

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



23 December 2011

Dear Andrew,

Re: Draft Three Capes Track Development Proposal and Environmental Management Plan 2011

Please find attached a representation by the Tasmanian National Parks Association (TNPA) in relation to the Draft Development Proposal and Environmental Management Plan (DPEMP) for the Three Capes Track which is proposed to be built within the Tasman National Park.

Launched in September 2001, the TNPA is a non-profit, non-government organization which gives the public a voice on issues that affect Tasmania's National Parks and other conservation reserves. Like similar associations in other Australian States, the TNPA provides a link between the community, park policy makers and other government and non-government organisations to identify and address issues concerning the ongoing management of Tasmania's reserve system and other areas of high conservation status. Further information about the TNPA can be found at www.tnpa.asn.au.

The TNPA has had a number of concerns about this proposed development since it was initially proposed (2007 Feasibility Study), largely in relation to the very large scale of the infrastructure proposed within natural areas of a National Park, the potential environmental impacts due to the extensive nature and location of the track as a coastal margin 'ring', and the dependence on helicopters to construct and service the development; but also because there is good evidence to demonstrate that longer walks of this type are not what people prefer, and we believe the potential economic benefits have been overstated. The TNPA has put forward two alternatives which we believe would have significantly less environmental impact, would provide a more natural walker experience and a better coastal views, and would provide greater economic benefit to the Tasman Peninsula community. The Tasmanian government has refused to consider these options.

As outlined in our submission, the TNPA argues strongly that you cannot place the level of infrastructure such as being proposed within a National Park without degrading, or putting significantly at risk, the conservation values that the park was set aside to protect. In this regard, the TNPA argues that the proposed development is contrary to the primary management objectives for a National Park as outlined in the National Parks and Reserves Management Act 2002.

The TNPA also notes the considerable community opposition to the Three Capes Track proposal. For example, of the 248 representations were received on the draft changes to the Tasman National Park Management Plan, the vast majority (210) were opposed to the Three Capes Track and to changing the Tasman National Park MP to allow track to proceed. Of the 38 respondents who did not declare opposition to the Three Capes Track, only eight respondents gave unqualified support for the proposal, while another nine respondents gave qualified support for the proposal. We also note that around 270 people have signed the petition against the proposal on our website, and we have received (and mostly forwarded to the Minister) almost 700 postcards signed by Tasmanians and interstate visitors objecting to the present Three Capes Track proposal and asking for an alternative to be considered.

The TNPA is also concerned about a number of deficiencies in the DPEMP. There are several issues which have not yet been finalised and we believe that the release of the DPEMP for public comment should have been delayed until these issues were resolved. The lack of detail on critical issues includes: i) the design details for all the huts, ii) the final size of the Bushfire Protections Zones, and iii) the design of the jetty/pontoon at Denmans Cove. The TNPA also believes that there has been insufficient analysis of visual impacts and of the impacts of 10,000 people per summer plus incidental traffic (and the level and nature of this incidental traffic). Finally, some critical matters have been left open ended – in particular the need to use private property (not yet guaranteed) in the Maignon Creek area to bypass the eagle’s nest. These issues are non-trivial and as such it is unreasonable to expect the public to adequately assess the nature of the associated impacts without this detailed information.

Finally, the TNPA notes that the DPEMP consists of a main document of 167 pages together with 13 Appendices consisting of an additional 1250 pages. In total the DPEMP comprises in excess of 1400 pages. While the TNPA welcomes the comprehensive nature of the information being made available (despite the deficiencies noted previously), given the large volume of information to read, comprehend and research the period given to public comment was in comparison quite short. This period also coincided with the busy period leading up to Christmas. While volunteer community groups such as the TNPA found it difficult to read and comment on all the material comprising the DPEMP in the limited time available, we gather individuals would have found this task almost impossible. Despite writing to the Minister seeking an extension to the period available for public comment no such extension was granted. As such, as a matter of record the TNPA wants it noted that the time made available for reviewing and commenting on the large amount of material in the DPEMP was totally inadequate.

Given these concerns, and numerous others provided in the attached submission, the TNPA requests that the Parks and Wildlife Service reject the present proposal and initiate a series of consultations with community stakeholder groups in order to develop a proposal that will both offer greater protection to the conservation values of the Tasman National Park and provide greater economic benefits to the Tasman community. In this regard we believe that the TNPA’s alternative proposal, the Great Tasman Coastal Experience, provides a guide for achieving this balance (see pamphlet included in submission).

The TNPA is happy to meet with the Department to discuss this matter further if required.

Yours sincerely,

A handwritten signature in black ink that reads "R Campbell". The signature is written in a cursive, slightly slanted style.

Dr. Robert Campbell

**President
Tasmanian National Parks Association**

**DRAFT DEVELOPMENT PROPOSAL AND ENVIRONMENTAL MANAGEMENT PLAN:
THREE CAPES TRACK PROPOSAL, TASMAN NATIONAL PARK
- IDENTIFIED ISSUES**

Tasmanian National Parks Association

23 December 2011

Tasman National Park is one of the gems in the Australian national park system; it represents a largely unmodified coastal wildland. NPT members are frequent visitors to the area, which is a unique and accessible landscape of considerable photographic interest. The of 'villages' of modern buildings serviced by helicopters would run counter to the experience that can otherwise be had in this intact coastal wildland. NPT values the park for its wildness – few areas of such spectacular coastline remain unaltered in temperate Australia; we should be safeguarding those special attributes, not promoting developments that are inimical to the values we have come to expect from our national park system. (Nature Photographers Tasmania, response to questionnaire, quoted in Three Capes Track, Social Impacts and Values, TRC, July 2011)

A. SPECIFIC ISSUES

Inappropriate Size of Development for a National Park

The TNPA notes that the DPEMP consists of a main document of 167 pages together with 13 Appendices comprising an additional 1250 pages. In total the DPEMP comprises in excess of 1400 pages. While the TNPA notes the apparent comprehensiveness of these documents, the large amount of work that has been undertaken underlies the fact that this is indeed a project of substantial size. It is no little walking track through a park but instead a major commercial sized development.

This is reinforced by the fact that the DPEMP acknowledges the direct footprint of the proposal (associated with the extensive clearance of vegetation for the track, 9 overnight nodes, heli-pads, toilets and viewing platforms) is around 17.6 ha. Assuming an average suburban house block of around 600 m², this means that the proposal will have a footprint equivalent to around 290 suburban house blocks. This is not small a small footprint by any extent of the imagination! (The proposal can also be seen as having a comparable footprint to the large desalination plant being built at Wonthaggi in Victoria, estimated to be around 20 ha).

The large scale of the proposal, the extensive clearance of vegetation, and the associated risks to the natural values of the park (both during the development and operational phases) are incompatible with the management objectives of a National Park. Instead the proposal is about building a large commercial facility comprising nine large huts, two jetties, a number of new access roads, car parks, toilets, and pedestrian tracks to a very high standard – all for the comfort of fee paying visitors. It is not about preserving the natural, primitive or remote character of the Tasman National Park. This view is clearly reflected in the quote above. It is a sad reflection on the commercial priorities of this Government, and its concomitant lack of commitment to protecting Tasmania's unique conservation reserves and the unique natural values contained within, that this proposal was not stopped once this inconsistency become obvious.

Against Reserve Management Code of Practice and National Park Act

On page 7 of the DPEMP it is stated that the “PWS is committed to using the Tasmanian Reserve Management Code of Practice 2003 as the guidance document for activities within the Tasman reserve system, including the development of new activities that may impact on these values.” On page 6 of this

Code of Practice it is stated that: *“The primary objective of reserves is the conservation of natural and cultural values.”*

This primary objective is reinforced in the stated Principles of Reserve Management listed on page 12: *“Protection and maintenance of natural and cultural values is a fundamental objective in managing reserved areas and should direct all aspects of management. As far as practicable, the effects of management on the full range of natural and cultural values should be considered in determining appropriate practices.”*

Schedule 1 of the Nature Conservation Act 2002 also sets out the purposes of reservation for the various classes of reserved land. For a National Park it is *“the protection and maintenance of the natural and cultural values of the area of land while providing for ecologically sustainable recreation consistent with conserving those values”*

While the management objectives for the class of reserves known as National Parks includes the provision for tourism, recreational use and enjoyment, these need to be consistent with the conservation of the national park’s natural and cultural values. However, as the Three Capes Track proposal achieves no conservation objectives, and as the provision of recreational opportunities is already adequately catered for by the existing network of tracks and camping opportunity in the park, the primary objective of the present proposal must be seen as ostensibly commercial. Furthermore, as will be demonstrated below the proposal is not consistent with the conservation of the natural and cultural values within the Tasman National Park, and as such, the proposal is not consistent with the primary management objective of a National Park or the Nature Conservation Act or consistent with the Tasmanian Reserve Management Code of Practice.

The fact that commercial interests have been given precedence over the conservation objectives of park management is reinforced by the many statements in the DPEMP which indicate that the comfort of the walkers is given a higher priority than the protection of the natural values within the park. For example, in relation to the track it is stated that *“mud or puddles are not acceptable”* (p18) while in relation to the design of the huts it is stated that the *“location and design of facilities is to go beyond a purely utilitarian look”* (p27). This reversal of priorities does not reflect the high level of appreciation for the natural attributes of the Tasman National Park and the concern for their protection found amongst stakeholder groups and local residents, as noted in Appendix J (Social Impacts and Values).

The Track

The Three Capes Track proposal will require the construction of 60.3 km of walking track, consisting of 40.6 km of new track and 19.7 km of existing track. According to the design specification for the track (listed on page 18) the entire track is to be built to a Class 3 standard with a width of 1 meter and hardened with gravel and rock. Exposed natural soils will not be acceptable, except for sections of exposed bedrock. Supportive walls for medium and heavy benching will also be required.

Given these design criteria and the supporting photos (presumably from recent works on the Cape Hauy Track) it would appear that in essence what is being proposed to be built is a hardened footpath which will run along the entire coastal rim of the park. This impression was confirmed by a recent visit to inspect the new track being built out to Cape Hauy – see Figure 1.

It is arguable why this is necessary, especially for the more remote yet-to-be-constructed sections of the proposed Three Capes Track. Construction of this scale and style everywhere is unnatural and not very cost effective (but as costings are not presented in Appendix A this cannot be assessed). Furthermore, a wide track is really only necessary where high use requires frequent passing. Given Three Capes is to be a predominantly one-way walk, and most would agree the user experience is enhanced if a track is narrower, why not build it narrower (it could still comply with Class 3 standards if <1m).

Figure 1. Recent photos taken of the Cape Haury track which is under construction (Source, HWC).



The draft DPEMP states (section 2.2.1, p. 17-18) “meeting this (upper Class 3) standard is a key driver in route selection, particularly in the gradients experienced along the route as the track will not exceed 8° for the majority of its length.” However, this is demonstrably not the case for works being currently undertaken on the Cape Haury track, partly as a result of ignoring recommendations in the Appendix A Track Survey report. This has consequences for cost and ongoing maintenance, and does not inspire confidence in the future approach to the Three Capes Track development. Indeed, the TNPA understands that the durability of the new Cape Haury track needs to be questioned, as a lower level of binding clay in the material being used to build the track will leave it vulnerable to erosion by the weather and storm events. This is also reflected in the short warranty (only one year) being offered on the track.

As indicated by the photos shown in Figure 1, the clearance of vegetation associated with the construction of the track in places is also considerably wider than the 1 m width of the track described in the DPEMP. As indicated by the two photos on the bottom left and the right, the area cleared for the track cuts a wide and clearly unnatural swath of at least 4-5 m through the vegetation, with a quite messy litter of cuttings left by the side of the track. Unless some remedial work is undertaken this is clearly degrading to the natural values and visual amenity of the area.

The TNPA questions the need to build a track larger in scale than required with the resultant unnecessary costs (more visually intrusive and higher construction cost). One unstated possible explanation is to be able to use machines, but Appendix A explicitly states this was not considered in estimating construction costs (hence the estimated costs may be very wrong; perhaps why they haven’t been presented). Extensive construction of a wide track using machines is usually a trade off of construction expediency versus user experience (the latter losing out).

What is proposed then is not a standard ‘walking track’ / ‘walk’ experience (as the name suggests) within a National Park, but one that is highly engineered with related infrastructure requirements which are not appropriate in a National Park whose primary purpose is conservation.

The track as described (together with the accompanying photos) will result in a highly artificial structure in a natural area. Indeed, being constructed entirely from gravel and stone, with extensive stone edging and stone steps and laid out in a gardenesque / urban park style, it will appear as a highly unnatural man-made piece of infrastructure within a highly pristine natural area, particularly given its length. Members of the TNPA and Tasmanian Bushwalking Club know of no other comparable track anywhere in the world where a multi-day track has such a highly constructed walking track. On page 17 of the DPEMP it is stated that “*the track is to be constructed in such a way that will...allow users to experience the ‘wildness’ of the area*” However, the TNPA argues that such a level of track design will actually have the opposite effect and deter the sense of wildness. The use of externally sourced material for the track will likely exacerbate the unnatural visual nature of the track. And to imagine 60 km of this threaded through a near pristine National Park is quite alarming!

Overnight Nodes

On page 16 of the DPEMP it is stated that “*a key component of the Three Capes Track is the public huts*”. Public huts will sleep up to 48 people with private huts accommodating 13 people location within 1 km of each public hut.

The footprint of the five overnight nodes for the public huts is estimated to be 3.34 ha. This is an average 0.67 ha per site. Again, assuming an average suburban household block of 600 m², this means that each overnight node will, on average, have a footprint equivalent to around 11 suburban house blocks. As the commercial huts are expected to have a similar footprint, this will result in 9 accommodation zones each having a footprint equivalent to around 11 suburban blocks or 100 blocks in total. This is equivalent to building a number of small village sized nodes within the National Park. As already stated previously, this is entirely inappropriate within such a park.

The level of clearance of existing vegetation associated with the Bushfire Protection Zones (BPZ) with each overnight node is also extensive and will result in the obliteration of most of the natural vegetation cover within these zones. For example, Table 2.2 specifies that no more than 3% of the BPZ can have a cover of mid-storey plants. As the exact location and size of the BPZs are yet to be finalized, and the possible construction of fire retardant walls may yet be considered (which will only add to the unnatural character of the accommodation nodes) there are no guarantees as to the final impacts within the BPZ around the accommodation nodes. Furthermore, an expansion of the BPZs to allow for the retention of some trees would also result in the increased clearance and impact on under storey species. Again, this level of impact on the natural values within the Tasman National Park is unacceptable.

In relation to the huts themselves the DPEMP is quite deficient. Despite being critical to assessing the impact of the proposal there is at present no design for the huts. For example, in not knowing the final height of each hut how do we know, for example, that the Surveyors Cove hut will not be visible from the Port Arthur Historic Site. The fire management section also indicates that the huts may be constructed of fibre cement sheet or even corrugated iron for fire protection purpose – which will be most unsuitable for a national park and for providing a natural aesthetic. Finally, it is stated that if huts cannot be positioned to capture spectacular views, then viewing platforms will be constructed nearby. This will obviously add to the footprint of the nodes and impacts on natural aesthetics of the area.

The DPEMP also states that there will not be any camping facilities at the overnight nodes (p27). For most people the inability to camp whilst on an overnight walk is inconsistent with the bushwalking experience they are seeking. This view is supported by the results of the survey walker attitudes reported in the Master Concept Plan, where of the 537 people surveyed only 19% wanted huts. Walkers also indicated that it was important that they do not have to camp with large groups (more than 8) – yet the proposed huts will accommodate up to 48 people.

The comment on page 27 of the DPEMP that “*the design of facilities is to go beyond the purely utilitarian look*” reinforces the design concepts outlined in the Master Concept Plan that visitors will experience “*comfortable facilities that are beautifully designed and inspiring*” (p11). However, this emphasis on comfort goes against the intentions of a walk in the wild where immersion in a natural place should dominate the experience and not human infrastructure. Again, the qualities sought by the surveyed walkers strongly emphasised the desire to experience “*Unspoilt natural scenery*”, “*Being close to nature*”, “*Wilderness*” and “*A Challenge*”. There are plenty of beautifully designed places to stay outside of our parks and, as such, there is no need to place such buildings in our parks which are managed primarily for conservation purposes, not to provide beautiful scenery for a wealthy few whilst they sit back sipping their wine at the end of an easy days walk. Indeed, a great majority of walkers surveyed placed a premium on experiencing the wilderness, a sense of escape and solitude and a sense of challenge.

Finally, the Tasman Peninsula is drier than the central highlands where the Overland Track is located. As such, it is more suited to tent based camping than huts

Existing Walking Tracks and Campsites

The DPEMP does not state what will happen to the existing network of working tracks within the Tasman National Park which are not to be included within the Three Capes Track proposal. Will all such walking tracks to be maintained? For example, what is to happen to the existing direct track between Fortescue Bay and Cape Pillar. If these existing tracks are not to be maintained then the proposal will limit the existing recreational opportunities and freedom of use of traditional walkers in the park.

At the moment there are a number of options for camping within the national park on the Cape Pillar/Mt Fortescue walk. Indeed, there are essentially no restrictions on camping anywhere in the park, though usually seek to minimize their impact by camping within one of the numerous camp sits scattered along the existing tracks. However, this freedom is to be curtailed with only two (perhaps only one) campsites to be made available along this route. It also limits the ability of people who do not want to camp with others but seek a solitary experience with Nature. And it is this ability to connect with Nature which should not be compromised. The fact that the DPEMP also notes that the PWS reserves the option of introducing further management measures to restrict camping options is of great concern, as it appears that the enjoyment of those who wish to enjoy the natural surroundings of the Tasman National Park using the existing tracks and campsites will be curtailed at the expense of fee paying customers being feed along the Three Capes Track. This is unacceptable.

Jetties

The incorporation of a boat trip halfway along the track is cumbersome and expensive. Furthermore, large storm swells which occur within the Port Arthur Inlet would make the crossing dangerous (or impossible) on occasions. It will also be costly to build a jetty or pontoons which can withstand these damaging swells in what is now a pristine of the part of the coast. The DPEMP also does not specify any schedule for the ferry service and as such it remains unknown whether walkers will suffer long delays in making this crossing. If long delays are experienced this will be annoying and diminish the walker experience as it is an escape from such schedules that one seeks when walking in wild places. Furthermore, as demonstrated by the inability in recent years to maintain an economically viable ferry service to Maria Island, the ability to maintain a ferry service in relation to the Three Capes Track must also be questioned.

Furthermore how is uncontrolled access to the national park to be prevented from the jetty/pontoon to be placed at Denman’s Cove?

Lookouts

On page 17 of the DPEMP it is stated that at prominent look out points “...a larger area may be constructed in order ...to prevent environmental damage”. So in order to understand this correctly, the area is to be cleared of all vegetation and then sealed in a highly resistance layer of gravel and stone in order to protect the natural values of the area. If this isn’t an oxymoron then I do not know what is!

The DPEMP does not state where or how many lookouts are to be built and as such the document clearly fails in assessing the impacts of any proposed structures of this type.

Gateway

The gateway at Noyes Road is to be located within the park so as to offer an “enhance the visitor experience and the aesthetic appearance of the site”. No mention is made of protecting the values of the site and again the recreational experience is given precedence over the protection of natural values.

Visual Impact

As stated previously, the high design criteria, the over-engineering of the track and the fact that it is being constructed from material imported from outside the park (being of a different texture and colour to the natural soils) will heighten its visual impact. As such, the TNPA believes that the impact of the track on the visual and natural aesthetics of the Park has been significantly under-estimated by the assessment in the DPEMP.

The TNPA also believes that the assessment of the visual impact of the overnight nodes offered in the DPEMP is misleading as the analysis is based on the visual impact of the single hut alone (having a roof area of 206 m²). However, the overnight nodes will consist of a mosaic of infrastructure (including multiple huts, toilets and a helicopter landing site) embedded with a much large BPZ, which based on the estimates provided in Table 2.3 of the DPEMP may be in excess of 4000m² (twenty times larger

Figure 2. Indicative modelling illustrating the highly intrusive nature of an overnight accommodation node to be built near Retakuna Creek within the Tasman National Park associated with the proposed Three Cape Track. (Prepared by Chris Bell, Bob Brown and Peter Whyte for the TNPA).



than the hut alone). In order to gain a better understanding of the potential visual impact of an overnight node the TNPA has had some indicative modeling undertaken. Shown in Figure 2 this illustrates that the visual impact will not be small as stated in the DPEMP. It is a clear failure of the DPEMP that similar indicative modeling was not undertaken for each overnight node, as without such modeling the assessment of the visual impact can be nothing more than guesswork.

Impact on Wilderness Quality

The DPEMP fails to consider the fundamental importance of wildness (or wild character) for the Tasman National Park. There has also been no consideration in any of the reports prepared of the affects of the Three Capes Track proposal on wilderness values within the Tasman National Park. This is despite consideration of such values required by both the National Parks and Reserves Management Act 2002 and the Parks and Wildlife Service's RAA process.

The key statutory tool for the management of reserved land in Tasmania is the National Parks and Reserves Management Act 2002. According to this Act the objectives for the management of a National Park includes:

- *to preserve the natural, primitive and remote character of wilderness areas*

Section 4.4 of the Tasmanian Reserve Management Code of Practice (p23) also sets out the following objectives for protecting wilderness and wild rivers

- *minimise the effects on wilderness quality of disturbance from human activities within high quality wilderness areas;*
- *restore or enhance wilderness quality in areas within, or contiguous with, high quality wilderness areas, where the wilderness quality has been degraded by past activities;*

The Code of Practice further states that “*Wilderness values are best protected by minimising human disturbance in high quality wilderness areas, and by maintaining the remoteness of wilderness areas from developments and access*”.

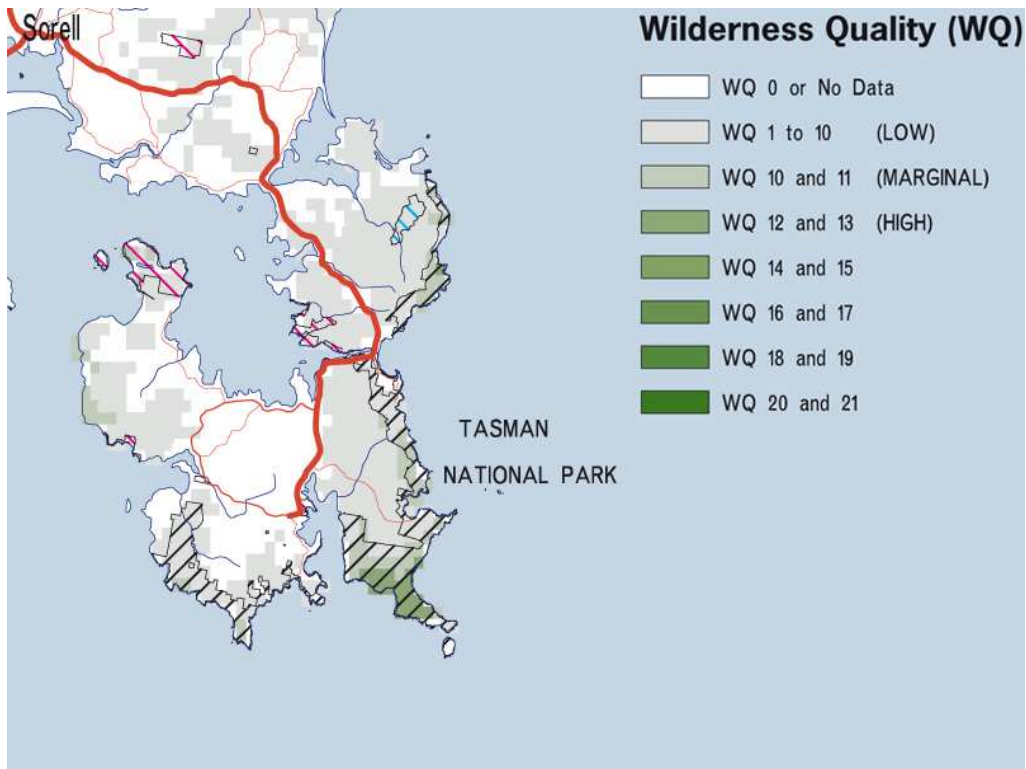
In order to meet these objectives, the Basic Approach to management outlined in the Tasmanian Reserve Management Code of Practice in relation to protecting wilderness values includes the following prescriptions:

- *Activities in areas of high quality wilderness that could detract from the wilderness quality should be avoided.*
- *Activities in high quality wilderness should be carried out in a manner consistent with the maintenance or enhancement of wilderness quality.*
- *Where an activity with the potential to detract from wilderness quality is proposed in or near a high quality wilderness area, consideration will be given to confining the activity to areas of lower wilderness quality outside or toward the periphery of the high quality wilderness area.*

A mapping of wilderness quality within the Tasman Peninsula is shown in Figure 3 (on the next page). This assessment, undertaken during the 1995 RFA using the National Wilderness Inventory (NWI) methodology, shows an area of high quality wilderness (defined by the RFA as wilderness quality >12) on the Cape Pillar Peninsula. The overnight node complex proposed for a site above Lunchtime Creek is located within this high quality wilderness zone (itself in an area having a wilderness quality rating of 13-14) and as such would have a significant degrading affect on the wilderness value of this zone, the only remaining area of high quality wilderness on Tasman Peninsula. The same can also be stated for the highly designed track (or over-engineered footpath) through this region together with the large number of walkers that it is designed to bring. The overnight node at Retakunna Creek, being just outside this high quality wilderness zone and itself in an area with a wilderness quality rating of 10-12, will also have a degrading impact the wilderness quality of the area. Furthermore, the proposed track is very extensive (in effect running the length of the Tasman National Park), hence leaving no part of the narrow coastal corridor that comprises the Park unaffected.

Given the clearly stated objectives of both the National Parks and Reserves Management Act 2002 and the Tasmanian Reserve Management Code of Practice to i) preserve the natural, primitive and remote character of wilderness areas, and ii) avoid activities in areas of high quality wilderness that could detract from the wilderness quality, the proposed Three Capes Track is clearly in breach of these objectives. Wilderness (or wildness) is a diminishing resource which needs to be protected.

Figure 3. Mapping of wildness quality within the Tasman Peninsula. (Source: National Wilderness Inventory, Environment Australia).



From communication with Peter and Shirley Storey and others who fought to establish this park, the preservation of wild character was the fundamental objective of their campaign. In other words, their aim was to prevent development within the boundaries they proposed for the park, so that its wild character would be protected for people to experience if they sought it through self-reliant visitation that left the area no less wild for subsequent visitors. Any development would therefore be restricted to a few tracks, small camp clearings or tent platforms and basic toilets.

Historic Cultural Heritage:

The TNPA notes the narrow scope of the EIA associated with the impact of the Three Capes Track on the historic sites in the region. As made clear in Entura (2011, table 5.2, p33) the EIA only deals with the physical fabric of sites, and then only in the development corridor. It fails to address issues such as the setting of the sites, the potential impacts to sites near the development proposal, in particular the World Heritage listed Port Arthur penal settlement related suite of sites, and historic cultural landscape issues. As a WHA site, the protection of the values of the Port Arthur Historic Site carries considerably obligations.

Impact to the Values of the Port Arthur Historic Site

The TNPA notes that the DPEMP indicates there will be no impacts from the Three Capes Track proposal on the values of the World Heritage Port Arthur Historic Site. The TNPA does not believe that

this is adequately demonstrated and believes that further, more detailed assessment is required. In particular -

1. The DPEMP (page 128) acknowledges that “*The most readily visible section is the shoreline extending south from Denmans Cove to Arthurs Peak*” which is the viewfield from the Port Arthur historic Site.
2. The DPEMP (Figure 4.10) demonstrates that the track in this area and the Surveyors Cove overnight node is within the viewfield from the Port Arthur historic Site.
3. The DPEMP assessment indicates that visual impacts are ‘highly unlikely’ only, and this is based on highly qualified comment (eg, ‘will not be readily visible, ‘strongly suggests’, etc) (page 132) that does not imply a high degree of confidence.
4. The TNPA questions the claim that visual impacts will be ‘highly unlikely’ from Point Puer because of its proximity to the Denmans Cove – Arthurs Peak shore, and notes that the assessment also fails to indicate the visual impact from the Isle of the Dead or Garden Point (Stewarts Bay Reserve), also part of the Historic Site and relatively close to the eastern shore.
5. The TNPA questions the validity of the assessment on the basis that the following also do not appear to have been factored into the assessment – the visibility of the Surveyors Cove overnight node, particularly given there is no exact location, no design for the buildings yet and no roof height restriction in the DPEMP); the proposed viewing platform (for which there is no location and no design); the impact of helicopters (which will be required for construction and ongoing servicing) and new regular (daily) boat services to Denman Cove on the landscape and setting values; that there is proposed to be 10,000 people a year using the track over summer; and the additional people who will visit Denmans Cove with the establishment of a track.
6. The impacts on the cultural and setting values of the Port Arthur Historic Site have not been assessed at all (the assessment is limited to a viewfield analysis). This is dependent on understanding the cultural landscape and setting values of the Port Arthur Historic Site which have also not been formally assessed to date (refer Attachment 2 – McConnell 2008)¹.
7. The assessment has not considered the impact from the air from sightseeing flights and from higher level lookouts (while there are no higher level lookouts at present, it is likely that overlooking lookouts will be developed (such as the former Palmers Lookout), and it is likely that the track, walkers and the Surveyors Cove hut will be much more visible from elevated viewing locations.

Impacts on existing natural values and biodiversity

The existing natural environment within the Tasman National Park, and the surrounding marine environment, has been identified as in a natural or near natural condition (DPEMP p85). There are no significant populations of introduced flora or fauna with *Phytophthora* being the most significant impact on the natural values of the park.

The DPEMP also notes that the key performance criteria when considering the potential impacts on the proposal on biodiversity are the following objectives of the *National Parks and Reserve Management Act 2002*:

- to conserve natural biological diversity;
- to preserves the quality of water and protect catchments;
- to protect the park against...adverse impacts such as fire, introduced species, diseases and soil erosion...

While the DPEMP states that the objectives of the Resource Management and Planning System (RMPS) in relation to the promotion of sustainable development also applies, the TNPA argues that this is not correct, and in any case is over-ridden by the specific objectives of the *National Parks and*

¹ Although this document is dated 2008 and pre-dates the inclusion of the Port Arthur Historic Site none of the information, including with respect to assessment and buffer zones has changed.

Reserve Management Act. According to the website of the Tasmanian Planning Commission, in the early 1990's the Tasmanian government developed a set of objectives for resource management and planning. These objectives are included as a Schedule to each of the Acts that form part of the integrated system. There are a number of provisions within these Acts requiring that specific functions must 'seek to further the objectives of the Resource Management and Planning System'. The principal Acts forming the RMPS, in which the Commission has a major role, are the *Land Use Planning and Approvals Act 1993*, *State Policies and Projects Act 1993* and the *Tasmanian Planning Commission Act 1997*. The *National Parks and Reserve Management Act* is not included as one of the principal Acts of the RMPS.

Flora

As acknowledged on page 61 of the DPEMP the vegetation of the Tasman National Park is diverse and has significant conservation values. Of the 21 vegetation communities identified along the proposed track, all are currently in excellent condition.

The expected and potential impacts during the construction phase of the proposal on flora values within the Tasman National Park have been identified in the DPEMP as follows:

- Clearance and conversion of native vegetation within the track, overnight node and White Beach entrance footprint and temporary impacts within the wider construction footprint;
- Clearance and conversion of native vegetation communities listed as threatened under Schedule 3A of the *Nature Conservation Act 2002* within the track footprint and temporary impacts within the wider track construction footprint;
- Loss of individuals of species listed under the *Threatened Species Protection Act 1995*;
- Disturbance to and loss of potential habitat for species listed under the *Threatened Species Protection Act 1995* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC);
- Facilitation of the spread of weeds and *Phytophthora cinnamomi*; and
- Secondary impacts that may result from altered drainage and root disturbance.

The potential impacts of the operational component of the proposal on flora values have also been identified as follows:

- Introduction of weeds and the spread of *Phytophthora* along the track network;
- Damage from walkers leaving the constructed track
- Increased nutrient loads at the overnight nodes; and
- Collection of rare species.

The track will traverse three communities listed as threatened under the *Nature Conservation Act 2002*. Within one of these communities the species *Allocasuarina crassa* is listed as rare under the *Tasmanian Threatened Species Protection Act 1995*. Several populations of plant species listed as threatened on the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) and/or the *Tasmanian Threatened Species Protection Act 1995* (TSPA) have also been recorded in the vicinity of the track. These are:

- *Cyathodes platystoma* (tall cheeseberry) [EPBCA: -; TSPA: r];
- *Deyeuxia densa* (heath bentgrass) [EPBCA: -; TSPA: r];
- *Euphrasia semipicta* (peninsula eyebright) [EPBCA: EN; TSPA: e];
- *Prasophyllum apoxychilum* (tapered leek-orchid) [EPBCA: EN; TSPA: e];
- *Prasophyllum castaneum* (chestnut leek-orchid) [EPBCA: CR; TSPA: e];
- *Prasophyllum pulchellum* (pretty leek-orchid) [EPBCA: CR; TSPA: e];
- *Stellaria multiflora* (rayless starwort) [EPBCA: -; TSPA: r].
- *Caladenia caudata* (tailed spider-orchid) [EPBCA: VU; TSPA: v];
- *Euphrasia amphisysepala* (shiny cliff-eyebright) [EPBCA: VU; TSPA: r];
- *Euphrasia* sp. Bivouac Bay (masked cliff-eyebright) [EPBCA: EN; TSPA: e];
- *Melaleuca pustulata* (warty paperbark) [EPBCA: -; TSPA: r];
- *Spyridium obcordatum* (creeping dustymiller) [EPBCA: VU; TSPA: v].

Two other unlisted but significant species have been noted from the vicinity of the proposed route while the area also supports a number of locally endemic species.

Despite the stated risks to the floristic values of the park, for each species listed above the DPEMP argues that the potential impacts are not considered to represent a threat to the conservation status of these species. However, these assessments are somewhat subjective as no reasons or cited research to support these statements is offered. This is despite the DPEMP noting for the three species *E. semipicta* and *P. apoxychilum* and *P. castaneum* that “any impact on individuals of these species or known habitat must be considered significant” (p90). For other species such as *E. amphisysepala* and *E. sp.*, which are stated to be restricted to cliff habitats, it is also stated that the proposed track will not result in any disturbance. However, this assumes that all walker activity will be confined to the track itself and as such ignores the potential threats associated from walkers leaving the track to explore the views from the cliffs and to take photographs – which is highly likely. Given these deficiencies in the assessments, the TNPA considers that the conclusions reached significantly under-estimate the inherent risks posed to the natural values in the Park from the proposal.

Threats to EPBCA listed orchids

In order to demonstrate some of the inadequacies of the DPEMP in assessing impact on floristic values, we consider the three species of *Prasophyllum* that were identified in the survey. Although the proposal has re-routed the track to avoid the populations of *Prasophyllum* that were identified in the survey in the Ellarwey Valley area, the track is still within the catchment of the habitat for these orchids, and we believe potentially within their habitat. There is currently insufficient information about these orchids to be confident that the proposal will not impact these rare and threatened species in the general development area (note – the impacts in the DPEMP only address impacts in the actual development footprint – an additional cause of concern).

There are very few known populations of both these EPBCA listed *Prasophyllums* (*apoxychilum* and *castaneum*) and the proposed track passes directly through one of the very few known sites where these species occur. It is also likely that these species will be found to be more common than first thought in this area if the area was surveyed more thoroughly, since the identification is based on limited survey data. The DPEMP states that *Prasophyllum* like many orchids can respond positively (or negatively) to disturbance usually in the form of fire or slashing but often on tracks and firebreaks also. The difficulty is that there is very little data to support this anecdotal evidence and its unknown whether it is the disturbance event which has encouraged the plant out of dormancy or just whether the plants are more easily seen due to the area being opened up.

Given the paucity of data on how orchids respond to disturbance, including hydrological and trampling damage, it is difficult to see how the impacts (positive or negative) of such a track can be predicted on these orchids without further data. Given this, the TNPA believes it is not possible to predict the impacts on these species and, given risks of habitat disturbance from i) the location of the track, ii) the probability that walkers will go off-track and iii) risks from *Phytophthora* spread given the extensive nature of the track, then these two orchid populations are put at risk by the Three Capes Track proposal. The TNPA has been advised that mitigation by avoidance by 100 odd meters is not sufficient for highly threatened species known from a very small number of plants, and limited survey. Furthermore, mitigation should include a research program as part of the long-term conservation of these species that actually measures the impact of disturbance events (such as walking tracks, slashing, fire, others) actually have on threatened orchid populations.

Weeds

As noted in the DPEMP (p67) weeds are virtually absent from the existing walking tracks and the immediate vicinity of the proposed track does not support any significant populations of species classified as Declared Weeds under the Weed Management Act 1999. The construction of the track, overnight nodes and other infrastructure has the potential to introduce and facilitate the spread of weeds

through the importation of material, the use of machinery and the creation of areas of disturbance. The construction phase represents the greatest risk, however once in place the track system will remain a potential vector for the spread of weed species, particularly via walkers shoes. Weeds have the potential to displace native species or possibly communities.

Phytophthora cinnamoni

As noted in the DPEMP (p67) there are a number of vegetation communities in the vicinity of the proposed Three Capes Track that are susceptible to *Phytophthora* due to the high proportion of susceptible individual species. The Three Capes Track passes through three highly susceptible communities while another three are considered to be of moderate or variable susceptibility. The DPEMP notes that further spread of the disease continues to present a risk to these communities and that the construction of the track, overnight nodes and other associated infrastructure, the use of the track and operational activities post-construction all present a risk of spreading *Phytophthora*.

The TNPA believes that attempting to manage the spread of *Phytophthora* due to the Three Capes Track has significant risks that will have a potential significant and long lasting impact on the natural values of the Park, including potentially rare and threatened species of plant. As demonstrated by the complex set of management requirements described in the DPEMP to contain these risks this is a difficult issue to manage and difficult to enforce and monitor. In particular, the TNPA notes the following issues:

1. The Three Capes Track is an extremely high risk development in relation to *Phytophthora* as it is a linear development that runs through most of the Tasman National Park, and as stated in the *Phytophthora* Management Plan (Welling, 2010, 6 & Figs 3 and 4) *Phytophthora* is present in “most areas where the proposed Three Capes Track is to be located”. In addition there is infection already present at a number of locations along the new track sections (Welling 2010, 19) which will increase the potential for *Phytophthora* spread along the track.
2. As clearly stated in the *Phytophthora* Management Plan the proposed three Capes Track has the potential to spread *Phytophthora* through the Park and impact on many of the flora and fauna values:
 - *The park has diverse flora and fauna assemblages including 566 species of vascular plants, 120 species of bird, 10 reptile species and 27 terrestrial mammal species including the Tasmanian Devil, eastern quoll and eastern barred bandicoot (PWS, 2001).*
 - *A key threat to these values is *Phytophthora cinnamomi* root rot fungus. The development of a significant new walking track through the park has the potential to spread *Phytophthora* through the park (Welling, 2010, 1).*
3. Also as stated in the *Phytophthora* Management Plan (Welling, 2010, 1-2), human activity, including walking is the main risk in the spread of *Phytophthora*:
 - *Although the disease can be spread by natural means through water flow and by native animals such as wombats, the most common vector for spread, and in particular spread across longer distances, is through human activity (Rudman, 2004; O’Gara et. al., 2005), where the pathogen can be spread in soil on boots and on wheels and tracks of vehicles and machinery.*
 - *Infestations are most often recorded in areas of poor drainage and where soils have been disturbed, such as along creeklines, roadside drains, downhill from areas disturbed by machinery and along walking tracks (Rudman, 2004).*
4. The highest sensitivity areas where the track is located are on the western half of the Peninsula. In the TNPA’s view the proposed development should not be extended to this part of the Tasman Peninsula because of the extremely high level of risk due to this high level of sensitivity in this area and the fact that the proposed track will link these areas through areas of moderate sensitivity.

5. The lowest sensitivity areas of existing and potential track are the eastern coast of the Tasman Peninsula, including the section between Fortescue Bay and Pirates Bay. This provides support for the TNPA alternative iconic track option(see attached Report).
6. The key mechanism to avoid the spread of has been the routing of the track away from infested and high sensitivity area. However Welling (2010) indicated that it is not possible to do this for many sections of the proposed track, particularly on the western half of the Peninsula, hence second best management options need to be used. This results in an unacceptable level of impact and risk.
7. The secondary *Phytophthora* management prescriptions are a full 3 pages of text and comprise some 60 individual prescriptions for track construction and use (Welling 2010, 26-28). In the TNPA's view this is a very extensive and complex list of prescriptions to manage and to have respected. We argue that it is highly unlikely that these will all be respected when necessary and as a consequence there will be a very high, and unacceptable level of risk in relation to *Phytophthora* spread in the Tasman National Park due solely to the proposed Three Capes Track if it goes ahead.
8. The *Phytophthora* Management Plan (Welling, 2010) is a plan and not an EIA, and as such it fails to assess how effective the plan will be (even if fully adhered to) at controlling the spread of *Phytophthora* and what the risks are. This is critical missing information for assessing the impacts of the proposed development.
9. In the TNPA's view the risks of *Phytophthora* spread are understated in the DPEMP (pages 67-68) and do not reflect the risks stated in the *Phytophthora* Management Plan (Welling, 2010).
10. The DPEMP in discussing mitigation for *Phytophthora* spread mentions some hygiene requirements but these appear to be generic. The DPEMP therefore fails to include one of the Three Capes Track specific recommendations of the *Phytophthora* Management Plan which is to develop '*an additional hygiene plan to manage pest and disease risks such as weeds, P. cinnamomi, chytrid fungus, etc, during the construction phase*' (Welling, 2010, 25).

Eagles

Both wedge-tailed eagles and white-bellied sea eagles are listed as endangered species under both the EPBC and TSPA and a number of nests (18) of both species have been identified in the general area and proximity of the track. The entire area also consists of foraging habitat for both species. A number of potential impacts on these species due to the proposal have been identified in the DPEMP (sections 4.1.3.2; 4.1.4.2, Appendix F), with the key risk being disturbance, especially during the breeding season. In particular, the TNPA notes:

1. Both species are under pressure for finding/maintaining nesting sites due to a range of factors, including creeping coastal development, land-clearing and forestry activities.
2. National Parks were established for, and need to be, refugia for wildlife such as eagles. Where else are these birds to have the certainty of suitable undisturbed nesting sites, essential for the species' survival?
3. Both species are very wary of human presence during nesting and will readily desert or abandon a nest or alienation of habitat if disturbed. Inbdeed the DPEMP states that if an activity is directed conspicuously at a nest then the serverity of impact increases dramatically (p104).
4. The DPEMP notes that eagles may behave antagonistically towards helicopters in proximity to nests during the breeding season and any repeated traversing of helicopters in close proximity to nest sites is likely to be detrimental. Despite all the assurances regarding 'mitigation measures' to minimise disturbance to eagles there is no certainty that the large volume of helicopter traffic during the construction phase of Three Capes Track would not either drive the birds away or result in breeding failure. There is no precedent for this level of disturbance in such an important area of eagle habitat.
5. Eagle breeding season falls within the peak visitor time for Three Capes Track. The expected 300 – 350 people in the Park on any given day during this time is vastly more than past and current numbers.
6. The DPEMP states that line of sight is a critical issues in the consideration of impact of a walking track or hut site on eagle nests, and the recommended protocol is that disturbances within 1 km

line of sight of an eagle nest should be prevented. Eagles can spot humans from over one kilometre away. Ten known eagle nests are within one kilometre distance from the proposed walking track and four of those are within 500 kilometres from the track. This is completely unacceptable.

7. The DMEMP is particularly unassuring in relation to nest #1612 (in proximity to Tunnel Bay): “It is considered unlikely that the usage of the track by walkers will have an impact on this nest location. Which translates as “Fingers crossed!”
8. It is stated (4.1.4.2, p.107) that there will be annual monitoring of nests – but what will happen if it is found that the Three Capes Track has had a negative impact on nest occupation or productivity?
9. Will the Tasmanian public be informed as to the results of this annual monitoring?
10. Despite all the “mitigation measures” the DMEMP is not sanguine about the impact that Three Capes will have on both species of eagles: - “ The key risk of the proposal to these species is disturbance. Both species are particularly vulnerable to disturbance during the breeding season. Excessive disturbance may result in reduced breeding success through complete nest abandonment or temporary abandonment, leading to the death of the clutch or chicks, and through increased stress levels.” (4.1.3.2 p.93)
11. Despite these statements, it is stated that “the application of accepted mitigation prescriptions...will ensure that breeding success will not be impacted...”. However, no supporting evidence is provided to support this statement from the success of mitigation measures elsewhere.

The only assurance for the future of both species of eagles in Tasman National Park is that The Three Capes Track does not go ahead.

Aquatic Environment

Watercourses within the footprint of the Three Capes Track are in natural to near natural condition The Conservation of Freshwater Ecosystems Values (CFEV) database has identified Denmans Creek and Tunnel Bay Creek as being of particular conservation significance, with both systems being in near natural to natural conditions (p75). While the DPEMP notes the aquatic environment with the park is largely free of introduced pests, weeds and diseases it is also stated the anthropogenic involvement in pathogen spread is likely to be highly significant. Wetlands are Cape Raoul and north of Arthurs Peak area also of conservation significance. It is stated that waste water disposal at the overnight nodes “*is not expected*” to have a significant impact but this does not ensure confidence.

Soils and Geoheritage

The soils at the site of the proposed Tunnel Bay and Maingon Creek overnight nodes are stated to be weakly structured and prone of erosion. While it is stated that care will be required to ensure erosion does not occur, how can this be guaranteed? There is also a risk for the disposal of waste water in contaminating the near pristine nearby water courses.

The TNPA also notes and remains concerned about the impacts on the geoheritage listed wetland east of Cape Raoul, as the track will go across it.

Fire Management

Despite the response plan proposed in the DPEMP to fire, the threats posed by fire remains an inherent risk to the Three Capes Track. Indeed, as noted the fire season in the Tasman National park is longer than in other Parks, from September to March, and this season coincides with the high use period proposed for the Track. The isolated nature of the peninsula zones and the lack of escape in these areas due to the surrounding cliffs magnify the threat of fire to walkers. It is also recognized that the bushfire risk for the Three Capes Track cannot be completely mitigated and that the TFS and PWS will not be able to provide rapid or at times any response to bushfires. Given these facts, the TNPA remains concerned about the potential for serious injury or loss of life should a fire spread into this and other sections of the track. While the DPEMP acknowledges that evacuation is seen as an unreliable first

option and states that the huts are to be used as primary refuges, and supposedly built to withstand bushfire attacks, as demonstrated by the loss of life in the recent Black Saturday fires in Victoria the use of building as refuges cannot be guaranteed.

The DPEMP states that the likelihood of fire for the western section of the route is high (and lower on the eastern section), and that the suppression capacity for this section varies between slow to moderate. Together with high risk associated with the spread of *Phytophthora* in this western section of the Park, the TNPA believes the track though this part of the Park should not proceed.

While the TNPA acknowledges the need to mitigate the threats posed by fire, we nevertheless remain concerned about the impacts posed by the need to i) construct additional emergency refuges and suitable nearby helicopter landing locations, as this will add to the already large footprint of the infrastructure proposed to the built, and ii) undertake additional prescribed burning, as this may be detrimental to the natural values within the park which management is supposed to protect. As stated before, the proposal to build the Three Capes Track within the Tasman National Park will result in the management of the park shifting away from the protection of its conservation values to the management of commercial activities. This is inappropriate for a National Park.

Economic Benefits

The economic benefits of the Three Capes Track to the Tasman Peninsula economy stated in the DPEMP are over optimistic and in places substantially incorrect. For example, the figures quoted from the KPMG 2010 report of an additional gross output of between \$12.9 million and \$26.9 million per annum are substantially incorrect due to two errors in the interpretation of this report.

First, the economic benefits stated in the report are for a seven year period from 2010 to 2017, not annual benefits. This is clearly stated in the report on page 7 "*...the modelling is projecting whole period impacts that may need apportionment over time.*" Second, the report uses two indicators of economic impact - Gross Output and Value Added. The DPEMP quotes the Gross Output figures. However, the report itself notes on page 12 that "*within this gross value is included the value of raw materials that, in most cases, have already been counted as part of gross output from earlier production. Therefore there is a tendency for Gross output figures to include some double dipping*". The report goes on to state that the Value Added figure (as used by the Australian Bureau of Statistics) "*is the measure usually preferred when measuring economic impact*". Using the Value Added figures, the KMPG report estimates that the additional economic benefits (in millions of dollars) of the Three Capes Track are as follows:

| Benefit Period | Conservative | | Optimistic | |
|----------------|--------------|--------|------------|---------|
| | Until 2017 | Annual | Until 2017 | Annual |
| Tasmania | \$44.07 | \$6.30 | \$92.73 | \$13.25 |
| Tasman Region | \$9.93 | \$1.42 | \$15.86 | \$2.27 |

The alleged annual benefits to the Tasman region are therefore seen to fall to between \$1.4 - \$2.27 million, and correspond more closely to the estimate in the Syneca report (\$2.4 million per annum).

The assumptions underpinning the economic modelling in the KMPG report also need to be questioned. This modelling assumes that there will be an additional annual increase in visitor numbers to the Tasman region of between 3-5 percent above the normal growth of recent years. However, this assumption is not substantiated anywhere in the report (where elsewhere has this occurred?) and also ignores the fact that the Tasman Peninsula already hosts over 30 day walks and several multiple day walks including the 4 day Tasman Trail. As such, people undertaking short walks are already included in the existing visitor numbers to the region and the analysis double counts these visitors when it

assumes that such walkers will also make up the 3-5 percent increase in visitor numbers due solely to the present of the Three Capes Track.

Finally, if the economic premise for the Three Capes Track proposal is to duplicate the economic benefits which have apparently flowed from the marketing of the Overland Track Experience, it is constructive to compare the predictions for the Tasman Peninsula with the actual changes in visitor numbers to the Cradle Mountain region in recent years. The KPMG report predicts that visitor numbers to the Tasman Peninsula will increase by between 3-5% per annum above a no Three Capes Track scenario, with a total increase in visitor numbers of between 9-16% over the first three years the track is operational. However, data published by the Parks and Wildlife Service indicates that compared to 2004-05 visitor numbers to the Cradle Mountain region actually decreased by around 7% the following year when fees were first charged for the Overland Track, and by 2007-08 visitor numbers were still down by 4%.

The Overland track has been in existence for over sixty years and has been heavily marketed as a world-class wilderness walk for many years. Despite this, current walker numbers are estimated to be around 8,500 per annum and have never reached the optimistic level of 10,000 walkers per annum set for the Three Capes Track. If these levels cannot be achieved for a walk which is often listed as one of the ten great walks in the world, why would we expect anything similar being achieved for a new walk which does not offer the rugged mountainous and wilderness experience of its rival, the Overland Track. The proposal is beginning to look like a white elephant, and given the current poor state of Government finances in Tasmania, with reduced funding to education and health, the priorities of this Government must be questioned.

Aboriginal Heritage

The DPEMP notes that the large natural landscape in the area is of significance as an Aboriginal landscape with its important material and cultural resources still evident. However, there has been a lack of consultation with the Tasmanian Aboriginal community and as a consequence the proposal does not have their approval. The TNPA notes the following concerns:

1. The assessment is incomplete and therefore inadequate to make management decisions as there has been no consultation with the Aboriginal community (Entura 2011, 12), hence can only be considered to cover Aboriginal sites and their scientific significance. Key values such as the raft of Aboriginal non-site values have not been considered, including Aboriginal landscape values, and only the scientific values of the Aboriginal sites have been considered (this is contrary to the *Burra Charter* (Australia ICOMOS 1999) approach).
2. Given there has been no consultation with the Aboriginal community, there is no indication that the community will support this development, including a permit under the Aboriginal Relics Act 1975, which will be required for the disturbance of the identified Aboriginal sites.
3. The Entura (2011, i) report comments that the proposed route has a generally high degree of landscape integrity. This indicates that the proposed development will both compromise the landscape integrity as it will be a long linear route running the length of this landscape, and impact on the Aboriginal landscape values of the Park.
4. The Entura (2011) assessment has not surveyed the full route (due to the Aboriginal community ban on such work imposed part way through the assessment. This is compensated for by undertaking a predictive assessment).
5. The TNPA questions how reliable the sensitivity assessment is given the limited site data is for the types of terrain assessed. This is of particular concern given the limited previous survey on the Peninsula away from the actual coastline (refer comment in Entura 2011, 29-30).
6. A significant part of the assessed terrain has been identified as being potentially sensitive yet the DPEMP fails to address if sites discovered during track work in these areas can be protected or whether the solution will be destruction of the sites by means of a permit, thereby resulting in additional values impacts?

7. The DPEMP is incomplete with respect to the Aboriginal heritage assessment as indicated in Entura (2011), but this is not clearly indicated in the DPEMP. Entura (2011, 47) states ‘the existing walking track to Cape Pillar and the proposed sections of new track along this route still require survey and assessment’ indicating through the following comment that it is inappropriate to leave this section unsurveyed - *“This area is known to contain Aboriginal heritage values, and should be surveyed as soon as practicable following lifting of the current community moratorium on Aboriginal heritage work. This will also enable the site patterning model to be tested on the ground”*.
8. An additional issue not made clear in the DPEMP is that the ground surface visibility for sites is extremely low (<10%) for most of the surveyed section (refer Entura, 2011, Table 6.1 & maps, pp42-44). There is therefore significant potential for additional sites to be located in the development corridor, hence a significant increased potential impact with respect to Aboriginal sites.
9. According to Entura (2011, 47) a total of six new Aboriginal sites were identified during the survey within or immediately adjacent to the study area, with a further three previously known sites being relocated and investigated, and 1 additional new site found a short distance outside the study area. The new sites and the relocated sites along the Three Capes Track route are all found along the high coastal cliff top areas. Entura (2011, 49) make it clear that five of the newly located sites will be impacted by the proposed development.
10. TNPA question why Entura (2011, 49) only tables the newly located sites and not the three previously recorded sites?
11. Entura (2011, 82) comment *“The Three Capes Track development will impact on Aboriginal heritage values. ... best practice heritage management ... should involve the avoidance and conservation of Aboriginal archaeological sites”*. The TNPA is also concerned that neither Entura (2011) or the DPEMP (2011, 135-136) however provide a detailed assessment of the impact of the proposed development on these sites and the options for achieving best practice management, ie, avoiding the disturbance of these sites. The DPEMP comment makes no commitment to a particular approach and in fact indicates that in most cases the easiest developmental option and the least conservation oriented option will be undertaken – that of site destruction (through relocation or burial), in some cases because they are putting ecological values before Aboriginal heritage values. This is not considered an acceptable impact or impact mitigations approach for land of national park status and given that at least 3 of the sites that will be impacted are assessed by Entura (2011) as being of medium-high scientific significance.
12. Of particular concern is the fact that none of the specific recommendations for Aboriginal heritage impact mitigation contained in Entura (2011, 85-86) have been included in the DPEMP, and there is no discussion of the fact that there are detailed recommendations that have been ignored.

B. OTHERS ISSUES

Inadequacy of the DPEMP:

The TNPA questions the ability of the DPIPW to reliably make the assessments it does in the DPEMP given that there are many aspects of the proposal that are still not fixed, including -

1. the actual location of the overnight nodes (only indicative locations are provided in the DPEMP);
2. the design (footprint, external cladding and finishes, height, etc) of the buildings;
3. where the commercial huts will be located and their design;
4. where the overnight tenting sites and facilities (toilet) will be located;
5. where the viewing platforms and access tracks will be located and their design;
6. whether there will be a jetty or pontoon at Denmans Cove and the design; and

7. the location of the section of track between Cape Raoul and Maignon Creek (to avoid the eagles nest)

Language Used

The language used in the document is often highly misleading and distorts the true impact of aspects of the development. For example, on page 27 it is stated that “*the huts and associated facilities will protect and present the values of their setting*”. This is obviously highly misleading – how can clearing the vegetation from a natural site and building a hut “*protect and present*” the values of the site when in fact these natural values have been destroyed?

Risks to values within the Tasman Park

The TNPA notes that DPEMP identifies a large number of risks to the natural values within the Tasman NP. The DPEMP also lists a number of mitigation options which are to be used during construction and operation of the proposal to minimize these risks. The TNPA also notes that the DPEMP concludes that due to these measures the risks will be minimized and impacts will be insignificant. The TNPA however questions this assessment on the following grounds:

1. The DPEMP assessments are all based on the impacts to the footprint of the track and overnight nodes only, whereas in reality there is a high likelihood of the additional impacts based on i) the increased risk of bushfire given the increased human use throughout the Park., ii) from potential helicopter related incidents such as fuel spills, and in the worst possible case, helicopter crashes, and iii) the high probability that walkers will explore other areas of the park. Realistically, it is not possible for the PWS to ensure that there is no use of the area away from the track and overnight nodes. This potentially introduces a range of impacts including *Phytophthora*, weeds, and impacts on wildlife, including eagles.
2. No supporting research or statements are offered to indicate the extent to which these mitigating techniques are successful. For example, the PWS has a long history of managing other walking tracks in the State but no examples of the success in the use of mitigating techniques used in these other areas are offered. While an DPEMP should attempt to quantify the risks associated with any proposal, at the end of the day we are required to take the statements offered in the DPEMP relating to the Three Capes Track proposal on trust. For example, a range of mitigation measures related to the risk proposed by *Phytophthora* are listed in the DPEMP; however, no evidence is provided to indicate how successful these measures are at either eliminating or minimizing the related risks. The same can be said for the measures to be used to mitigate against the threats to flora and fauna in the park and the introduction and/or spread of weeds.

The combined level of risks across all aspects of the impacts is high. And although a number of risk management protocols are mentioned in the DPEMP, no evidence is provided about the utility or success of these measures. For example, in relation to the impact on nest #1612 (which is within 500m of the track) all that can be offered is the following weak statement – “*It is considered unlikely that the usage of the track by walkers will have an impact on this nest location*”. This is far from reassuring. Also, the statement that ongoing activity monitoring will allow for a management response is also weak. Once a nest is abandoned a management response is too late. Indeed, as if this point did not need illustrating, the TNPA has recently learnt that an eagle’s nest on Tasman Island, which contained three eggs, has recently been abandoned. We understand that there had been ‘joy’ flights coming right in close to the cliffs and that PWS have now responded this event by putting a stop on all aircraft in the vicinity - at least for the time being. Sounds like closing the gate after the horse has bolted!!

Environmental Impact Monitoring & Control Limitations

Minimising the environmental impacts of the Three Capes Track development has required a complex Environmental Management Plan (EMP) with a large list of controls and restrictions on construction, maintenance and use. For example, it is stated that track work will cease if dens or nests are discovered

for a number of species. However, the TNPA questions the ability of the requirements of the EMP to be observed. Reasons for this include -

1. the stringency of some requirements (eg, restricted helicopter use to avoid eagles nest);
2. the lack of provision in the DPEMP for ongoing monitoring of compliance and impacts generally (the commitments to monitoring are very limited), in particular in the long term;
3. the actual capacity of the PWS to physically monitor compliance (especially given recent cuts to the PWS which has seriously impacted on their ability to undertake field work);
4. the will to ensure compliance, particularly in the construction phase, when works are likely to be held up;

A core concern in relation to this matter is the lack of independent scrutiny. As the compliance enforcement agency is the developer in this case, there is absolutely no independence. This situation is made worse by same agency also being the approvals agency.

Consultation

On page 12 of the Tasmanian Reserve Management Code of Practice it is stated that “*Consultation with people interested in a reserve’s values is fundamental to good planning, decision-making and service delivery ...*”. On page 13 of the DPEMP it is stated that “*Initial public consultation on the proposal, at least in its conceptual stage, occurred through the approval process required for the revision of the 2001 Tasman National Park Management Plan.*” The TNPA questions the sincerity of this consultation process.

While the DPEMP states that 248 representations were received on the draft plan, it fails to mention that the vast majority of these (210) were opposed to the Three Capes Track and to changing the Tasman National Park MP to allow track to proceed. Of the 38 respondents who did not declare opposition to the Three Capes Track, only eight respondents gave unqualified support for the proposal, while another nine respondents gave qualified support for the proposal. Qualifications related to the large size of the development and associated infrastructure and concerns that campers, day walkers and locals have access to the park without having to pay fees. A further five respondents supported the concept of a long walk but without the ‘nodes’ or infrastructure. Overall, 85% of respondents opposed the Three Capes Track proposal and only 6.8% of respondents offered any support for the proposal.

Sixty-one submissions were received from residents of the Tasman Peninsula, of which 50 respondents were opposed to the Three Capes Track while only four offered qualified or support (the remaining submissions do not refer to Three Capes Track) Of the eight submissions received from tourist operators on the Tasman Peninsula, all except PATTA and PAHSMA were opposed to the Three Capes Track.

The DPEMP also states that a number of meetings have been held with Bushwalking Tasmania and the TNPA, though again no mention is made of the fact that both these groups have voiced considerable opposition to aspects of the proposal. In this regard, the DPEMP can be seen as being very misleading in how it dealt with this issue.

Amendment of the Tasman National Park Management Plan 2001

The DPEMP states that the all components of the Three Capes Track proposal will be required to be in accordance with the management plan for the Tasman National Park Management. This is a somewhat hypocritical statement, as this plan had to be specifically altered so that the infrastructure associated with the Three Capes Track proposal could be placed within the Park. Furthermore, as outlined in the previous section, this change was made despite the overwhelming opposition voiced through the public submission process. One needs to question the utility of management plans for reserved areas if, despite originally being adopted after a period of public consultation, they can be changed essentially at will by any government to allow some favoured development to be placed within a park. We have seen this

before when the management plan for the Tasmanian Wilderness World Heritage Area was arbitrarily altered to allow the accommodation facility proposed by David Mariner to be approved (those this development has not proceeded).

Trust Us!

There already noted are a number of aspects about the final design of the proposal which are yet to be determined. For example, the design of the accommodation nodes and huts is still subject to the outcome of the final mitigation design requirements and compliance with AS 3959-2009. Also, the final layout and size of the BPZs still need to be determined. It needs to be questioned why the release of the DPEMP for public comment was not delayed until these issues were resolved and so that the public could comment with more clarity on the final design. Without this clarity the public is in essence being asked to take the PWS on trust, when actually there is no clear understanding of exactly what is being proposed and what may be the final impacts. The TNPA argues that the period of public comment on the DPEMP should be delayed until these important issues are resolved.

As stated above, there is also a high sense of trust associated with the mitigation of impacts. For example, the impacts on several TSPA listed species “*is not considered to be significant* (p117)”. Again, this is a subjective assessment which is not backed up by any substantive evidence. We are also ensured that management measures will “*minimize the risk of weed introductions*” and that “*the risk of additional spread of Phythophthora ... is minimized*”. Statements about minimal impacts are also offered in relation to other impacts, eg on the marine environment, in relation to the spread of pests and pathogens. However, what does ‘*minimise*’ mean, and what outcomes are considered most likely based on observations from other places where walking tracks have been introduced. The assessment of impacts appears to be arbitrary and subjective, and lack any quantitative assessment that allows the reader to judge the actual impacts deemed most likely.

Alternatives

The TNPA have recommended two alternatives to the Three Capes Track – the initial Two Capes Iconic Walk (recommended mid-2008) and the revised version of this, the Great Tasman Coastal Experience (recommended mid-2011). Both these alternatives significantly reduce the environmental impact of the Three Capes Track proposal, including most of those indicated in the Three Capes Track DPEMP, by significantly reducing the need for new tracks in currently untracked areas and reducing the impacts from the overnight nodes. A copy of the TNPA’s *Great Tasman Coastal Experience* alternative proposal is attached for your information (Attachment 1).

To date the Tasmanian government has refused to consider any alternatives, including the two options proposed to them by the TNPA. The TNPA firmly believes that, given the potential impacts of the proposed Three Capes Track development and its location within a national park, lower impact options should be considered before approving the Three Capes Track.

Probity

Finally, the TNPA questions the probity of the current proposal and how it is being assessed. How is it that the PWS can be the developer, assessor and regulator with absolutely no independent overview or check?!

Conclusion

The TNPA, believes that the Three Capes Track proposal is an inappropriate development for a National Park given the primary conservation goals of national parks, the large scale of the infrastructure proposed (the largest of any within a national park in Australia or elsewhere away from motorised access) and the widespread nature of the potential impacts throughout the whole Park (because the Track is an extensive development), not to mention the inappropriateness of depending on

helicopters for construction and maintenance for the life of the track development in this present day where carbon emissions and dependence on fuel are luxuries.

The TNPA has been raising these concerns with the Tasmanian Parks and Wildlife Service, DPIPWE and the relevant Minister since 2007 when the Three Capes Track Feasibility Study was released, but the government has not responded to our key concerns.

The present proposal is about building nine new large huts, two jetties, a plethora of new access roads, car parks, toilets, and pedestrian tracks to a very high standard – all for the comfort of fee paying visitors. It is not about preserving the natural, primitive or remote character of the Tasman National Park. The reason that such a large scale development has not occurred previously in Australia is because it has not been seen as appropriate for conservation status land. This development, if it gets approval, will not be a rare occurrence in Australia, but we have reason to believe it will become adopted throughout Australia, in the quest for increased recreation and economic development opportunities.

If this proposal is allowed to go ahead it would appear that our National Parks are to be managed primarily as tourist theme parks instead of for the natural values that they were originally set side to protect. The amount of infrastructure at each overnight nodes is huge (almost a small village) and placement of five of these nodes (together with an additional four commercial nodes) throughout the park (which is just a narrow coastal strip in many places) will dominate the landscape.

The Tasman Peninsula has a lot to offer. With some of the most exhilarating coastal scenery in Australia and around 35 existing day walks, the Three Capes Track is not required to increase visitor numbers to this region or to enhance the visitor experience. What has been missing is a holistic marketing strategy which entices visitors to extend their stay beyond a visit to Port Arthur.

A ‘win-win’ situation for tourism on the Tasman Peninsula and the conservation values within the Tasman National Park is to market the day walks, sea adventures (cruises, kayaking, fishing) and other experiences offered by the region with guests extending their stays in the hotels and bed-and-breakfasts outside the park.

This is the type of extended walk that experience overseas and elsewhere in Australia, for example the Great Ocean Walk in Victoria, shows people greatly prefer. Having people spending all their time on a single walk and staying in privately owned huts within the park will not spread the economic benefits around to all as is desired. Indeed, a unique advantage of the Tasman Peninsula is that there is a community living in juxtaposition with the Tasman National Park and ideally a mutually beneficial relationship between tourism operators should be nurtured rather than a competitive one.

The TNPA supports appropriate tourism based projects in Tasmania and supports the regional benefits that will flow from such projects. However, the TNPA argues strongly that these same benefits can be achieved by placement of such projects outside the boundaries of Tasmania's National Parks. The development of very successful tourist nodes outside National Parks at Strahan, Cradle Valley and Coles Bay, to name only three, validates this argument

The Tasmanian National Parks Association is therefore calling on all levels of government to rethink this badly conceived proposal and redirect the promised funds to upgrading the existing walking tracks, facilities and infrastructure on the Tasman Peninsula and developing an integrated marketing strategy around a common theme (such as the Tasman Great Coastal Walk) so that the flow of benefits is optimised and more widely dispersed.

THREE CAPES TRACK PROPOSAL, TASMAN NATIONAL PARK, TASMANIA – SUMMARY OF IDENTIFIED ISSUES

1. What is proposed is not a standard National Park ‘walking track’ / ‘walk’ experience (as the name suggests), but one with highly developed infrastructure / infrastructure requirements not appropriate in a National Park whose purpose is primarily conservation, and in particular not appropriate in a relatively small National Park.
2. The proposed ‘track’ is very extensive (in effect running the length of the Tasman National Park), hence leaving no part of the narrow coastal corridor that comprises the Park unaffected.
3. It is a large commercial size development (with an overall development footprint of 17.61 ha) which can be considered aggressive development in a national park.
4. The scale of infrastructure (the track, overnight nodes/mini-villages with a 48 bed hut, commercial hut, toilets, heli-pad, viewing platforms) is also inappropriate in a National Park away from road heads.
5. The proposed high level of track construction (gravelled, extensive stone edging and stone steps – in a gardenesque/urban park style) is also inappropriate in a natural area, particularly given its length.
6. The DPEMP fails to consider the fundamental importance of wildness (or wild character) for the Tasman National Park and the impact of the Three Capes Track on these values. Indeed, the placement of the overnight node at Lunchtime Creek and the construction of the highly engineered track within the high quality wilderness zone of the Tasman National Park are in breach of the management objectives of both the National Parks and Reserves Management Act 2002 and the Tasmanian Reserve Management Code of Practice to i) preserve the natural, primitive and remote character of wilderness areas, and ii) avoid activities in areas of high quality wilderness that could detract from the wilderness quality.
7. Based on the recently released DPEMP, there will be identified environmental impacts, acceptable perhaps on private land, but not appropriate in a National Park. These are:
 - impacts on geoheritage in a wetland east of Cape Raoul (the track will go across it) (identified in the DPEMP)
 - impacts to at least four Aboriginal sites (identified in the DPEMP)
 - impacts on identified wilderness quality (not identified in the DPEMP).
8. Based on the recently released DPEMP, there will be additional potential environmental impacts, and these matters require much more careful assessment:
 - impacts on the landscape and setting values of Port Arthur Historic Site, a World Heritage Area;
 - probable impacts on sea eagles and wedge tailed eagles with nests close to huts and the track in a number of cases;
 - probable impacts on the populations of two EPBCA listed orchids (*Prasophyllum apoxychilum* and *P. castaneum*) occur in the Ellarwey Valley and the track passes directly through one of the very few known sites where these species occur (although it has been re-routed to avoid the main known habitat) as the response of orchids such as these to disturbance such as walking track is very poorly known; and
 - potential impacts to geoheritage values as the geomorphic history, hence geoheritage, of the Tasman Peninsula has never been studied (hence it is difficult to identify the geoheritage values that will be impacted through a track survey).

9. There are very high potential environmental risks (particularly for a National Park) from the proposal, which include-
 - to rare and endangered plant species,
 - to the sea eagles,
 - to the landscape values of the Port Arthur Historic Site World Heritage Area,
 - through *Phytophthora* spread, and
 - through critical potential events such as fire (likely to be increased through 10,000 walkers a year in this environment) and helicopter crashes (required for regular servicing of the huts and construction of the huts and track).
10. Many of the above impacts are underplayed in the DPEMP which fails to realistically assess the impacts of 10,000 walkers a year on the Track, who will invariably go off track, particularly in search of coastal views. The DPEMP argues it can mitigate many of the above impacts but this requires numerous very complex mitigation actions that are unlikely to be observed, particularly in the longer term.
11. The proposal relies on helicopters for all supply and removal of material (during construction and once operational). This reliance on helicopters is inappropriate for the following reasons –
 - noise impacts which also impact the natural and wild quality of the Park
 - potential impacts on sea eagles
 - potential impacts on the Port Arthur Historic Site)
 - significant risks to the Park and adjacent marine environment in cases of helicopter fuel leaks or crashes
 - irresponsible and undesirable high fuel use in a time when carbon emissions are of extreme concern.
12. The DPEMP does not provide details on the exact location and design of the 48 bed walker huts, the viewing platforms, the locations of the commercial huts, and the jetties/pontoon at Denmans Cove. This has significant potential impacts on a range of environmental aspects and needs to be detailed in the DPEMP and not left open.
13. There are also a number of difficult aspects that have poorly thought out mechanisms to address and no consideration of their impacts – these are 1. what happens if access is not provided through private property in the Maignon Bay area; and 2. the need to transport walkers around to Stinky Bay and have them walk in to Denmans Cove in poor weather; 3. back up boat (or other) services to transport people across Long Bay and out of Fortescue Bay.
14. The DPEMP fails to take into account the impact of walkers outside the permit period.
15. The TNPA is concerned about the ability of the PWS to undertake the necessary environmental monitoring on a long term basis (particularly given the difficulty they have carrying out routine monitoring of other similar infrastructure in Tasmanian Parks and given the current low funding/resourcing of the PWS).
16. There is no commitment in the DPEMP that the full Three Capes Track will not become operated and/or owned by a private commercial operator, which would effectively privatise (exclusively) most of the Park. The DPEMP needs to be clear that the PWS will continue to operate the Track (for at least the 48 walkers a day).
17. What happens if the maximum number of walkers (10,000 pa) does not occur after a few years – which is in our view highly likely (see below)? Presumably the development will be neither affordable nor viable - in which case the PWS will be left with a huge white elephant and a huge

irreversible impact on a valuable natural conservation area. The DPEMP needs to state what will happen in such a case.

18. Although touted as an ‘iconic coastal walk’, the walk itself has limited coastal views, while the use of day walks and other existing suitable tracks with significant coastal views and which would only require some upgrading are being largely or totally ignored (eg, the existing track from Pirates Bay to Fortescue Bay).
19. Recent studies into walker aspirations all show that walkers want short (3-4 day) overnight walks, not the 5 night / 6 day walk that will be provided by the proposed Three Capes Track – so why is all this money being spent and why so many impacts and risks for something that is not wanted!
20. Much greater economic return to the Tasman Peninsula could be generated by promoting day walks and/or providing a shorter overnight walk (with consequently less environmental impact) where walkers primarily use private commercial accommodation outside the Park.

All of the above concerns would be addressed by the implementing the TNPA’s alternative proposal. This alternative would also not have required the *Tasman National Park Management Plan* to be altered as the Three Capes Track proposal has done.