

## **Halls Island Development Proposal, Lake Malbena, TWWHA Briefing Notes & submissions– July 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.

With the referral of this development proposal to the Federal Minister for consideration under the Environment Protection and Biodiversity Conservation (EPBC) Act in early April 2018, and the public availability of the associated documentation, the scale of this proposed development has been revealed (although not until the later leaking of the Reserve Activity Assessment of the project were some details clarified). Neither the minimalist information available on the Tasmanian Coordinator General's website nor that previously provided on the Riverfly (the proponent'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. Furthermore, this is only Stage 1 of the development; Stage 2, comprising tracks to surrounding viewpoints amongst other things, is not described nor assessed.

The proposal does not appear to comply with requirements of the 2016 TWWHA Management Plan (TWWHAMP) and the Tasmanian National Parks Association (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 the 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 (SRRZ) appears to be contrary to the plan's requirements. Visitor accommodation within the SRRZ is restricted to "standing camps". What is proposed appears to go well beyond that description and would therefore not be permitted by the TWWHAMP.

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

### **Reserve Activity Assessment (RAA)**

The Parks and Wildlife Service's 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”.

The EPBC referral (1.15.1) states that all Stage 1 activities have been “fully approved at the State level through the RAA process”. The RAA was not released for public comment prior to the EPBC referral (nor officially at all; see below), and the referral states that the RAA is commercial in confidence and will not be published. As a result, interested parties such as the TNPA (or the public) have no opportunity to review or critique the assessment. This lack of transparency is inappropriate for development on public land, and inconsistent with the recommendations of the World Heritage Committee.

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 was leaked by the Tasmanian Greens on 12<sup>th</sup> June 2018 (<http://www.abc.net.au/news/2018-06-12/hodgman-challenged-over-lake-malbena-development/9860202>).

## 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 rely on the RAA and do not consider it to be their responsibility to assess compliance with the management plan where an RAA has been approved. The opportunity for the public to make representations to council regarding in relation to impact on natural and wilderness values is largely ineffectual.

The EPBC referral (1.13) mentions consultation with a number of groups/individuals but makes no mention of the nature of the consultation, the information provided or whether those stakeholders consulted support the proposal or have simply been informed that it is being pursued. 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 initial 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 information was provided to support that conclusion. The RAA guidelines explicitly require wilderness impacts to be assessed, and the TWWHAMP management actions include ensuring that “impacts on wilderness values are considered in any assessment of activities in the TWWHA”. Without release of the RAA, the conclusion that impacts on the wilderness character of the TWWHA are insignificant was unsubstantiated. When the RAA was subsequently leaked (see above), it was confirmed no proper assessment of impacts on wilderness character had been undertaken.

Additional information from the proponent was provided on 6<sup>th</sup> July 2018 (Halls Island EPBC Self-referral – Response to request for further Information), including comment on the

potential impacts of the development proposal on wilderness (or the claimed lack thereof) but it falls far short of quantitative modelling and mapping, which is the clearest and most direct method to 'ensure that impacts on wilderness values are considered in any assessment of activities in the TWWHA' (TWWHA management plan, page 177).

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. Furthermore, this is despite the explicit recognition in the TWWHA management plan that "a principle guiding the management of wilderness is that the whole area of the TWWHA has some wilderness value." (p175)

As noted previously, 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.

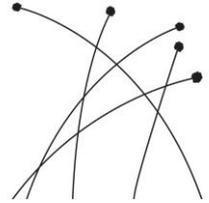
The EPBC referral (1.15.1) foreshadows additional walking routes as part of Stage 2 of the proposal (current referral relates only to Stage 1) including routes to Mt Oana which is located in the Wilderness Zone. These need to be included in the wilderness mapping if the full impact of the proposal is 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 to date there has been no attempt at either State or Commonwealth level to develop criteria for the protection of wilderness character.



17 April 2018

Referrals Gateway  
Environment Assessment Branch  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601

## **EPBC 2018/8177**

### **Halls Island – Tasmanian Wilderness World Heritage Area**

The supporting information provided in this referral is inadequate to support the assertion (referral 2.1.2) that the impact of this proposal on world heritage values is not significant, in fact it suggests the contrary.

The referral (final point in 2.1.1) acknowledges 'potential impacts on wilderness character'. No supporting information is provided and it does not reference the (confidential) Reserve Activity Assessment (RAA) so it appears that no proper assessment of impacts on wilderness character is contained in the RAA, despite this evaluation being an explicit requirement of the RAA guidelines. The 2016 TWWHA Management Plan also requires consideration of impacts on wilderness values and this is the focus of one of the World Heritage Committee's requests (see below).

#### **The importance of wilderness**

The 1989 nomination of the Tasmanian Wilderness (note the inclusion of 'wilderness' in the name of the property) contains the following statement:

It is this wilderness quality which underpins the success of the area in meeting all four criteria as a natural property and which is the foundation for the maintenance of the integrity of both the natural and cultural values which are displayed.

The statement of Outstanding Universal Value (Dept of E&E website) includes the following:

The landscape of the Tasmanian Wilderness has exceptional natural beauty and aesthetic importance ... including ... the relatively undisturbed nature of the property.

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;

It is therefore imperative that consideration of the impact of this proposal on world heritage values includes a detailed consideration of the impacts of both the proposed

on-ground infrastructure/operations and the helicopter operations on “wilderness value”. This does not appear to have been provided in the RAA so the Australian Government must require quantitative modelling and mapping (as described below) to inform its assessment.

### Consideration of wilderness-related issues

It is important to be aware that there is no direct relationship between the Wilderness Zone (delineated in the 2016 TWWHA Management Plan) and the actual location of areas with high Wilderness Value. A simple comparison of the zoning (plan p. 71-73) and Wilderness Value (plan p. 176) maps shows this. The EPBC referral (1.2.3 & 1.2.4) 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.

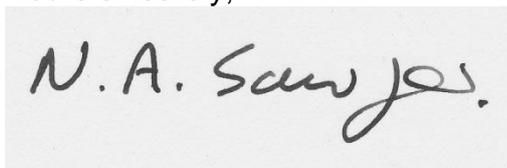
The only way to assess potential impact of the proposal on “wilderness value” is to undertake quantitative modelling and mapping, and the management plan alludes to this in Section 8.2 (Wilderness Values).

The 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.

The TNPA considers this proposal to be unacceptable because its impact on wilderness and, hence, on world heritage values is significant. This should be confirmed by quantitative modelling and mapping of its impact on “wilderness value”.

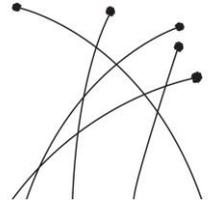
The referral (Appendix A) references the RAA. It is clearly an integral part of the supporting documentation and the TNPA requests its immediate public release.

Yours sincerely,

A handwritten signature in black ink on a light grey background. The signature reads "N. A. Sawyer" in a cursive, slightly slanted script.

Nicholas Sawyer  
President, TNPA

cc Jason Jacobi, PWS  
Vica Bayley, TWS



17 July 2018

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## **EPBC 2018/8177**

### **Halls Island – Tasmanian Wilderness World Heritage Area**

#### **Comment on additional information provided 5 July 2018**

The Tasmanian National Park Association's (TNPA) submission (dated 17 April 2018) on the original referral noted that the wilderness quality of the Tasmanian Wilderness World Heritage Area underpins its World Heritage values and that it was therefore imperative that consideration of the impact of this proposal includes a detailed consideration of the impacts of both the proposed on-ground infrastructure/operations and the helicopter operations on "wilderness value" and "wild character".

The *Halls Island EPBC Self-referral – Response to request for further Information* makes some additional claims (pages 56-57 & 72-75) regarding the potential impacts of the development proposal on wilderness (or the claimed lack thereof) but it falls far short of quantitative modelling and mapping, which is the clearest and most direct method to 'ensure that impacts on wilderness values are considered in any assessment of activities in the TWWHA' (TWWHA management plan, page 177). Furthermore, the additional information fails to acknowledge that:

- the helipad (whether a constructed platform<sup>1</sup> or natural rock) provides easy access for guests of the commercial operation in an area which is otherwise a full day's walk from the nearest vehicle access (in fact, this is the whole point of helicopter access). It will therefore have a major impact on the Remoteness from Access<sup>2</sup> component which will therefore substantially reduce the Total NWI Wilderness Value.
- the proposed cluster of accommodation structures will clearly have considerably greater impact than the existing tiny rustic hut on the area's naturalness as will the 'complete-capture sewage and greywater pods'

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<sup>1</sup> It is highly likely that a constructed platform will be required for safety reasons, regardless of environmental concerns.

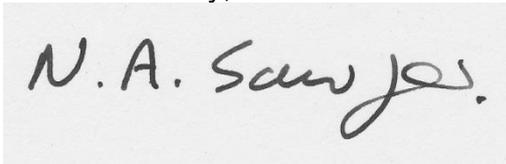
<sup>2</sup> Note that helipads are explicitly included in the calculation of Remoteness from Access described in Hawes 2006 'Tasmanian Wilderness World Heritage Area Wilderness Mapping' (page 6).

(mentioned on page 15) which do not appear to be shown on the preliminary design plans.

- the vegetation on Halls Island is substantially different to that of the surrounding country because of its different fire history due to the protection provided by the surrounding water. It is the most sensitive and least appropriate development site in the vicinity. The site appears to have been selected largely because the island was subject to an existing lease which originated as a Crown Lands lease in the 1950s when circumstances were very different. The existence of a lease which should have been terminated decades ago should not be allowed to undermine the protection of the TWWHA in 2018.
- helicopter operations to construct/resupply the hut and transport guests will inevitably impact the wild character of the area (including the experience of any other users in the vicinity), regardless of the flight path and altitude of flights.
- the proposed minimum altitude of 1000 metres will not be sufficient to minimise impact on wild character:
  - a helicopter flying at 1000 metres will be clearly visible and audible to on-ground users over a wide area.
  - the helicopter will be landing at both ends of a short flight – how much of the flight will actually be at 1000 metres?
  - it is very common in this area for the cloud base to be below 1000 metres. This will require the helicopter to fly below 1000 metres. The impact of such flights will be substantially greater than those at higher altitude.
- no Aboriginal heritage survey has been conducted – the assessment of impacts on Aboriginal heritage appears to be seriously deficient.

The additional information provided by the proponent has not addressed the fundamental concerns expressed in our 17 April 2018 submission. Hence TNPA restates its original position, namely that this proposal is unacceptable because its impact on wilderness quality and, hence, on World Heritage values is significant.

Yours sincerely,

A handwritten signature in black ink on a light grey rectangular background. The signature reads "N. A. Sawyer" in a cursive, slightly slanted script.

Nicholas Sawyer  
President, TNPA

cc Jason Jacobi, PWS