

The background features a vertical collage of images. At the top, two men in hard hats and work clothes are looking at a large architectural model of a building complex. Below this, there's a view of a city skyline at night with lights reflecting on water. Further down, there's a close-up of a globe showing the Earth. The bottom section shows a landscape with a winding road or path through a natural area.

Resource Planning and Development Commission

*Report: Freycinet National Park
Draft Management Plan 2004
(Altering the Freycinet National Park,
Wye River State Reserve
Management Plan 2000)*



Resource Planning and
Development Commission

T A S M A N I A

*Report: Freycinet National Park
Draft Management Plan 2004
(Altering the Freycinet National Park,
Wye River State Reserve
Management Plan 2000)*



Report: Freycinet National Park Draft Management Plan 2004 (Altering the Freycinet National Park, Wye River State Reserve Management Plan 2000)

Prepared and published by:
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

September 2004

email address : enquiry@rpdc.tas.gov.au

internet address: <http://www.rpdc.tas.gov.au>



Resource Planning and Development Commission

The Resource Planning and Development Commission is established by the *Resource Planning and Development Commission Act 1997*.

The Commission has five principal functions:

- to assess and approve local government planning schemes and planning scheme amendments;
- to assess projects of State significance;
- to assess draft State Policies;
- to prepare the Tasmanian State of the Environment Report; and
- to conduct inquiries into the use of public land.

The Commission is part of the State's resource management and planning system, the objectives of which are set out in Schedule 1 of the *Resource Planning and Development Commission Act 1997*.

The Commission is made up of:

- an Executive Commissioner (Julian Green)
- a Commissioner with planning experience nominated by the Local Government Association of Tasmania (Geoff Davis)
- a Commissioner with expertise and management experience in resource conservation (Helen Locher)
- a Commissioner with planning experience and experience in industry and commerce (Andrew Edwards)
- a Commissioner with resource conservation or planning experience representing community interests (Lia Morris)
- a Commissioner with public administration experience in regard to project implementation (Helen Hudson)





Table of contents

RESOURCE PLANNING AND DEVELOPMENT COMMISSION	II
1.0 INTRODUCTION.....	1
1.1 Ministerial direction to the Commission	1
1.2 Background to the Draft Plan.....	1
1.2.1 Preparation of the Draft Plan.....	1
1.2.2 Public exhibition of the Draft Plan.....	1
1.2.3 Director's report.....	1
1.3 Review process by the Commission.....	2
1.3.1 Commission reports to the Minister	2
2.0 REVIEW OF REPRESENTATIONS AND DIRECTOR'S REPORT.....	4
2.1 Introduction.....	4
2.2 Relevance of comments on the Draft Plan	5
2.3 Major development and resource extraction within a national park	5
2.3.1 Management objectives of a national park	5
2.3.2 Development in a national park should not be for the benefit of corporate entities	7
2.4 Retaining existing Wineglass Bay look out track	8
2.5 Application of the Historic Cultural Heritage Act 1995	9
3.0 CONSOLIDATED PRINCIPAL RECOMMENDATIONS.....	10
GLOSSARY OF ACRONYMS AND TERMS	11
APPENDICES	12
Appendix 1 Representations received on the Draft Plan.....	13
Appendix 2 Report from the Director of National Parks and Wildlife.....	14





1.0 Introduction

1.1 Ministerial direction to the Commission

By letter dated 2 July 2004 the Minister for Tourism, Parks and Heritage, the Hon. K Bacon, MHA, directed the Resource Planning and Development Commission (the Commission) to review the representations, and the report of the Director of National Parks and Wildlife (the Director), on the Freycinet National Park Draft Management Plan 2004 (Altering the Freycinet National Park, Wye River State Reserve Management Plan 2000) (the Draft Plan).

1.2 Background to the Draft Plan

Freycinet National Park and Wye River State Reserve are managed under the Freycinet National Park, Wye River State Reserve Management Plan 2000 (2000 Management Plan). The Draft Plan proposes to alter the 2000 Management Plan. The proposed alterations to the 2000 Management Plan are in relation to Freycinet National Park and are for:

- the development of the Middleton Creek Tinfield site to harvest potable water; and
- the redevelopment of the Wineglass Bay lookout track.

1.2.1 Preparation of the Draft Plan

The Director prepared the Draft Plan in accordance with the requirements of Part 3 of the *National Parks and Reserves Management Act 2002*.

1.2.2 Public exhibition of the Draft Plan

The Draft Plan was placed on public exhibition by the Department of Tourism, Parks, Heritage and the Arts from 17 January 2004 to 20 February 2004. Representations on the Draft Plan were invited. Nine representations were received (refer to Appendix 1 for a list of the representors). The Office of the Solicitor-General also provided advice on the Draft Plan, which the Director has treated as a representation.

1.2.3 Director's report

Under section 21 of the *National Parks and Reserves Management Act 2002* the Director is required to forward to the Commission a copy of all representations received on the Draft Plan, and a report containing:

- ‘(i) a summary of the representations; and
- (ii) the Director's opinion on the merits of the representations including whether or not he or she believes the representations to be of sufficient merit to warrant modification of the management plan; and
- (iii) a summary of any proposed modification to the management plan; and
- (iv) any additional information the Director considers relevant.’

The Commission received a copy of the Director's report and representations on 20 May 2004 (see Appendix 2).

1.3 Review process by the Commission

The review process has been conducted in accordance with Part 3 – Management of reserved land, sections 21-24 of the *National Parks and Reserves Management Act 2002*. Figure 1 describes the review process for draft management plans pursuant to the Act.

As required under section 23 of the Act, the Commission gave public notice in the *Advocate*, *Examiner* and *Mercury* newspapers that copies of representations received, and the Director's report, were available for public inspection at the Visitor's Centre, Freycinet National Park, Coles Bay and the Commission's Hobart office. The Director's report, representations and the Draft Plan were also available on the Commission's internet site: <http://www.rpdc.tas.gov.au>

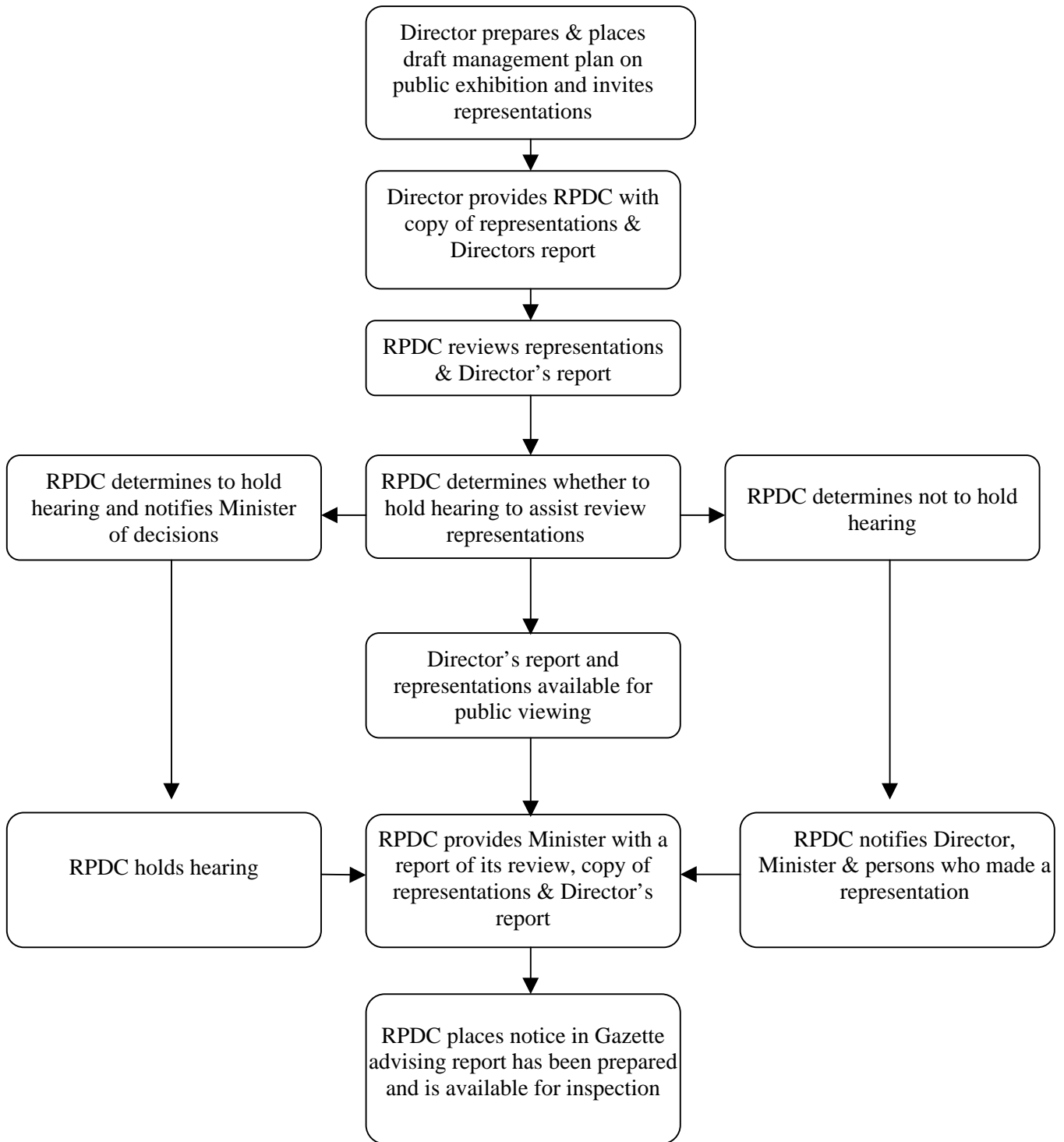
The Commission determined that a hearing was not required to assist in the review of the representations. In accordance with section 22(4) of the Act the Commission gave written notice of its decision not to hold a hearing to the Director, the Minister for Tourism, Parks and Heritage, and each person who made a representation.

1.3.1 Commission reports to the Minister

A copy of this report has been provided to the Minister for Tourism, Parks and Heritage.

The Minister must consider the report of the Commission before the Plan is submitted to the Governor for approval under section 25 of the Act. Section 25(3) of the Act provides that a management plan submitted to the Governor can either be unaltered or contain alterations that the Minister thinks appropriate having regard to the Commission's report, the representations (including any representations from the National Parks and Wildlife Advisory Council) and the Director's report.

Figure 1 Review process for draft management plans pursuant to the *National Parks and Reserves Management Act 2002*



2.0 Review of representations and Director's report

2.1 Introduction

All representations made in relation to the Draft Plan have been considered by the Commission. Conclusions and recommendations are based upon these representations and the Director's report (refer to Appendix 2). The Director received nine representations in response to the Draft Plan. Advice from the Office of the Solicitor-General has been analysed in the Director's report and treated as a representation.

It is stressed that the scope of the review undertaken by the Commission is limited, under the Act, to the issues raised in the representations and how the Director has responded to those issues in his report. The Commission does not have the statutory power to review the Draft Plan at large. Documents considered and taken into account during the review are:

- Representations
- Director's report
- Freycinet National Park Draft Management Plan 2004 (Altering the Freycinet National Park, Wye River State Reserve Management Plan 2000) (the Draft Plan) and the Freycinet National Park, Wye River State Reserve Management Plan 2000 (2000 Management Plan)

Other documents in relation to dam applications and environmental impact assessments are beyond the statutory scope of this review and, as such, have not been considered.

The Director's report identifies 3 key issues raised in representations:

- relevance of comments on the Draft Plan;
- major development and resource extraction within a national park; and
- retaining existing Wineglass Bay look out track.

Sections 2.2 to 2.4 of this report provide an examination of these issues. Section 2.5 reviews the application of the *Historic Cultural Heritage Act 1995* to the Middleton Creek Tinfield site.

The Commission endorses factual corrections to the text in the Draft Plan, which have been provided by representors and accepted by the Director, unless otherwise stated. The Director's response to issues raised in representations that are not reviewed in detail below should be taken as supported by the Commission.

2.2 Relevance of comments on the Draft Plan

Representations

The majority of representations commented on the dam application and environmental impact assessment documentation, which had been placed on public exhibition at the same time as the Draft Plan.

Director's response

In his report the Director notes that the majority of issues raised in representations were in relation to the environmental assessment process and not the process to alter the 2000 Management Plan. While these issues have been taken into account in the dam application and environmental impact assessment process, they are beyond the scope of the Draft Plan.

Commission commentary and recommendations

The dam application and environmental impact assessment were advertised and made available for public comment at the same time as the Draft Plan. There are benefits in combining approvals processes (similar to a planning scheme amendment and permit process under s.43A of the *Land Use Planning and Approvals Act 1993* (LUPA Act)), but given that the legislation currently provides for three separate statutory processes, it would be prudent to maintain some distinction between the processes.

Public consultation on the proposed alterations to the 2000 Management Plan has been overshadowed by the dam application. This has resulted in minimal discussion on the general concepts and principles proposed in the Draft Plan.

It is recommended that, unless the legislation is amended, alterations to management plans be advertised and made available for public comment independently of any other statutory approval processes. For example, a Draft Plan could be placed on public exhibition and then, a couple of weeks later, other documents arising out of additional statutory approvals processes could also be exhibited. This should assist the public distinguish between the statutory processes.

2.3 Major development and resource extraction within a national park

2.3.1 Management objectives of a national park

Representations

Two representations are fundamentally opposed to a dam being built in the Freycinet National Park, stating that to do so would be inconsistent with the management objectives. The Tasmanian Conservation Trust notes that section 2.1 of the 2000 Management Plan states 'The vision helps avoid inappropriate development and the "tyranny of small decisions", guiding management not just for the short term, but for the benefit of future generations.' The Conservation Trust considers that

the proposed alteration in the Draft Plan to enable the development of a dam does not ‘meet the statutory requirements laid down in the vision, the purposes and objectives of national parks and the specific objectives of the Freycinet National Park.’ In forming this view the Conservation Trust notes that it has relied on information contained in the dam application and the environmental impact assessment. The Tasmanian National Parks Association Inc. is concerned that ‘If each generation nibbles away at the edges, manipulating the Plans to suit immediate needs/wants, the values of the Parks erode, even if at an imperceptible rate, such that the trend is increasingly nurtured by reduced expectations.’

Director’s response

The Director’s report states ‘While the management authority is satisfied that it is meeting its legislative responsibilities, it remains concerned to assure the community that these principles do remain intact.’ It is noted by the Director that water harvesting at the tin mines site was a pre-existing use. The management authority considered the issue of whether the tin mines site should be excised from the conservation zone. The Director advises that ‘It was felt that such a change might signal that it was available for other, more intensive human uses. This broader use change was not supported and on this basis it was considered in-appropriate to re-zone.’

Commission commentary and recommendations

The Middleton Creek Tinfield site has been, and continues to be, used to harvest water for the township of Coles Bay. These activities were taking place when the area was zoned conservation. It is recognised that there are cultural heritage values at the mine site although mining at the Tinfield site between 1972 to 1980 degraded the cultural heritage values.

The 2000 Management Plan provides for continuation of the existing use in so far as the water supply links are concerned. Section 5.5.5, Conservation Zone, Policies, of the 2000 Management Plan provides:

‘Except for safety, environmental or heritage protection, water supply links from the former tin mines to Coles Bay water supply, and fire management, new structures or any other type of development (including new tracks) will not be allowed.’

Water harvesting from the Middleton Creek Tinfield mines site occurred before the unallocated Crown land was reserved and included in the Freycinet National Park. While it is arguable that the existing use of the tin mines site for water harvesting provides justification for the proposed additional water supply capacity, caution should be exercised with this approach. As a general principal a planning scheme cannot prevent the continuance of the use of any land for which it was being lawfully used before the coming into operation of the scheme. For an example, refer to s.20 (3) of the LUPA Act. One of the exceptions to the existing use rule is where a use of any land, building or work is substantially intensified (e.g. s.20 (6) of the LUPA Act). Thus, if the existing use argument were to be relied upon, the question of whether the proposed additional capacity of the tin mines site is an intensified use of the land would be raised. However, the NPRM Act does not contain provisions the same or similar to the LUPA Act regarding existing use. Therefore the managing authority is not constrained by statute as regards existing use.

In this instance the Commission considers that it is not inappropriate for development of an additional water supply capacity at the former tin mines site. Any major development should be contained within the footprint of the Middleton Creek Tinfield site, which is a relatively small area of less than 10 hectares.

To ensure that a proposed development does not adversely impact on the values of the reserve, a thorough environmental impact assessment must be undertaken. The 2000 Management Plan provides the process for assessment of major developments within the reserve, and a dam would require approval under the *Water Management Act 2000*. Clearly the onus lies heavily on the decision-makers, including the managing authority, to ensure that a development proposal does not adversely impact on the vision, values and the management objectives of the reserve.

The Commission considers that the proposed alteration is not in itself contrary to the management objectives of the reserve, although it is generally the case that major development is not desirable in a conservation zone because the priority for the zone is to:

- conserve the natural integrity of the Zone;
- conserve the diversity of plant and animal species and communities;
- conserve heritage values; and
- conserve wilderness, scenic quality, and the character of natural quiet, tranquillity and sense of solitude. (Freycinet National Park and Wye River State Reserve, Management Plan 2000, p.16)

It is recommended that the Director reconsider excising the Middleton Creek Tinfield mines site from the Conservation Zone. The use and development proposed is not consistent with the objectives of the Conservation Zone. The footprint of the Middleton Creek Tinfield mines site and a pipeline easement should be re-zoned and named Infrastructure Services Zone, or something similar. It is recommended that the 2000 Management Plan be amended to include a description of the Infrastructure Services Zones, with the new zone identified on a map. The new zone should restrict use and development to infrastructure services required to facilitate the harvesting of potable water. The zone should not enable a broader use change.

2.3.2 Development in a national park should not be for the benefit of corporate entities

Representations

Three representations were concerned that Federal Hotels would be the primary beneficiary of the proposed increased water supply capacity at the former tin mines. Allowing development to occur in a national park for the benefit of a corporate entity is considered inappropriate.

Director's response

The Director comments that increasing the water supply capacity at the Middleton Creek Tinfield site will 'place the future water needs of the Freycinet Peninsula on a much more secure footing.

...benefits to Federal Hotels are believed to be substantial benefits for the wider Tasmanian economy.'

Commission commentary and recommendations

The Commission has no evidence to suggest that Federal Hotels is the sole beneficiary of the additional water supply from the Middleton Creek Tinfield site. It would appear that the Coles Bay township will benefit from increasing the water supply as well as any developments within the Freycinet Peninsular.

2.4 Retaining existing Wineglass Bay look out track

Representations

The Tasmanian National Parks Association Inc. (TNPA) is strongly opposed to re-routing the track via the Conservation Zone as it is fundamentally opposed to development in a Conservation Zone. TNPA is not convinced that re-routing the track will solve the problems associated with visitor growth and impact. As an alternative the TNPA suggests no further hardening of the track, no departure from the Recreation Zone, but provide better information to users about required fitness, difficulty, and good alternative day walks. The TNPA also points out that a loop track will cause additional impacts from people taking short-cuts between the loops.

Similarly the Tasmanian Conservation Trust comments that alternatives have not been considered such as managing walker numbers.

Director's response

The Director notes that the 2000 Management Plan ratifies the decision to upgrade the Wineglass Bay look out track – 'the decision currently being canvassed is not whether to upgrade, but rather, where to locate an upgraded track.'

It is noted that the zoning associated with the new look out track will be amended after the final route is decided.

In his report the Director agrees with the TNPA 'that a loop track, where the up and down legs are forced to become too physically close because of the terrain, does add considerable impact (and cost), for less apparent gain. Currently investigations are suggesting that a practicable loop track may be harder to achieve in this difficult terrain than previously anticipated.' The Director proposes an amendment as follows:

In the section titled *Proposed Redevelopment of the Track* add a final paragraph which reads:

Creation of a loop track is technically difficult and may not be possible in this steep, difficult terrain

In the section titled Text Changes, reword the first sub-point of the proposed changes as follows:

-a new track to the Wineglass Bay lookout, being a loop track if technically feasible,

Commission commentary and recommendations

The Commission supports the proposed amendment and the additional changes proposed by the Director. It is agreed that zoning of the new track as Recreation Zone should occur when the management plan is next amended, altered or reviewed.

2.5 Application of the Historic Cultural Heritage Act 1995

Commission commentary and recommendations

It has been suggested to the Commission that the proposed amendment in relation to the Middleton Creek Tinfield site should be made expressly subject to the *Historic Cultural Heritage Act 1995*.

Parks and Wildlife Service has confirmed that the Middleton Creek Tinfield site is not a registered place under the *Historic Cultural Heritage Act 1995*, or within a heritage area declared under that Act. The Commission finds that any need which may arise to meet the requirements of the *Historic Cultural Heritage Act 1995* is sufficiently addressed in the text on p. 3 of the Draft Plan, where it states that the approval of the plan 'is not a sufficient step to ensure the dam construction can proceed' and refers to the fact that the approval process includes other steps.

3.0 Consolidated principal recommendations

This chapter of the report draws together the Commission's principal recommendations from each section in chapter 2. These recommendations do not include every amendment to the Draft Plan proposed by the Director and supported by the Commission. The Director's report (see Appendix 2) contains a number of additional proposed amendments, including factual and editorial corrections. The Commission supports these proposed amendments unless otherwise stated in chapter 2 of this report.

Recommendation 1

It is recommended that, unless the legislation is amended, alterations to management plans be advertised and made available for public comment independently of any other statutory approval processes.

Recommendation 2

The footprint of the Middleton Creek Tinfield mines site and a pipeline easement should be re-zoned and named Infrastructure Services Zone, or something similar. It is recommended that the 2000 Management Plan be amended to include a description of the Infrastructure Services Zones, with the new zone identified on a map. The new zone should restrict use and development to infrastructure services required to facilitate the harvesting of potable water.

Recommendation 3

In the section titled *Proposed Redevelopment of the Track* add a final paragraph which reads:

Creation of a loop track is technically difficult and may not be possible in this steep, difficult terrain

Recommendation 4

In the section titled Text Changes, reword the first sub-point of the proposed changes as follows:

-a new track to the Wineglass Bay lookout, being a loop track if technically feasible,

Recommendation 5

Zoning of the new track as Recreation Zone should occur when the management plan is next amended, altered or reviewed.



Glossary of acronyms and terms

Commission	Resource Planning and Development Commission (RPDC)
Director	Director of National Parks and Wildlife
DPIWE	Department of Primary Industries, Water and Environment
Draft Plan	Freycinet National Park Draft Management Plan 2004 (Altering the Freycinet National Park, Wye River State Reserve Management Plan 2000)
DTPH	Department of Tourism, Parks, Heritage and the Arts
LUPA Act	<i>Land Use Planning and Approvals Act 1993</i>
NPRM Act	<i>National Parks and Reserves Management Act 2002</i>
NPWAC	National Parks and Wildlife Advisory Council
PWS	Parks and Wildlife Service, Department of Tourism, Parks, Heritage and the Arts
RMPS	Resource management and planning system
TNPA	Tasmanian National Parks Association



APPENDICES



Appendix 1

Representations received on the Draft Plan

No.	Representor					City/Town
1	Ms	Anne	McConnell			Hobart
2	Mr	Rick	Calitz			Glenlusk
3	Ms	Joan	Masterman		Freycinet Experience Pty Ltd	
4	Ms	Sarah	Lighton	Legal Officer	Solicitor-General of Tasmania	Hobart
5	Mr	Michael	Lynch	Director	Tasmanian Conservation Trust	Hobart
6	Ms	Helen	Gee	Campaign Officer	Tasmanian National Parks Association Inc.	Hobart
7	Mr	Kim	Evans	Secretary	Dept of Primary Industries, Water and Environment	Hobart
8	Mr	Rob	Giason	Chief Executive	Tourism Tasmania	Hobart
9	Ms	Wendy	Horniblow			Turners Beach
10	Ms	Carol	Bacon	Managing Geologist	Dept of Infrastructure, Energy and Resources	Rosny



Appendix 2

Director's report



DEPARTMENT OF TOURISM, PARKS, HERITAGE & THE ARTS

Report from the Director of National Parks and Wildlife

to the

Resource Planning and Development Commission

on

Public Representations Received on the *Freycinet National Park Draft Management Plan 2004*

Freycinet National Park is currently managed in accordance with a statutory management plan, the *Freycinet National Park, Wye River State Reserve Management Plan 2000*. The *Freycinet National Park Draft Management Plan 2004* was written to alter the 2000 plan in two specific areas. Firstly, it has been prepared to provide for the construction and operation of extended potable water storage capacity in the Middleton Creek Tinfield area. Secondly, it has been prepared to provide for redevelopment of the Wineglass Bay lookout track.

This draft management plan was made available for comment by the public, the National Parks and Wildlife Advisory Council and the Secretary, Department of Primary Industries, Water and Environment from 17 January 2004 until 20 February 2004. The individual comments made in these representations are summarised in attachment 1, a schedule that also sets out detailed proposed changes to the plan as a result of these comments.

Attachment 2 is diagrammatic representation of the approval processes for the dams project. Basically there are three decision making streams, one for the management plan change, one for the dam assessment process, and a third for the park management authority's internal environmental and heritage assessment process, this last being a requirement of the existing statutory plan for the park.

In order to streamline the approval process, the Parks and Wildlife Service combined the community consultation requirement for its environmental and heritage impact assessment with the dam construction approval process. Accordingly the Tin Mines Dams – Dam Application and Environmental Impact Assessment sought to included an assessment of impacts on all values for which the Parks and Wildlife Service has a statutory responsibility.

To provide additional transparency the above document was made available for public comment at the same time as the draft plan was released for public comment. The community, through this process, has had the opportunity to comment on both these matters. Readers of the draft plan were advised that to best gauge the proposed water redevelopment and its impacts that the dam impact assessment document should also be read.

General Recommendations

Several minor amendments to the plan are required to reflect that it will be a final plan rather than a draft plan being circulated for public comment.

Summary of Representations and Proposed Changes to the Draft Plan

Ten representations were received. Six representations were very critical of the dam, three were more neutral and one was supportive. Two representations were critical of the loop track, two were supportive and the rest were neutral. The majority of comments received concerned matters outside of the draft plan and its contents, instead relating to the environmental assessment process. They are therefore not addressed in this report. It should however be noted that the PWS has recognised that the dam impact assessment materials lacked comprehensiveness in at least two critical areas (cultural heritage and environmental flows). To address this the dam proponents are being requested by the PWS to undertake additional assessments and to provide this information for comment by those parties that have indicated an interest.

Tin Mines Issue - Matters of Principle

The further development of the tin mines site for water harvesting raised matters of broad principle for many of the respondents: viz

- three respondents considered this use, principally for the benefit of one corporate entity, was inappropriate;
- two considered that such use was inconsistent with the management objectives for the park; and
- one was against allowing development within a conservation zone, and saw the harvesting of water, a form of resource extraction, as being inappropriate in a park.

While the management authority is satisfied that it is meeting its legislative responsibilities, it remains concerned to assure the community that these principles do remain intact. In this instance there are specific circumstances, most especially that water harvesting at the tin mines site was a pre-existing use, which paved the way for the preparation of this draft plan. While the management authority could certainly have responded to the application differently, the benefit flowing from these works will be broadly distributed. Firstly it will place the future water needs of the Freycinet Peninsula on a much more secure footing. Secondly, benefits to Federal Hotels are believed to be substantial benefits for the wider Tasmanian economy.

Loop Track

Two respondents considered the lookout track should not be upgraded, and instead propose mechanisms be employed to limit numbers on the existing track. As indicated in the schedule of



comments, the decision to upgrade has already been ratified by the existing statutory plan, and the decision currently being canvassed is not whether to upgrade, but rather, where to locate an upgraded track.

Scott Gadd

DIRECTOR

NATIONAL PARKS AND WILDLIFE

Contact Officer: Gary Willmott

Position: Planning Officer (North East District)

Ph: 6256 7004



ATTACHMENT 1

Schedule of Public Comments and Proposed Responses

to the

Draft Freycinet National Park Management Plan 2004

Comment	Proposed Response
Representation 1. Anne McConnell GPO Box 234 Hobart TAS 7001	
1. Introductory words include background of professional expertise in cultural heritage management	No change is required.
2. Concerned for use of Searle archaeological assessment. Use was ambiguous and could mislead.	The document being referred to is the 'Dam Application and Environmental Impact Assessment' report prepared by National Strategic Services P/L. As indicated in the Director's Report, the dam approval process has three streams, and this comment applies to the dam impact assessment stream, covering matters not considered in the draft plan. On this basis no change is recommended.
3. Remedy: Set out the aim and scope of the Searle report and evaluate her findings as they relate to this proposal.	See response to comment #2.
4. This approach (3 above) is not currently reflected in the documentation.	See response to comment #2.
5. The Searle report is presented in a way that suggests it was undertaken for the present proposal. It is understood this is not the case, but was undertaken for a project to repair the existing dam- not	See response to comment #2.

Comment	Proposed Response
replace it.	
6. I also understand the Searle report did not support ground disturbance, which is likely with this project.	See response to comment #2.
7. Asks that the matter be reviewed, and the nature of the Searle report made clear in the final plan, to ensure the cultural heritage context is properly established.	See response to comment #2.
8. Urge that the Searle report recommendations are taken into account in all environmental impact assessment processes.	See response to comment #2.
Representation 2. Rick Calitz 311 Glenlusk Road Glenlusk TAS 7012	
9. Object to the draft plan strongly, it being against principles of ESD, lacks equity and is contrary to the purposes and objectives of the park.	<p>It is presumed these comments are made in relation to the dam proposal</p> <p>a. Against principles of ESD:. The environmental scrutiny of the dam project is a separate process –see response to comment #2.</p> <p>b. Lack of Equity: The dam works will place the water supply for all of Coles Bay on a more secure footing. The benefit flowing to Federal Hotels is believed to be a benefit for the wider Tasmanian economy (see Directors Report).</p> <p>c. Contrary to the Purposes and Objectives of the NP: Harvesting of water from the tin mines site to supplement the Coles Bay supply system is a use that is much older than the site’s national park tenure. As a pre-existing</p>

Comment	Proposed Response
	use or right it is endorsed in the statutory plan and specifically protected by Section 35(3) of the <i>National Parks and Reserves Management Act 2002</i> . Enhancement of this use raises the issue of the protection and conservation of reserve values (a clear statutory requirement), but this is a matter that is being considered by a separate process (see #9a above).
10. Is affected by the application, being a council ratepayer, area property owner, [other affiliations listed].	See response to comment #2.
11. Matters raised in point form as follows....	No change is required.
12. 1.9.1 Terminology lacks certainty [example given].	See response to comment #2.
13. 1.5.1 Concern expressed for statement that threatened species loss “may be insignificant”.	See response to comment #2.
14. 1.5.2 Concern is expressed for mention of trout introduction.	See response to comment #2.
15. 1.5.3 The phytophthora ‘safeguards’ are regarded as insufficient and unconvincing.	See response to comment #2.
16. 1.9 While all specialist studies demand mitigation of impacts it is unclear how these demands will be honoured.	See response to comment #2.
17. Page 12 Editorial correction about Aboriginal sites.	As this is a matter that is beyond the scope of the draft management plan no change is recommended.
18. Reservations are expressed about the contractors adhering to ‘rigorous processes’ outlined.	See response to comment #17.



Comment	Proposed Response
19. The Latest Picture A question is raised about the need for the tin mines dam development, based on the current size of the new resort	See response to comment #17..
20. 2.1.2 Questions are raised about the nature and extent of cost sharing	See response to comment #17.
21. Questions are raised about the process for the dam approval.	See response to comment #17.
22. 2.8 More detail is requested on 'other sources of water' mentioned in one of the reports.	See response to comment #2.
23. 2.10 The mitigation measures are considered inadequate and specific proposals are made.	See response to comment #2.
24. 3.2.11 Concern is indicated about permeability findings.	See response to comment #2.
25. 4.2 Why is there no information about environmental flows.	See response to comment #2.
26. Fauna information presented on weeds and threatened species does not allay concerns.	See response to comment #2.
27. 5.2.5.1 Some confusion about the words 'washing down again' is expressed.	See response to comment #2.
28. 5.2.6 Questions the validity of past Phytophthora testing	See response to comment #2.
29. 8.2 Questions whether a statement about long-term impacts is a typo or not.	See response to comment #2.
30. Page 40 Disputes statement that area aesthetics will be improved.	See response to comment #2.
31. Concern is expressed that the disclaimer at the end of the document	See response to comment #2.



Comment	Proposed Response
further flaws its validity.	
32. Proposal is made to begin again, adopting the precautionary principle, particularly with respect to impact on Freshwater Lagoon.	See response to comment #2.
33. Policing permits to disturb threatened species is considered problematic.	See response to comment #2.
34. Lack of policy consistency on several fronts is pointed to, particularly with respect to PEVs.	See response to comment #2.
35. The fundamental need for this dam is again question given the reduced size of the planned resort.	As this is a matter that is beyond the scope of the draft management plan no change is recommended.
36. It is recommended the project not be proceeded with [summary of many of the above points provided as justification].	See response to comment #2.
37. Concern is expressed for the adequacy of the Aboriginal heritage study.	See response to comment #2.
38. There seems to be selective reliance on past annual inflow data.	See response to comment #2.
39. There are other ways to address deficiencies in water supply, this way can not be justified [reasons given].	As this is a matter that is beyond the scope of the draft management plan no change is recommended.
Representation 3. Joan Masterman, Freycinet Experience Director, Freycinet Experience P/L	
40. 1. Affected party status is established through a number of points listed (a) through (i)	No change is required.
41. (i) A number of fears are listed including the spread of Phytosphthora , disturbance to bird life and enlargement and compaction of the track to the dam	See response to comment #2.



Comment	Proposed Response
resulting in spread of Phytophthora an increase in vehicle traffic.	
42. 2. Imposing this development on a national park for the profit of one company is inappropriate.	See response to comment #9b and the Directors Report.
43. The attachments to the Dam Application and Environmental Impact Assessment were not freely available. Little time given to comment.	As this is a matter that is beyond the scope of the draft management plan no change is recommended.
44. (a) The attachments made clear the primary motivation for the works - to supply Federal Hotels.	See response to comment #43.
45. (b) Principles applied to FE (prohibition of dam construction on FE's private land) should be applied to Federal Hotels within the park.	See response to comment #43.
46. (c) It is suggested the State Coastal Policy may apply to dam upgrade on Federal's own land.	See response to comment #43.
47. (d) Alternatives considered by Sinclair Knight for supplying water are not revealed.	See response to comment #2.
48. (e) Reasons given for selecting the chosen water supply option are non-persuasive, considering the importance of principles being set aside to allow a dam in the park.	See response to comment #2.
49. (f) The assessments raise a number of objections as listed in (i) through (v) below:	No change is required.
50. (i) The dangers of the spread of Phytophthora [Barker recommendations listed].	See response to comment #2.
51. (ii) No mention of increased	See response to comment #2.

Comment	Proposed Response
Phytophthora spreading risk associated with increased vehicular traffic as a result of track improvements.	
52. (iii) Possible (insufficiently considered) impact on wedge-tailed eagle breeding, based on frequency of sightings	See response to comment #2.
53. (iv) Need to consider a clearance moratorium on black gum because of its habitat value for swift parrot.	See response to comment #2.
54. (v) The existing park statutory plan establishes the importance of historic sites indicating they need to be ‘respected and maintained’. There is considered to be no doubt the tin mines is one such site. The impact assessment by contrast represents to site as unimportant, as does the draft management plan.	<p>The draft plan states that the site contains cultural heritage values, providing appropriate background to this assertion.</p> <p>The draft plan also establishes that the impact of dam works on these and all other values is the subject of a separate process (see response #2). On this basis no change is recommended.</p>
55. The understanding FE has of the importance of the site as a component of a broader Aboriginal landscape is overlooked.	See response to comment #2.
56. 3. It seems assumed in both the environmental impact assessment and the draft plan that because tourism is a good thing, the usual restrictions on earth moving in a park will not apply. Also restrictions placed on FE are not being applied to Federal Hotels.	<p>Many projects have a significant earth-moving component. An example is the recent re-routing of the park entry road to accommodate the new visitor centre. The existing statutory plan recognised the pre-existing use of the tin-mines site for water harvesting (see response #9c). The statutory plan also provides the management authority a clear responsibility to ensure any development, including earth moving, does not erode park values (see response to comment #2). No changes are proposed.</p>
57. Both the environmental impact assessment and the draft plan make little reference to the Federal Hotels project	The new development (the resort) is outside the park and therefore its form is a matter beyond the scope of the draft

Comment	Proposed Response
<p>although more details have recently been publicly released [details given]. FE considers the project's details are not in keeping with the park, present development and present user perceptions [example given].</p>	<p>management plan. No change is recommended.</p>
<p>58. The proposed development will likely destroy the FE tourism product, simultaneously signalling a major change in the stewardship of the values of the park.</p>	<p>See response to comment #57.</p>
<p>59. No submission is made with respect to the Wineglass Bay lookout track, although FE is not entirely convinced of this solution to overcrowding.</p>	<p>No change is required.</p>
<p>60. Conclusion The Tin Mines dam application should be refused.</p>	<p>This is a matter beyond the scope of the draft management plan. No change is recommended.</p>
<p>71. Secondary Submission If the application is granted the following conditions should be imposed:</p> <ul style="list-style-type: none"> • no track sealing • widening for construction purposes should be rectified by planting, • the entrance to the track should be restored at least to its present level of conspicuousness. • During construction an independent expert should be employed to enforce vehicle washing. 	<p>See response to comment #60.</p>
<p>Representation 4. Sarah Lighton, Office of the Solicitor General 15 Murray Street Hobart 7000</p>	
<p>72 1. Remove reference to 'reserve' on</p>	<p>It is recommended this change be made.</p>



Comment	Proposed Response
page v and all further such references.	
73. 2. The date given for the addition to the park of the area that includes the tinfields is in error.	It is recommended this be corrected.
74. 3. To avoid prohibiting the exercise of a statutory power (to undertake the works required to build the a dam), the plan should specifically authorise this activity.	See response to comment #72.
75. 4. On page 7 insert “in relation to” before “Middleton Creek Tinfield area” and “and to allow for a new loop track to the Wineglass Bay lookout location” following “Tinfield area”	See response to comment #72.
76. 5. The page reference to the 2000 plan where text changes are contemplated is wrong on the internet version (but right on the hard-copy).	This technical problem is a matter beyond the scope of the draft management plan. No change is recommended.
77. 6. The draft should also include an amendment to Table 2 to allow the loop track.	See response to comment #72.
Representation 5. Michael Lynch, Tasmania Conservation Trust 102 Bathurst Street, Hobart 7000	
78. Potable Water Storage Extensions. The proposal arises from an application from Glamorgan-Spring Bay Council.	No change is required.
79. Any assessment of the proposal must take into account the purposes and objectives, including specific objectives, for the park [these are listed]	See response to comment #9c.
80. Section 2.1 of the 2000 plan establishes a vision to guide management and development [quoted].	No change is required.
81. Table 1 of the 2000 plan lists the	No change is required.



Comment	Proposed Response
objectives for the zone where the dam is located [quoted].	
82. Section 3.3 of the 2000 plan indicates the importance of flora conservation, setting out objectives for flora protection [quoted]	No change is required.
83. The proposed amendment fails to meet the vision, purposes general and specific objectives of the statutory plan. This claim is made on the basis of information contained in the environmental impact assessment.	<p>As indicated in the response to comment #9c, the fundamental issue is the use of the site, which is pre-existing and finds direct endorsement in the statutory plan and ‘in-principle’ endorsement in the plan’s enabling legislation under Section 35(3).</p> <p>The enhancement of this use proposed in the draft plan raises many issues of consistency with the plan vision and objectives, including specific objectives. These are however matters being considered as part of the environmental scrutiny of the project. As indicated in response #9c, this is a separate process.</p>
84. 1. The environmental impact assessment refers to the need to maintain roads for access, but the draft amendment does not include this. It must.	<p>The draft contains a proposed amendment that includes development in the conservation zone to allow for additional water capacity, along with:</p> <p>“works associated with the proper maintenance of this water supply and/or capacity”</p> <p>It is considered this change covers this matter and no change is recommended.</p>
85. 2. The environmental impact assessment refers to the construction of a pipeline but the draft amendment does not include this. It must.	<p>The draft contains a proposed amendment that includes development in the conservation zone to allow for additional water capacity, along with:</p> <p>“water supply links and associated pumping equipment to connect the</p>



Comment	Proposed Response
	former tin mines to Coles Bay water supply” It is considered this change covers this matter and no change is recommended.
86. 3. The environmental impact assessment refers to the introduction of trout, although it is difficult to conceive PWS would agree to this and it would be contrary to the 2000 plan.	The respondent is correct, the PWS would not agree to the introduction of trout. Also see response to comment #2.
87. 4. The environmental impact assessment indicates the amount of water that will be removed from Freshwater Lagoon, but no attempt has been made to assess the impact of this.	See response to comment #2.
88. The environmental impact assessment indicates permits will be required to destroy or disturb listed flora species, but this will be in breach of the vision, purposes and general and specific objectives.	See response to comment #2.
89. A Phytophthora management strategy needs to be developed for these works	See response to comment #2.
90. It is believed this project cannot be approved under the 2000 plan.	See response to comment #83.

Comment	Proposed Response
<p>91. Redevelopment of the Wineglass Bay Lookout Track Disappointing there has been no attempt to manage walker numbers, the only solution canvassed is a track upgrade.</p>	<p>As indicated in the draft plan, the existing statutory plan specifically endorses a major upgrade of the existing track. The issue being canvassed in the draft plan is not whether the track should be upgraded, but rather, where should an upgraded track go.</p> <p>More generally, the 2000 plan endorses the following management objective for the park:</p> <p>“to encourage and provide for tourism, recreational use and enjoyment consistent with the conservation of the national park’s natural and cultural values”</p> <p>Wineglass Bay is one of a handful of key icon tourism sites in Tasmania. Many visitors, including international visitors, come to the State equipped with knowledge and interest in seeing the view to Wineglass Bay. As such the lookout track is a key component of the State’s natural area tourism infrastructure. With the recent rapid growth in the tourism sector it is vital that such ‘must see’ sites be robustly capable of supporting high use levels. The track must simultaneously meet visitor and management expectations with regard to safety, quality of experience and environmental sustainability (see next comment).</p> <p>No change is recommended.</p>
<p>92. The 2000 plan limits visitor numbers, infrastructure etc to sustainable levels. The 2000 vision is there to help avoid inappropriate development.</p>	<p>Sustainability is a key issue, and one that is driving the proposed upgrade.</p> <p>The present track, with its high use and steep grades, is very difficult to maintain</p>

Comment	Proposed Response
	<p>and is subject to high erosion, leading to considerable amounts of ongoing vegetation disturbance and loss.</p> <p>A new track, better constructed, with shallower grades, will have a much higher level of long-term sustainability.</p> <p>No change is proposed.</p>
<p>93. Attention is drawn to the purposes and objectives of parks, particularly the need to conserve natural and cultural values. This is reinforced in the objectives for the conservation zone.</p>	<p>As indicated in the draft plan:</p> <p>“Approval of this plan is not a sufficient step to ensure the Wineglass Bay lookout track project can proceed within the conservation zone. Other approval steps include a test for consistency with other statutory responsibilities held by the management authority.”</p> <p>The test for consistency with other statutory responsibilities, including the conservation of natural and cultural values is another, separate process.</p>
<p>94. An attempt needs to be made to manage walker numbers.</p>	<p>See response to comment #91.</p>
<p>Representation 6. Helen Gee, Tasmanian National Parks Association Inc GPO Box 2188, Hobart 7001</p>	
<p>95. Concern expressed for both the Tin Mines and Wineglass Bay Lookout Track developments proceeding within the conservation zone – an important principle is being ignored.</p>	<p>It is agreed that the principle – no development (with limited specific exceptions) within the conservation zone is very important. The particular circumstances surrounding these two developments needs to be considered.</p> <p>The first and most important point is that this decision is being made with transparency. Through the preparation of this draft plan the public, the National Parks and Wildlife Advisory Council, the Secretary, Department of Primary</p>

Comment	Proposed Response
	<p>Industries, Water and Environment and a broad range of specific stakeholder groups have been informed and consulted with, about the intention to depart from the principle.</p> <p>In the case of the tin mines, the management authority considered the issue of whether the site should be excised from the conservation zone. It was felt that such a change might signal that it was available for other, more intensive human uses. This broader use change was not supported and on this basis it was considered in-appropriate to re-zone.</p> <p>While it is considered appropriate in the long-term to change the zoning associated with the new lookout track, because the final route is still undecided it was decided, as an interim measure, to draft the change to the 2000 plan in the way it has been.</p> <p>On this basis no changes are recommended.</p>
<p>96. 1. Would like to have seen options explored, most especially one outside the park.</p>	<p>See response to comment #2.</p>
<p>97. Does the need for water take precedence over the meaning of a national park.</p>	<p>The meaning of a national park is largely defined by the purpose and management objectives established in legislation and in the statutory management plan. See response to comment #9c.</p>
<p>98. Public being asked to provide alternatives when this should be the role of the managing authority</p>	<p>See response to comment #2.</p>
<p>99. The impacts of this development are being understated, and the public are</p>	<p>See response to comment #2.</p>



Comment	Proposed Response
being 'bought' by the promise of abundant water.	
100.A local ranger has assured them of both an absence of park impact from the Federal Hotel development, along with Coles Bay community support for the water scheme – all, in the respondents' view, have been hoodwinked.	See response to comment #2.
102.If water is being used from within the park then it would be expected that high-order water conservation measures would be in place. The water use and conservation practices being adopted by the resort are undescribed.	As this is a matter that is beyond the scope of the draft management plan no change is recommended.
103.2. Opposed to allowing the lookout track to be built in the conservation zone. The problems of visitor growth and impact will not be solved by a hardened loop track.	See response to comments #95, #92 and #91.
104.The TNPA suggest no further hardening, no departure from the recreation zone, better information given to users about required fitness, difficulty, good alternative day walks.	See response to comments #95, #92 and #91.
105.It is argued that the track experience should remain as it is – a social one, and that no hard evidence exists that it should be changed.	See response to comment #91.
106.As the loop track is within waiving distance it seems an illogical additional impact, inviting further impact from the inevitable short-cuts between.	The logic behind a loop track has been set out in the draft plan. However the management authority agrees that a loop track, where the up and down legs are forced to become too physically close because of the terrain, does add considerable impact (and cost), for less apparent gain. Currently investigations are suggesting that a practicable loop track may be harder to achieve in this



Comment	Proposed Response
	<p>difficult terrain than previously anticipated. On this basis it is proposed to amend the draft as follows:</p> <p>In the section titled <i>Proposed Redevelopment of the Track</i> add a final paragraph which reads:</p> <p>Creation of a loop track is technically difficult and may not be possible in this steep, difficult terrain</p> <p>In the section titled Text Changes, reword the first sub-point of the proposed changes as follows:</p> <p>-a new track to the Wineglass Bay lookout, being a loop track if technically feasible,</p>
<p>107.The cost takes resources away from other needed track work, such as toilets at Hazards and Cooks Beach.</p>	<p>This is an operational matter beyond the scope of the current plan and no change is recommended.</p>
<p>108.The boundaries of the park and the recreation zone provide integrity and should be respected.</p>	<p>See response to comment #95.</p>
<p>109.The TNPA support appropriate tourism and recreation infrastructure, but in the appropriate zones. Parks should not be mined for tourism dollars at the expense of conservation.</p>	<p>See response to comment #95.</p>
<p>Representation 7. Kim Evans, Dept of Primary Industries, Water & Environment GPO Box , Hobart 7001</p>	
<p>110.The Department has no comment to submit</p>	<p>No change is required.</p>



Comment	Proposed Response
Representation 8. Rob Giason, Tourism Tasmania GPO Box 399, Hobart 7001	
111.Potable Water Storage Extensions The need is well established [words from the environmental impact assessment are quoted as demonstration]	No change is required.
112.The site is disturbed already, provided works are managed to respect values the use is supported	No change is required.
113.It is noted most works are within the disturbance footprint, and the impact assessment details how impacts can be managed	No change is required.
114.Redevlopment of the Wineglass Bay Lookout Track There is an established need.	No change is required.
115.The proposed upgrade and establishment of a loop is supported. The proposal fits the Statewide Walking Tracks Strategy 1997 which identified the track as a 'great short walk'.	No change is required.
116.Over 70% of visitors take a short walk, and numbers will continue to grow. A loop track will enhance the capacity of the track in a manner in keeping with the park values.	No change is required, but see response to comment #106.
Representation 9. Wendy Horniblow 25 Turners Avenue Turners Beach TAS 7315	
117.Agree with the development of the loop-track.	No change is required.
118.Reservation expressed about the dam development.	No change is required.
119.The dam proposal seems to be	See response to comment #9b and the



Comment	Proposed Response
<p>mostly about catering to The Federal Hotels resort. Some residents of Coles Bay echo this thought. If it is so, then how can development within the national park to benefit a private business be justified.</p>	<p>Directors Report..</p>
<p>120.Luxury resorts should not be located within the park, but well outside, being otherwise intrusive.</p>	<p>The proposed resort development is located outside the park.</p>
<p>121.By extending the water storage capacity to exceed immediate needs the way is opened for other additional development. What is the environmentally sustainable ceiling for growth?</p>	<p>As this is a matter that is beyond the scope of the draft management plan no change is recommended.</p>
<p>122.The natural beauty of the area must be maintained, and access and development limited to achieve this goal.</p>	<p>See response to comment #2.</p>
<p>123.The past scarcity of water may have provided an inadvertent limit to development.</p>	<p>As this is a matter that is beyond the scope of the draft management plan no change is recommended.</p>
<p>124.The urge to maximise tourism gains short-term must be balance against long-term sustainability and the maintenance of Tasmania's special places.</p>	<p>See response to comment #2.</p>
<p>125.Before the project advances a future vision for the Coles Bay area needs to be determined via a public consultation process involving all Tasmanians.</p>	<p>While this is a matter that is beyond the scope of the draft management plan no change is recommended.</p>
<p>Representation 10. Carol Bacon, Mineral Resources Tasmania PO Box 56 Rosny Park TAS 7018</p>	
<p>126.Please find attached some history and inspection notes prepared by Mr Greg Dickens.</p>	<p>No change is required.</p>



Comment	Proposed Response
127.The mine site was worked from 1872 until 1980	It is recommended the date be amended accordingly
128.The draft plan statement that the most recent works may have degraded earlier values should be considered within the context of an approved activity which at that time was accepted practice.	The draft plan is stating the findings of a report, providing no direct judgement on this matter.
129.MRT consider the heritage values of the site include the recent work.	While this is accepted no change is recommended.
130.No map of the proposed storage in the draft, therefore not possible to gauge impact on heritage values. Assumption could be made of some impact.	This is a matter picked up in the environmental impact assessment process and is beyond the scope of the current plan, therefore no change is recommended.
131.Negative portrayal of the impact of latter day mining on earlier phases is not supported.	The principle message of the draft plan in relation to this matter is that the tin mines site possesses heritage values. In presenting this message it is considered the 'interim assessment' was the most authoritative source, and one that should be presented fairly. No change is recommended.
132.No objection to the dam, but request the history section is rewritten to accurately reflect the mining activity.	The draft plan has no history section, and it is not considered appropriate that a history section be added. The matter of the site's history of mining activity, the extent of remaining historic fabric, the significance of that fabric, and the impact on it of proposed development are all matters best considered by the environmental impact assessment. No change is recommended.

ATTACHMENT 2 Dam Approval Processes

