

Review of Community Consultation for the:
Proposal for the management of the Orford
sandspit and nearby beaches

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Background

At the request of the *Prosser River Advisory Group (Committee)* - the Terms Of Reference available at <https://gsbc.tas.gov.au/community-projects/section-24-committees/> - the Glamorgan Spring Bay Council undertook a community consultation in relation to a '*Proposal for the management of the Orford sandspit and nearby beach*' during January / February 2020.

The link to the consultation and associated proposal is available at <https://gsbc.tas.gov.au/community-projects/community-consultation/>

The proposal that went out for public consultation was prepared by Rosemary Wood, a community member of the Committee.

Over the consultation period Council received 395 submissions via email, mail or hand delivered to the Triabunna Council Office.

Two hundred and ninety-seven (297) of the submissions are identical form letters or slight variations of form letters. There are 98 unique submissions. All duplicate submissions, and those without clear names or contact details, have not been included in the review.

Brief for the Review

The scope of this report (the Review) includes the following:

- A summary of '*Proposal for the management of the Orford sandspit and nearby beach*' (the Proposal) and the consultation process in context of the Terms of Reference of the Committee, planning/consultation requirements under relevant legislation and contemporary environmental best practice;
- A summary of the comments in the submissions, the validity/relevance of the comments, and the numbers of submissions in relation to each comment;
- A review of the comments made in the submissions and implications of the comments in the context of: land tenure (including lease and licence boundaries) and management responsibilities, relevant legislation, alternative management options, and the resourcing of alternative options;
- A pathway for ongoing development of a plan for 'the management of the Orford sandspit and nearby beach' for integration into the Master Plan that includes the management of the broader area of public land at the mouth of the Prosser river.

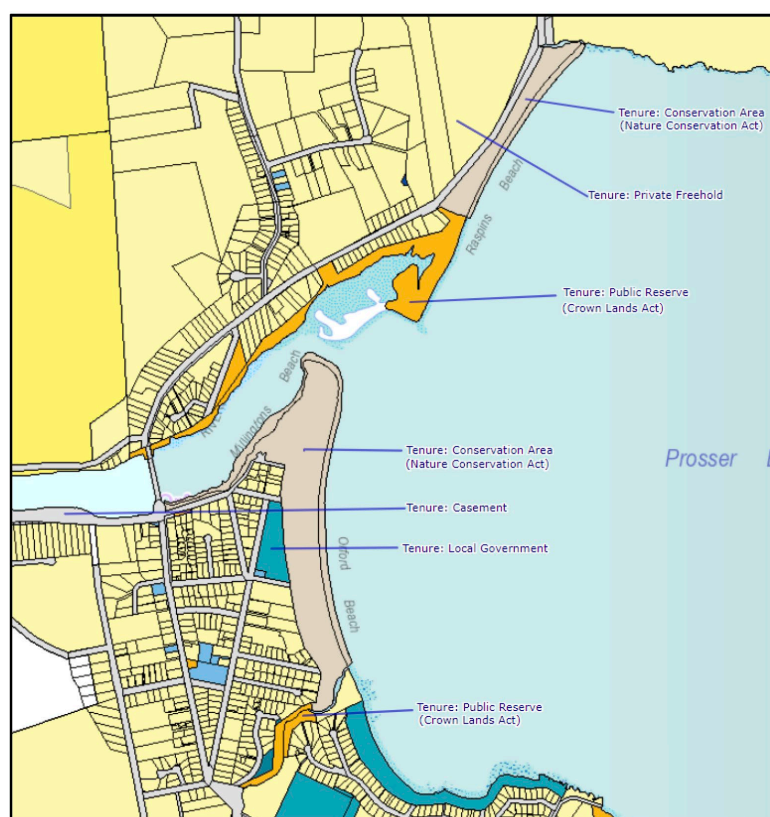
Prosser River Mouth Master Plan - Advisory Group Terms of Reference (TOR)

The background information in the Prosser River Mouth Master Plan - Advisory Group TOR recognizes that the Prosser River Mouth at Orford is a unique coastal foreshore popular for a range of recreational activities for residents, ratepayers and visitors. It also recognizes the significance of the natural values, in particular the ephemeral sand spit, the Key Biodiversity Area (KBA) recognized by BirdLife International for the breeding populations of shorebirds and small terns, and the state (*Threatened Species Protection Act 1995*) and national (*Environmental Protection and Biodiversity Conservation Act 1999*) listing of the Fairy Tern and Hooded Plover. The KBA is also used throughout the year for feeding and roosting by migratory shorebirds from New Zealand and the Northern Hemisphere.

The TOR recognises that the channelising and dredging to provide a pleasure boat facility and the stabilising of the river mouth with sandbags has ongoing management implications, potentially also outside the development footprint, including dredging and sand relocation.

The TOR describes the Master Plan area to be focused on public land in the vicinity of the Prosser River mouth as shown in the following map.

Prosser River Mouth Masterplan
LAND TENURE IN THE AREA CENTERED ON THE PROSSER RIVER MOUTH



The TOR recognizes that physical changes to the river mouth have already had significant implications for the natural values within the area and the overall way that the area is now used. Combined with increasing visitor numbers and the impacts of climate change it is expected that there will continue to be changes to how the area is and can be used and

therefore to how it is managed. The TOR identifies that the idea of developing a Master Plan emerged from discussions around the implications of these changes by various stakeholders including Council staff, Tasmania Parks and Wildlife Service, Taswater, Department of State Growth and MAST. The TOR recognizes that the development and implementation of a Master Plan needs to involve all key stakeholders including Council, MAST, Birdlife Tasmania and Community Groups/Associations.

The TOR notes that in November 2018, 'the newly elected Council held a workshop following concerns expressed by the community that fencing of the area had been undertaken without consultation and without formal Council endorsement' and that 'It was subsequently agreed that a working group would be established involving representatives from Council, local residents/ratepayers and relevant stakeholder groups to consider options for presentation to the Council prior to formal release to the community for broader input'.

The objectives of the Prosser River Master Plan Advisory Group (Committee) included the following:

To develop options, having regard for land tenure and relevant legislation, for a Master Plan to facilitate improved shared use and strategic management of the area by:

- *Identifying options to protect the important bird values within the Orford Bird Sanctuary and recognise the International significance of the sanctuary;*
- *Identifying public works to improve the appearance, amenity and use of the area including but not limited to walking tracks, picnic tables, vehicle parking, toilets, seating, fences/barriers, and vegetation management;*
- *Identifying preferred locations and design parameters or concept designs that consider public use, vistas, key views lines, recreational uses, cultural values and environmental values in the site;*
- *Providing an overall plan for parking including boat trailer parking at the public boat ramp; and*
- *Improving connectivity throughout the area from either the northern or southern entrance to the town center via strategic wayfinding through paths and signage the direct people to appropriate locations for specific activities*

The Term of the Committee was to be 'until such time as it has fulfilled the above objectives. It is expected that the proposed Master Plan with associated options will be presented to Council within four / nine? months of the group being formed.'

The Membership of the Committee is listed in the TOR as:

- *Glamorgan Spring Bay Council (elected representatives and relevant staff)*
- *Local Residents/Ratepayers (a maximum of four positions to be sourced via an EOI process, with a Council subcommittee to determine representation)*
- *DPIPWE land management agencies (Parks and Wildlife Service including Property Services)*
- *Marine and Safety Tasmania (MAST)*
- *Bird Life Tasmania (BLT)*
- *Tarfish*
- *Raspins Beach Boat Shed/Surf Life Saving*

Other specialists may be invited as required by the Group for example coastal process experts, Surf Life Saving Tasmania, DPIPWE Natural and Cultural Heritage.

The TOR also outlines the Roles and Responsibilities and Meetings of the Committee

‘Proposal for the management of the Orford sandspit and nearby beaches’

The ‘Proposal for the management of the Orford sandspit and nearby beaches’ (the Proposal) was released for public comment as a ‘PowerPoint’ presentation. The Reviewer has translated the ‘PowerPoint’ presentation into a ‘Word’ format. The Reviewer has attempted to be faithful to the layout and included all elements of the original PowerPoint presentation, including the speaker’s notes. To improve comprehension for readers, some very minor changes and edits have been made to the Proposal. No changes have been made to the actual text other than the removal of duplication (particularly between the ‘slides’ and the ‘speaker’s notes page’), referencing the document in a more standardised format, and the correction of grammatical and typographical errors. It is important to Review of the public submissions that the Proposal is presented in the most coherent way. Note that text in brackets is taken from the speaker’s notes page.

Proposal for the management of the Orford sandspit and nearby beaches

Slide 1.

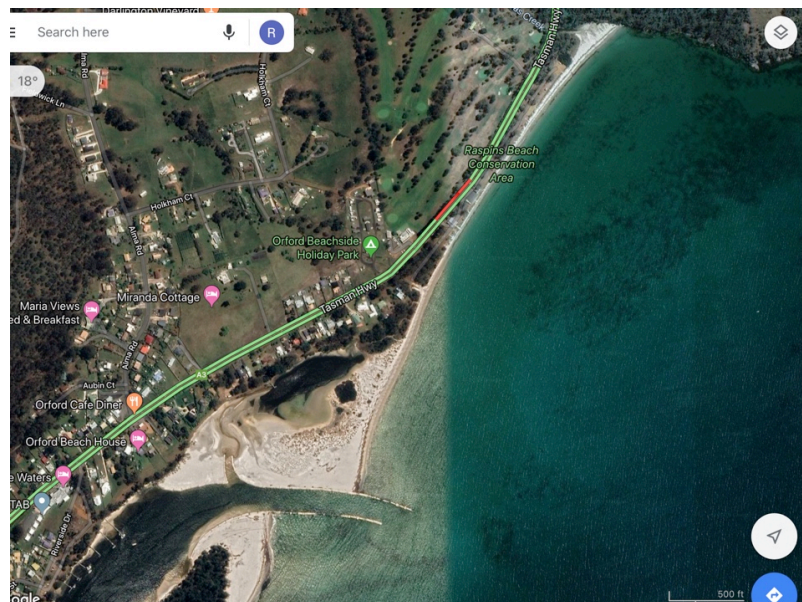
Prosser River Foreshore

Proposal to address the future use of this Crown Land Tenure.

- To address the Natural and Cultural Values in accordance with the Crown Land Act.
- To address the protection of the EPBC listed vulnerable Fairy terns and other vulnerable resident shorebirds.
- To address the issues of public amenity and usage in this township of ORFORD.
- To address the silting up of the lagoon and attendant problems

Slide 2.

The Prosser River Foreshore and Sand Spit



Slide 3.

The Point Walter Site: Perth/Fremantle Conurbation



Slide 4.

The Point Walter Site: Perth/Fremantle Conurbation



Speaker's Notes Slide 4

[When researching this proposal, I found that Australian experts had already managed a similar situation in Western Australia. The City of Melville in the Perth Fremantle conurbation had a sand spit in the middle of a highly urbanised area which was frequented by fairy terns for night roosting but had not been successful as a breeding area. Three years ago under the management of Dr Nick Dunlop, Murdoch University, Adjunct Senior Lecturer

Environmental Science and Policy Coordinator Conservation Council, and PhD Candidate Claire Greenwell, both very experienced in fairy tern and shorebird management, a program was started with the support of local council, to address the possible causes of lack of breeding success. Over the 2016/17 summer, the City of Melville installed a temporary fence at the end of the sandbar in an attempt to reduce disturbance to nesting fairy terns. This was the first year that breeding efforts were successful. Through this research, awareness of fairy terns and the threats they face during the breeding season have increased within the community. Community support and advocacy has been an essential component in the success of this site as a nesting area for fairy terns.]

Slide 5.

- Similar multi user situation
- 2016/17 temporary fencing installed
- First successful breeding season
- Community education and support

Slide 6.

Proposed management plan for Orford Sand Spit

1. That the entire area from the southern end of the Raspin's Beach Conservation area to the fence line at the northern sand bag groyne and including Radar Beach be a No Dog Zone at all times.
2. That the sand spit becomes a total exclusion zone for the public for the breeding season.
3. That Radar Beach is open to the public with a safe soft entry at all times and that the parking and access be improved to reduce dust (possibly with concrete grids with grass).
4. That hides, if included in the plan, be located in the area at the north end of the lagoon inside the fenced area.
5. That the fencing along Radar Beach and on the west side of the channel be removed.
6. That the signs be carefully assessed so that the curious are not encouraged to go looking for nestlings or eggs.

Slide 7.

Prosser River Mouth - Fencing and Signage Proposal Rosemary Wood - 23/10/2019



Speaker's Notes Slide 7

The Point Walter program has been successful and fairy terns have been fledged from the site over the past 3 years, since the following steps were taken.

1. Education by signage.
2. Involving and actively promoting the locals as 'wardens'
3. Temporary barriers with temporary informative signage erected 2 weeks before the birds arrive and removed when the breeding season ends. This will also protect the resident shorebirds hooded plovers, red-capped plovers and pied oystercatchers.
4. Encouraging people to stay away from the nesting sites even if they are using the surrounds.
5. During the winter the site is maintained by removing predators and prey that brings in predators. Rabbits encourage dogs and cats to hunt on site.
6. Removing vegetation like marram grass and boobialla that make the site unsuitable for fairy terns as they choose open lightly or un-vegetated sites.
7. As accretion extends the sand bar to the east the fairy terns are likely to move out of the present fenced area and/or over to Millington's Conservation area, unless the site is groomed and possibly sandbagged to avoid inundation by tidal and storm surges. This impact increases as the sea bed level rises with accretion.

Slide 8.

Temporary signage



Slide 9.

Temporary signage



Slide 10.

Temporary signage



Shorebird Habitat

Hooded plovers, fairy terns and other shorebirds live, feed and nest on this beach.

These vulnerable birds need your protection, especially when nesting from August to March.

Disturbance from visitors is their main threat.

Nests are fully exposed on the beach above the high water mark but are small and easy to miss.

Be aware and take care.

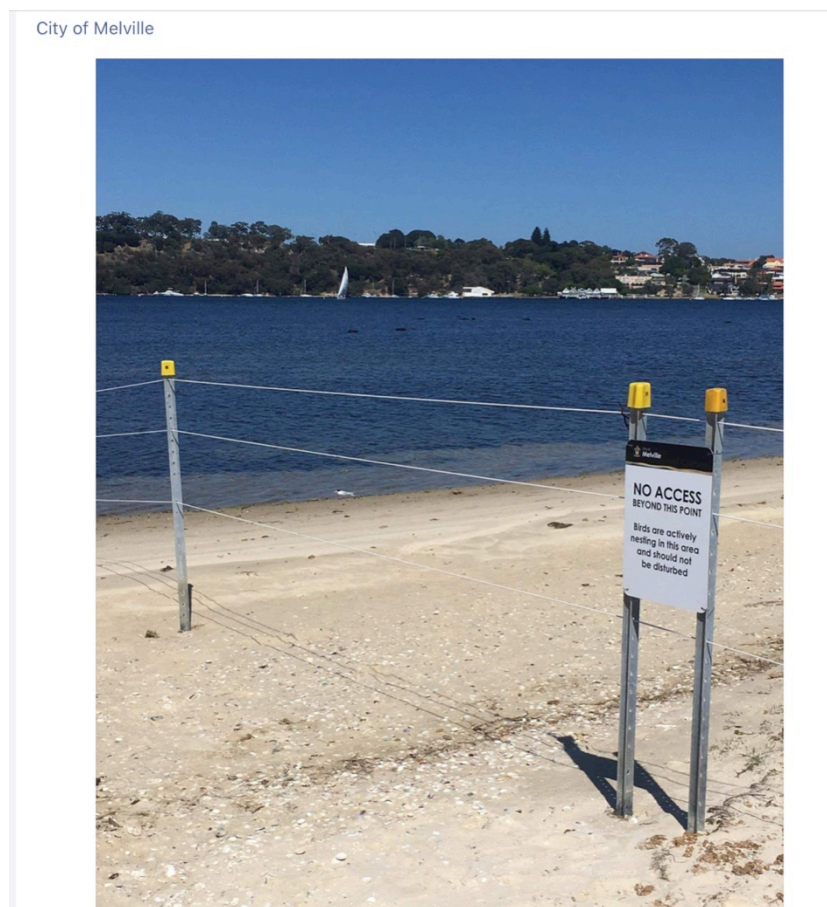
Keep your dog on a leash or, better still, leave it home.

Photos (top to bottom): Hooded plover © Ralph Green, fairy tern © JJ Harrison and pied oystercatcher.

Logos at the bottom: Melville, Warren Catchments Council, SWCC, Department of Parks and Wildlife, Australian Government, National Landcare Programme.

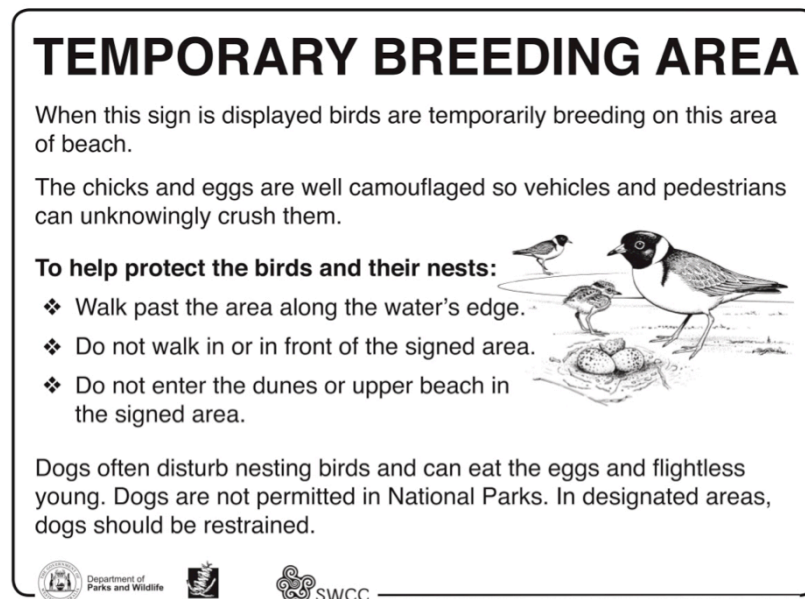
Slide 11.

Temporary signage



Slide 12.

Temporary signage



Slide 13.

Lagoon

- Increased silting since stabilisation
- Changing nature of lagoon
- Decreasing value as a foraging area especially for fairy terns

Speaker's Notes Slide 13

[In 2002 Parks undertook to keep the lagoon flushed after the cutting of a channel across the Millington reserve and thus creating the lagoon/backwater.

The stormwater drain at the northern end was expected to create a stench problem. It has. This has been exacerbated as a result of the stabilisation by the geotech bags and the small side channel into the lagoon which has become silted up, as has the lagoon. The appearance of ducks and swans in the lagoon is testament to the changed nature of the lagoon which is now becoming stagnant and is no longer optimal as a foraging area for fairy terns.

My husband and I, and Libby Brown made a total of 17 x 10 minute observations from 15-17th Dec, 2018 from two sites. One on the open beach about 100-150 metres from the nesting area and the other at the Saunders jetty. During simultaneous 10 minute site observations over a total of 3 hours over 3 days under different tidal conditions and times of day we observed about 150 foraging trips from the open sea location with the birds returning to the nest site and on the lagoon side only 3 dives were observed and only one was successful.

The flow into the lagoon is now very slow and silting has been rapid. The sea grass has been covered which decreases the nursery grounds for fish and increases the sulphite build up.

North of the sandbars that have developed in the lagoon the water is virtually stagnant and there is minimum visibility. Fairy terns need 1 metre of visibility into blue water to catch the small fish they need. As a result, they are fishing in the channel and out to sea. They rest on the sandbags and seem unperturbed by passing boats.]

[The hooded plovers, red-capped plovers and oystercatchers feed on molluscs and small vertebrates along the strand line in the debris/seaweed on tidal flats. The invasion by ducks and swans is testament to the changing nature of the lagoon and indicates that this water body is no longer optimum for fairy terns. Oystercatchers, hooded and red-capped plovers are tidal flat foragers and when the entrance to the lagoon becomes closed by silting, these resident shore birds will also be adversely affected. Not flushing the lagoon has had adverse implications for the birds and for the public as the sulphites build up and the seaweed, sea spurge, algae and waste coming down the storm water drain rots and causing a stench.]

Slide 14.

Management of the sand spit will require the following actions:

1. Placing of permanent robust 'No Dogs' signs, with accompanying regulations, possible fines and a contact phone number, at the Raspins Beach end of the spit and at the Radar Park access point
2. Siting of a temporary fence at the Raspins Beach end with accompanying signage, possibly also at the end of the geotech bags on the northern groyne: 'No access beyond this point' (this to be temporary and temporal)
3. Removal of fencing on the west side of the river and lagoon and consideration given to clear signage that is not ambiguous or encouraging to the curious to enter the breeding area
4. The regular flushing of the lagoon
5. The management of invasive plant species (i.e. marram grass and boobialla) which will create an unsuitable nesting area for fairy terns now that the spit has been stabilised, forcing them to choose other sites
6. The management of predators, and prey for predators, in the winter season especially rabbits which attract dogs and cats
7. Signage re fishers and litter

Slide 15.

Other issues

- Boat ramp: location, parking, congestion
- Dredging
- Opening of the lagoon
- Erosion of Raspins Beach

Speaker's Notes Slide 15.

[The boat ramp location, the boat trailer and parking congestion is to be addressed by Peter Hopkins and MaST. This will also follow due process including public consultation.]

The dredging of the channel and addressing the associated safety issues will also be addressed by MaST along with safe swimming concerns.

The possible opening of the lagoon at the old mouth once a year should be considered to assist with flushing and to create a water barrier on to the sand spit.

The dredging and keeping open the side channel is essential to maintain the integrity of the lagoon and address the problems raised earlier.

The erosion and replenishing of Raspin's Beach could be addressed by moving sand from the old river mouth in winter. This is an issue that will require consultation and consideration of the options suggested by DFA Steane and DN Foster (1993) and more recently by C Sharples.]

Slide 16.

References

Bryant, S (2002) **Conservation and Assessment of beach nesting and migratory shorebirds in Tasmania**. Nature Conservation Branch, Department of Primary Industries Water and Environment

DECC (2008) **Best practice guidelines – Managing threatened beach nesting shorebirds**. Department of Environment and Climate change, NSW. (environment.nsw.gov.au)

DFA Steane and DN Foster (1993) [Reviewer unable to find this paper]

DPIPWE

Dunlop J. N. (2015) **Fairy tern (*Sternula nereis*) conservation in south-western Australia**. Conservation Council WA, Perth

Dunlop, J. N. (2016). **Local Fairy Tern conservation strategy for the south west coastal region**. Perth, Western Australia. Available at: <http://www.ccwa.org.au/fairyterns>

Dunlop, J. N. (2018) **Fairy Tern (*Sternula nereis*) conservation in south-western Australia 2nd ed.** (Conservation Council of Western Australia: Perth, Western Australia). Available at: https://d3n8a8pro7vhmx.cloudfront.net/ccwa/pages/188/attachments/original/1531104929/CONS_192_Tern_manual_complete_updated.pdf?1531104929

Environment NSW

Dr Nic Dunlop, Claire Greenwell and Mark Holdsworth, three highly regarded research and management scientists in this area, are happy to have open conversation with all parties to discuss research undertaken in management programs.

Mr Holdsworth's support of the Proposal

Mr Holdsworth is a Tasmanian based ornithological expert with over 40 years experience in conservation management. Mr Holdsworth provided the author of the Proposal with an email supporting the approach to managing Prosser River values. It appears that this email of support was used to satisfy Section 65 of the *Local Government Act 1993* i.e.

[65. *Qualified persons*

(1) *A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.*

(2) *A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –*

(a) the general manager certifies, in writing –

(i) that such advice was obtained; and

(ii) that the general manager took the advice into account in providing general advice to the council or council committee; and

(b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.]

The Reviewer's interpretation of Mr Holdsworth's support of the proposal is that it is support for an approach rather than unequivocal support for the details of the Proposal. Mr Holdsworth had no input into the preparation of the Proposal and his knowledge of the Proposal was limited to reading the PowerPoint presentation. Mr Holdsworth's email is quoted below and key points made in his support of the approach are highlighted in bold.

*'Thank you for the PowerPoint presentation on managing public access and conservation values on the Prosser River Foreshore. As discussed, I have a sound working knowledge of the issues at the Prosser River mouth. Through my 40+ year career in conservation management, including within the State's conservation agency, I am very familiar with how best to manage natural values and public amenity. The Prosser River site not only contains important seabird values (ie Fairy Tern and Hooded Plover nesting habitat) it is a focal point of recreation for locals and visitors alike. Protecting natural values, providing public access and maintaining aesthetics are challenging issues but sensible management solutions can be developed to ensure that these values are maintained. In this regard, **I support your proposal to modify the existing fencing and signage to improve the amenity of the site whilst not adversely impacting on the natural values, particularly seabird nesting.***

Importantly, managing these types of sites requires the involvement and support of all stakeholders, and I would urge all concerned to work together to develop solutions to managing the site.** As you have discovered, the Conservation Council of Western Australia has developed best practice approaches for managing Fairy Tern colonies in very similar circumstances to the Prosser River situation. **An important tool in their guide (<https://www.narvis.com.au/wp-content/uploads/2015/11/Fairy-Tern-Conservation.pdf>) is the development of Local Fairy Tern Conservation Strategies to document the values and management solutions, including community education, signage (combined with boundary delineation) and volunteer wardens. Adopting these approaches through a consultative process with stakeholders is likely to result in positive outcomes for the Prosser River Foreshore site.

Of interest, in 2016, we provided advice to MAST on managing impacts on the Fairy Tern population for the Prosser River Stabilisation Project including:

1. Develop and implement a cat control program to reduce predation risk of nesting shorebirds. This should be done by Glamorgan Spring Bay Council, Parks and Wildlife Service and Biosecurity Tasmania (Invasive Species Branch) in consultation with key stakeholders. This project may be considered a high priority under recent Commonwealth government cat management strategies and funding initiatives.

2. Develop and implement a long-term vegetation management plan to maintain suitable Fairy Tern habitat. This should be done in conjunction with the Parks and Wildlife Service.

Coincidentally, the impact of cats on Fairy Terns in WA has been highlighted in a story by ABCTV recently (<https://www.abc.net.au/news/2019-12-15/new-cat-laws-could-save-mandurahs-fairy-terns/11799492>) and this underlines the importance of stricter controls on domestic cats and management of feral/roaming cats.

I also understand that the Fairy Terns are not breeding on the spit this season. While this can be a natural occurrence - shifting their nest sites to take advantage of abundant food resources elsewhere - it is possible that the stabilisation of the spit and subsequent growth of vegetation has made the site unsuitable for nesting. Fairy Terns favour sites with little or no vegetation and so it is important to strategically remove plants (particularly woody and invasive species) from the site.

I trust this advice is useful and I hope your meeting with Council is positive. If you require any further advice or assistance please don't hesitate to contact me.'

The Reviewer contacted Mr Holdsworth and received the following response on 6 May 2020 in regard to his input into the Proposal:

As discussed regarding my email to Rosemary Woods dated 17 December 2019, my intention was to support a process to protect the values at the Prosser River mouth rather than any particular management action. I encouraged a strategic approach be taken to manage the natural values in the context of a site with complex public access, aesthetic values and local uses. Balancing these values is challenging but as has been demonstrated in Western Australian and elsewhere, sensible management solutions can be developed to ensure natural values are protected whilst allowing for controlled public amenity. In this regard, I should have been more explicit by highlighting that any management action (ie fencing, signage, policing etc) should not result in any adverse impact to the natural values. It would appear that some people have interpreted my email as unequivocal support of a particular action, which certainly was not my intention.

I have communicated with many of the individuals involved with this issue and in all of my communications I have encouraged a cooperative and consultative approach to develop sustainable management of the values, hopefully achieving broad community support and stewardship.

Specific comments made in submissions

Support for removal of permanent fencing

- *Against fencing off a wide section of Orford waterfront because it is popular for tourists, shack owners and residents.*
- *Fence impedes access to the beach.*
- *Safety is a concern – in an emergency climbing over the fence is impossible for many.* [Safety issues are not identified or quantified in the Proposal]
- *Fence is a hazard for cyclists and children.* [Safety issues are not identified or quantified in the Proposal]
- *Recommend this area as a safe area in case of fire emergency. Current fence does not permit this access safely.* [Safety issues are not identified or quantified in the Proposal]
- *If an evacuation was ordered a fence of any description could cost lives, as those evacuating cannot access the safe area they are attempting to reach.* [Safety issues are not identified or quantified in the Proposal]
- *Current fences are not dog proof and are in the wrong place.* [Fencing is not intended to be dog proof but to manage the movement of people (sometimes with their dogs)]
- *Fence cannot be policed and people will climb over it if they want.* [It is not illegal to climb over the fence or to be in the area fenced]
- *The current fencing adjacent to the walking/running/cycling track appears inappropriate for the issues along the foreshore.* [An appropriate fence or situation is not identified]
- *Initial pedestrian wire fencing was put there for an environmental issue encountered with the installation of the new raw water pipeline and nothing to do with bird protection.* [The veracity of this comment is not known]
- *Fence was constructed from high-tensile wire that would not even keep out a small dog. If proposal was to deter animals that may harm or disturb birds then why wasn't ring lock or sheep fencing used. But if purpose was to keep out humans then it is overkill.* [Fencing is not intended to be dog proof but to manage the movement of people (sometimes with their dogs)]
- *The fence was hastily installed without public consultation and is an eyesore. Cheap fence of wooden stakes and string with numerous signs along the ocean side can only be classed a visual pollution.* [The visual aesthetics of the fencing has not been considered in the Proposal]
- *Council put in a number of sections of fencing without consulting the public.* [Public consultation in relation to the erection of fencing by Council is outside the scope of the Review]
- *Without consultation or advice an ugly substantial farm type fence was erected on the foreshore by GSBC staff. In front of the house there are many signs on or near the fence which is frankly an eyesore and clearly not effective in preventing dogs from entering the foreshore.* [These comments are made individually in other submissions]
- *Fenced off without consultation with elected councillors or residents.* [Public consultation in relation to the erection of fencing by Council is outside the scope of the Review]

- *Cost of the fencing is too high.* [Actions in the Proposal are not costed]
- *Will there be compensation for house owners who can no longer directly access the beach?* [This question is outside the scope of the review]
- *Was a cost benefit analysis done for the construction of the fence?* [The Reviewer is not aware whether a cost benefit analysis was done for the construction of the fence but assume it was undertaken as part of an adaptive management approach to management of people traffic in shorebird habitat]
- *The proximity of this fence to the sandbags is particularly dangerous due to the soft sand sinkholes between the bags.* [Safety issues are not identified or quantified in the Proposal]
- *Permanent fencing has significantly impacted the ability for both locals and tourists to use the public area in a safe manner.* [The impact of the fence on access to the 'public area' is not analysed or quantified in the proposal]
- *Teenagers have been observed jumping over the farm style fence and are at risk of personal injury.* [Safety issues are not identified or quantified in the Proposal]
- *Proposed temporary fencing requires fewer resources than maintaining extensive fencing indefinitely.* [Management actions have not been costed in the Proposal]
- *The lagoon area entrance has always been an outstanding safe, warm water play area which is ideally suited to young children and should not be fenced off.* [The Proposal does not quantify the recreational values of the lagoon area or assess the alternative opportunities elsewhere in the Orford area - the Reviewer considers that the Committee would benefit from representation by local recreational groups]
- *The fence does nothing to prevent feral animals from attacking the birds but prevents people from enjoying the beach.* [Fencing is not intended to be feral animal proof but to manage the movement of people (sometimes with their dogs)]
- *UK experience has shown that informing and engaging the public is more effective than attempts at hard control (barriers, official notices etc).*
- *A property owner has the right to use their property reasonably, without unreasonable interference from others, and the general public have the right to enjoy a public recreation area without interference.*
- *Walking along the path to the end of the fence directs the public to a muddy, rocky river bank, an extremely unpleasant and dangerous area for small children to paddle and swim.*
- *Remove all fencing around the Radar Beach sandspit area and fencing along the walkway from Raspins Beach to Radar Beach except around the sensitive bush area close to Raspins Beach as it is an over use of fencing protection for the area.*

Access to the beach ('Radar Beach')

- *Return to a safe protected beach for all.*
- *My friends and family are no longer able to wander down and pop their kayak in, and now have to mount them onto a car and drive to an access area.*
- *Since Council has fenced off the beach and endorsed the erection of water contamination signs, regular tourists who have obeyed signs and fencing have stayed away. This reduction in visitation has impacted on small businesses in Orford and impacted on their viability. In the interests of social and economic benefits we ask that the fence be immediately removed for unrestricted use by humans.* [The Proposal does not quantify the reduction in visitation or the resulting impact on

small businesses in Orford – the Reviewer considers that Committee would benefit from representation by the local business community]

- *The beach foreshore constitutes part of the public domain and should therefore be easily accessible to the public.*
- *Fence should be removed immediately and a safe access from the pathway onto the beach installed to enable access for the elderly and disabled and for families with young children.* [The Proposal does not quantify the recreational values of the beaches in the Orford area or their accessibility for the elderly and disabled, and families with children]
- *Alternative beaches nearby are not suitable for families with young children.* [The Proposal does not quantify the recreational values of the beaches in the Orford area or their accessibility for families with children]
- *Want to see the soft access at Radar Beach restored.*
- *Access is fundamentally important in order for visitation and support from the local community to continue.*
- *The beach provides a safe environment for families to play in the water during the summer months.*
- *Council actions to deny individuals and families from using this beach or any other beach requires evidence of authority to do so.* [This comment is outside the scope of the Review]
- *That Radar Beach is open to the public with a safe soft entry at all times and that the parking and access be improved to reduce dust (possibly with concrete grids with grass) – Disagree – leave as natural.*
- *There have been no surveys of the recreational users of the spit and the foregone recreational opportunities of the users have not been quantified. What are the foregone recreational opportunities and could they just be as easily achieved at nearby beaches?* [This comment appears to be correct. The Reviewer considers that a management plan for the site would benefit from the conduct of surveys of recreational users and quantification of foregone recreational opportunities. The question will be forwarded to the Committee]

Protection and management of the shorebirds

- *Follow best practice for the protection of the Fairy Terns and Hooded Plover populations.* [Best practice is supported by the Reviewer]
- *Best practice proposals have proven successful as shown in the program operating at Scamander.*
- *The multi-user proposal is consistent with a multi-user practice adopted to deal with similar circumstances at Scamander, under the management of Dr L. Znidersic and the local authority.*
- *The proposal protects our shorebirds while ensuring that public access to our beaches is maintained.*
- *Proper implementation of the multi-user proposal can and will accommodate both human activity and fauna protection in an appropriately balanced manner.*
- *The Fairy Terns have chosen an area outside of the fencing for nesting. This flocking and nesting behaviour was observed and reported by Les and Rose Wood to council.* [This observation is correct and this behaviour is described in more detail in expert submissions from Dr Sally Bryant, BirdLife Tasmania and BirdLife Australia]

- *The birds are only in need of an exclusion zone when they are nesting/rearing young.* [This comment is incorrect and this is explained in more detail in expert submissions from Dr Sally Bryant, BirdLife Tasmania and BirdLife Australia]
- *Removal of a section of fence at Radar Beach and adoption of current best practice approach of using temporary fencing and effective signage is the best way to keep the birds safe.*
- *An effective approach is removing a small section of fence so people can still access an area that the birds happily share with humans.*
- *The proposal is not about removing protection for the birds it is about protecting the birds in a way that can adapt to the bird choices.*
- *The protection of the birds should not come at the cost of traditional human activities.*
- *There is a range of other beaches rarely visited by people and surely provide adequate bird breeding areas without such a large impact on beach goers.* [The Reviewer considers this statement to be incorrect and this is explained in more detail in expert submissions from Dr Sally Bryant, BirdLife Tasmania and BirdLife Australia]
- *Hope Council will see logic and vote to remove the permanent fencing and install relevant signs for the proper protection of the birdlife.*
- *Predation from feral cats, rats, devils, and birds of prey, and the extremely high bull tides are the real threat to our nesting shorebirds in this area.*
- *A fence on the sea side of the lagoon should provide adequate protection for the bird population whilst allowing access to a safe and protected beach for the community.* [The Reviewer considers this statement to be incorrect and this is explained in more detail in expert submissions from Dr Sally Bryant, BirdLife Tasmania and BirdLife Australia]
- *The longer term foraging requirements of the shorebirds has not been addressed in the Proposal. Recommendations have been made by Dr Woehler in respect of this including annual surveys to determine if breeding shorebirds relocate to Millingtons spit, and he notes that should this happen then conflict between dog owners and the shorebirds will occur which will require conservation measures to protect the birds.* [This issue has not been addressed in the Proposal and the Reviewer recommends input from Dr Woehler into the development of any management plan as it relates to the conservation management of the shorebirds]
- *With Fairy Terns in mind, the permanent fencing was constructed on the advice of local and qualified bird experts and with the cooperation of and support of BirdLife Tasmania, Natural Resource Management (NRM) and the previous Council* [This comment is acknowledged by the Reviewer]
- *Dogs are a massive risk to breeding Fairy Terns and Hooded Plovers and with their very long breeding seasons and the need for secure roosting places at all times, the fencing should be in place year round.*
- *Years of observation has seen that the terns very rarely feed in the backwater.* [This is presumably observations made by the owner of an adjacent property. The veracity of this comment is not substantiated.]

Dogs and Cats

- *Appropriate surveillance of the dog and cat problem in the whole Orford coastline and beaches needs attention. Dogs are a problem to older beach walkers. [This is a broader issue than the area of the Proposal]*
- *Cat management appears to be missing from the Proposal. Cat prints have been regularly observed in the area. Cats are known predators of nesting shorebirds, especially their chicks. Neglecting to include a rigorous strategy to deal with cat predation in this proposal is likely to render it ineffective.*
- *Need for an active dog and cat catcher.*

Land tenure and leases

- *The area is Crown Land tenured under lease until 2023 as public recreation and thus a multi user site. The erection of permanent fencing and signage is not permitted without proper applications, public consultation and vice-regal consent. [The veracity of such requirements has not been assessed however, the Reviewer considers that it is unlikely applications, public consultation and vice-regal consent would be required for a public reserve under Crown Lands Act 1976, under a lease to Council, if Council undertook the erection of permanent fencing and signage.]*

Signage

- *Signage that indicates a contamination risk is very misleading. According to the EPA and DHHS there is no risk of contamination of the aquifer. The EPA has required Council to remove the signs at the carpark and now the only signs to mark the possible contamination site are 120-150m further south.*
- *Proposed No Dogs signs with accompanying regulations, possible fines and a contact phone number at the Raspin end of the spit and at Radar Park access point - just 'No dogs' is sufficient.*
- *Signage that changes through the course of the year can be extremely confusing for visitors. A simple 'No Access' sign is easily understood by most.*

Flushing the lagoon/backwater

- *Is it necessary to regularly flush the lagoon? [The Proposal argues that the lagoon needs to be flushed regularly due to issues of water stagnation, smell and silting, causing it to be no longer optimal for foraging for the Fairy Tern. Expert advice for this argument is not cited in the Proposal. An opposing argument is made in the submissions by Dr Sally Bryant, and BirdLife Tasmania, and a number of other submissions of personal observations of regular and tidal flushing of the lagoon]*
- *'GSBC issued Planning Permit (DA02013) stipulating conditions including:' 'Condition 5: Should a backwater become enclosed, the Department must open up the backwater as soon as practicable after it closes.' and, 'The Department must assume all costs associated with such maintenance.' 'Condition 6: Any damage or negative effect on other properties, including any erosion or issues arising from any backwater created as a result of this proposal must be mitigated, made good or compensated for by the Department of Primary Industries, Water and Environment to the satisfaction of the parties involved.' Only a token effort in dredging was ever performed. [The Reviewer does not have access to Planning Permit DA02013 and recommends that, if they are not already, the Committee be made aware of this permit in the development of the Master Plan.]*

- *Where sandbagging of the river has been a boon for boaters it has removed the chance of nature flushing out the lagoon on occasions of flood. It is desirable for the lagoon to remain as a non-silted up environment providing a place where young fish are able to breed and birds are able to feed. So some form of intervention of the regular opening up of the channel that leads to the lagoon – maybe coinciding with when floods would otherwise have occurred [The Proposal argues that the lagoon needs to be flushed regularly due to issues of water stagnation, smell and silting, causing it to be no longer optimal for foraging for Fairy Tern. Expert advice for this argument is not cited in the Proposal. An opposing argument is made in submissions by Dr Sally Bryant, and BirdLife Tasmania, and a number of other submissions of personal observations of regular and tidal flushing of the lagoon]*
- *The Proposal makes claims about deterioration of lagoon environments and the need for dredging without demonstrating the basis and validity of these actions relative to the requirements of the Fairy Tern or evidence that dredging is required. [The Reviewer agrees with this comment]*
- *The Proposal needs to recognise that the site is a dynamic river mouth sandspit and tidal lagoon system, modified by recent stabilisation of the river mouth by sandbagging. Some ongoing management may be required but should be based on expert ecological and coastal geomorphological evidence and advice.*
- *Would not be a good idea to open up the lagoon to allow small boats, jet skis into the area. This would surely disturb foraging in the tidal zone by Hooded Plover, Oystercatchers etc. Although the Proposal shows examples of signs and temporary fencing it is advocating full access to the lagoon area.*
- *A staged area for bird watching must not be the primary driving force behind the future plans for the reserve. Best way forward is to isolate the spit as best we can. Dredge the backwater to provide a deep barrier between Radar Beach and the spit not only for the birds but also for the health of the waterway and the environment. This will help with preventing human access and deterring predators. Water channel is more effective than a wire fence and would allow local community and visitors to use Radar Beach.*
- *Flushing of the lagoon at best would control insects such as mosquitos becoming a health hazard*

Bird hide

- *Concern that it may not be used and instead be a wasteful eyesore. Interested to hear of the benefits of it, the location of it and what it will be made of?*
- *Potential for installation of hides but no background on who was promoting their installation or the benefits to the birdlife or the pros and cons of a hide.*

General opposition to the Proposal

- *The Proposal would alter the current fencing and allow human access which would lead to severe disturbance of breeding and feeding of threatened adult birds and their chicks. [The risk of a severe disturbance of breeding and feeding of threatened adult birds and their chicks as a result of alteration of the current fencing is not addressed in the Proposal. The assessment of this risk would require, and be based on, advice from experts in shorebird research and conservation such as BirdLife Tasmania and particularly, Dr Eric Woehler.]*

- *Dr Eric Woehler has more than 40 years experience in research on seabirds and shorebirds around the world. His advice should form the basis for any decision.* [It is reasonable to recommend that the advice of Dr Woehler should form the basis for any decision in relation to the conservation management of the shorebirds at the Orford Bird Sanctuary. It appears that the Proposal has been developed without input or support from Dr Woehler]
- *The Proposal was developed without input from Council NRM or Tasmania Parks and Wildlife Service officers with appropriate expertise.* [Officers of Council NRM and PWS were represented on the Committee but it appears they did not have input into the Proposal nor provide support for the Proposal while on the Committee]
- *There are several other beautiful beaches in and around Orford.* [This comment may be true however, the Proposal makes no assessment of the aesthetics of any beaches in the Orford area other than Radar Beach]
- *The Proposal has not been prepared by a 'suitably qualified person or persons'* [The veracity of this comment has not been assessed in the Review however, the Reviewer considers that it is the responsibility of the Committee and Council to assess whether the Proposal has been prepared by a 'suitably qualified person or person']
- *The Proposal has not followed due process and Council have not followed due process* [Comments regarding Council procedural matters and meeting the requirements of the *Local Government Act 1993* are outside the scope of the Review. Nonetheless some submissions relating to procedural matters will be forwarded to the Council's General Manager for consideration of issues raised.]
- *The Proposal is not a complete or suitable document to be released for public consultation.* [The Reviewer agrees with this comment]
- *The Proposal makes assumptions and statements that don't have a sound basis of evidence or the evidence supporting the documents is not presented for consideration.* [The Reviewer agrees with this comment]
- *The Proposal lacks critical information for members of the public and other stakeholders to make informed comment.* [The Reviewer agrees with this comment]
- *The Proposal must be peer reviewed to ensure best practice.* [The Reviewer agrees with this comment]
- *Why did Councillors vote to put this document to public consultation?* [The Reviewer will refer this question to Council]
- *The Proposal does not appear to have received any formal review from Government Department stakeholders.* [The Reviewer agrees with this comment]
- *The Proposal is a Power Point presentation – this is an unusual format for a management plan.* [The Reviewer agrees with this comment]
- *Why after only 3 meetings has the Proposal that only relates to a section of the foreshore been put out to public consultation – appears contrary to the ToR for Section 24 Committee.* [The Reviewer will refer this question to Council and the Committee]
- *Why did Dr Eric Woehler from BirdLife Tasmania resign from the Committee after only 2 meetings?* [The letter of resignation from the Committee by BirdLife Tasmania may not be in the public domain and this question will be referred to the Committee]

- *The Proposal does not identify by way of map or other information the boundaries of the subject land, the tenure or the basis for legal management responsibilities for the site. This is particularly important given the complexity of tenure and management responsibilities. [The Reviewer agrees with this comment]*
- *The Proposal does not provide information on the purpose of the reserve, statutory management objectives that form the basis of the management plan developed for public land. [The Reviewer agrees with this comment]*
- *The Proposal does not adequately describe the values of the Orford Bird Sanctuary, Fairy Terns, Hooded Plovers and other significant shorebirds and wetland birds. [The Reviewer agrees with this comment]*
- *Our wildlife is the most precious asset we have in Tasmania.*
- *Removal of the protective fencing could be catastrophic for the birdlife in the Orford Bird Sanctuary and why would you endanger the area when the council has the power to protect it, particularly when no one is adversely affected by doing so.*
- *Management objectives for the Proposal are obscure. Need for objectives followed by a schedule of actions including timing and resourcing. [The Reviewer agrees with this comment]*
- *The birds are a great attraction for tourists and should be protected from human and other animal interference and disturbance.*
- *Genuinely interested tourists have commented that removal of the fence is of no advantage from their perspective.*
- *Improve the fence to ensure all animals cannot possibly gain access.*
- *An area of known habitat for threatened species should be managed and monitored by people with suitable qualifications and experience.*
- *The Proposal is incomplete, based on biased research by a layperson and has not been peer reviewed. [The Reviewer agrees with this comment]*
- *Great asset to have a world-class protected bird sanctuary in Orford.*
- *So much damage to the river mouth and lagoon has been caused by the sand bagging and has changed the environment for the birds to feed and breed. A better management plan could be developed with input from all parties including Dr Eric Woehler. [The Reviewer agrees with this comment]*
- *The author of the Proposal is not qualified to develop a plan such as this for such an Important Bird Area. A management plan for this area is imperative but must be done in consultation with expert advice and PWS. [The Reviewer agrees with some of these comments]*
- *A PowerPoint presentation could be seen as discriminatory as it is unlikely to be available to all who might care to respond. [The Reviewer agrees with this statement]*
- *A considerable asset to have rare and threatened birds nesting and resting so close to a small town.*
- *Praise to those that fenced off the sanctuary and creating a sanctuary for breeding sites.*
- *Potential to capitalise on the Orford Bird Sanctuary as a tourist attraction. A small observatory in the Prosser River mouth area, appropriately located so shorebirds are not adversely affected, could allow locals and visitors alike to enjoy the rare proximity of these birds.*

- *Observations of the cavalier way some visitors use it, especially during the holiday period. After the fence had been flattened there were many people in the bird sanctuary and a jet ski in the lagoon. Larger signs about the birdlife and banning of motorised craft in the lagoon are essential. Perhaps a limit on kayaks in the lagoon may help.*
- *If successful the Proposal would remove protective fencing on the western end of the existing Orford Bird Sanctuary, allowing unimpaired human access to the sandspit lagoon and adjoining sandy area. Human activity within the existing Sanctuary area would inevitably spell the end of the breeding and feeding behaviour of the many species of small shorebirds which inhabit the area now.*
- *Patrols during the holiday months and at nesting time would be good.*
- *Make the fence with chicken wire 2 m tall and keep a pathway so children and walkers can have a swim along the riverbank. That way the birds will be safer. A proper animal proof fence.*
- *Council should not have put a proposal of this nature and quality out for public consultation. The process that led to the publication of this proposal was seriously flawed and councillors on the Committee failed to discharge their obligations to appropriately represent the broader community and that the Committee should have stuck to the TOR. Ignored their duty for adequate oversight of the public proposal. TOR demands that the proposals will be developed collaboratively.*
- *Reject the proposal and return to the Committee's TOR to develop balanced collaborative proposals.*
- *The effective exclusion of dogs and people will likely lead to long term increases of use by birds and make the area more attractive to tourists.*
- *The Proposal has no obvious structure or much depth, no heading or even mention that it is a draft, no introduction, confused and unprofessional.*
- *The Proposal should have noted who fenced the area, what the motives were for the fencing, whether consultation and formal Council endorsement for the fencing were statutory requirements, who in the community expressed concerns about the fencing, what were the concerns and the motivations for the concerns, no examination of the role of the fence or whether the structure was suitable for what it was designed for. No reasoning for arriving at the recommended management. There are references but not obvious how these were used in supporting the proposed management, no illustrative photos of the site, useful to see a list of arguments for and against the proposed changes and background about the relevant local politics.*
- *Useful for resident birds to have access to year round protected areas. Why is it a requirement for people to have access to the area outside of the breeding season for the birds?*
- *It would take just one over-enthusiastic dog to destroy a year's breeding.*
- *The Committee was never truly representative, excluding community and service groups, tourism and business groups.*
- *Committee, Council officers and representatives of government departments and enterprises should have attended in an advisory role only. Resistance to inviting other expert advice to the table.*
- *Whilst we all have a responsibility to protect and preserve native wildlife and their habitats, statutory authorities like the Council and Tasmania Parks and Wildlife*

Service have greater responsibilities especially the status of the site and the birds which breed there.

- *The TOR was too broad with no defined direction or guidance on how the process should be undertaken.*
- *The importance of establishing minutes when clearly members had issues with the content.*
- *Members of the Committee voting on issues when there was clearly conflict of interest.*
- *This is a global (KBA) Key Biodiversity Area*
- *Internationally recognised as an Important Bird Area*
- *What is the relationship of the Proposal and the Prosser River Mouth Master Plan?*
- *Red-capped plovers flourish within the protection of the fenced area.*
- *Given the many opportunities for swimming in the river and nearby it would be responsible for us to be a little more flexible as to historic privileges regarding access. We have so many areas to exercise and swim.*
- *Birds used to nest on the seaward side but have now started to nest on the landward or lagoon side.*
- *The reference to the area as 'Radar Beach' is misleading to the public. It is not a beach – beaches are at either end of the sanctuary. It is an internal part of a sandspit and does not have approved nomenclature as 'Radar Beach'.*
- *It is of concern that the only overall conclusion of the Master Plan is that the fence at the western end of the Orford Bird Sanctuary should be removed. There are no comprehensive overall recommendations for the entire Prosser estuary as I believe were outlined in the TOR.*
- *With regard to amenity, a term which has been bandied around regarding this application, the Orford area is fortunate enough to have seven different beaches available for adults, children and dogs to enjoy, all within a distance of four kilometres. These range from open beaches to quiet coves to estuarine beaches to cater for all forms of seaside enjoyment. By comparison, the Orford Bird Sanctuary on the Prosser sandspit covers a very small area.*
- *Surfer's access to the Prosser river mouth on the rare occasion that rideable surf was up, would not be through the Spit area, but take the easy access from carpark at Raspins or Millingtons beaches. [This comment is acknowledged and may be relevant to the design of recreational facilities at the site. It is not known whether the Proposal was developed with input from the surfing community]*
- *Disabled people would not attempt to walk through the dunes or the lagoon or over deep sand, gaining access over a rock wall. Easy access is available on a ramp from the carpark at Raspins Beach and a pathway at Millingtons Beach. [This comment is acknowledged and may be relevant to the design of recreational opportunities at the site]*
- *It should be noted that post-Christmas 2019 the fence at the western end of the Orford Bird Sanctuary was vandalised and cut in three places with several posts pulled out of the ground. Subsequently, the lagoon area was filled with some 45 people, canoes, kayaks, and a couple of dogs, with one person on a jet ski deciding to do a tour of the lagoon. Consequently the birds were nowhere to be seen. The next day the fence was re-constructed by Council officers and volunteers, and around five people were observed in the lagoon area, however the fence had been tampered*

with and again the same number observed the following day. This goes to illustrate that the fence does not have to be expensive chain mesh with barbed wire on top, to convey, (with attached signs) to the public, the message that the area within is to be protected as a refuge for shorebirds and humans are requested to remain outside. Any further construction or expenditure by Council will not be required. [These are observations supporting the concept that a simple farm style fence can be effective in controlling human disturbance in the Orford Bird Sanctuary]

- *We need to be aware of the rapid increase in tourists to over 250,000 per annum on the East Coast and the continuing number of dwellings erected each year in the Orford area. This increased number of visitors to the area around the existing Bird Sanctuary must be taken into account when acknowledging the human pressure on the bird colonies. [The Reviewer agrees that future visitation by tourists to the East Coast should be considered in the development of conservation actions for the Orford Bird Sanctuary. This has not been considered in the Proposal]*
- *We need to be definite that the fence should remain, as the cheapest and most cost-effective way to ensure the survival of our Endangered and Rare shorebird population [The Reviewer agrees that the fence should remain but the Proposal does not cost the proposed actions or alternative actions for comparative purposes]*
- *The area is home to very vulnerable birds including some threatened species and they need our protection. The area is only a small proportion of our beautiful coastline and safe beaches, surely we can allow the birds a safe nesting area without the impact of dogs and people.*
- *A birding company takes many of their national and international guests to the Orford Bird Sanctuary to respectfully view the birds that live and breed on this stretch of beach. Private tours and group tours bring significant income to the Tasmanian economy. Concern for the impact of removing the fence. More meaningful environmental planning is required, and a better environmental management plan must be established. [The Proposal does not consider the income from tourism from the shorebird assets]*
- *The community will also increasingly receive economic benefits as the Orford Bird Sanctuary becomes more recognised and visitors seek it out. [The Proposal does not consider the income from tourism from the shorebird assets]*
- *Could be a drawcard for touring birdwatchers if promoted correctly. [The Proposal does not consider the income from tourism from the shorebird assets]*

General support for the Proposal

- *The Proposal provides a good balance between public amenity and the protection of the significant bird species.*
- *A well designed sign system and simple interpretation plan is an effective way to engage the public and promote respect of boundaries. The solution is practical and will be flexible enough to evolve with the changing nature of the spit.*
- *The multi-user proposal will restore a level of access which should also provide protection for the vulnerable shore birds that live in the area.*
- *The Proposal provides a tried and tested template that could and should be used for all situations requiring a balance of nature conservation and public amenity.*
- *The Proposal is a balance that ensures a sustainable future for property owners, the public and the wildlife.*

- *Proposal is intelligently researched in relation to bird safety in this multi-use area and based on successful programs elsewhere in Australia and overseas. The Proposal has demonstrated that bird safety and appropriately restricted public use can work side by side.*
- *A plan that would allow people and birds to co-exist is the solution.*
- *Heartening to finally see a reasonable, pragmatic approach, as that shown in the Proposal, instead of the inaccurate, emotional approach some quarters have taken*

Submissions that generally support of the Proposal

Two-hundred and twenty-five (225) identical form letters were received with the following text:

'I fully support Rosemary Wood's multi-user proposal for Radar Beach/Orford Sandspit, and the expert advice (Dunlop JN, 2015, 2016, 2018; SL Bryant 2002) it follows relating to all bird species in the area. Best practice proposals have proven successful as shown in the program operating at Scamander.

The area must be returned to a safe protected beach for all. The fence that impedes access to this beach should be removed immediately, and a safe access from the pathway onto the beach installed. This enables access for the elderly, disabled and for families with young children.

Safety is also a concern as shown recently with bush fires on the mainland, in an emergency, climbing over the current fence is impossible for many. It is also a hazard for cyclists and children.'

All 225 letters express full support for the Proposal and full support for the expert advice it follows relating to all bird species in the area. This statement refers to the following documents:

Bryant, S (2002) *Conservation assessment of beach nesting and migratory shorebirds in Tasmania*. Nature Conservation Branch, Department of Primary Industries Water and Environment

Dunlop J. N. (2015) *Fairy tern (Sternula nereis) conservation in south-western Australia*. Conservation Council WA, Perth

Dunlop, J. N. (2016) *Local Fairy Tern conservation strategy for the south west coastal region*. Perth, Western Australia.

Dunlop, J. N. (2018) *Fairy Tern (Sternula nereis) conservation in south-western Australia* 2nd ed. (Conservation Council of Western Australia: Perth, Western Australia.

That '*best practice proposals have proven successful as shown in the program operating at Scamander*' is a comment without direct reference to the details of best practice within the Proposal or in the program operating at Scamander. It is a comment and does not require further consideration by the Reviewer.

The letter states that '*The area must be returned to a safe protected beach for all.*' and that '*The fence that impedes access to this beach should be removed immediately, and a safe access from the pathway onto the beach installed*'. The justification for removal of the fence and installation of a safe access from the pathway onto the beach is that it '*enables access for the elderly, disabled and for families with young children*'.

Safety issues are raised in this submission in relation to the presence of 'the current' fence in an emergency as climbing over it is considered impossible for many people, and also that the fence is considered a hazard for cyclists and children.

In summary, this large number of identical submissions support the Proposal, particularly proposed management action 3 (*That Radar Beach is open to the public with a safe soft entry at all times and that the parking and access be improved to reduce dust (possibly with concrete grids with grass)*) and 5 (*That the fencing along Radar Beach and on the west side of the channel be removed.*)

Forty (40) identical form letters or slight variations of form letters were received with the following text:

'I strongly support the multi user proposal for Radar Beach to be returned to a safe protected beach for all.

The fence should be removed immediately and a safe access from the pathway onto the beach installed. This enables access for the elderly and disabled and also for families with young children.

I support the birdlife on the spit being protected at all times and particularly when nesting.'

These submissions are similar to the previous form letter. The submission provides strong support for the Proposal, particularly the removal of the fence and the development of a safe access on to Radar Beach. The submission also supports protection of the birdlife on the spit at all times, particularly when breeding.

Submissions that do not generally support the Proposal

Thirty-two (32) identical form letters or slight variations of form letters were received with the following text:

I do not support the proposed management plan and proposed changes to the way the Orford Bird Sanctuary (comprising the sandspit, lagoon and beach at the mouth of the Prosser River) is managed in respect of the protection of the breeding bird population.

If successful the proposal would remove, or alter, the current fencing at the Orford Bird Sanctuary area, including the sandspit lagoon and beach, to allow human access. Human activity within the Bird Sanctuary area would severely disturb the breeding and feeding of the threatened adult birds and their chicks. This fencing is not only important to the visiting threatened Fairy Terns but to the threatened Hooded Plovers and other birds which reside here and need protection ALL Year round.

The Orford Bird Sanctuary is the home and, or, breeding area of many species particularly notable are the THREATENED Hooded Plovers which breed here and are resident all year and the THREATENED Fairy Tern who breed here and raise their chicks. The area currently has over 30 nests and therefore at least 60+ Fairy Terns. This represents a significant proportion of the 100 Fairy Terns pairs known in Tasmania. This is not only the southern most colony in the world but a critical breeding site.

This plan will put the survival of the birds at the Orford Sanctuary at high risk.

The proposed changes to the management of the Orford Bird Sanctuary, recognised internationally as an IBA - Important Bird Area, are not supported by Dr Eric Woehler (Convenor of Birdlife Tasmania) or by Birdlife Australia.

Dr Eric Woehler has undertaken extensive mapping and surveys of the Orford sandpit. He has more than 40 years of research experience working on seabirds and shorebirds around the world. His advice should form the basis for any decision in regard to the area.

The proposed plan was developed without any professional input from Glamorgan Spring Bay Council's Natural Resource Management team or Parks & Wildlife Service.

In regard to the use of the beach at the mouth of the backwater lagoon there are at least four other beautiful beaches in and around Orford, more than enough to choose from. There has never been a more critical time for us humans to make genuine commitments and sometimes personal sacrifices to protect the most vulnerable species.

I implore you not to support this plan.

I am very concerned that this plan has not been prepared by a "suitably qualified person or persons". It does not appear to have been properly developed with due council diligence or process, nor with appropriate professional input and oversight from Council or Parks and Wildlife officers with appropriate expertise. As a result it is far from a complete or suitable/appropriate document to be released for public comment as a Draft Management Plan. The document is internally inconsistent and makes assumptions and broad statements that don't appear to have a sound basis of evidence (or at the very least the evidence supporting the statements is not presented for consideration), and importantly, it lacks critical information that is essential to provide an adequate basis for the members of the

public and other stakeholders to present informed comment on its proposals for management.

The document/plan must be peer reviewed to ensure best-practice.

- *Is the person, who has prepared this document a “suitably qualified person”?*
- *If this person is not suitably qualified why did Councillors vote to put this document to public consultation?*
- *Why wasn't a suitably qualified person engaged?*
- *Is the quality of this document of an acceptable standard? The document is a Power Point presentation – an unusual format for this type of document.*
- *Has the Natural Resource Management Department of Council or Parks and Wildlife had any input into this development of this plan?*
- *A Section 24 Committee of Council was given the task of developing a Master Plan for the Prosser River foreshore and beyond. Why, after only three meetings, has this plan which only relates to a section of the foreshore, been put out to consultation. This seems contrary to the terms of reference: https://gsbc.tas.gov.au/wp-content/uploads/2016/06/Prosser-River-Mouth-Master-Plan-Working-Group-Terms-Of-Reference_V1.8.pdf*
- *Why did Dr Eric Woehler from Bird Life Tasmania resign from the Section 24 Prosser River Advisory Group after only 2 meetings? Dr Woehler had been invited by Council to be a member of this group?*

The Management proposal:

Does not clearly identify by way of map, or other information, the boundaries of the subject land, nor the land tenure, or the basis for legal management responsibilities for the site, which is critical to defining the area that is subject to the management plan. This information is even more essential in this case, as the tenure of the site appears (from LIST Maps) to be complex in that there are layers of tenure and not one single reserve covering the whole of the Orford Spit and lagoon area, which is the subject of the plan.

Does not make reference to, much less detail, the legal purpose/s of the reserve, nor the specific statutory management objectives that form the basis of any management plan developed for Public Reserve lands.

Does not fully describe the range of values of the site as a Bird Sanctuary, in particular its full significance as an important long-term (and notably the southern-most) breeding colony for the threatened Fairy Tern, and resident/breeding habitat for the threatened Hooded Plover, as well as other significant shorebird and wetland bird species.

It makes broad claims about the deterioration of the lagoon environments and the need for dredging, without demonstrating the basis and validity of these concerns by expert reference to the needs of Fairy Terns. Nor does the document present evidence to demonstrate, e.g. through use of current and historic photographs showing the evolving characteristics of the site, that dredging is required. It needs to be recognised, in any management plan for the site, that this area is a dynamic river mouth sandspit and tidal lagoon environment. It has been modified by the recent stabilisation of the river mouth by sandbagging, and some ongoing management may well be required, but this should be based on expert ecological and coastal geomorphological evidence and advice.

Unique submissions

Ninety-eight (96) unique submissions were received and could be easily placed in either of two categories: 'generally support the proposal (26), or generally not support the proposal (70). Specific comments have been included in the section 'Specific comments made on the Proposal'. The following is a summary of highly pertinent submissions and submissions from key stakeholder groups and members of the Committee.

Submission from BirdLife Australia

BirdLife Australia expressed concern regarding the content and process for the development of the Proposal. Key comments made by BirdLife Australia include the following:

Orford is one of 333 Key Biodiversity Areas (KBA) in Australia which are critical for the survival for threatened birds like the Hooded Plover; and it is one of the largest and most productive colonies of Fairy Terns in the eastern States. As a result of the recent dredging work under the MAST project, the KBA moved into the 'in Danger' category on the advice of BirdLife Australia's scientific advisory group. This listing is not a failure but a call to arms to ensure any future actions support rather than harm the area's species.

The Proposal rightly acknowledges the area as an asset to the town's residents and visitors. Threatened species and their habitats are sadly in decline. Ensuring their persistence is due to the hard work of the community volunteers, visionary councils and environment agencies. In the case of the Prosser river mouth this has included over ten years of monitoring and community engagement by BirdLife Tasmania and Friends of Orford Bird Sanctuary in collaboration with schools, Parks and Wildlife Service, the Council's NRM team and many others.

BirdLife Australia's assessment of the Proposal is that it puts the biodiversity values of the Prosser River Mouth at risk and recommends:

- The current permanent fencing is maintained in full to continue the protection for this colony of Fairy Terns and Hooded Plovers;
- The hide is not built in the proposed position, which is a regular and active nest site of the Pied Oystercatcher; and
- The channel to the backwater is not dredged to ensure the main feeding area for the Fairy Tern colony remains undisturbed and productive

The value of the permanent fencing for the protection of the site is very high. Breeding Fairy Terns, Hooded Plovers and other birds, as well as human visitors to the site and their pets, are accustomed to the barrier. This reliability is probably the secret to the persistence of these species at the Prosser river mouth. Replacing it with proposed temporary fencing will not only affect the site's threatened species but will create ongoing compliance and management issues for the council.

The Proposal represents a substantial change to the management of a key breeding site for a species listed under the *Environmental Protection and Biodiversity Conservation Act 1999* but does not demonstrate any robust environmental assessment of species impact.

BirdLife Australia considers the most prudent course of action is to preserve and monitor the status quo at the site. Consideration of signage and amenities that help people appreciate this site is supported but it must not put the species at risk. For example the location of a hide should avoid disturbance.

Council could work to promote the presence of these bird species and their local, state, national and international significance to build community appreciation. This often involves promoting alternative areas that are more appropriate for those recreational activities that threatened their breeding or survival needs.

Submission from BirdLife Tasmania (Prepared by Dr Eric Woehler - previous member of the Committee)

The submission from BirdLife Tasmania provides detailed comments on both the Proposal and the process of development and release of the Proposal for public consultation. Dr Eric Woehler is the author of the submission as Convenor, on behalf of BirdLife Tasmania. Dr Woehler was the representative of BirdLife Tasmania on the Committee. Dr Woehler resigned from the Committee on 29 November 2019.

The essence of the submission from BirdLife Tasmania is rejection of the Proposal on the basis of failure of process, and that the Proposal: will not, and can not, protect the shorebirds and terns nesting on the site; contains numerous errors, false claims and omissions; does not meet the minimum requirements of a planning or management framework for an internationally significant shorebird and seabird site; and, ignores good science and the long-term data sets available for the site.

BirdLife Tasmania asserts that Council has no legal power to establish a Management Plan for the area, as it is zoned Public Reserve and/or Unallocated Crown Land. Under the *Crown Lands Act 1976* only DPIPWE has the legal power to formulate a Management Plan for these areas.

[It would appear that the *Crown Lands Act 1976* allows for the approval of a management plan for a Public Reserve however, the Act does not disallow the preparation of a management plan by Council. The Reviewer's opinion is that the Tasmanian Government could adopt a management plan prepared by Council provided it met the requirements of the Act. However, what is probably at issue here is that the Proposal does not meet the requirements of a management plan that could be adopted by the Tasmanian Government under the Act. Note also that the Proposal does not claim to have been formulated as a management plan under the Act.]

BirdLife Tasmania has raised a number of concerns relating to Council procedural matters and meeting the requirements of the *Local Government Act 1993*. These concerns are outside the scope of the Review. However, BirdLife Tasmania's submission has been forwarded to the Council's General Manager for consideration of these potential issues.

BirdLife Tasmania raises the issue that the claimed 'support' for the Proposal from 'national and international experts' is questionable. BirdLife Tasmania contacted Dr Nic Dunlop (Conservation Council, WA) who is one of the Proposal's claimed 'supporters' and quotes the following from Dr Dunlop's email response:

'Not sure we have supported any particular strategy at this point but were prepared to join the discussion.' BirdLife Tasmania also note that Dr Dunlop has not visited the site, and thus is being guided by the author of the Proposal in the information being made available to him.

BirdLife Tasmania notes that Tasmania Parks and Wildlife Service were not involved in the development of the Proposal. BirdLife Tasmania notes that the lack of expert involvement and required expertise in the Proposal undermines the credibility of the document and does not support the claim that it reflects 'best practice'.

BirdLife Tasmania ask that Council recognises Dr Eric Woehler's expertise in seabirds and

shorebirds with 40 years of research experience and with authorship of more than 130 peer-reviewed papers in national and international journals, and well over 120 technical reports authored by him. He has a PhD in seabird ecology from the University of California, and has studied and mapped the Orford Spit's shorebirds and terns for more than 10 years. Of relevance and concern is that his expertise, qualifications and experience were ignored by the Committee from the outset.

BirdLife Tasmania identify many errors of fact, omission of key data and false claims in the Proposal including the following:

- The proposed location of the bird hide is on top of one of the most productive breeding territories of Pied Oystercatcher on site
- The proposal overlooks the fact that the area is a dynamic river mouth sandspit and tidal lagoon environment. Any ongoing management should be based on expert ecological and coastal geomorphological evidence and advice and not primarily on recreational values
- The exact location of the Fairy Tern nesting colony will depend on the topography of the spit, not on the adjacent Boobyalla and Marram Grass as claimed in the Proposal.
- A Little Tern was observed on site on 21 January 2020. This species is listed as endangered under the *Threatened Species Protection Act 1995* with just 3 pairs recorded in Tasmania in the 2019/20 breeding season.
- The Proposal states that the backwater is 'no longer optimal as a foraging area for fairy terns' however BirdLife Tasmania notes that on both visits in January 2020, and on numerous visits over the last decade or so, Dr Woehler observed Fairy Terns in the backwater. Protection of the backwater was acknowledged and supported by the Commonwealth Government, Department of Environment during negotiations with MAST regarding the stabilisation of the Prosser River. The permanent loss of the feeding habitat was recognised by EPBC staff as a major issue/threat to the Fairy Tern colony. On several occasions over the 2019/20 Christmas break, jet skis have been observed in the backwater
- The Proposal states that 'Fairy terns need 1 metre of visibility into blue water to catch the small fish they need. As a result, they are fishing in the channel and out to sea. They rest on the sandbags and seem unperturbed by passing boats.' Dr Eric Woehler has visited virtually all known Fairy Tern colonies in Tasmania over the last 25 – 30 years. In many cases, they feed in coastal lagoons and estuaries of creeks that are not 'blue water' and are shallower than 1m. To claim that the Fairy Terns are unperturbed by passing boats is inconsistent with our observation of the extreme disturbance caused by the passing of jet skis.
- The Proposal states that 'The flow into the lagoon is now very slow and silting has been rapid. The sea grass has been covered which decreases the nursery grounds for fish and increases the sulphite build up' and that, 'North of the sandbars that have developed in the lagoon the water is virtually stagnant and there is minimum visibility'. This is incorrect as there is regular tidal flushing of the backwater on high tides.
- The Proposal states that 'The invasion by ducks and swans is testament to the changing nature of the lagoon and indicates that this water body is no longer optimum for fairy terns. Oyster catchers, hooded and red-capped plovers are tidal flat foragers and when the entrance to the lagoon becomes closed by silting these

residents shore birds will also be adversely affected'. There is no 'invasion' by ducks and swans – Black Swans and Chestnut Teal are regulars in the backwater, with numbers varying frequently. Little Pied Cormorants, Hoary-headed Grebes and Australasian Pelicans are also frequent/regular visitors to the backwater. Hooded and Red-capped Plovers, and Pied Oystercatchers are not 'tidal flat' foragers. The presence of ducks/swans (which are vegetarians) does not indicate' unsuitability for terns.

- The Proposal states that 'Not flushing the lagoon has had adverse implications for the birds and for the public as the sulphites build up and the seaweed, sea spurge, algae and waste coming down the storm water drain rots and causing a stench'. 'Seaweed' (which is an alga) and other 'algae' are not likely to be emerging from the land-based stormwater drain. The claim of 'adverse implications' for the birds is not supported by evidence. There is no Sea Spurge *Euphorbia paralias* on the Orford Spit, and BirdLife Tasmania and Council Officers has not recorded Sea Spurge on the site.
- The Proposal states that 'The possible opening of the lagoon at the old mouth once a year should be considered to assist with flushing and to create a water barrier on to the sand spit' and 'The dredging and keeping open the side channel is essential to maintain the integrity of the lagoon and address the problems raised earlier ' and concludes that, 'The erosion and replenishing of Raspin's Beach could be addressed by moving sand from the old river mouth in winter'. This is opposed by BirdLife Tasmania in the area for any reason unless and until qualified experts are involved. The Proposal does not provide a basis for the claim that Raspins Beach will erode and would require replenishment.

BirdLife Tasmania recommends that any management plan for the area should involve all stakeholders in its formulation. At a minimum, the development of conservation strategies should involve DPIPWE/PWS and Property Services, NRM and BirdLife Tasmania if a management plan is to protect the bird values on site. Relevant expertise exists in these organisations (i.e. seabird and shorebird researchers) who have worked on the site and know the species, are the appropriate experts to provide advice. The fencing must remain in place to protect the nesting and feeding habitat of the Hooded Plover, Fairy Tern and Little Tern – all *Environment Protection and Biodiversity Conservation Act 1999* listed species.

Submission from Dr Sally Bryant (Hon Research Fellow Tasmanian Land Conservancy; Adjunct Lecturer UTAS; Threatened Species Specialist; Author of one of four publications cited in the Proposal)

In Dr Bryant's submission she introduced herself as a professional ornithologist with 30 years experience in threatened bird conservation. While working for the Tasmanian Government Dr Bryant instigated the first fencing on the Orford Spit in December 1999, in partnership with Birds Tasmania, and since that time has assisted in threat abatement, signage, surveys and public awareness about the need to protect the Orford spit and its significant shorebird values. Dr Bryant's publication 'Bryant s. L. (2002) Conservation assessment of beach nesting and migratory shorebirds in Tasmania. NHT Project Report NWP 11990. Nature Conservation Branch, Department of Primary Industries, Water and environment. Tasmania' was referred to as providing expert advice that was followed in the Proposal.

Dr Bryant contends that in the absence of a comprehensive plan of management for Orford Spit, public comment on the Proposal is fraught. Issues such as fence removal, dog zones

and restricting access to the beach has resulted in adverse media, misinformation and community conflict, all of which have overshadowed the importance of the biodiversity assets of this area and placed the security of these assets at risk.

Dr Bryant comments in detail on each of the 6 numbered actions on PowerPoint Slide No 6 of the Proposal (Titled '*Proposed management plan for Orford Sand Spit*'). The essence of that commentary is as follows:

1. That the entire area from the southern end of the Raspin's Beach Conservation area to the fence line at the northern sand bag groyne and including Radar Beach be a No Dog Zone at all times.

The entire area of Orford Spit should be a 'No Dog Zone' at all times of the year. The designation of 'No Dog Zones' should be applied to any beaches which contain high shorebird values and have permanent barriers in place. Clear signage and demarcation zones showing which beaches are available for dog use need to be developed by Glamorgan Spring Bay Council and enforced.

2. That the sand spit becomes a total exclusion zone for the public for the breeding season.

The Orford Sand Spit needs to be a total exclusion zone to the public at all times of the year including outside of the breeding season. Orford Spit is critical habitat for resident shorebirds by providing feeding, resting and refuge and needs to be free of disturbance. The national decline in shorebird numbers is not just associated with breeding failure but many associated pressures operating at other times to reduce bird fitness and increase mortality of sub-adults and adults. Any adjacent local beaches which do not contain threatened bird values can be made available to the local community and visitors for recreation and public amenity.

3. That Radar Beach is open to the public with a safe soft entry at all times and that the parking and access be improved to reduce dust (possibly with concrete grids with grass).

This proposal needs to be addressed in a cohesive management plan. It is unclear whether it refers to the sandy beach or just the foreshore perimeter. Currently the foreshore perimeter of Radar Beach is used for passive recreation facilitated by a walking track and small carpark etc. While there is potential to improve amenities in this area, a management plan is needed to address issues such as visitation levels, visitor flow, road signage, toilets, rubbish, car spaces etc., and their potential impact on shorebird activity.

4. That hides, if included in the plan, be located in the area at the north end of the lagoon inside the fenced area.

A management plan is needed to determine (1) whether a bird hide will enhance the public use of this site and if so then, (2) where it should be located. Numerous examples exist on contemporary construction and design features for bird hides and best practice viewing techniques. While a bird hide can provide a central point for public education which may be highly desirable, it potentially can lead to adverse impacts such as vandalism, disturbance and high visitation levels which may have unforeseen consequences.

5. That the fencing along Radar Beach and on the west side of the channel be removed.

I do not support any removal of fencing at this stage. Any change to existing protection measures (e.g. removal of fencing, lagoon dredging etc.) will potentially impact on species listed under the Tasmanian *Threatened Species Protection Act 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and will need referral to the Commonwealth and State Government for assessment.

Permanent fencing around the foreshore of Orford Spit provides a critical visual and physical barrier restricting human movement onto the lagoon and sensitive sandy area. The permanent fencing is erected on stable ground less prone to strong winds, inundation and shifting sand, and provides a clear demarcation for trail use and human movement. The type and mode of fencing is always open to personal conjecture. Given the escalating people pressures on beaches along the east coast, no section of permanent fence should be removed irrespective of whether birds appear to be using the area beneath it.

The location of birds on Orford Spit has and always will change over time. An occupied site this year may be unoccupied in the future. This is typical shorebird behaviour as they live in a dynamic constantly changing environment and select areas to meet their requirements at any particular time.

Temporary fencing is effective in protecting nests for species like terns which are prone to shift regularly. It can be quickly and cheaply erected but relies on timing, expertise and resources to repeatedly install. Temporary fencing also conveys the message that only the breeding season is a 'sensitive' period and that other times can be open to disturbance. Resident shorebirds such as Hooded Plover, Red-capped Dotterel, oystercatchers etc. are reliant on Orford Spit all year for feeding, foraging, roosting and refuge so any permanent fencing installed which provides ongoing protection is a valuable management tool.

A rationalisation of fencing in this area could occur if it were rezoned a statutory wildlife sanctuary with people and dogs permanently excluded.

6. That the signs be carefully assessed so that the curious are not encouraged to go looking for nestlings or eggs.

By reducing human disturbance, improving habitat security and fostering community support for shorebird protection, the design and wording of signs is a secondary issue. I suggest that any management plan provides greater emphasis on the need to support primary activities such community wardens, secure fencing, weed suppression, predator control and regular monitoring.

Submission from Ms Rosemary Wood (Member of the Committee; Author of the Proposal)

Ms Rosemary Wood is author of the Proposal and her submission is summarised here. Ms Wood's submission includes several points to advocate for the Proposal, including the following:

- The Proposal follows best practice for the protection of vulnerable bird species in an urban area
- Similar management plans are in operation and working at many sites over the world
- A management plan that is the same across the East Coast of Tasmania has enormous benefits to costs, management, tourism and the vulnerable species
- The Orford Sand Spit is part of a Crown Land lease managed by the Council and is described as Public Recreation until June 2023. It should not be permanently fenced off and access to this public amenity impeded by the fence across the safe, protected little beach.
- The fencing has proved unsuccessful as the Fairy Terns have chosen a nesting site outside the fencing this season, and after being alerted by Ms Wood and her husband, the nesting site was protected by similar temporary fencing advocated by

the Proposal. This was done within a few hours by the Council staff.

- The involvement and education of the local people, especially those living along this section of the walking track, will be an advantage in harnessing that valuable resource as wardens. Ms Wood states that this has been proven by the response of some people, who having ignored the signs to have dogs on leashes, after polite interventions explaining why dogs and owners should adhere to the dog management policy and signs to avoid the sensitive areas, have happily complied.
- The fencing off of this little beach has raised awareness in the community and the education process is well advanced. This was started by the NRM Ms Mel Kelly and Parks Officer, Kath Hitchcock with a school program and signs. This foundation can be built on and with the public onside, the future of the vulnerable shorebirds is better protected.
- If the Council puts in place a program that gives the NRM staff, with help from the public (i.e. 'local eyes and ears') the ability to quickly respond to nesting sites with good quality, temporary barriers and signage, the cost impacts will be much lower than attempting to maintain fencing on the sandy, ephemeral, salt laden site that shorebirds choose.
- The natural beauty and unique attributes of our East Coast and the Orford Sand Spit are not enhanced by kilometres of farm fencing that is not fit for purpose or best practice

Ms Jane Wing (Member of the Committee)

Ms Wing raises a number of concerns relating to Council procedural matters and meeting the requirements of the *Local Government Act 1993*. These concerns are outside the scope of the Review. Nonetheless this submission will be forwarded to the Council's General Manager for consideration of potential issues.

Ms Wing makes detailed comments on the Proposal. Many of the comments have been made in other submissions. Significant additional comments are summarised here:

- Ms Wing makes the observation that information provided in Slide 4 refers to an area in Western Australia where no other shorebirds apart from Fairy Terns nest which is very different from the Orford Bird Sanctuary (a breeding area for other threatened species and the year round home for Hooded Plover). Slide 4 seems to show a spit which is a completely different geographical site to that at the Orford Bird Sanctuary - a spit with a backwater/lagoon, river mouth, beach and foreshore – with multiple access points making it difficult to control human access unless fenced. Ms Wing considers that the two situations cannot possibly be compared.
- In relation to four of the six key actions identified in the Proposal on Slide 6, Ms Wing makes several comments. Action 1 in the Proposal states 'That the entire area from the southern end of the Raspin's Beach Conservation area to the fence line at the northern sand bag groyne and including Radar Beach be a No Dog Zone at all times.' Ms Wing notes that dogs are currently prohibited from this area. Action 2 in the proposal states 'That the sandspit becomes a total exclusion zone for the breeding season.' Ms Wing wonders how this can this be achieved when the Proposal only shows a short length of temporary fencing on the western side of the spit which is not sufficient to discourage entry by humans. Action 3 in the Proposal states 'That hides be located in the area at the northern end of the fenced area.' Ms

Wing considers that a hide is an excellent idea that has been suggested by many qualified people but recommends it be sited nearer to the carpark where it is easily accessible to everyone, and recognises that the area identified in the Proposal is important Pied Oystercatcher habitat. Action 5 of the proposal states 'That only the fencing along Radar Beach on the west side of the channel be removed.' Ms Wing notes that the proposal does not identify where Radar Beach is and that it is confusing as the Plan notes some fencing to be removed and some to stay.

- The Proposal states that 'The stormwater drain at the northern end was expected to create a stench problem'. Ms Wing makes the comment that these types of drains often have an unpleasant smell but she is not aware of any smell recently. The Proposal states that 'This has been exacerbated as a result of the stabilisation by the geotech bags and the small side channel into the lagoon which has become silted up, as has the lagoon.' Ms Wing considers that the lagoon/backwater has not silted up and has observed water flowing in and out of the river even at low tide. The Proposal states the 'The appearance of ducks and swans in the lagoon is testament to the changed nature of the lagoon which is now becoming stagnant and is no longer optimal as a foraging area for fairy terns.' Ms Wing reasons that if there is flow in and out of the river then the backwater/lagoon cannot be described as stagnant. The Proposal states that 'Fairy terns need 1 metre of visibility into blue water to catch the small fish they need. As a result, they are fishing in the channel and out to sea.' Ms Wing and others have observed Fairy Terns successfully fishing in the lagoon/backwater this season.
- At Slide 14 the Proposal states that 'The management of the sand spit will require the following actions:' and lists 7 numbered actions. The Proposal states at Action 4 'The regular flushing of the lagoon'. Ms Wing notes that a RMPAT decision forced MAST to dredge the channel in the position it is now – not through the lagoon – as this would be detrimental to the shorebirds. The Proposal states at Action 5 'The management of invasive plant species i.e. marram grass and boobialla which will create an unsuitable nesting area for fairy terns now that the spit has been stabilised, forcing them to choose other sites.' Ms Wing notes that the Fairy Terns are breeding successfully on site this year and that the vegetation does not seem to be causing an issue but if expert's advice indicates that it is an issue then Ms Wing would expect that as with other weed problems the Orford Community Group would assist Council and PWS in the removal.
- At Slide 15 the Proposal discusses 'Other issues that will need to be considered:' Ms Wing asks when these issues will be considered and by whom? The Proposal states that 'The possible opening of the lagoon at the old mouth once a year should be considered to assist with flushing and to create a water barrier on to the sand spit.' Ms Wing again notes that 'a RMPAT decision forced MAST to dredge the channel in the position it is now – not through the lagoon – as this would be detrimental to the shorebirds.' Ms Wing also observes that this statement is not referenced by any expert advice or study.
- Ms Wing notes that the inference throughout the Proposal that community education should be undertaken does not acknowledge the work done by the Council's NRM group and PWS officers. Ms Wing notes that the Orford Community Group have worked with NRM, PWS and Orford School for many years. Together they have participated in fencing of the site, education at the school and attending events like Australia Day at Our Park. Council NRM and PWS attend events to raise

awareness about shorebirds etc., all around the municipality. Interpretive signage has been installed at many beach locations in the municipality. Ms Wing references many examples of shorebird protection and education in the Orford area.

Findings of the Review

The Proposal

- The format of the Proposal is inappropriate as a management planning document to be released for public consultation. There are fundamental components of a management planning document that are expected to be included to enable informed comment by stakeholders and the public.
- The Proposal is presented as a PowerPoint document with 'speaker's notes'. This unusual format is difficult to understand and may not be equally accessible to all stakeholder groups and the public.
- The origin and status of the Proposal and its relationship to the Prosser River Mouth Master Plan has not been detailed.
- The Proposal makes no reference to the Committee.
- The Proposal has no authorship, list of contributors, authorised point of contact, information disclaimer or date of compilation.
- The Proposal does not identify by map or other information, the boundaries of the planning area, the land tenure, or the statutory management responsibilities of Council and Tasmania, Parks and Wildlife Service.
- The Proposal does not describe the legal purpose of the public reserve or any statutory requirements of a management plan for a public reserve.
- The Proposal does not adequately describe the values of the reserve including the recreational and natural values. In particular the Proposal does not sufficiently describe the natural values, their regional, state, national and international recognition, and their listing under State and National environmental law.
- The Proposal does not provide background or context to the management actions included in the Proposal or detail alternative management actions.
- The Proposal contains unreferenced slides, images, notes and text, and unsubstantiated personal assessments and recommendations.
- The Proposal has not presented a risk assessment/analysis of management actions and they have not been costed.
- The Proposal does not detail some key and relevant stakeholders (e.g. Council NRM) or their contributions to the Proposal.
- The Proposal does not detail some key and relevant experts (e.g. Dr Eric Woehler) or their contributions to the Proposal.
- The Proposal does not detail some key and relevant community groups (e.g. Friends of Orford Bird Sanctuary) or their contributions to the Proposal.
- The Proposal does not adequately detail relevant statutory requirements under legislation or policy (e.g. Commonwealth, *Environment Protection and Biodiversity Conservation Act 1999*)
- The Proposal does not provide sufficient detail on the expert advice that was followed in relation to the management of natural values to develop the Proposal or the support of the Proposal by these experts. [Note that Dr Eric Woehler's submission quotes from an email response from Dr Nic Dunlop that 'Not sure we have supported any particular strategy at this point but were prepared to join the discussion.' BirdLife Tasmania also notes that Dr Dunlop has not visited the site, and thus is being guided by the author of the Proposal in the information being made available to him. Dr Sally Bryant's 2002 publication on the conservation and

management of Tasmanian shorebirds is referenced in the Proposal. Dr Bryant's submission does not provide support for many of the proposed management actions and Dr Bryant offers a number of alternative management actions. Of particular note is that Dr Bryant's overarching recommendation is that management of the 'Orford Bird Sanctuary' needs to be addressed in a comprehensive management plan. Mr Mark Holdsworth's support for the Proposal appears to have been used to meet the requirements Section 65 of the *Local Government Act 1993* for the purposes of approval for public consultation. Mr Holdsworth's support for the Proposal is not unequivocal. In an email to the Reviewer (5 May 2020) Mr Holdsworth indicated that his intention was to support a process to protect the values at the Prosser River mouth rather than any particular management action. He also indicated that he should have been more explicit by highlighting that any management action (i.e. fencing, signage, policing etc.) should not result in any adverse impact to the natural values.

Section 24 Committee: Prosser River Mouth Master Plan – Advisory Group Terms of Reference (TOR)

- It appears that the Committee has referred to Council for public exhibition, a planning document (the Proposal) that is not fit for purpose, has not had appropriate or adequate input from ecological experts and stakeholders, and does not do justice to the importance of the natural values being managed.

Pertinent comments from public submissions

- *The opportunity for consultation with the broader community has been left too late in the process i.e. when the document has been provisionally finalised. To be effective, consultation must be allowed at the formative stage when a much broader range of options can be considered. Having feedback at this stage will also lead to a better quality document* [The Reviewer agrees with this comment]
- *Meetings of the Committee were held during working hours limiting the ability of working residents to have access to the process.* [The Reviewer agrees with this comment] *A Councillor had to resign from the Committee due to work commitments.*
- *Minutes of the Committee were not made accessible until a significant time after the event (they could only be found attached to Council Minutes) and did not contain sufficient detail for a reader not on the Committee to logically follow the compilation of the Proposal.* [The Reviewer agrees that Minutes of the Committee should be made available to the public in a timely manner and should be of sufficient detail that the reader can follow the development of the Proposal]
- *Documentation relied on by the Committee and its decision making was not easily or readily accessible.* [The Reviewer agrees that Documentation relied on by the Committee and its decision making should be easily and readily accessible.]

Other Committee procedural matters

- A number of submissions on the Proposal raise issues with Committee procedural matters and meeting the requirements of the *Local Government Act 1993*. Commentary on these issues is outside the scope of the Review. Submissions relating to Committee procedural matters will be forwarded to the Council's General Manager for Council consideration.

Council procedural matters

- A number of submissions on the Proposal raise issues with Council procedural matters and meeting the requirements of the *Local Government Act 1993*. Commentary on these issues is outside the scope of the Review. Submissions relating to Council procedural matters have been forwarded to the Council's General Manager for Council consideration.

Public consultation

- The importance of the decisions for management of the recreational and natural values at the Orford Spit is reflected in the enormous number of responses received by Council during the public consultation process. The submissions received cover a wide range of issues and many include constructive criticism. A number of alternative options for addressing the management issues have also been proffered.
- What is abundantly clear from the submissions is that managing the recreational values and protecting the natural values at the Orford Spit is a complex planning task. The Reviewer considers that this planning task cannot be resolved without the involvement and support of key stakeholders. Further, that managing important natural values should be based on the best available evidence and robust argument, and where there is uncertainty, adaptive management principles should be incorporated into the planning framework.
- The Reviewer takes from reading and considering all submissions on the Proposal, that a comprehensive planning process is necessary to adequately and appropriately address the management of recreational and natural values at the Orford Spit.

Recommendations

- Council withdraw the Proposal from the public domain and thank the author and all contributors, Committee Members, stakeholders, residents, visitors and the general public who made submissions during the public consultation period.
- Council refer the Proposal, the submissions on the Proposal and the Review of the Proposal, back to the Committee.
- Council review the Terms of Reference of the Committee in relation to the preparation of a planning document that meets appropriate and adequate standards of format and content, and includes expert and stakeholder input and consultation.
- Council review the membership of the Committee to include representation from a broader range of relevant stakeholders, including local community and business groups.
- Council review the list of specialists that may be invited as required by the Committee to include relevant experts from the Natural and Cultural Heritage Division, DPIPWE, experts in coastal geomorphology, and experts in relevant shorebird conservation management in Tasmania and mainland Australia.
- Council seek support and guidance from the Department of Primary Industries, Parks, Water and Environment (Tasmania Parks and Wildlife Service, and the Natural and Cultural Heritage Division) in the preparation of a planning document that meets the requirements of relevant State and Commonwealth environmental law (such as the *Environment Protection and Biodiversity Conservation Act 1999* and the *Threatened Species Protection Act 1995*), the *Crown Lands Act 1976* and the *National Parks and Reserves Management Act 2002*.
- Council consider engaging a suitably qualified planner/facilitator to prepare a management plan for the 'Orford Bird Sanctuary' under the direction of the Committee.
- Council maintain the interim management arrangements for the 'Orford Bird Sanctuary', including permanent fencing, until a comprehensive plan of management is agreed by all parties. Note that proposed changes to existing permanent protection measures for shorebirds at the Orford Bird Sanctuary may need to be referred to the Commonwealth Minister for assessment under the *Environment Protection and Biodiversity Conservation Act 1999*.