

Tasmanian Conservation Trust Submission on the
Draft Pitt Water/Orielton Lagoon Ramsar Site (including the Pitt Water
Nature Reserve) Management Plan

Hon. David Llewellyn MHA
Minister for Primary Industries,
Water and Environment
First Floor Franklin Square Offices
Hobart 7000

24 November 1999

Dear Minister,

Draft Pitt Water/Orielton Lagoon Ramsar Site (including the Pitt Water
Nature Reserve) Management Plan - September 1999 - Submission

The Tasmanian Conservation Trust wishes to make a submission regarding
the above draft management plan. Our submission is in two parts. Part 1
deals with general matters regarding the draft plan and Part 2 addresses
specific comment on the proposed management prescriptions.

Part 1 - General

Reservation and Marine Farming Planning Process

1.

We are extremely disappointed with the draft plan. As long ago as March
1990, the TCT wrote to the then Minister for Parks, Wildlife and Heritage
urging him "*...to create a Nature Reserve for Pitt Water/Orielton Lagoon,
covering the area proposed in the original 1981 nomination prepared by the
then National Parks and Wildlife Service*". It is therefore depressing to see
that almost a decade later the best that the draft plan can do is to state
that: "following resolution of the marine farm planning process for the Pitt
Water area, pursue the appropriate reservation of all unreserved areas
within the Ramsar boundary to protect their natural and cultural values".

2.

There is no earthly reason why it is necessary to wait for the marine farm
planning process, but even if there were, it could be a long wait. In February
1995, the then Minister for Environment and Land Management is reported
in the *Mercury* newspaper as saying: "*...a decision about making the
remaining Pitt Water area a wildlife reserve has been deferred until the Pitt
Water Marine Farming Development Plan is completed later this year*". Almost
five years later, advice to the TCT from the Marine Farming Branch (DPIWE)

is that the Pitt Water Marine Farming Development Plan *"is not yet ready for public release"*.

3.

In their submission to the State of the Environment Report 1997, the then Department of Environment and Land Management (DELM) said that: *"...wetlands throughout the state should be protected to the highest degree possible through reservation, planning instruments or management agreements. DELM suggested that those wetlands of greatest conservation significance should be reserved, listed under and managed according to the Ramsar Convention"*. This submission led to the following recommendations in the SOE report: *"It is recommended that the Tasmanian Government reserves under the National Parks and Wildlife Act 1970 all wetlands on Crown Land that are listed under the Ramsar Convention."* Well perhaps in the next decade or so!

4.

In the same letter to the Minister for Parks, Wildlife and Heritage, in March 1990, we advised the Minister that the Tasmanian government had violated the Ramsar Convention, specifically Articles 3.1 and 4.1. Article 3.1 provides that: *"The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory."* Article 4.1 provides that: *"Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening."* A decade later Tasmania remains in breach of its international obligations with no evidence of any resolution in sight.

Recommendation

The Parks and Wildlife Service should immediately pursue the appropriate reservation of all unreserved areas within the Ramsar site. Negotiation should commence immediately with the Marine Farming Branch of DPIWE to determine those areas that are not of any interest for marine farming, and these should be declared a Nature Reserve without delay.

Nature Reserve Objectives Exclude Tourism and Recreation

5.

The draft plan is deliberately in breach of the provisions of the *National Parks and Wildlife Act 1970* in spite of the statement on page (ii) that: *"for the five areas which make up the Pitt Water Nature Reserve this management plan has been prepared in accordance with the requirements of Part IV of the*

National Parks and Wildlife Act 1970." Section 21(I) of the Act (contained in Part IV) states in part: *"A management plan for any reserved land is to specify the purposes for which the land was reserved and if the management plan relates to a specified class of reserved land, is to specify any or all of the management objectives for that class of reserved land as the objectives for which the land is to be managed."*

6.

Schedule 4 of the Act lays down objectives for management of reserve lands. Nature Reserve is the only category of public reserved land that does not have as a management objective the encouragement of tourism, recreational use and enjoyment consistent with the values of the reserved land. This is rightly in keeping with the IUCN Guidelines for Protected Area Management Categories. Yet at section 3.2 of the draft plan, a specific objective for the Pitt Water Nature Reserve is to: *"provide for visitor access consistent with maintaining the natural and cultural values of the reserve"*.

7.

As if being in breach of the Ramsar Convention and the National Parks and Wildlife Act is not enough, after almost a decade the first paragraph in the draft plan (page (ii)) advises us that: *"With respect to areas of the Ramsar site not included in the nature reserve, the management plan does not have statutory force."*

Recommendation

The draft plan must be corrected to ensure it is not in breach of the National Parks and Wildlife Act with respect to tourism and recreation. There may be areas outside of that which is to be declared as a Nature Reserve that may provide for a low level of tourism and recreation . For example, the area described at section 5.2 dot point 3 as unallocated Crown Land to the east of the Tasman Highway near Pitt Water Bluff may be an appropriate viewing area.

Limited Public Consultation

8.

The draft plan has been an extremely long time coming. In April 1995, the then Minister for National Parks and Wildlife advised the TCT that: *"an officer is about to be appointed to the task of drafting management plans for the ten Ramsar sites within Tasmania, including the Pitt Water Nature Reserve, over the next eighteen months."* Allowing that the eighteen months expanded to fifty-five months, the public consultation process did not improve with age. As best we can establish, some special interest individuals

were interviewed/consulted during the fifty-five months, but it seems fairly certain that the community have been excluded from any consideration prior to the preparation of the draft plan.

9.

This is in stark contrast to the level of community consultation and involvement undertaken by departmental officers preparing the draft management plans for the Tasman National Park and the Arthur Pieman Conservation Area. In the case of the latter, the community, in addition to being fully and extensively consulted has the opportunity to comment on a consultation draft and a draft plan. Considering the intimate proximity of Pitt Water/Orielton to urban areas it would seem sensible and prudent to undertake a similar level of community consultation.

Recommendation

The management planning process should be immediately halted and a level of genuine public consultation initiated that at least compares to that being conducted for the Arthur Pieman Conservation Area. Another 1-2 month delay after fifty-five months is of little consequence and it will enable PWS to initiate the reservation of the remainder of the Ramsar site as a Nature Reserve.

Resourcing One Hundred and Twenty-eight (128) Management Prescriptions

10.

Part C of the draft plan lists eighty (80) "key management prescriptions" contained in the plan and identifies the position or areas of PWS with coordinating responsibility for the task. In fact, these 80 'key management prescriptions' are selected from the 128 management prescriptions contained in Part B, and can at best be described as a wish list. Whilst the TCT has no particular problem with many of the management prescriptions, one can only wonder at the reality of such a wish list when existing resources cannot even maintain the present situation let alone achieve some of these prescriptions - key or otherwise.

11.

To set out 128 or 80 management prescriptions which, in our view, have little hope of being implemented, is bordering on deceit. It will build up the expectations of local residents and Tasmanians who care about our wetlands and waterbirds. If they cannot be achieved they will bring into disrepute the whole process of reserve management planning. Achieving the prescriptions set out in the draft plan will require a many fold increase in resources over existing levels - resources that we all know are not there.

Recommendation

Part C of the draft plan must be rewritten to cover all management prescriptions and include a table detailing the resourcing required for each prescription and a time frame for its delivery. Under the Living Marine Resources Act, it is the Marine Resources Group within DPIWE that is responsible for management of seagrass and fish and specifically the Pitt Water Protected Shark Nursery Area. The group should fund and participate in the implementation of recommendations regarding seagrass and sharks.

Integration with the RMPS

12.

Section 19 of Part B deals with "Managing Developments", but does not make it explicit as to how works associated with the prescriptions are to be approved. Of a more fundamental nature, it appears as though the plan still fails to recognise the responsibility for approvals within the Resource Management and Planning System. This is a matter on which the TCT has a strong position. Why should PWS be allowed to develop facilities, carry out works and undertake actions that change resources without proper public scrutiny? Why should an adjoining landowner have to be subject to a public process whilst PWS can do what it wishes without effective public scrutiny. The establishment of separate approvals system by PWS is one of the reasons why there is such public resistance and opposition to the activities of the Service. This is particularly critical given the inherent weaknesses in this plan. The Land Use Planning and Approvals Act is quite clear that the "Crown is bound". It is the TCT's view that any works defined in the Act should be subject to an approval process that is transparent and allows for effective third party involvement. We note that the plan does not even accept the overarching objective for sustainable development as set out in the Resource Management and Planning System.

13.

It is insulting to find that at section 6 dot point 6 it is prescribed that effective channels of communication are to be in place with Councils so that development applications and changes to planning schemes which affect adjacent areas are referred to PWS for comment. It is a pity that PWS do not respect Council planning schemes and refer their development proposals to the relevant local government authority for approval.

Yours sincerely

Michael Lynch

Director

