

Planning issues around the proposed tourist development at Halls Island, Lake Malbena, Tasmanian Wilderness World Heritage Area

June 2018

During the first round of the Tasmanian Government's Expression of Interest (EOI) process for tourism opportunities in national parks and reserves in 2014 the development of "luxury standing camp accommodation" at Halls Island, located at Lake Malbena within the Tasmanian Wilderness World Heritage Area (TWWHA), was proposed.

This is a proposal for a new commercial development comprising several permanent new buildings with associated helipad, boardwalks etc. with a significant footprint, located in one of the highest wilderness value parts of the Central Plateau.

With the April 2018 referral of this development proposal to the Federal Minister for consideration under the Environmental Protection and Biodiversity Conservation (EPBC) Act, and the public availability of the associated documentation, the full scale of this proposed development was revealed. The Tasmanian National Parks Association (TNPA) has made a submission to this process (view or download from [here](#)) but it is not apparent if our major issues of concern will be given due consideration in the assessment process.

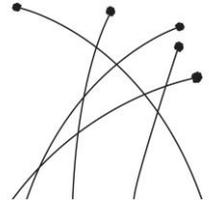
The TNPA wrote to the Parks and Wildlife Service in on 8th April 2018 raising a number of concerns about the assessment process for the Lake Malbena proposal and received a bland response (attached) which highlights the major issue associated with the assessment of such development proposals:

The Lake Malbena Reserve Activity Assessment (RAA) has never been made available for public comment or officially released.

The PWS has defended this decision on the grounds that an opportunity for public comment will be provided through the EPBC process. In 2016 (in relation to an unrelated proposal to replace the Lake Tahune Hut on Frenchmans Cap which was also assessed without public comment on the RAA; more information is available [here](#)), PWS implied that the opportunity to comment was through the Council development application assessment process. The problem with these excuses is that the EPBC assessment is limited to impacts on world heritage values while Council's main concern is that a development within a national park has received the necessary approvals from PWS – **the key issues of our concern are assessed within the RAA so it is this process which must be open for public scrutiny!** This further reinforces the need for a statutory process for the assessment of developments on reserved land, which has long been one of TNPA's main concerns (more on this topic [here](#)).

The previously confidential Reserve Activity Assessment (RAA) has now been leaked (click [here](#) for more information or to download the RAA). This confirms our assumption that there has been no serious attempt to address impacts on wilderness, only bland assurances. This

also makes it likely that the Commonwealth may soon reopen public comment on the EPBC referral to assess whether the proposal needs formal assessment or approval under this Act (currently 'on hold' pending the provision of further information from the RAA by the proponent).



8 April 2018

Mr Jason Jacobi
General Manager
Parks and Wildlife Service
GPO Box 1751
Hobart TAS 7001

Dear Jason,

Halls Island Development Proposal – Assessment Process

With the recent referral of the Halls Island tourist development proposal, located at Lake Malbena within the Tasmanian Wilderness World Heritage Area (TWWHA), to the Federal Minister for consideration under the Environmental Protection and Biodiversity Conservation (EPBC) Act, and the public availability of the associated documentation, the full scale of this proposed development has been revealed. Neither the minimalist information available on the Coordinator General's website nor that previously provided on Riverfly's website provided such detail.

The description in 1.2.3 (Camp Design) of the EPBC referral refers to three accommodation "buildings", plus a communal "hut" 8m x 4m, with a "mixture of timber and steel construction". This is a proposal for a new commercial development comprising several permanent new buildings with associated helipad, boardwalks etc with a significant footprint, located in one of the highest wilderness value parts of the Central Plateau. It is far larger, more extensive and more intrusive than the existing hut.

The proposal does not appear to comply with requirements of the 2016 TWWHA Management Plan (TWWHAMP) and the TNPA shares the concern of the World Heritage Committee (see below) regarding the potential impacts of new tourism development on the wilderness character of the TWWHA, but it is not apparent that this has been, or will be, given due consideration in the assessment process.

Compliance with 2016 TWWHAMP?

The proposed development is located in the Self-Reliant Recreation Zone of the TWWHA (note that zone boundary was redrawn in the 2016 TWWHAMP to excise Halls Island from the Wilderness Zone where it was previously located). The 2016 TWWHAMP permits huts only in the Visitor Services or Recreation Zones so the proposal to construct multiple huts (the largest structure is described as such by the proponent in the EPBC referral) within the Self-Reliant Recreation Zone appears to be contrary to the plan's requirements. The 'standing camp' description appears to be a masquerade to make this less apparent.

The 2016 TWWHAMP also requires consideration of impacts on wilderness values (see below).

Reserve Activity Assessment (RAA)

The EPBC referral (1.15.1) states that all Stage 1 activities have been “fully approved at the State level through the RAA process”. This makes it clear that the RAA has been completed, without any opportunity for public scrutiny or comment. The RAA is referenced in the EPBC referral (Appendix A) as “do_not_publish_commercial_in_confidence_raa_-_halls_island.pdf” so it appears that there is no intention of releasing it and, hence, no opportunity for interested parties such as TNPA (or the public) to assess the veracity of the assessment. The assessment process also plays a vital role in the establishment of an (informal) social licence to operate (particularly necessary for a controversial private operation on public land). In this respect, the non-publication of the RAA is a missed opportunity for the proponent.

The RAA should provide the main mechanism for the proponent to demonstrate compliance with the requirements of the 2016 TWWHAMP including zoning requirements and impacts on wilderness, and the opportunity for public comment. The scale and potential impacts of this proposal appear to meet the requirements for a Level 4 RAA or, at a minimum, a Level 3 with public consultation. In addition, the 2016 TWWHAMP (3.3.1) states that “the assessment process must consider provision of public consultation based on the scale and nature of the proposal”.

Public consultation

The EPBC referral (1.13) states the proposal will eventually be the subject of a Development Application (DA) to council but it is disingenuous for the State government to rely on the council process and/or the EPBC assessment for public consultation, as neither of those processes allows for full consideration of the key issues. This is the role of the RAA. The TNPA’s recent experience is that councils do not acknowledge the assessment of compliance with management plan requirements to be their responsibility, so advice from PWS [in relation to other proposals] to comment via the council process for assessment of the DA has been effectively meaningless.

The EPBC referral (1.13) mentions consultation with a number of groups/individuals but makes no mention of the nature of the consultation or the information provided. It states that full details are provided in the confidential RAA (see above for why this is unsatisfactory) but it appears that it falls far short of wide and informed public consultation.

Impacts on wilderness

The EPBC referral (final point in 2.1.1) acknowledges ‘potential impacts on wilderness character’ but states (2.1.2) that these are not considered significant. No supporting information is provided and it does not reference the (confidential) RAA so it appears that no proper assessment of impacts on wilderness character is contained in the RAA either, despite this evaluation being an explicit requirement of the RAA guidelines and the focus of one of the World Heritage Committee’s requests (see below).

It is therefore imperative that the Australian Government requires quantitative modelling and mapping of the impacts of both the proposed on-ground infrastructure and the helicopter operations on “wilderness value” (as described below) to address the deficiency of the RAA and inform its assessment.

Consideration of wilderness-related issues

The 2016 TWWHA Management Plan contains a management action to “ensure that impacts on wilderness values are considered in any assessment of activities in the TWWHA”. The plan also contains a reasonable discussion of what “wilderness” is (p. 173-175) but it fails to specify the protection of wilderness as a management objective. Furthermore, there is no direct relationship between the Wilderness Zone and the actual location of areas with high Wilderness Value. A simple comparison of the zoning (p. 71-73) and Wilderness Value (p. 176) maps shows this. The EPBC referral (1.2.3 & 4) discussion of the helicopter flight path mentions that it avoids the TWWHA Wilderness Zone with the implication that therefore there is no impact on wilderness. This suggests that the Wilderness Zone is being used incorrectly as a surrogate for wilderness or wilderness value.

The only way to assess potential impact on “wilderness value” would be to undertake quantitative modelling and mapping, and the management plan alludes to this as a reason for undertaking the wilderness value mapping it presents on page 176.

The EPBC referral (1.15.1) foreshadows additional walking routes as part of Stage 2 of the proposal (current referral relates only to Stage 1) including routes to Mt Oana which is located in the Wilderness Zone. These need to be included in the wilderness mapping if the full impact of the proposal is to be appreciated.

World Heritage Committee request

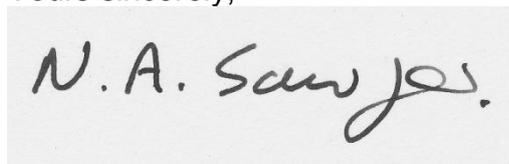
The assessment to date does not appear to comply with the World Heritage Committee request of 2015:

5. Also urges the State Party to review the proposed new management plan for the property to ensure that it provides adequate protection for its OUV, including:
 - a) Recognition of wilderness character of the property as one of its key values and as being fundamental for its management,
 - b) Recognition of the cultural attributes of OUV, as also fundamental for its management,
 - c) Establishment of strict criteria for new tourism development within the property which would be in line with the primary goal of protecting the property's OUV, including its wilderness character and cultural attributes;

Not only has there been no apparent attempt to assess the impact of this proposal on wilderness character (value) but I am not aware of any attempt at either State or Commonwealth level to develop criteria for the protection of wilderness character.

I invite you to respond to all the concerns raised above and, in particular, to release the RAA.

Yours sincerely,



Nicholas Sawyer
President, TNPA

Cc Mark Bryce, NPWAC



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Mr Nicholas Sawyer
President
Tasmanian National Parks Association
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Dear Mr Sawyer *Nic*

HALLS ISLAND DEVELOPMENT PROPOSAL – ASSESSMENT PROCESS

Thank you for your letter of 9 April 2018 regarding the Halls Island Development Proposal. I appreciate the time you have taken to provide me with your Association's comments and concerns, and apologise for the lateness of my response.

The Parks and Wildlife Service (PWS) has conducted a Reserve Activity Assessment on this proposal, with the recommendation that it be referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC). This EPBC process includes a consultation process, which thus provides the transparency you are seeking.

I understand that as part of the EPBC referral for the proposal, the Department of the Environment and Energy has recently asked the proponent to provide further information. This information will then be made available for comment as part of the EPBC assessment process. I encourage your organisation to avail yourself of that opportunity.

Should you have any further queries about this matter, please contact Jen Fry, PWS Manager Visitor Strategy, by telephone on 6165 4245 or by email to jen.fry@parks.tas.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read "Jason Jacobi".

Jason Jacobi
**GENERAL MANAGER
PARKS AND WILDLIFE SERVICE**

16 May 2018