



Arthur Highway Upgrade at Eaglehawk Neck



Eaglehawk Neck Historic Site
Eaglehawk Bay-Flinders Bay Conservation Area

RESERVE ACTIVITY ASSESSMENT 3798

November 2021

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Environmental Assessment Report

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Proposal	Arthur Highway upgrade at Eaglehawk Neck Referred to as 'Arthur Highway – Eaglehawk Neck Safety Upgrade Project' by the proponent
Location	Eaglehawk Neck
Reserve	Eaglehawk Neck Historic Site Eaglehawk Bay-Flinders Bay Conservation Area
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Glossary and abbreviations

AHT	Aboriginal Heritage Tasmania
CA	Conservation Area
CEMP	Construction Environmental Management Plan
DPIPWE	Department of Primary Industries, Parks, Water and Environment
DSG	Department of State Growth (the proponent)
EAR	Environmental Assessment Report
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
HS	Historic Site
NC Act	<i>Nature Conservation Act 2002</i>
NPRM Act	<i>National Parks and Reserves Management Act 2002</i>
NPWAC	The National Parks and Wildlife Advisory Council
PWS	Tasmania Parks and Wildlife Service
RAA	Reserve Activity Assessment

Report Summary

This Environmental Assessment Report (EAR) completes the assessment of the Arthur Highway upgrade at Eaglehawk Neck that is proposed by the Department of State Growth (DSG; the proponent). The proposal's unique identifier is Reserve Activity Assessment (RAA) 3798.

The narrow Eaglehawk Neck isthmus links the Tasman and Forestier Peninsulas in south-east Tasmania. It is a prominent and iconic feature of the landscape, and a gateway to the Tasman Peninsula.

The proposal includes widening the highway to provide 3m wide traffic lanes with a new safety barrier on the western side of the highway, increasing the shoulder width, the construction of an off-road path along the eastern side of the highway (between Old Jetty Road and Blowhole Road), improved turning facilities at the Community Hall, improved lighting, and provision of a revetment wall along Eaglehawk Bay to allow for the widening and to protect the highway from coastal erosion. The impetus for the project is improved highway safety and road user amenity, and consistency with current highway infrastructure standards.

In 2020, the initial design for the highway upgrade raised significant concerns with the Tasmanian Aboriginal community. The proponent responded to these concerns by redesigning the upgrade to remove ground-disturbing activities in sensitive areas, particularly on the eastern side of the highway at Eaglehawk Neck.

The Arthur Highway at Eaglehawk Neck is surrounded by several reserves that are managed by the Tasmania Parks and Wildlife Service (PWS) – Eaglehawk Neck Historic Site (HS), Eaglehawk Bay-Flinders Bay CA, and Pirates Bay Nature Recreation Area.

The main impact to Reserved land is the proposed widening of the Arthur Highway into Eaglehawk Bay. The widening is restricted to the western side of the highway to avoid cultural heritage values on the eastern side of the highway. It will result in the loss of a section of beach and a small amount of vegetation. The proponent has estimated that the total reserve area to be impacted is approximately 4800m². It is important to note that this Environmental Impact Assessment (EIA) applies to the Reserved land only.

This EAR completes the environmental assessment of the proposal. The EAR evaluates the proposal in accordance with the PWS Environmental Management Policy and the *National Parks and Reserves Management Act 2002* (NPRM Act). This EAR has been prepared based on the information submitted by the proponent for the redesigned upgrade on 15 September 2021. Section 7 of this report provides a list of recommended conditions.

The draft Environmental Impact Statement (EIS) was open for public comment via the PWS 'Have your say' webpage from 8 October 2021 to 8 November 2021. Seventeen submissions were received, and provided general support of the proposal. Refer to section 4 of this report for how these submissions have been addressed.

This EAR finalises the EIA process.

1. Assessment Process

The proposal has been assessed at a Level 3 EIA level due to the scale of the proposed upgraded highway infrastructure in a prominent coastal location, potential impacts on values, loss of amenity, visual impact, and community interest.

The information submitted by the proponent for the redesigned upgrade was reviewed by PWS officers and specialists and published for public consultation.

The preparation and assessment of the proposal information for RAA 3798 has lasted several years. An assessment of several initial designs of the highway upgrade commenced in 2020 but were delayed because it raised significant concerns with the Tasmanian Aboriginal community. The proponent responded to these concerns by redesigning the upgrade to remove ground-disturbing activities in sensitive areas, particularly on the eastern side of the highway at Eaglehawk Neck. The final EIA is based on information submitted by the proponent in September 2021.

The assessment process and milestones are summarised in Table 1.

Table 1 Assessment Process milestones

Date	Milestone
24 August 2020	Initial proposal information submitted to the PWS by the proponent. Draft EIS referred to specialist staff within the Department of Primary Industries, Parks, Water and Environment (DPIPWE).
8 September 2020	Additional information submitted following PWS queries.
23 September 2020	Planning permit issued by the Tasman Council (DA 65/2020).
9 December 2020	Further information request sent from the PWS to the proponent.
3 August 2021	New information formally submitted to the PWS by the proponent for the redesigned upgrade (in response to significant concerns with the Tasmanian Aboriginal community).
10 August to 7 September 2021	Internal specialist review of proposal documentation.
30 August 2021	Amended planning permit issued by the Tasman Council.
10 September 2021	Improvement suggestions sent from the PWS to the proponent following the internal specialist review.
15 September 2021	Revised information formally resubmitted to the PWS by the proponent for the redesigned upgrade.
8 October to 8 November 2021	Public consultation period.
November 2021	PWS EAR prepared, including recommended conditions.

2. Statutory assessment and policy requirements

The PWS Environmental Management Policy provides for the EIA process to assist in determining authorities for proposals on Reserved land. The PWS EIA process requires EIS documentation, public consultation, and statement of reasons for a decision. The EIS includes consideration of Commonwealth, State legislative and local council requirements.

2.1 Statutory Requirements

The *Nature Conservation Act 2002* (NC Act) is the regulatory mechanism in Tasmania through which land is proclaimed as a reserve. Schedule 1 of the NC Act sets out the purposes of reservation for the various classes of Reserved land. For a historic site the purpose of reservation is *'the conservation of the historic features of the area of land and the presentation of those features for public appreciation and education.'* For a conservation area the purpose of reservation is *'the protection and maintenance of the natural and cultural values of the area of land and the sustainable use of the natural resources of that area of land including special species timber harvesting'.*

The key statutory framework for achieving the purpose of reservation is the NPRM Act. The NPRM Act states the management objectives for each class of Reserved land. The *Tasman National Park and Reserves Management Plan 2011* (statutory management plan) applies to the Eaglehawk Neck HS, but not the Eaglehawk Bay-Flinders Bay CA.

Tasman National Park and Reserves Management Plan 2011

The proposed works must be consistent with the statutory management plan for the historic site. While the management plan is silent regarding the Arthur Highway, it sets out clear requirements regarding management objectives and key values.

The management plan states that "All objectives for historic sites set out in the Act apply to Eaglehawk Neck HS" (section 2.4 – Purposes and Objectives of Historic Sites). While the highway upgrade facilitates access to the historic site for tourism, recreational use, and enjoyment, it must also not be inconsistent with the other historic site objectives. The objectives for the management of historic sites are listed in Schedule 1 of the NPRM Act:

- to conserve sites or areas of historic cultural significance;
- to conserve natural biological diversity;
- to conserve geological diversity;
- to preserve the quality of water and protect catchments;
- to encourage education based on the purposes of reservation and the natural or cultural values of the historic site, or both;
- to encourage research, particularly that which furthers the purposes of reservation;
- to protect the historic site against, and rehabilitate the historic site following, adverse impacts such as those of fire, introduced species, diseases, and soil erosion on the historic site's natural and cultural values and on assets within and adjacent to the historic site;
- to encourage tourism, recreational use, and enjoyment consistent with the conservation of the historic site's natural and cultural values;

- to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives.

The management plan also sets more specific requirements that are relevant to the proposal, particularly:

- management practices and development will avoid or otherwise minimise impacts on the integrity of sites of geoconservation significance (section 3.1 – Diversity);
- protect scenic values; identify and protect significant natural landscape viewfields; assess the visual impact of proposed developments on natural landscape values prior to approval of such developments (section 3.2 – Natural Landscape);
- the Eaglehawk Neck HS will be managed and interpreted as an overall landscape, which demonstrates its own history and significance (section 3.5.3 – Cultural Landscape).

The management plan also designates the Eaglehawk Neck HS to the west of the Arthur Highway as part of the ‘Pirates Bay Visitor Services Zone’ (section 2.8 – Management Zones). The plan notes that the zone encompasses the Eaglehawk Neck HS. The objectives for the zone are:

- provide high quality recreational and tourism opportunities for day visits consistent with the natural and cultural setting;
- protect and conserve the recreational and tourism atmosphere and character;
- minimise the impact of recreation and tourism on significant natural and cultural features;
- protect, maintain, and monitor the recreational and tourism character;
- provide recreational and tourism opportunities consistent with the above objectives;
- consistent with the above, provide the principal visitor and management services and facilities for the park and reserves.

The proposal’s consistency with the management objectives and PWS policies are evaluated in section 6 of this EAR.

2.2 Other approvals

The proponent has been advised that a permit under the *Aboriginal Heritage Act 1975* is not required, and instead an Unanticipated Discovery Plan (UDP) should be in effect during the works.

Where the proposal impacts wildlife habitat, a permit to interfere with wildlife under the *NC Act* would be required.

The Tasmanian Heritage Council provided consent for the proposal through the Tasman Council’s Development Application (DA) process, subject to several conditions regarding archaeological work.

2.3 Land Use Planning and Approvals Act 1993

A planning permit was issued by the Tasman Council on 23 September 2020 (DA 65/2020). Following the redesign, an amended planning permit was issued by the Tasman Council on 30 August 2021.

2.4 *Environment Protection and Biodiversity Conservation Act 1999*

The proponent did not refer the proposal to the Commonwealth Government for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proponent stated that the proposal did not have a significant impact on Matters of National Environmental Significance.

3. Proposal

3.1 Proponent

The proponent (DSG) is responsible for managing the Arthur Highway as part of the State Road network. The current highway at Eaglehawk Neck is largely located in the existing road casement, with Reserved land on both sides.

3.2 Proposal infrastructure overview

The proposal includes:

- widening the road cross section to be 3m wide traffic lanes with a new safety barrier on the western side of the highway;
- increasing the shoulder width in both directions;
- the construction of an off-road path 1.5m wide along the eastern side of the highway (between Old Jetty Road and Blowhole Road);
- improving the road surface;
- providing improved turning facilities at Blowhole Road;
- improving lighting;
- upgrading existing bus stop facilities;
- provision of a revetment wall along Eaglehawk Bay to allow for the widening and to protect the highway from coastal erosion.

The EIA documentation submitted by the proponent consists of a 'Project Summary Document' with the following appendices or supplementary documents:

- Consultation Summary Report;
- Appendix A - Detailed Design Drawings;
- Appendix B - Flora and Fauna Habitat Assessment;
- Appendix C - Historic Heritage Assessment;
- Appendix D - Land Tenure Sketch;
- Appendix E - Archaeological Method Statement;
- Appendix F - Geomorphology Report, including Intertidal Marine Natural Values Assessment;
- Appendix G - Footprint of work - 2020 and 2021 design comparison;
- Appendix H - CEMP.

To understand the components of the proposal in relation to Reserved land, refer to the 'Project Summary Document' (proposal overview/concept) and the 'Appendix D – Land Tenure Sketch' (the proposed works are depicted in grey, and the existing highway footprint is shown in red).

3.3 Objective and outcomes

The proponent states (in the 'Project Summary Document') that the objective of the project is to:

Improve the safety of the Arthur Highway at Eaglehawk Neck, for all road users.

They also note that it will “support Tasmania’s visitor economy, address long-standing safety concerns, and support the ‘Toward Zero’ initiative for safe roads and roadsides”.

3.4 Location

The land tenure at Eaglehawk Neck is a relatively complex combination of reserves and several road easements (see Figure 1). The proposal is located primarily within or adjacent to the Eaglehawk Neck HS, as well as parts of the Eaglehawk Bay-Flinders Bay CA. The PWS is the managing authority for both reserves.

Arthur Highway

A road along Eaglehawk Neck is a long-established use that substantially predates the proclamations as Reserved land. According to information provided by the proponent, a basic track was upgraded to a gravelled road in the early twentieth century, sealed in the 1950s, and further upgrades occurred in the late twentieth century, including cutting into foredunes and reclamation into Eaglehawk Bay (Historic Heritage Assessment – 23 May 2019, p47-50).

DSG (the proponent) is now responsible for the management of the Arthur Highway.

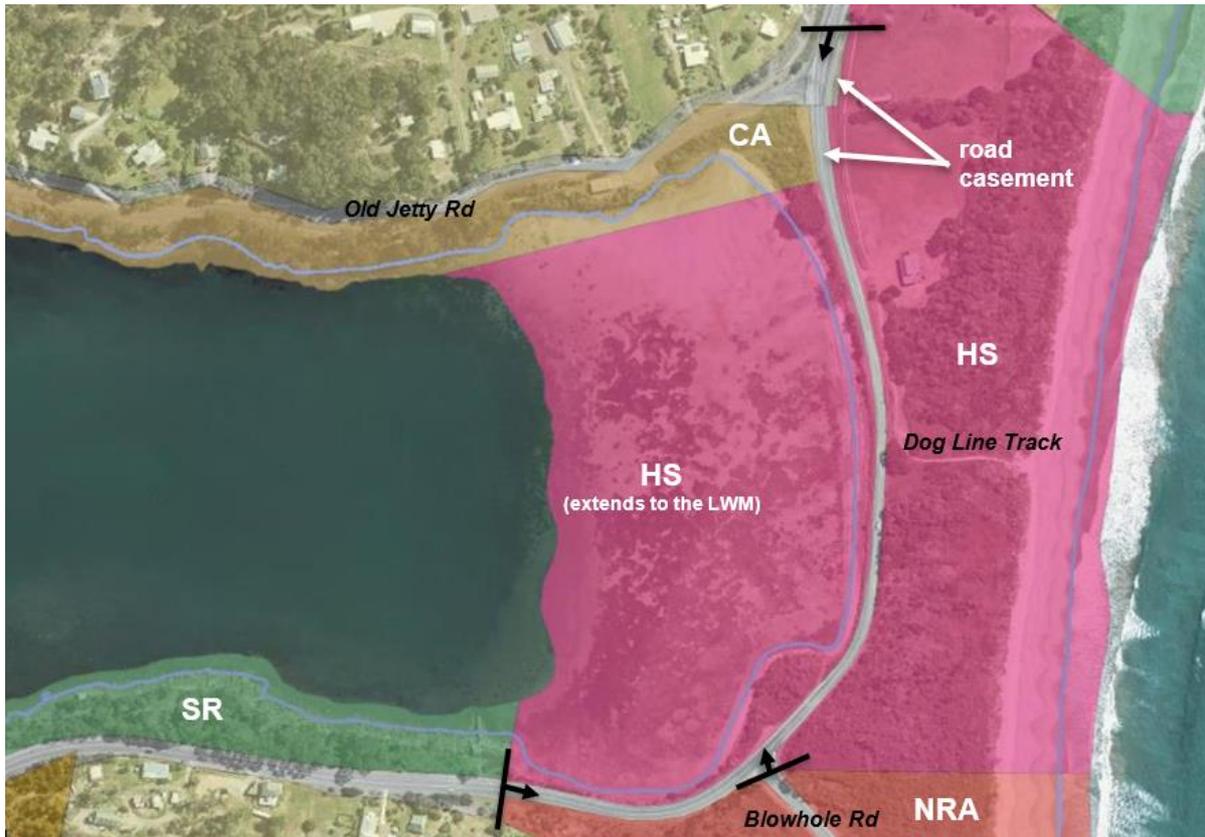


Figure 1. Map of key features and Reserved land at Eaglehawk Neck

*The Black arrows indicate the boundaries of the proposed works.
The Blue line indicates the mean high-water mark.*

NB – as noted below, it is understood that the reserve boundaries along the Arthur Highway at the Eaglehawk Neck are dictated by the Central Plan Register map descriptions, combined with the Highways Act 1951 (i.e. the shaded reserve areas represented in this figure may not be accurate).

*HS – Eaglehawk Neck HS
CA – Eaglehawk Bay-Flinders Bay CA
NRA – Pirates Bay Nature Recreation Area
SR – Eaglehawk Bay State Reserve*

(Sourced from LISTmap)

Eaglehawk Neck Historic Site

The historic site was reserved due to its significance for historic cultural heritage as a small military base that was integral to the operation of the Port Arthur penal settlement. It includes the Officers' Quarters, built in 1832 and believed to be the oldest military building in Australia. The site also has significant Aboriginal heritage and natural values which are also protected by the reservation as a historic site through the relevant statutory management objectives (NPRM Act 2002, Schedule 1).

The Eaglehawk Neck HS is located on both sides of the Arthur Highway, with the two sections proclaimed at different times:

- The eastern section has a long history as a reserve, starting in 1938 under the *Scenery Preservation Act 1915*. In 1976 it became part of the Tasman Arch State Reserve, which no longer exists. It was proclaimed as the Eaglehawk Neck HS in 1994.
- The western section was added to the historic site in 2005 through the Crown Land Assessment and Classification Project due to the cultural heritage values present (i.e. “artefacts and remnants of a convict jetty” – see the ‘*Crown Land Assessment and Classification Project Consultation Report and Recommended Allocations for the Municipality of Tasman 2005*’ (https://parks.tas.gov.au/Documents/Consultation_Report_and_Recommended_Allocations_-_Tasman.pdf)).
- All reserves at Eaglehawk Neck extend to the low-water mark – this results in the historic site including a large sandy intertidal part of Eaglehawk Bay (some minor historic values also occur in this intertidal section).
- The reserve boundaries along the Arthur Highway at Eaglehawk Neck were established by the following Central Plan Register map descriptions or depictions:
 - CPR 3048 Eaglehawk Neck HS eastern section – “boundary follows eastern side of Arthur Highway”;
 - CPR 6951 Eaglehawk Neck HS western section – “boundary follows near side of Arthur Highway”;
 - CPR 4700 Eaglehawk Bay-Flinders Bay CA (RFA 1998) – unclear, but possibly extends to the highway edge.

There have been two suggestions about how the current reserve boundaries can be determined:

- based on the boundary at the time of the reserve declaration; or
- may change incrementally over time as the highway footprint widens (e.g. through shoulder maintenance) and as per section 9 of the *Highways Act 1951* “...a made highway shall be deemed to extend to a distance of 2.5 metres on both sides of the made way, including the earthworks thereof” (see ‘Project Summary Document, Appendix D – Land Tenure Sketch’).

Regardless, there is very little difference between the two interpretations and it has not been investigated further – it is unlikely to affect the EIA process or considerations (the revetment construction is the most significant component of the works from a PWS perspective, and it is clearly located on Reserved land, while a large proportion of the total works would still occur within the existing road casement). However, it is important to note that this EIA applies to the PWS jurisdiction, which is the *Reserved land only*.

3.5 Reserved land to be impacted

The main Reserved land consideration is the proposed widening of the Arthur Highway into Eaglehawk Bay. The widening is restricted to the western side of the highway to avoid cultural heritage values on the eastern side of the highway. It will result in the loss of a section of beach and a small amount of vegetation.

The proponent has provided the following estimates of the Reserved land to be impacted (however, as noted above, defining the specific boundaries of the reserves along the highway is problematic, and therefore all estimates should be treated as indicative only):

- The total reserve area to be impacted is approximately 4800m² over three sections, not including the additional area that may be impacted during construction (see 'Project Summary Document, Appendix D – Land Tenure Sketch').
- The project area will extend 7.6m (nominally) into Eaglehawk Bay (see Section 5.1 of the 'Project Summary Document'). N.B. 'Project Summary Document, Appendix D – Land Tenure Sketch' indicates that the proposed works would extend further into Eaglehawk Bay between the Dog Line Track and Blowhole Road.

4. Public and Agency consultation

4.1 Public consultation summary

The public consultation for this project has included:

- stakeholder and community consultation undertaken by the proponent;
- public consultation undertaken by the Tasman Council for the previous proposal in 2020 as part of the planning approval process;
- public consultation undertaken by the PWS as part of the EIA process.

4.2 DPIPWE and authorities

The following branches within DPIPWE have been consulted and reviewed information relevant to their specialities during the assessment:

- Nature Conservation Branches of DPIPWE;
- Aboriginal Heritage Tasmania (AHT);
- PWS Assets and Engineering;
- PWS EIA Unit;
- PWS Landscape Programs; and
- PWS Tasman staff.

The National Parks and Wildlife Advisory Council (NPWAC) also reviewed information and provided comment.

4.3 Consultation by proponent

The proponent undertook stakeholder and community consultation from January 2020 to February 2020. See section 3.3 of the 'Project Summary Document' for more information.

The proponent undertook additional stakeholder and community consultation on the revised design from January 2021 to July 2021 and has advised that it included a display at the Tasman Council and a letter that was sent to Eaglehawk Neck residents, with the community generally being supportive of the project and the improvements to the Blowhole Road junction. Consultation was also undertaken with Aboriginal community groups and the Aboriginal Heritage Council. Refer to the proponent's 'Consultation Summary Report' (September 2021) for more information, including responses to feedback.

4.4 Public consultation

The draft EIS was open for public comment via the PWS 'Have your say' webpage from 8 October 2021 to 8 November 2021. Seventeen submissions were received for the proposal – all from private individuals, with all except one clearly identifying themselves as a property owner at Eaglehawk Neck.

Thirteen of the submissions endorsed a more detailed submission from a local community group which provided general support of the proposed Arthur Highway upgrade at Eaglehawk Neck, but identified three main concerns and recommendations that:

- the street lights are shrouded to reduce light pollution;

- a section of post and rail fence near the bus stop is removed to allow for a safe pedestrian connection for the community;
- additional stormwater drainage improvements in the vicinity of the Community Hall.

One submission also noted that bright street lights may interfere with phosphorescence in the water on both sides of Eaglehawk Neck, the viewing of aurora, and affect wildlife. Another submission stated that the benefits of the proposal included clear amenity and safety improvements for residents, and an improved standard for tourists. The final two representations were from the property owners of a property to the north of Eaglehawk Neck who requested improvements be extended for safer vehicle and pedestrian access to their property and neighbours, including reducing the Arthur Highway speed limit to the north of the proposed works, and installing an additional pedestrian path (from the bus stop at Old Jetty Road to the Hawks Lane vicinity).

The proponent's responses (received 15 November 2021) to the comments that are relevant to the Reserved land are listed below, in lieu of a separate submission report. The Arthur Highway speed limit and the provision of new community pedestrian paths are not PWS matters, and have not been included below (the comments have been passed on to the proponent).

Table 2: Summary of responses to public submissions

Topic	Proponent response	PWS comment
Street lights	The Department would be pleased to consider reducing the light spill from the street lights should the PWS advise there are demonstrated environmental benefits.	<p>The proponent has advised that there are three new street lights proposed – on the western side of the highway opposite the Blowhole Road junction (new pole, western side of the road), to the south of the Blowhole Road junction (existing pole, eastern side of the road), and at the bus stop near Old Jetty Road to illuminate the new crossing (new pole, western side of the road). There is an existing street light on the northern side of the Old Jetty Road junction.</p> <p>The new street lights would be within the highway works footprint, but adjacent to Reserved land. It will be recommended that the new street lights are shrouded as a precaution for wildlife for the reasons outlined above, including minimisation of the visual impact. It is noted that lighting has been minimised at the Community Hall to protect seabirds and shorebirds from disorientation. Also refer to the <i>‘National Light Pollution Guidelines for Wildlife 2020’</i>.</p> <p>(See section 2.10.2 of the ‘Project Summary Document’; N.B. the new street light south of the Blowhole Road junction is a late addition and is not shown on ‘Project Summary Document, Appendix A – Detailed Design Drawings’, sheet 31).</p>
Pedestrian connection	Pedestrian access was considered as part of the planning process and approval as administered by the Tasman Council and has been accordingly addressed in the planning permit issued on 30 August 2021.	<p>The removal of one section of the existing timber fence to allow for path connections is included in the proposal information (N.B. a path in the historic site is the subject of another project and is not part of this proposal).</p> <p>(See section 5.3 of the ‘Project Summary Document’).</p>
Stormwater	Stormwater requirements were considered as part of the planning process and approval as administered by the Tasman Council and has been accordingly	The proposal includes stormwater infrastructure improvements, including an open drain and culvert improvements to convey stormwater into Eaglehawk Bay. However, the proponent has advised that it is likely

addressed in the planning permit issued on 30 August 2021.

that stormwater flooding/ponding will continue in the Community Hall grounds.

(See section 2.10.6 of the 'Project Summary Document').

5. Need for the proposal and alternatives

5.1 Summary of need

The Arthur Highway at Eaglehawk Neck is the primary transport connection to the Tasman Peninsula.

The proponent has advised that the road upgrade is required to improve safety and amenity for motorists and pedestrians, ensure current traffic standards are met, and safeguard the road infrastructure against potential future coastal inundation.

Refer to section 2 of the 'Project Summary Document' for more information.

5.2 Alternatives

Alternative locations

There are no alternative locations for road access to the Tasman Peninsula.

Redesign in 2021

The proposal was redesigned following the Tasmanian Aboriginal community protests in late 2020. The protests were largely due to opposition to the archaeological investigations being undertaken. All archaeological work at the site was suspended. The proponent subsequently revised the design following consultation with the Tasmanian Aboriginal community. The commitment to avoid the disturbance of known Aboriginal sites, and all 'Potential Areas of Sensitivity', is a significant improvement to the proposal overall – however, the need to avoid works occurring in the historic site on the eastern side of the highway, has resulted in the works and upgraded infrastructure footprint impacting on the historic site on the western side of the highway (i.e. the Eaglehawk Bay foreshore).

Previous options considered

Five options for what the highway upgrade should be comprised of were considered in 2019. Refer to section 3 of the 'Project Summary Document' for more information.

6. Evaluation of statutory requirements and policies

6.1 Management Objectives

The proposed works must be consistent with the statutory management plan for the historic site, the *Tasman National Park and Reserves Management Plan 2011*. While the management plan is silent regarding the Arthur Highway, it states that “All objectives for historic sites set out in the Act apply to the Eaglehawk Neck HS” (section 2.4 – Purposes and Objectives of Historic Sites).

The management objectives for the historic site are considered below, but not the conservation area – the historic site is a higher order reserve and, in comparison, only a very small section at the eastern end of the conservation area would be impacted by the proposal (i.e. no revetment, with minor and culvert/drainage works proposed adjacent to the highway).

As noted earlier, defining the specific boundaries of the reserves along the highway is problematic, and therefore some aspects noted below could be considered to be located within the existing road reservation rather than the Reserved land, as per ‘Project Summary Document, Appendix D – Land Tenure Sketch’ (e.g. the large conifer trees).

Evaluation of the proposal against the historic site management objectives is as follows:

a) to conserve sites or areas of historic cultural significance

Historic heritage values, including cultural landscape values, are described in section 4.2.2 of the ‘Project Summary Document’ and the ‘Project Summary Document, Appendix C – Historic Heritage Assessment’. Large conifer trees of local significance will be removed, and the works may also impact on subsurface historic values (e.g. foundations of the commissariat store under the existing road). The Tasmanian Heritage Council provided consent for the proposal through the Tasman Council’s DA process, subject to several conditions regarding archaeological work. The Historic Heritage Assessment (page ii) recommended that “expansion of the width of the highway should ideally occur on the western and not the eastern side of the highway” and that potential vibration impacts on nearby heritage structures are managed.

While it will result in an increased visual impact, the proposal is not inconsistent with the management objective.

b) to conserve natural biological diversity

As noted earlier, the need to avoid ground-breaking works occurring in the historic site on the eastern side of the highway has resulted in the works and upgraded infrastructure footprint impacting on the historic site on the western side of the highway (i.e. the Eaglehawk Bay foreshore). It will result in the loss of a section of beach and a small amount of vegetation.

A Flora and Fauna Habitat Assessment has been provided which has a focus on flora and fauna values listed under the EPBC Act and the *Threatened Species Protection Act 1995*. The key values identified were two small areas of threatened vegetation communities: ‘*Eucalyptus viminalis*-*E. globulus* forest’ community (listed on the NC Act as threatened) and a saltmarsh community referred to as ‘succulent saline saltmarsh’ on the foreshore of Eaglehawk Bay (‘succulent saline saltmarsh’ listed under the EPBC Act as vulnerable). While the *Eucalyptus* vegetation will not be impacted by the proposed works, part of the saltmarsh will be (though it is not referable under the EPBC Act). DPIPWE natural values

specialists have recommended that impacts to saltmarsh outside the development footprint are kept to a minimum.

The Flora and Fauna Habitat Assessment also identified a large number of weed species present on the site, including declared weeds. The pre-construction removal of boneseed (a declared weed) was one of several recommendations in the Flora and Fauna Habitat Assessment: "In order to prevent the spread of declared weeds within and from the municipality, boneseed should be eradicated within the project works footprint prior to any earthworks commencing". It is recommended that the weed removal is extended to cover all weeds within or adjacent to the proposed construction area.

Concern was expressed in community feedback about the Black swans that frequent Eaglehawk Bay. No evidence of nesting was detected by the proponent along the beach area.

BirdLife Tasmania advised the proponent that the proposal has the potential to have an adverse impact on Pied oystercatchers. As stated in section 4.1.4 of the 'Project Summary Document', "Typically on the Eaglehawk Bay (western) foreshore, there are one or two pairs with breeding territories. These birds nest on the foreshore above the high-water mark and feed in the inter-tidal zone. It is likely that one or both pairs would lose their breeding and/or part of their feeding habitat during the construction". It is also noted in section 4.1.4 that if nests are found within the footprint of the project, a permit to remove may be required.

The proposal is not inconsistent with the management objective to conserve biological diversity:

- The project is not likely to have an impact on listed threatened species.
- The project may displace breeding Pied oystercatchers due to the loss of a section of beach.
- The project is an opportunity to contribute to the removal of established weeds along the highway.
- The remaining saltmarsh adjacent to the upgraded infrastructure should be protected from inadvertent impacts caused by the proposal, such as fencing to minimise trampling due to changes to public access.
- The PWS supports the BirdLife Tasmania recommendation that the southern end of the beach is closed off to prevent cars accessing the beach (see section 4.1.4 of the 'Project Summary Document').

c) to conserve geological diversity

The proposal is not inconsistent with the management objective to conserve geological diversity. A DPIPWE geoscientific officer has reviewed the revised design and the 'Project Summary Document, Appendix F – Geomorphology Report' and advised that no major disturbance to coastal processes or detrimental change in coastal morphology is likely to result from the proposed redevelopment. In addition, the geosite 'Eaglehawk Neck Last Interglacial Isthmus (2998)' is being considered for delisting by the Tasmanian Geoconservation Database Reference Group.

d) to preserve the quality of water and protect catchments

The proposal should result in improved stormwater management. The proposal is not inconsistent with the management objective.

e) to encourage education based on the purposes of reservation and the natural or cultural values of the historic site, or both

The proposal does not relate to education. The proposal is not inconsistent with the management objective.

f) to encourage research, particularly that which furthers the purposes of reservation

The proposal does not relate to research. The proposal is not inconsistent with the management objective.

g) to protect the historic site against, and rehabilitate the historic site following, adverse impacts such as those of fire, introduced species, diseases, and soil erosion on the historic site's natural and cultural values and on assets within and adjacent to the historic site

The proposal should result in weed removal. The proposal does not relate to fire, diseases, or soil erosion on the values of the historic site. The proposal is not inconsistent with the management objective.

h) to encourage appropriate tourism, recreational use and enjoyment consistent with the conservation of the historic site's natural and cultural values

The proposal is to provide improved and safer public access to Eaglehawk Neck and the Tasman Peninsula for the local community and visitors. Consequently, the proposal directly furthers this management objective.

i) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives

The proponent has consulted with AHT and Tasmanian Aboriginal community groups as part of the preparation of the proposal. As noted earlier, in 2020 the initial design for the highway upgrade raised significant concerns with the Tasmanian Aboriginal community. The proponent responded to these concerns by redesigning the upgrade to remove ground-disturbing activities in sensitive areas, particularly on the eastern side of the highway at Eaglehawk Neck. AHT and the Tasmanian Aboriginal Heritage Council have advised that a permit issued under the *Aboriginal Heritage Act 1975* is not required. The proposal is not inconsistent with the management objective.

Summary of objectives assessment

The development is not inconsistent with the management objectives for a historic site, and improvements to the highway and walkways to facilitate public access could be considered to directly encourage tourism and recreational use (objective h).

Whilst State Highway infrastructure may not be generally associated with a historic site class of reserve, it is accepted that the project is essentially an upgrade of an existing and essential road alignment, which predates the historic site reserve classification.

7. Evaluation of impacts and recommended conditions

It is intended that the following recommended conditions are in response to key considerations or issues related to the Reserved land, including:

- protection of Aboriginal heritage and historic heritage values;
- protection of natural and cultural values;
- local community and visitor Reserved land access;
- minimisation of impacts on Reserved land;
- management and maintenance responsibilities.

The information is brief due to the low level of concern conveyed in the submissions, and also draws on information in other sections of this report, and the PWS' considerations regarding reserve management. Recommended conditions are also listed.

7.1 Protection of Aboriginal and historic heritage values

<i>Consideration or issue</i>	<i>Recommended conditions</i>	
Aboriginal heritage and historic heritage general requirements	The proponent is responsible for ensuring that all works comply with all archaeological management and mitigation measures that are required by legislation administered by AHT and the Tasmanian Heritage Council, including the UDP, archaeological requirements, and the establishment of Exclusion Areas and 'Limits of Works' boundaries (which must not identify Aboriginal heritage).	RC1
Aboriginal heritage additional requirements	An Aboriginal Heritage Officer must be present during initial construction stages to ensure that the identified significant Aboriginal heritage values are not impacted, including: <ol style="list-style-type: none"> a. Ground disturbance of PAS 2 is to be avoided, though it will be partially concealed. b. Tree removal in PAS 2 must not involve ground disturbance (to be removed only to the sand line). c. Laydown areas, site offices, and other locations used during construction must avoid recorded Aboriginal heritage sites, including the two sites within the project area, and other sites in the surrounding area. They should also avoid PAS 1, 2 and 3 due to the identified Aboriginal heritage risk. 	RC2

Historic heritage additional requirements	Inspections of historic structures at Eaglehawk Neck must be undertaken by a historic heritage specialist before and after construction to ensure that vibration from the works does not cause damage. The proponent is responsible for all repairs required due to the impacts of the works.	RC3
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7.2 Protection of natural and cultural values

<i>Consideration or issue</i>	<i>Recommended conditions</i>	
Saltmarsh protection during construction	Impacts to the small area of 'succulent saline saltmarsh' community on the foreshore of Eaglehawk Bay must be kept to a minimum and protected by an Exclusion Area immediately adjacent to the approved development footprint during construction.	RC4
Long-term beach habitat and saltmarsh protection	<p>The 'succulent saline saltmarsh' community adjacent to the upgraded infrastructure must be permanently protected from inadvertent impacts caused by the proposal, such as a sufficient barrier or fencing to minimise trampling due to changes to public access, and must be to the satisfaction of the PWS Parks and Reserves Manager (South East).</p> <p>It is recommended that the beach access at Ch 4460 is not reinstated due to public safety concerns and the improved protection of natural values.</p>	RC5
Threatened vegetation protection	An Exclusion Area must be established to protect the small area of ' <i>Eucalyptus viminalis</i> - <i>E.globulus</i> forest' community near the western end of Blowhole Road to prevent disturbance during construction.	RC6
Acid sulfate soils	An Acid Sulfate Soil Management Plan must be prepared prior to construction commencing and must be to the satisfaction of the PWS Parks and Reserves Manager (South East).	RC7
Nesting shorebirds	Checks for shorebird nests in the vicinity of the works must occur prior to construction commencing. A buffer of 50m from a nest is required, which is to be managed as an Exclusion Area. If a 50m buffer is not possible, further advice from DPIPWE specialists is required due to the likely disturbance and may result in construction delays, and a permit may be required.	RC8
Shrouds on street lights	The new street lights must be shrouded as a precaution to minimise wildlife disturbance or disorientation, and to minimise the visual impact for nearby residents and visitors.	RC9

Weed removal	<p>Declared weeds must be removed from the works footprint prior to any earthworks commencing. It would also be beneficial that other non-declared weeds are also removed as an improved environmental outcome for the surrounding Reserved land.</p> <p>The 'Weed and Hygiene Management Plan' for the construction must be consistent with the '<i>DPIPWE (2015) Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania</i>' (http://dipwe.tas.gov.au/invasive-species/weeds/weed-hygiene/weed-and-disease-planning-and-hygiene-guidelines).</p>	RC10
Proposed use of hydromulch	<p>The selection of an "appropriate seed mix" for hydromulch, to be used as part of the rehabilitation of disturbed land, must be to the satisfaction of the PWS Parks and Reserves Manager (South East).</p>	RC11

7.3 Local community and visitor Reserved land access

<i>Consideration or issue</i>	<i>Recommended conditions</i>	
Safe Community Hall access	<p>The proponent must respond to community feedback regarding Community Hall access by undertaking reasonable infrastructure modifications, including the width of the Community Hall road entrance, if supported by the PWS Parks and Reserves Manager (South East).</p> <p>The proponent is also responsible for any safety requirements associated with the use of the new path by the local community or reserve visitors, and the safe separation of vehicles and pedestrians due to the likelihood of vehicles approaching the Community Hall entrance at speed, such as the installation of bollards or safety rails.</p>	RC12
Alternative Eaglehawk Bay access	<p>Use of an alternative location for pedestrian access to the Eaglehawk Bay beach must be encouraged using signage and appropriate infrastructure to reduce the likelihood of pedestrians attempting to cross new highway safety barriers, or cross in unsafe locations. This may be most appropriately located at the northern end of Eaglehawk Bay, near the new traffic island and pedestrian refuge, and is to replace current access locations which will no longer be possible to use, particularly opposite the Community Hall, and the vehicle access at the southern end of the beach.</p>	RC13

7.4 Minimisation of impacts on Reserved land

<i>Consideration or issue</i>	<i>Recommended conditions</i>	
		RC14
Proponent responsibility	The proponent is responsible for the ongoing management of all proposed works, site rehabilitation, and any monitoring requirements.	RC15
CEMP and consolidated list of commitments	The proponent must compile a consolidated list of all commitments and requirements related to the Reserved land in a comprehensive CEMP, to ensure that they are all applied adequately during construction, and compliance can be tracked (it is noted that currently only 11 'Management Commitments are listed in section 6 of the 'Project Summary Document'). The final CEMP must be provided to the PWS Regional Manager South for review and approval prior to construction commencing.	RC16
Revetment visual impact	The revetment rock armouring must be constructed to ensure that it appears as a natural rock embankment, using materials of a colour that suits the local area. All construction material must be disease-free. No construction materials are to be sourced from the Reserved land.	RC17
Removal of timber post and rail fence section	A PWS staff member, to be nominated by the PWS Parks and Reserves Manager (South East), must be present during any modifications to the timber post and rail fence, including the removal of the nominated section to allow for the path connection.	RC18
Timber post and rail fence protection	All proposed works, including drains and the edge of the batter, must be a sufficient distance from the timber post and rail fence to ensure that it is not undermined or damaged. Soil and vegetation must not be piled, or accumulate against the fence.	RC19
Stormwater improvements	Stormwater infrastructure improvements, including an open drain and culvert improvements to convey stormwater into Eaglehawk Bay, must be constructed of a sufficient standard to ensure that stormwater accumulating at the Community Hall is minimised as much as possible, and also ensures that any remaining stormwater entering the Reserved land does not cause damage to infrastructure, result in safety hazards, or cause other unreasonable impacts, such as scouring or litter deposition.	RC20
Potentially harmful activities during construction	Portable toilet use, refuelling, or any other potentially harmful activity undertaken during construction, must not have a detrimental impact on the Reserved land, or cause any contamination.	RC21

7.5 Management and maintenance responsibilities

<i>Consideration or issue</i>	<i>Recommended conditions</i>	
General proponent responsibilities	The proponent is responsible for the ongoing management of all proposed works, site rehabilitation, and any monitoring requirements.	RC22
Maintenance responsibilities	The rectification of any issues that may affect the Reserved land into the future is the responsibility of the proponent, including revetment repairs, reprofiling of the beach, indirect impacts caused by the expansion of the highway into the Eaglehawk Bay foreshore (e.g. coastal erosion) and the maintenance of stormwater outlets. The proponent may enter into an agreement with the Tasman Council to transfer these responsibilities. An authority (or formal agreement with the PWS) to undertake works would be required for any of the future maintenance works to occur on Reserved land.	RC23
Maintenance agreement	The proponent is responsible for ensuring that a new formal agreement with the PWS to formalise post-construction responsibilities is established within six months of construction finishing at the site. Maintenance and monitoring tasks should be included for all new or upgraded infrastructure, including paths and tracks.	RC24
Revision of Reserved land boundaries	<p>The proponent is responsible for ensuring that appropriate Reserved land boundaries are determined, in consultation with the PWS, within six months of construction finishing at the site.</p> <p>If revocation of Reserved land is required by the PWS, the revocation process will be the responsibility of the proponent and must commence within twelve months of construction finishing at the site.</p>	RC25

8 Statement of Reasons

This EAR is based on the information provided in the EIS and incorporates advice provided by DPIPWE specialists and PWS staff. This assessment also addresses the issues raised in specialist advice and public submissions.

This statement of reasons is a summary of assessment criteria relevant to the proposal and how the criteria were considered by the delegated authority.

8.1 Assessment Criteria

Nature Conservation Act 2002

The proposal is not inconsistent with the purpose of reservation for historic sites, listed in Schedule 1 of the NC Act: 'The conservation of the historic features of the area of land and the presentation of those features for public appreciation and education.'

Whilst State Highway infrastructure may not be generally associated with a historic site class of reserve, it is accepted that the project is essentially an upgrade of an existing and essential road alignment, which predates the historic site reserve classification.

National Parks and Reserves Management Act 2002

The development is not inconsistent with the management objectives for a historic site, and improvements to the highway and walkways to facilitate public access could be considered to directly encourage tourism and recreational use (objective h).

Tasman Council Interim Planning Scheme 2013

The proponent has been issued a planning permit with conditions for the proposal.

Environment Protection and Biodiversity Conservation Act 1999

The proponent determined the project did not have a significant impact on Matters of National Environmental Significance.

Aboriginal Heritage Act 1975

AHT and the Tasmanian Aboriginal Heritage Council have advised that a permit issued under the *Aboriginal Heritage Act 1975* is not required.

8.2 Limitations of Assessment

This decision has been informed by the information presented in the EIA documentation ('Project Summary Document' and appendices). Should the proposal be significantly changed, a new EIA assessment may be required, and a new recommendation sought from the PWS.

9. Decision

I am satisfied that:

1. The proposal is acceptable because:
 - whilst State Highway infrastructure may not be generally associated with a historic site class of reserve, it is accepted that the project is essentially an upgrade of an existing and essential road alignment, which predates the historic site reserve classification;
 - the development is not inconsistent with the management objectives for a historic site, and improvements to the highway and walkways to facilitate public access could be considered to directly encourage tourism and recreational use (objective h);
 - the EIA documentation demonstrates that the proposal would not cause significant impacts on natural or cultural heritage values;
 - the matters raised in the public submissions have been addressed, and there was a low level of concern conveyed in the submissions, with most respondents being from the local community and generally supportive of the proposed works; and
 - the impetus for the project is improved highway safety and road user amenity, and consistency with current highway infrastructure standards.

2. The proposal can be implemented in accordance with the recommended conditions listed in section 7 of this report.



Jason Jacobi
DEPUTY SECRETARY
PARKS AND WILDLIFE SERVICE

Date: 1 December 2021

The EIA process is completed when the managing authority signs this EAR and provides it to the PWS Regional Manager South.

CONTACT DETAILS

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DEPARTMENT OF PRIMARY INDUSTRIES, PARKS,
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