actually decreased by around 7% following the introduction of fees for the Overland Track, and by 2007–08 visitor numbers were still down by 4%.

Consideration of alternatives

A range of existing studies consistently indicate that long multi-day walks, such as the 3CT, are not what tourists are seeking. For example:

- The 2006 study by Planning for People (J. Mackay 2006) which is the scoping study on which the proposed Three Capes Track development is based⁴;
- The 1995 government inter-agency feasibility study of long distance walking tracks on the Tasman Peninsula (2001 Tasman NP Management Plan, p 45)⁵.
- The findings from major current popular walks such as the Great Ocean Walk in Victoria.

These studies clearly indicate a preference for shorter, less structured walks.

TNPA and TCT maintain that a high impact, multi-day walk such as the 3CT is not the best option for increasing visitor number or enhancing tourism experiences on the Tasman Peninsula. Instead, efforts to improve the over 35 existing day / overnight walks and a holistic marketing strategy for the region would reap similar economic benefits with considerably less impact, less capital investment and lower ongoing maintenance costs. We enclose a copy of the TNPA's proposed alternative – *The Great Tasmanian Coastal Experience* – for your consideration.

The current assessment by PWS has neglected to address this or other alternative proposals to the 3CT development, all of which have been projected to have better economic and environmental outcomes. Assessment of the project as a PoSS should require viable alternatives to be given substantive consideration.

Integrated Assessment Guidelines

For all the reasons outlined above, the TCT and TNPA encourage you to seek a declaration of the proposed Three Capes Track project as a PoSS, and to ensure that the following matters are considered in any Integrated Assessment of the project:

- Comprehensive review of the economic, environmental and social aspects (both benefits and cost), including at the regional and state level.
- The history of the Three Capes Track proposal, together with prior information and assessments; and early public representations
- Long term business planning, including commercial opportunities.
- Long term management, including rehabilitation in the event the proposal fails to be self-supporting economically.

⁴ This study in fact recommended a short overnight walk catering for small groups, and that allowed synergistic integration with other tourism opportunities on the Tasman Peninsula.

⁵ Relevant findings being that – 1. there is a lack of current demand and a need for greater research in determining future use levels; 2. the cost of infrastructure development for the trail would be very high; and 3. there may be significant environmental impacts associated with increased use in areas currently with low levels of use'.

- The ability of the PWS to manage the high level of environmental risk engendered by the current proposal.
- The suitability of the current Three Capes Track proposal as compared with other options, including the TNPA's *Great Tasmanian Coastal Experience* alternative or something along similar lines developed in consultation with the relevant stakeholders.
- Accurate assessments of current and aspirational walker and nature-based tourism interests and aspirations and environmental concerns.

We look forward to your consideration of our request and to a favourable response.

We are happy to meet with you to discuss this matter further if required. Please direct communication to both organisations.

Yours sincerely,



Peter McGlone
Director
Tasmanian Conservation Trust
Second Floor, 191 Liverpool St, Hobart 7000
Email: tct6@bigpond.com
Phone: 03 6234 3552 and 0406 380 535



Robert Campbell
President
Tasmanian National Parks Association
GPO Box 2188, Hobart Tasmania 7001
Email: admin@tnpa.asn.au
Phone: 0427 854 684

Enclosed:

- TCT submission to the 'Draft Three Capes Track Development Proposal and Environmental Management Plan', 23 December 2011.
- TNPA submission to the 'Draft Three Capes Track Development Proposal and Environmental Management Plan', 23 December 2011.
- TNPA's submission on the 'Tasman National Park and Reserves Draft Management Plan 2008', 11 March 2008.
- Great Tasman Coastal Experience, TNPA Report, August 2011.

cc:

- Hon Brian Wightman MP, Tasmanian Minister for Environment, Parks and Heritage.
- Hon Tony Burke MP, Australian Government Minister for Sustainability, Environment, Water, Population and Communities.
- Hon Anthony Albanese MP, Australian Government Minister for Infrastructure and Transport.



tasmanian conservation trust inc

9 July 2012

General Manager
Tasman Council
1713 Main Road
Nubeena Tas 7184

Email: tasman@tasman.tas.gov.au

DA 39/2012 – Three Capes Track: Track, Accommodation, Gateway and Jetty Construction

Please find attached the Tasmanian Conservation Trust submission to the Tasman Council in relation to DA 39/2012 – Three Capes Track: Track, Accommodation, Gateway and Jetty Construction.

Please note that the TCT's submission is composed on three parts:

1. Three Capes Track project should be made a 'Project of State Significance'.
2. Key concerns for the Tasman Council and Tasman community.
3. Specific comments regarding the Development Application DA 39/2012 and Tasman Planning Scheme, council policies and Tasmanian government policies.

Many of our substantial arguments are contained in two previously produced documents which are attached.

Yours sincerely,

Peter McGlone
Director
Tasmanian Conservation Trust
Second Floor, 191 Liverpool St, Hobart 7000
Email: tct6@bigpond.com
Phone: 03 6234 3552 and 0406 380 535

**Tasmanian Conservation Trust Submission to the Tasman Council in
relation to DA 39/2012 – Three Capes Track: Track,
Accommodation, Gateway and Jetty Construction**

9 July 2012

**1. THREE CAPES TRACK PROJECT SHOULD BE MADE A 'PROJECT OF STATE
SIGNIFICANCE'**

Tasmanian Conservation Trust is opposed to the Three Capes Track proposal in its current form but believes that a major new walking track development on the Tasman Peninsula may be acceptable if appropriately planned and assessed.

In February 2012 the Tasmanian Conservation Trust (TCT) and the Tasmanian National Parks Association (TNPA) wrote to the Premier Hon Lara Giddings, formally requesting that the Three Capes Track (3CT) proposal be declared a 'Project of State Significance' (PoSS) under the State Policies and Projects Act 1993.

Further details of our concerns regarding the 3CT project and justification for it being made a PoSS are contained in the TCT and TNPA's combined letter to the Premier dated 14 February 2012 (see Attachment 1) and the TCT's submission to the DPEMP (see Attachment 2).

RECOMMENDATION:

The TCT urges the Tasman Council to:

- reject the current 3CT development proposal for the reasons articulated below and in the attached documents; and
- address our concerns by either:
 - o supporting the TCT and TNPA's recommendation that the 3CT be declared a Project of State Significance; or
 - o urging the state government to identify other appropriate mechanisms for addressing our concerns.

In this submission the TCT summarises its key concerns regarding the 3CT while emphasising some points which appear most relevant to the Tasman Council and the local Tasman community.

1.1. The Parks and Wildlife Service (PWS) is the proponent for the 3CT as well as being the assessor and regulator and this raises serious issues of probity and has contributed to the assessment being sub-standard.

The 3CT is currently being assessed and may be approved and regulated largely by the proponent, the PWS. The Australian Government and the Tasman Council have a limited role and neither is required to look at the project in its entirety. The Australian Government found that the 3CT was not a controlled action (falsely in our view) and in doing so never actually triggered a full assessment of the project under the EPBC Act.

In November 2011 the PWS released the draft 3CT Development Plan and Environmental Management Plan (DPEMP) for public comment but they have no legal or policy obligation to even attempt to address concerns raised in public submissions. The evidence to date is they have ignored all significant public concerns. The TCT has received no feedback from the PWS in response our submission.

This lack of independence in the assessment, approval and regulation of a major development is an important matter of probity and should be a great concern for the state government and Tasman Council. The lack of comprehensive independent oversight of the 3CT proposal has also contributed to a sub-standard assessment i.e. many of the assessments have not been done, are incomplete or are inadequate (see next point for details).

1.2. The 3CT, as currently proposed, will cause unacceptable environmental and heritage impacts and many of the assessments have not been done, are incomplete or are inadequate.

The environment and heritage impacts of 3CT include:

- Clearing of native vegetation for construction of 40km of new tracks as well as for widening and re-routing 20km of existing tracks.
- Clearing of native vegetation for 9 accommodation huts plus other infrastructure (which amounts to 9 small villages).
- A total area of vegetation clearing of which is equivalent to 290 house blocks.
- Vegetation clearing will include the destruction of patches of 3 threatened forest communities and populations of 3 state listed threatened plant species.
- An increase in the numbers of walkers and construction of tracks into currently untracked areas, that will greatly increase the risk of Phytophthora being introduced into vulnerable vegetation, including 5 state and nationally listed threatened plant species;
- An increase in the numbers of walkers and construction of tracks into currently untracked areas, that will greatly increase the risk of disturbance to 17 nests for the threatened wedge-tailed eagle and white-bellied sea;
- Diminish the wilderness quality of the Tasman National Park by construction of tracks into currently untracked areas with high wilderness value;
- Destruction or damage of Aboriginal sites and other values;
- Visual impact on the Port Arthur World Heritage site.

The TCT and others have made suggestions for re-routing the track and altering other aspects of the proposal to mitigate or avoid some of these impacts but the PWS has been totally unwilling to alter its proposal in response to public comment.

The PWS has made numerous assurances regarding managing the impacts of the 3CT, e.g. preventing the spread of Phytophthora or limiting impact of walkers and aircraft on eagles, but we believe they are over confident of their capacity and serious impacts will inevitably result.

Limitations of the PWS assessments include:

- No assessment of Aboriginal heritage impacts by the Tasmanian Aboriginal community#;
- No assessment of impacts on wilderness values of Tasman National Park;
- No attempt to incorporate into the design of the 3CT an assessment of risk to walkers;
- Failure to define the cladding and colour of the accommodation huts and bushfire protection zone around them, which makes a full visual assessment of them impossible;
- An incomplete business case or economic analysis (further details below);
- An inadequate assessment of the visual impacts of the 3CT on the World Heritage listed Port Arthur Historic Site.

Note: The PWS has determined that the 3CT will have impacts on Aboriginal heritage (on the basis of a study by non-Aboriginal heritage consultants) but has not had an assessment done by the Tasmanian Aboriginal community (as was recommended by the PWS consultant) as to whether the impacts are acceptable or not.

1.3. That a comprehensive business case or financial justification for the 3CT has not been done, in particular that there is no justification for the claim that 10,000 walkers will use the track each year.

Financial justification for the 3CT

It is extraordinary that such a major development – proposed to be built in a national park, with very significant environmental impacts and 75% funded by the tax-payers – has never been subject to a full business case which tests the assumption that the 3CT will attract 10,000 walkers per year or even that the number attracted would cover the cost of maintenance.

To date there has been no attempt by the PWS or any one else to substantiate the claim that the Three Capes Track will attract 10,000 walkers each season (November to April). In summary, the PWS does not know whether the 3CT track will earn more than the running costs and have significant flow-on benefits or if it will become a white elephant dependent upon state government funding indefinitely.

The PWS has had consultants do subjective and disputable research which shows a high interest from some walkers in a 3CT-like walk. But this research has not attempted to measure, and nor can the results be interpreted to measure, the likely numbers who would actually use the 3CT.

The 10,000 figure is the same number as the maximum number of walkers which are permitted to walk the Overland Track each year during the peak November to April period. In recent years the Overland Track has attracted between 7000 and 8000 walkers per year and has never reached the maximum of 10,000 since track fees were introduced. This is despite it having a deserved international reputation, receiving massive promotion and having a history of 50 plus years as a great walking destination.

The PWS's claim that 3CT can attract more walkers than the Overland Track is an unsubstantiated and wildly optimistic assumption and it will probably attract much less.

The Tasman Council should ensure that all major investment of tax-payer funds by state government agencies is done in a way that provides the maximum financial return.

This failure of the PWS to objectively measure the likely demand for the 3CT puts in doubt all other claims regarding the direct and indirect income from the project. If, as well expect, the demand is substantially lower than the anticipated 10,000 walkers, the 3CT may fail to operate on a full cost recovery basis, as is planned. If this happens, the state government will either have to allocate funds for operating and maintenance costs or let the track and associated infrastructure to run down, lose value and potentially cause environmental damage. Low demand may cause the commercial operator to abandon the commercial component of the 3CT and the state government would have to maintain their accommodation huts and other infrastructure as well.

3CT construction cost

The 3CT work done to date indicates that the total project cost will be far in excess of the previously budgeted cost of \$33 million. Our estimation, based on publicly available figures for the Cape Huay Track upgrade, is that the total budget will be at least \$40 million. This additional \$7 million dollars will be presumably be requested by the PWS in next years state budget at a time when all agencies should be maintaining or cutting budgets.

2. KEY CONCERNS FOR THE TASMAN COUNCIL AND TASMAN COMMUNITY

Key information missing

Given the many serious impacts of the 3CT on the environmental and cultural heritage of the Tasman National Park, most of which are admitted to by the proponent, the failure of the proponent to consider alternatives or amendments to the project and the inadequate, incomplete or entirely absent assessments of many impacts, we strongly urge the Tasman Council to reject the current application.

Provision of appropriate and accurate information is a basic requirement for the Tasman Council to meet its responsibilities under the Tasman Planning Scheme and to be consistent with the objectives of the Tasmanian Resource Management and Planning System. The Tasman Council cannot know if the current 3CT development proposal is sustainable if important information is absent or assessments have not been done completely or correctly?

RECOMMENDATION: We urge the Tasman Council to support the recommendation by the TCT and TNPA to make the 3CT a Project of State Significance or another appropriate assessment process. If the Council does not support an alternative assessment process, we urge it to at least require the proponent to provide all appropriate information regarding the development (as listed in Section 1.3 of this submission) so that Tasman Council can properly assess the development application.

Risk assessment not done

We believe the Tasman Council should be particularly concerned regarding the failure of the PWS to have done any risk assessment in regard to the use of the 3CT by walkers and that the design and layout of the track has not incorporated any assessment of the risk to walkers and others users of the track. The Council should be horrified to know that all risk assessment and hazard mitigation or protection measures will be done after the project is finalised and all approvals are obtained.

Please note that we could find no mention of hazard management in the Development Application or the DPEMP. Given that the key attractions that walkers are being encouraged to visit are three very dangerous 'Capes' we thought the PWS would have done a risk assessment upfront rather than attempt to retro fit the project. In addition to the obvious risk of people falling at these capes, there is the unacknowledged visual, environmental and economic impact of the likely safety measures which will be required e.g. safety rails and viewing platforms.

Risk to Tasman Council of reduced numbers

If, as we expect, the demand for the 3CT is substantially lower than the anticipated 10,000 walkers, the 3CT may fail to operate on a full cost recovery basis, as is planned. As well as the likely financial impact this will have upon the PWS budget there may be financial implications for the Tasman Council. If the 3CT fails financially, the state government may wish to close or hand over to the Tasman Council some infrastructure such as toilets, car parks and roads.

The TCT is hopeful that a better planned major track development on the Tasman Peninsula is possible and can ensure these matters are addressed and unnecessary financial burdens on the PWS and Council can be avoided. This will also deliver a better outcome for the local tourism industry and community.

Road traffic

We note that the PWS has not undertaken any detailed studies of the likely impacts of the 3CT development on road traffic and relies to a great degree in its development application on a Tasman Council consultant report 'Road Safety Review, White Beach Road-Noyes Road and Stormlea Road for Proposed Three Capes Walking Track Development' by M Prodanovic.

We note that the Prodanovic study was not provided to us for consideration as a part of this development application or with the DPEMP. The PWS analysis of the Prodanovic report contained in the development application is simplistic and inadequate. We would greatly appreciate being able to review the Prodanovic report and provide additional comments regarding road traffic.

3. SPECIFIC COMMENTS REGARDING THE DEVELOPMENT APPLICATION AND TASMAN PLANNING SCHEME, COUNCIL POLICIES AND TASMANIAN GOVERNMENT POLICIES

5.2 Tasman Planning Scheme

5.2.1 Tenor of the Planning Scheme

Goal 1 – Contrary to the assessment by the PWS, the TCT believes that the 3CT proposal fails to sufficiently address Goal 1 of the Tasman Planning Scheme, particularly in regard to natural environment. In support of this claim we cite the list of impacts listed above in section 1 of this submission and further details included in the TCT submission to the DPEMP (Attachment 2).

As articulated in the TCT's submission on the DPEMP, some of these impacts could be avoided, but the PWS has failed to consider such changes: e.g. considering new track designs or dropping sections, re-routing of short sections of the proposed track, avoiding track widening for short sections.

We note that this Goal fails to acknowledge Aboriginal heritage.

Goal 2 – In relation to Goal 2 of the Tasman Planning Scheme, we believe that the proponent has not properly assessed the likely economic impacts of the 3CT, many of the claims regarding likely benefits are probably exaggerated and there is a possibility that the project may fail and be an economic drain.

The Tasman Council should ensure that the proponent carries out a comprehensive and independent assessment of the likely economic costs and benefits of the 3CT, with particular reference to measuring the number of walker who are likely to use it each year (as discussed in further detail in section 1 of this submission).

5.2.2 Reservation of land – Restrictions on reservations

Contrary to claims by the PWS the Development Application does not adequately address the management objectives for national parks or state reserves. As notes in section 1 of this submission and in the attached submission on the DPEMP, there are many significant impacts on the natural and cultural values of these reserves and these are unacceptable.

5.2.3 Relevant provisions within General Provisions (Part 7)

The proponent fails to define what building materials and colours will be used for the accommodation huts and this seriously limits its ability to assess the potential visual impacts of the development.

5.3.2 Tasman Tourism Development Strategy

As states in response to Goal 2 of the Tasman Planning Scheme, the TCT believes that the proponent has not properly assessed the likely economic impacts of the 3CT, many of the claims regarding likely benefits are probably exaggerated and there is a possibility that the project may fail and be an economic drain. While we have not read the Tasman Tourism Development Strategy, we would assume that it would require that any major tourism investment would aim to maximize economic development and be based upon objective market research.

The Tasman Council should ensure that the proponent carries out a comprehensive and independent assessment of the likely economic costs and benefits of the 3CT, with particular reference to measuring the number of walker who are likely to use it each year (as discussed in further detail in section 1 of this submission).

5.4.2 State Coastal policy

Due to time constraints we have not been able to test the 3CT against each of the principles and objectives of the State Government Policy. However, given the long list of concerns we have articulated throughout this submission and in the attached submission to the DPEMP, we believe the 3CT cannot be fully compliant with the policy.