

## Comments responding to invitation by Wild Drake Pty Ltd to comment on Halls Island development proposal (EPBC 2018/8177)

### ***Overview of these comments***

There are significant deficiencies in Wild Drake's main response document (even when considered with the appendices to it), so that it fails to comply with the RFI and significantly understates the adverse impacts of the proposed action, especially on the World Heritage values of the TWWHA and the National Heritage values of the TWNHP. Therefore approval for the proposed action should not be given under Part 9 of the EPBC Act. (Please refer to the introduction on the next page for explanation of the acronyms.)

The deficiencies include:

- a) understatement of the impact of the use of helicopters as part of the proposed action, in particular their impact on wilderness quality and wild character; and
- b) misrepresentation of various important aspects of wilderness mapping methodology, and
- c) misrepresentation of the *Tasmanian Wilderness World Heritage Area Management Plan 2016* (the "TWWHA management plan"); and
- d) the use of outdated, misleading, confusing and incomplete information, in contravention of the RFI.

The Environmental Defenders Office, acting on behalf of The Wilderness Society (TWS), recently commissioned wilderness expert Martin Hawes to undertake an assessment of Wild Drake's main response document and its appendices to it, in particular to review the aspects of these documents that relate to wilderness, wilderness mapping and assessment, and related management issues<sup>1</sup>. We understand that Hawes' report forms part of the TWS's submission to Wild Drake. The TNPA concurs with all Mr Hawes' findings, but we also highlight in the following sections some of the more important issues and deficiencies in Wild Drake's main response document and the appendices to it identified by Hawes.

## **Introduction**

This document sets out comments of the Tasmanian National Parks Association Inc. (the “TNPA”) relating to:

- a) the action (the “proposed action”) proposed by Wild Drake Pty Ltd (the “proponent”) in its referral number EPBC 2018/8177 under the *Environment Protection and Biodiversity Conservation Act 1999* (the “EPBC Act”) of the Commonwealth; and
- b) the proponent’s document “Request for Further Information (RFI) – Response: Halls Island Standing Camp, Lake Malbena, Tasmania (EPBC 2018/8177) V4.4” (“Wild Drake’s main response document”) (made available at <https://hallsisland.com.au/wp-content/uploads/RFI-Halls-Island-v4.4.pdf>); and
- c) the appendices to Wild Drake’s main response document (made available at <https://hallsisland.com.au/wp-content/uploads/Appendices-Halls-Island-RFI-v4.4 - 1.pdf>).

The comments are made in response to the proponent’s invitation for public comment published on page 21 of *The Examiner* on 20 September 2022.

The invitation was published following a decision made by the Commonwealth Minister for the Environment in September 2020 that the proposed action (especially the use of helicopters as part of the action) is likely to have significant adverse impacts on:

- a) wilderness quality (recognised as a measure of one of the World Heritage values of the Tasmanian Wilderness World Heritage Area (the “TWWHA”); and
- b) the National Heritage values of the Tasmanian Wilderness National Heritage Place (the “TWNHP”); and
- c) listed threatened species and communities (especially the Tasmanian wedge-tailed eagle)

The reasons for the decision also noted that the assessment of the proposed action under the EPBC Act would consider the impacts of the proposed action on:

- a) all World Heritage values of the TWWHA,<sup>ii</sup> and
- b) all listed threatened species and communities.

Following the decision, the Minister’s department wrote a letter to the proponent with an attachment (the “RFI”) explaining what needed to be included in the documentation for assessment. The RFI pointed out that the “documentation should be sufficient to allow the Minister ... to make an informed decision on whether or not to approve, under Part 9 of the EPBC Act, the taking of the [proposed] action”.

### **General context of the TWWHA and aircraft use (especially for tourism)**

Since 2016 (when the TWWHA management plan was adopted), several reports and plans have been published dealing with the TWWHA and aircraft use in and over the TWWHA.

In 2017 and 2020, IUCN (the main advisory body to the World Heritage Committee on natural heritage) published conservation outlook assessments for the TWWHA.<sup>iii</sup> These both noted:

- a) a deteriorating trend in the state of World Heritage values of the TWWHA generally, with a high level of concern about the World Heritage value of undisturbed wilderness and spectacular landscapes; and
- b) a high level of current and potential threats, including tourism development and mechanised access in remote areas.

In 2021, the Tasmanian Parks and Wildlife Service published the *Tourism Master Plan for the Tasmanian Wilderness World Heritage Area* (the “tourism master plan”),<sup>iv</sup> as had been envisaged in the TWWHA management plan. Unsurprisingly, the tourism master plan was generally supportive of tourism development, but in a long discussion of aircraft traffic and the TWWHA management plan, said:

“Aircraft traffic is a significant issue for parks managers at many iconic and internationally significant sites across the world and, if left unmanaged, can pose significant risk to a site’s values and the visitor experience. The prevalence and potential damage from aircraft operating in the TWWHA could undermine the brand and value proposition of the TWWHA and its OUV [outstanding universal values]. Community concern over air access, in particular helicopters, was a significant theme in the initial engagement process.”<sup>v</sup>

The discussion concluded:

“It is therefore imperative to review the use of aircraft across the entire TWWHA.”<sup>vi</sup>

In 2022, the Tasmanian Parks and Wildlife Service published the report *Natural Values: Status and Trends in the Condition of Natural Values in the Tasmanian Wilderness World Heritage Area (TWWHA)* (the “natural values status report”).<sup>vii</sup> This identified the wilderness character of the TWWHA as one of its natural World Heritage values, and noted that TWWHA’s remoteness and quality of wilderness as a part of the foundation for maintaining the integrity of the TWWHA’s natural values. However, the natural values status report stated that “Threats to wilderness quality are most likely to occur from overflights ...”, and that “The threat to wilderness values of the TWWHA is considered to be major”, while ranking the threat posed by aircraft as “severe”.<sup>viii</sup> The report also noted in relation to the soundscape of the TWWHA that “visitation and overflight of aircraft is increasing with a resultant increase in noise levels”, and ranked the threat of aircraft to the soundscape as “moderate”.<sup>ix</sup>

Looking ahead to monitoring of the condition of the natural values of the TWWHA over the next 10 years, the natural values status report proposed an aspirational “metric” of “Mapped wilderness quality maintained or improved against 2015 baseline”.<sup>x</sup>

### **Impacts of use of helicopters as part of the proposed action**

#### *Area of use*

Wild Drake’s main response document indicates that the proposed action includes use of helicopters in a “flight corridor” between Derwent Bridge and Lake Malbena. The document does not clearly identify the northern edge of the corridor near Lake Malbena (as figure 1 in Wild Drake’s main response document indicates no boundary for the corridor near the shores

of Lake Malbena). The TNPA assumes that the flight corridor is intended to include Halls Island and the parts of Lake Malbena immediately south and east of the island, but not to extend further beyond the boundary shown in that figure.

Wild Drake's main response document fails to consider impacts (as defined in section 527E of the EPBC Act) arising from the need for helicopters to travel outside the corridor to fly within it between Derwent Bridge and Lake Malbena, because helicopters are not routinely based at Derwent Bridge so it cannot be expected that there will be a helicopter there whenever it is proposed to use a helicopter as part of the proposed action. The nearest place to Derwent Bridge where helicopters are routinely based is near Cradle Mountain. Flying an efficient route from near Cradle Mountain to Derwent Bridge requires a lengthy overflight of the TWWHA (including areas of high wilderness quality). Alternatively, customers and guides involved in the proposed action may wish to travel by helicopter between Derwent Bridge and one of the nearest airports with scheduled interstate passenger flights, Launceston and Devonport. Direct flights between Launceston or Devonport airport and Derwent Bridge involve overflying the TWWHA and areas (inside and outside the TWWHA) with a high likelihood of containing wedge-tailed eagle nests. Even if the proponent continues to use the services of Helicopter Resources,<sup>xi</sup> whose helicopters are based at Hobart airport (which is further from Derwent Bridge than Launceston and Devonport airports are), direct flights from Hobart airport to Derwent Bridge will pass over areas with a high likelihood of containing wedge-tailed eagle nests.

#### *Noise and flight timing*

The RFI required the documentation for assessment to include an "assessment of noise impacts from proposed helicopter use on the values of the Tasmanian Wilderness World Heritage Area, undertaken by a suitably qualified and independent third party".<sup>xii</sup> The proponent's assessment of this in Wild Drake's main response document has patently not been undertaken by a suitably qualified and independent third party, given that Wild Drake's main response document was prepared by the sole director of the proponent.<sup>xiii</sup>

Presumably to try to camouflage this patent shortcoming, the proponent repeatedly asserts that the inputs and results of its assessment are "transparent, repeatable [and] meaningful".<sup>xiv</sup> However, the proponent's assessment involved "manually breaking down" data and "manual extrapolation" of data,<sup>xv</sup> presumably requiring the making of judgements which are not transparent.

The proponent appropriately acknowledges that "[t]he quality of the outputs [of its assessment] are limited to the quality of the raw data inputs, which in this case is the PWS flight audit data"<sup>xvi</sup> (presented in Appendix 2 to Wild Drake's main response document). The quality of the data does not allow any confidence in the proponent's assessment that its proposed flights will not move impacts of overflights collectively to a higher tier of impact within their proposed area of operation than that of overflights not involving the proposed action. The PWS flight audit data clearly excludes many overflights of the TWWHA, because they do not involve landing there, as well as overflights conducted by various other agencies or for various purposes.<sup>xvii</sup> Therefore it is not possible from that data to accurately assess the level of impact of flights not involving the proposed action or the cumulative level of impact of those flights and flights involving the proposed action.

However, it is clear from the PWS data that the flights for the proposed action will vastly increase the time spent by helicopters (noisily) overflying the region of the TWWHA in the southwestern Central Plateau (between the central Walls of Jerusalem and Derwent Bridge) relative to 2019 levels of overflights of that region for TWWHA management purposes. According to the PWS data (reproduced in Map A in Appendix 2 to Wild Drake's main response document),<sup>xviii</sup> in 2019 PWS overflights of this region totalled 40-50 hours. These overflights would have included significant activity relating to construction work at Frenchmans

Cap (now completed), and are significantly inflated by the inclusion of flight time between the typical place of origin of those flights and the northern edge of the TWWHA, hence only a minor proportion of this cumulative flight time would have affected the southwestern Central Plateau and the vicinity of Lake Malbena. However, the proposed action could well add at least another 48 hours of helicopter flying time, almost all over that region (and this does not even counting positioning flights to move helicopters to and from Derwent Bridge in connection with the action).<sup>xi</sup> Hawes (2022) has shown “the cumulative duration of audibility of proposed overflights will be an order of magnitude larger than that of existing (i.e. 2019) PWS management flights”<sup>xx</sup>. And this does not account for the likely reduced audibility of any PWS flights several kilometres distant vs overhead flights to/from Lake Malbena.

Other assumptions regarding the helicopter flights also need to be justified:

- The flight path from Derwent Bridge to Lake Malbena is about 22 or 23 km. Wild Drake intends to achieve a “flight altitude of 1000M AGL where possible”. Even if weather permits, most, if not all, of the flight will be spent climbing to “cruising altitude” (1000m AGL), then descending for landing. Noise modelling must be based on a realistic estimation of the helicopter’s altitude, which is likely to be far lower than 1000m AGL for much of the flight.
- According to Wild Drake: “Complete-capture greywater and sewage production is estimated to be in the vicinity of 4000 litres annually”. This is all to be flown out, which will require sling loads. Wild Drake plans for 30 trips per year, each comprising six clients and two guides, with each trip spending three nights on the island. This totals  $30 \times 8 \times 3 = 720$  person nights. i.e. greywater and sewage production is estimated to be less than six litres per person per night. This is extraordinarily low! The proposal does include the provision of showers for clients – even minimal use of the primitive showers proposed will raise the greywater volume substantially. For estimates of helicopter operations to be credible a realistic total volume of greywater and sewage must be provided so that the number of sling loads can be estimated. Sling load flights will require substantial time hovering low over Halls Island to pick up the load and are likely to fly lower and slower than passenger-only flights. Noise modelling must include these flights which will comprise a substantial proportion of the total.

Wild Drake envisages that sling loads will be carried on some flights<sup>xxi</sup> but estimates of helicopter noise cannot be taken seriously until these considerations are incorporated.

All this reveals the patent absurdity of claims in Wild Drake’s main response document such as “The data shows that the proposed action does not produce a cumulative impact to the ‘The relatively undisturbed nature of the property’” and “The action is does [sic] not produce a significant new or cumulative impact to the ‘The relatively undisturbed nature of the property; the scale of the undisturbed landscapes’ within the overflight and adjacent areas”.<sup>xxii</sup>

The proponent asserts the appropriateness of the model it uses to assign labels to tiers of impact of overflight noise and that it is consistent with Australian experience around Whitehaven Beach.<sup>xxiii</sup> However, that model is based on reactions to overflight noise by walkers on heavily-developed and promoted trails that are used by day-walkers and some overnight walkers in protected areas in the United States of America.<sup>xxiv</sup> Whitehaven Beach is mostly accessed by day-trippers using motorised transport. These visitors are likely to have perceptions of, and reactions to, noise very different from and likely more accommodating than the perceptions and reactions of most users of the southwestern Central Plateau region of the TWWHA, who are generally on multi-day, off-track bushwalks.

The proponent claims that the impact of the proposed action will be mitigated by the proponent’s intention to operate helicopters on only 65 days a year. However, it is likely that conditions most attractive for the proponent’s customers (and therefore helicopter operation)

will coincide with those most attractive to other users of the area, who will suffer the impacts of the helicopter operations. Although the proponent does not propose to take customers in the months of August, September and October, the proponent does envisage helicopter use in October for eagle surveys and may also want to use helicopters for access for inspections and maintenance in those months.<sup>xxv</sup>

Other users of the area will have no way of avoiding these impacts of helicopters, as those users will not know in advance when helicopters will operate as part of the proposed action. Recreational displacement of such users may occur, causing unknown secondary impacts in new areas.

### *World Heritage values*

The Department of the Environment lists 'wilderness, natural beauty or rare or unique environmental values' among the natural heritage values of a World Heritage property.<sup>xxvi</sup> For the TWWHA in particular, numerous documents highlight the importance of "wilderness" to the property's nomination, listing, integrity and management.

In her statement of reasons for her 2020 decision that the proposed action is a controlled action, the Commonwealth Minister for the Environment clearly regarded the noise of helicopters used as part of the proposed action as adversely affecting the aesthetic value (one of the World Heritage values) of the TWWHA.<sup>xxvii</sup> In this context, it is worth noting that the TWWHA management plan says:

"The extent and scale of the aesthetic values of the TWWHA and associated view fields are important components of its Outstanding Universal Value.

"KDO 5.8: The aesthetic qualities of the TWWHA are maintained or improved."<sup>xxviii</sup>

### ***Misrepresentation of the TWWHA management plan***

#### *Management zoning*

Wild Drake's main response document makes much reference to the TWWHA management plan, making many suggestions and assertions based on zoning in the plan and material in the plan about presentation of the TWWHA. These include suggestions that because a use (e.g. a commercial landing site or a standing camp) may be approved in the Self-Reliant Recreation Zone, then approval under the EPBC Act should be given. It also claims that impacts on wilderness quality are relevant only to the Wilderness Zone.

The fact that a use **may** be approved under the [Tasmanian] *National Parks and Reserves Management Act 2002* is not relevant to a Commonwealth Minister exercising power under the EPBC Act. The TWWHA management plan is clear that wilderness quality throughout the TWWHA (not just in the Wilderness Zone) is important, saying:

"Although the cornerstone of managing wilderness values is the inclusion of the majority of the TWWHA in the Wilderness Zone, a principle guiding the management of wilderness is that the whole area of the TWWHA has some wilderness value."<sup>xxix</sup>

For that purpose, the TWWHA management plan sets out, Key Desired Outcome (KDO) 8.5:

"KDO 8.5: Wilderness is managed for the protection of the integrity and the natural and cultural values of the TWWHA and the quality of the recreational experience it provides."<sup>xxx</sup>

Hawes (2022) makes this point in more detail, noting the TWWHA management plan, “does not state or imply that the protection of high-value wilderness outside the Wilderness Zone is less important than the protection of high-value wilderness inside that zone”<sup>xxxix</sup>, as implied or inferred by the proponent.

The proponent argues that the boundary of the Wilderness Zone was “incorrectly” zoned prior to the 2016 management plan, as a result of errors in previous wilderness value assessments (and the ‘correction’ conveniently allowed for his proposal at Halls Island to be considered). This claim is also comprehensively debunked by both Sawyer<sup>xxxii</sup> and Hawes (2022), who highlight a number of incorrect claims by the proponent<sup>xxxiii</sup>. And, in any case, it is worth noting that the ‘corrected’ Wilderness Zone is no more spatially consistent with the distribution of mapped wilderness value than its predecessor in the 1999 management plan and 2014 draft plan, nor does it need to be so, as the management plan makes clear.<sup>xxxiv</sup> Furthermore, wilderness value in the vicinity of Halls Island, excluded from the Wilderness Zone by the 2016 plan, is high anyway.

Wild Drake refers repeatedly to the IUCN protected area categories,<sup>xxxv</sup> but fails to acknowledge that the IUCN categories proposed in its main response document do not coincide with those recognised by state and federal governments (CAPAD 2020<sup>xxxvi</sup>) which relate to tenure and implies an equivalence between these categories and the TWWHA management zoning, arguing that more relaxed management is appropriate in some areas as a result. The implied equivalence is incorrect, and the statutory TWWHA management plan makes no reference to the IUCN categories. The proponent’s arguments with regard to the IUCN categories are hence misleading and irrelevant. Hawes (2022) notes this point also.<sup>xxxvii</sup>

#### *Presentation of the TWWHA*

Wild Drake’s main response document also seeks to justify approval of the proposed action on the basis that it involves presentation of the TWWHA in accordance with the TWWHA management plan and the “goals” of the plan.<sup>xxxviii</sup> The TWWHA management plan does not set “goals”, but it does express a vision for management of the TWWHA and set objectives for that management.

The vision is:

“To identify, protect, conserve, present, and, if appropriate, to rehabilitate, the World Heritage, National Heritage and other natural and cultural values of the TWWHA and to transmit that heritage to future generations in as good or better condition than at present.”<sup>xxxix</sup>

The objectives for management of natural values are:

“To identify, protect, conserve and restore natural biological and geological diversity and processes in the TWWHA.

“To protect and conserve the natural landscapes of the TWWHA, particularly in areas of exceptional natural beauty, and aesthetic and cultural importance.”<sup>xl</sup>

The objective for presentation is:

“To provide a diversity of visitor experiences in a manner that is consistent with the conservation of natural and cultural values.”<sup>xli</sup>

The need for presentation to be consistent with the conservation of natural values is reinforced later in the TWWHA management plan in Key Desired Outcome 6.3:

“KDO 6.3: A diverse and accessible range of quality visitor experiences that are consistent with the protection of values is provided in the TWWHA.”<sup>xlii</sup>

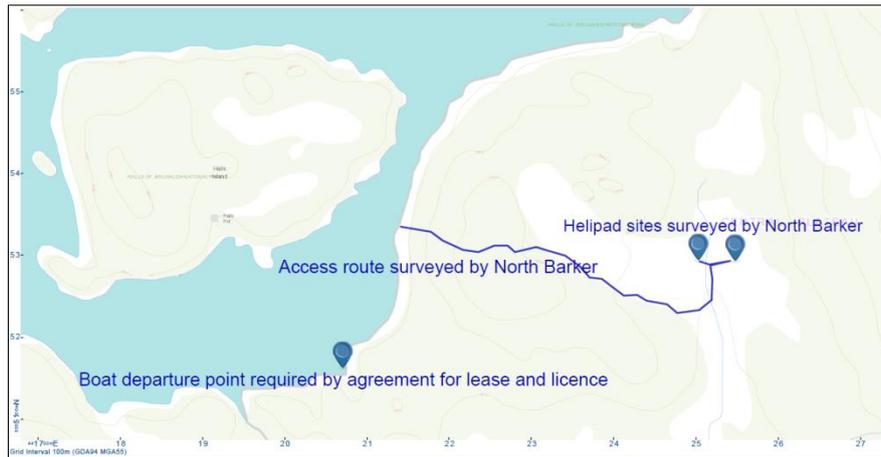
Most of the references in Wild Drake’s main response document to presentation that are obviously attempts to justify the proposed action by linking to the language of KDO 6.3<sup>xliii</sup> do not acknowledge the qualification in that Outcome that provision of visitor experiences needs to be consistent with the protection of the values of the TWWHA.

### ***Outdated, confusing, misleading and incomplete information***

The proponent questions a number of aspects revised NWI mapping methodology that is used in both the TWWHA management plan and subsequently to assess the impact of the proposed action, making a range of misleading or incorrect assertions regarding the calculation of Time Remoteness (one of the NWI parameters), consideration of the historic Halls Island hut, and the relationship of wilderness value to management zoning (and the Wilderness Zone in particular). Hawes (2022) presents a comprehensive rebuttal of these with which the TNPA agrees.<sup>xliv</sup> The limitations of the revised NWI wilderness mapping (and its predecessor), used in the TWWHA management plan, have been clearly acknowledged,<sup>xlv</sup> and several proposals made for future improvements (e.g. changes to what constitutes a ‘hut’, incorporation of viewfields). If these were implemented, it is likely that the modelled impact of the proposed action would appear even more pronounced than using the current wilderness mapping technique.

It is unlikely that the Civil Aviation Safety Authority will permit the use of an unimproved natural rock slab as a helipad by the clients of a commercial operation. If this is the case, a constructed helipad will be required and the location may change. This needs to be resolved because it is likely to require reassessment of the impacts on wild character and natural values.

The proponent has presented in Wild Drake’s main response document and appendices several maps that are outdated and therefore misleading in the way they show walking access between the helipad and the shore of Lake Malbena for the boat crossing to Halls Island,<sup>xlvi</sup> given that the proponent agreed in 2022 to the boat departing (for the crossing) from a location about 180 metres away from the lake end of the access route shown in those maps.<sup>xlvii</sup> This is not a trivial oversight, given that the walking access route shown on the maps was surveyed for flora and fauna in 2018, and the proponent repeatedly relies on that survey and the map of the surveyed route as a claimed measure to mitigate impact of the proposed action.<sup>xlviii</sup> This is compounded by the apparent failure of the proponent to have a fresh flora and fauna survey made of the route now proposed between the helipad and new boat departure location, as required by paragraph 3(g) of the RFI (or to explain, with evidence, as required by that paragraph why no such survey is needed).<sup>xlix</sup> The following map illustrates the major inaccuracy of the maps presented by the proponent.

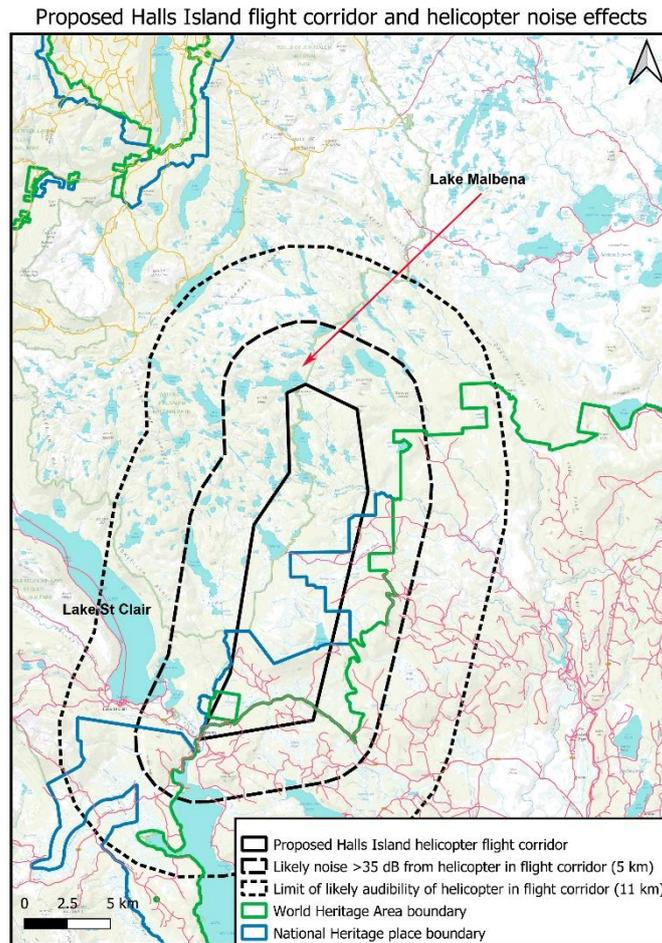


Wild Drake’s main response document and appendices do not thoroughly address paragraph 3(f) of the RFI, especially so far as it pertains to the attributes of the TWWHA giving it World Heritage value under World Heritage criterion (ix), and corresponding National Heritage values (of the TWNHP), “that occur, or have the potential to occur, in the project area and adjacent area”.<sup>i</sup> One of those attributes is:

“examples of evolution in mainland mammals (e.g. sub-species of Bennett’s wallaby - *Macropus rufogriseus*, swamp antechinus - *Antechinus minimus*, southern brown bandicoot - *Isoodon obesulus*, common wombat - *Vombatus ursinus*, common ringtail possum - *Pseudocheirus peregrinus*, common brushtail possum - *Trichosurus vulpecula*, eastern pygmy possum - *Cercartetus nanus*, the swamp rat - *Rattus lutreolus*) in many birds (e.g. the azure kingfisher - *Alcedo azurea*) and in island faunas”.<sup>ii</sup>

Although Wild Drake’s main response document and Appendix 40 to it address wallabies and ringtail possums, they do not deal with any of the other species mentioned in that description of the attribute, despite the fact that a number of them have the potential to occur on the mainland near Halls Island, even if they do not occur on the island.

Even if it is accepted that it makes sense to map helicopter noise only in relation to the Wilderness Zone of the TWWHA (which the TNPA does not accept), figures 18 and 19 of Wild Drake’s main response document are confusing, without a clear legend or description in the text. Also, in using a line rather than a flight corridor for flights between Derwent Bridge and Lake Malbena, figure 19 does not accurately indicate the helicopter noise effects of the proposed action. The following map more clearly indicates the area affected by noise from helicopter flights in that corridor.



### *Economic considerations*

Paragraph 8(b) of the RFI requires any projected costs and benefits of the proposed action to include the basis for their estimation.<sup>liii</sup> Figures 21 and 22 of Wild Drake’s main response document are screenshots of outputs of economic modelling, and neither the document nor the appendices to it present any further explanation of the basis of the modelling, despite the fact that the screenshots include the words “Please refer to the specific data notes for more information” (which have even been highlighted in one case).

For example, Wild Drake’s Reserve Activity Assessment dated October 2017 estimates that the proposal will generate “up to 3 full-time-equivalent (FTE) employees”. The proposal has not changed significantly since 2017 yet it will now provide “the equivalent of 13 FTE jobs”<sup>liiii</sup>. A simple estimate of employment (excluding the brief construction period) is that two guides (likely to be casuals) will be required for the duration of each trip and a few days on either side. Say, 30 trips per year x 2 guides x 7 days per trip = 420 days per year. Some time will be required for organisation, marketing, bookings etc so the original estimate of something less than 3 FTE seems realistic if operating at full capacity. That the Wild Drake proposal will generate an additional 10 indirect FTE jobs defies credibility.

In summary, Wild Drake’s estimate of economic benefits cannot be taken seriously until the basis of the modelling is provided.

Many of the references in Wild Drake’s main response document mention “equity of access”. Given that the annual turnover figures<sup>liv</sup> in Wild Drake’s main response document suggest each customer will be charged at least \$4,400 as part of the proposed action of providing 4-

day trips, and few people are likely to be able to afford such charges, the proposed action seems unlikely to promote “equity of access” to Lake Malbena.

### *Social considerations*

Wild Drake’s main response document mentions neither the main objections to the proposal, nor the magnitude of these objections.

It does include (Appendix 28) all publicly available comments received in both previous attempts to gain approval under the EPBC Act. However, it makes no attempt to summarise them and neglects to mention that none supported Wild Drake’s proposal.

The response to Wild Drake’s initial development application to Central Highlands Council is not even mentioned. “A total of one thousand three hundred and forty six (1346) representations were received [about the application]. Three of the submissions are in support of the proposal and the remainder object to it.”<sup>lv</sup> TNPA’s analysis of the 1311 available representations found that:

- 896 were unmodified proforma representations objecting to the proposed development;
- 95 were basically proforma representations objecting to the proposed development but included some additional words, usually describing the respondent’s personal affinity with the area;
- The balance (320) were individually written representations objecting to the proposed development.

The common theme of all these objections was that the area around Lake Malbena is appreciated as one of the wildest parts of Tasmania’s Central Plateau with no established walking tracks, few visitors, few overflights and no routine helicopter landings. Wild Drake’s proposed development will impact all of these qualities thereby detracting from the representors’ experience of wild country.

It is clear that Wild Drake’s proposal has not got, and is never likely to receive, a social licence to operate and that the impact of the proposal on the enjoyment and appreciation of the TWWHA by the current users of the area will be substantial, i.e. the social impacts far outweigh any possible economic benefit.

### *Unrealistic assessments of extent of impacts*

Wild Drake’s main response document asserts that the likely duration of the impact of the introduction of exotic biota on various World Heritage values by the proposed action will be “short-medium term” and that the extent of the impact of that introduction will be “localised”.<sup>lvi</sup> No evidence is presented in support of these assertions, which ignore the ability of weeds and other pests to persist (especially through seed banks and other dormant forms) and spread after they are introduced.

### *Omission – Consideration of impacts on Aboriginal and Historic Heritage*

The proposed action should not be approved without an assessment of impacts on Aboriginal heritage values which is acceptable to the Aboriginal community. The presence of such values was acknowledged in the 2018 PWS Reserve Activity Assessment (RAA), and at one stage Wild Drake proposed undertaking guided tours to a known site. But it seems that no further consideration of potential Aboriginal values in the area of the proposed action has been undertaken.

It should be acknowledged that the significance of the heritage listed Halls Hut derives largely from its context – surrounded by nature on a secluded island in an otherwise undeveloped lake. This will be lost if the proposed development proceeds.

### ***Spurious justification of the proposed action***

#### *Halls Hut*

Wild Drake's main response document takes an inconsistent approach to Halls Hut. On one hand, it says the "hut and curtilage are not part of this proposal or submission" and that the hut is the personal property of Mr Hackett, rather than the proponent Wild Drake Pty Ltd.<sup>lvii</sup> On the other hand, the document seeks to justify the proposed action on the basis that it will fund maintenance of the hut.<sup>lviii</sup>

The hut is clearly not an attribute of the TWWHA that contributes to its World Heritage value, and is therefore not an attribute contributing to the National Heritage value of the TWNHP. While the statement for the listing of the hut on the Tasmanian Heritage Register does not ascribe a particular level of significance to the hut, the information in the statement suggests that the hut is only of local or perhaps State significance.

The Tasmanian heritage listing of the hut means Mr Hackett can be compelled to repair any damage to the hut if an intentional act or omission of his is likely to affect the historic cultural significance of the hut.<sup>lix</sup> In supporting the listing of the hut before approval was given for the proposed action, Mr Hackett should have been well aware of his potential obligations relating to the hut and was apparently prepared to undertake them whatever happened about approval of the proposed action. The desirability (from Mr Hackett's point of view) of making money from the proposed action as a shareholder of the proponent so he can spend the money to meet his potential obligations relating to Halls Hut do not justify the adverse impacts of the proposed action on World Heritage values of the TWWHA and the National Heritage values of the TWNHP.

#### *Impacts of established uses on wilderness*

Wild Drake's main response document tries to downplay the impact of the proposed action on remoteness and therefore wilderness quality by comparison with examples of mechanised access to Melaleuca and the Gordon River to support activities that start or end at the access point but provide 'wilderness experiences' (in other places).<sup>lx</sup> Mechanised access to Melaleuca and the Gordon River has a history of many decades, well pre-dating some of those activities, the establishment of the TWWHA and the enactment of the EPBC Act.<sup>lxi</sup> The wilderness quality (wilderness value) mapping presented in the TWWHA management plan reflects this.<sup>lxii</sup> By contrast, the proposed action is new, involving mechanised access to a place to which there has not been mechanised access for decades.

#### *Reliance by other users of the TWWHA on helicopters*

Wild Drake's main response document also tries to downplay the impact of the proposed action involving helicopter access by asserting:

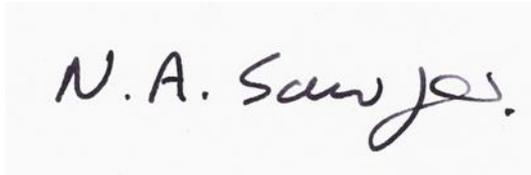
"Everyone that uses any form of infrastructure or formal access in the TWWHA generates a wilderness impact, and associated overflight derived wilderness soundscape impacts. For example, the soundscape data illustrates that every user of the ... Walls Of [sic] Jerusalem National Park are [sic] indirectly generating helicopter use, and more broadly, wilderness soundscape impacts."<sup>lxiii</sup>

This is patently false. Users of pre-existing infrastructure (including access facilities) do not generate the impacts caused by the infrastructure itself on wilderness quality. Further, much of that infrastructure did not involve aerial access to create it and is not maintained with the aid of aerial access, so does not involve “overflight derived wilderness soundscape impacts”. This is especially true of most of the Walls of Jerusalem National Park (particularly the more southerly parts, including (among other places) Lake Malbena).

### **Conclusion**

Wild Drake’s main response document (even when read with the appendices to it) clearly has significant deficiencies so that it understates the impacts (which are significant) of the proposed action on the World Heritage values of the TWWHA, the National Heritage values of the TWNHP and threatened species and ecosystems.

Those impacts mean that the proposed action should not be approved under the EPBC Act.



Nicholas Sawyer, President, TNPA

18 October 2022

### Endnotes

<sup>i</sup> M. Hawes comments on Wild Drake document: Request for Further Information (RFA) – Response, Halls Island Standing Camp, Lake Malbena, Tasmania (EPBC 2018/8177) v4.4; Report for Environmental Defenders Office.

<sup>ii</sup> Also, it follows from the reasons that the assessment would also consider the impacts on all National Heritage values of the TWNHP, which the reasons stated are substantially the same as the World Heritage values of the TWWHA.

<sup>iii</sup> Available at <https://worldheritageoutlook.iucn.org/node/989/pdf/en?year=2017> and <https://worldheritageoutlook.iucn.org/explore-sites/wdpaid/5000>.

<sup>iv</sup> Available at <https://nre.tas.gov.au/Documents/Tourism%20Master%20Plan%20for%20the%20Tasmanian%20Wilderness%20World%20Heritage%20Area.pdf>.

<sup>v</sup> See page 32 of the tourism master plan.

<sup>vi</sup> See page 33 of the tourism master plan.

<sup>vii</sup> Available at <https://nre.tas.gov.au/Documents/TWWHA%20Status%20%26%20Trends%20-%20Natural%20Values%202022.pdf>.

<sup>viii</sup> See page 24 of the natural values status report (and the threat impact ranking scale on page 11 of the report).

<sup>ix</sup> See page 24 of the natural values status report (and the threat impact ranking scale on page 11 of the report).

<sup>x</sup> See pages 78 and 81 of the natural values status report.

<sup>xi</sup> In a document from 2019 included in the appendices to Wild Drake’s main response document, Helicopter Resources is mentioned (at page 610 of the appendices) as the helicopter contractor for the proposed action.

<sup>xii</sup> See page 1186 of the appendices to Wild Drake’s main response document.

<sup>xiii</sup> See page 3 of Wild Drake’s main response document.

<sup>xiv</sup> See pages 93, 94 and 101 of Wild Drake’s main response document. Page 78 of that document also contains a similar assertion.

<sup>xv</sup> See pages 88 and 89 of Wild Drake’s main response document.

<sup>xvi</sup> See page 93 of Wild Drake’s main response document.

- 
- <sup>xvii</sup> See pages 87 and 88 of the appendices to Wild Drake's main response document.
- <sup>xviii</sup> See pages 90, 91, 93 and 94 of the appendices to Wild Drake's main response document.
- <sup>xix</sup> See page 13 of Wild Drake's main response document.
- <sup>xx</sup> See page 19-20 of M. Hawes comments on Wild Drake document, Report for Environmental Defenders Office.
- <sup>xxi</sup> See page 18 of the Wild Drake's response document, for example.
- <sup>xxii</sup> See page 80 of Wild Drake's main response document.
- <sup>xxiii</sup> See pages 93 and 101 of Wild Drake's main response document.
- <sup>xxiv</sup> See McKenna et al. (2016) A framework to assess the effects of commercial air tour noise on wilderness. *J. For.*, **114(3)**: 365-372 (especially at 368) [accessed at [https://www.researchgate.net/profile/Megan-Mckenna-2/publication/303734549\\_A\\_Framework\\_to\\_Assess\\_the\\_Effects\\_of\\_Commercial\\_Air\\_Tour\\_Noise\\_on\\_Wilderness/links/58a5cdb4aca27206d98f9baf/A-Framework-to-Assess-the-Effects-of-Commercial-Air-Tour-Noise-on-Wilderness.pdf](https://www.researchgate.net/profile/Megan-Mckenna-2/publication/303734549_A_Framework_to_Assess_the_Effects_of_Commercial_Air_Tour_Noise_on_Wilderness/links/58a5cdb4aca27206d98f9baf/A-Framework-to-Assess-the-Effects-of-Commercial-Air-Tour-Noise-on-Wilderness.pdf)] and Rapoza et al. (2015) The relationship between aircraft noise exposure and day-use visitor survey. *J. Acoust. Soc. Am.* **138(4)**: 2090-2105 (especially at 2090-2091) [accessed at [https://www.researchgate.net/profile/Amanda-Rapoza/publication/283697421\\_The\\_relationship\\_between\\_aircraft\\_noise\\_exposure\\_and\\_day-use\\_visitor\\_survey\\_responses\\_in\\_backcountry\\_areas\\_of\\_national\\_parks/links/5c06d87d458515ae5447996b/The-relationship-between-aircraft-noise-exposure-and-day-use-visitor-survey-responses-in-backcountry-areas-of-national-parks.pdf](https://www.researchgate.net/profile/Amanda-Rapoza/publication/283697421_The_relationship_between_aircraft_noise_exposure_and_day-use_visitor_survey_responses_in_backcountry_areas_of_national_parks/links/5c06d87d458515ae5447996b/The-relationship-between-aircraft-noise-exposure-and-day-use-visitor-survey-responses-in-backcountry-areas-of-national-parks.pdf)].
- <sup>xxv</sup> See pages 9, 18 and 62 of Wild Drake's main response document.
- <sup>xxvi</sup> See page 17 of Matters of National Environmental Significance: Significant Impact Guidelines 1.1: EPBC Act 1999, Commonwealth of Aust, (2013) [[https://www.dcceew.gov.au/sites/default/files/documents/nes-guidelines\\_1.pdf](https://www.dcceew.gov.au/sites/default/files/documents/nes-guidelines_1.pdf)].
- <sup>xxvii</sup> See pages 1199 to 1202 of the appendices to Wild Drake's main response document.
- <sup>xxviii</sup> See page 118 of the TWWHA management plan.
- <sup>xxix</sup> See page 175 of the TWWHA management plan.
- <sup>xxx</sup> See page 175 of the TWWHA management plan.
- <sup>xxxi</sup> See page 27 of M. Hawes comments on Wild Drake document, Report for Environmental Defenders Office.
- <sup>xxxii</sup> Sawyer – submission on EPBC 2018/8177 “Zoning and mapping errors”, 17 October 2022.
- <sup>xxxiii</sup> See page 12-15 of M. Hawes comments on Wild Drake document, Report for Environmental Defenders Office.
- <sup>xxxiv</sup> See page 177 of the TWWHA management plan.
- <sup>xxxv</sup> See Dudley (2013) Guidelines for applying protected area management categories. Gland, Switzerland: IUCN. [<https://portals.iucn.org/library/node/30018>]
- <sup>xxxvi</sup> See <https://www.dcceew.gov.au/environment/land/nrs/science/capad/2020>
- <sup>xxxvii</sup> See page 11 and 27 of M. Hawes comments on Wild Drake document, Report for Environmental Defenders Office.
- <sup>xxxviii</sup> See page 10 of Wild Drake's main response document, for example.
- <sup>xxxix</sup> See page 34 of the TWWHA management plan.
- <sup>xl</sup> See page 35 of the TWWHA management plan.
- <sup>xli</sup> See page 35 of the TWWHA management plan.
- <sup>xlii</sup> See page 129 of the TWWHA management plan.
- <sup>xliii</sup> See pages 20, 75, 76, 130 and 140 of Wild Drake's main response document, for example.
- <sup>xliv</sup> See page 20-25 of M. Hawes comments on Wild Drake document, Report for Environmental Defenders Office.
- <sup>xlv</sup> For example, see page 53 of Tourism Master Plan for the TWWHA, DPIPWE (2021).
- <sup>xlvi</sup> See Figure 3 of Wild Drake's main response document, Figure 3 of Appendix 8 to Wild Drake's main response document and the location plan in Appendix 11 to Wild Drake's main response document. They all appear to have been prepared in 2018 or 2019.
- <sup>xlvii</sup> See proposed new paragraph 12.17(e) on page 1358 of the appendices to Wild Drake's main response document.
- <sup>xlviii</sup> See pages 102, 110, 118 and 123 of Wild Drake's main response document.
- <sup>xliv</sup> See page 1184 of the appendices to Wild Drake's main response document.
- <sup>i</sup> See page 1184 of the appendices to Wild Drake's main response document.
- <sup>ii</sup> See <https://www.dcceew.gov.au/parks-heritage/heritage/places/world/tasmanian-wilderness#outstanding-universal-value> and page 1342 of the appendices to Wild Drake's main response document.
- <sup>iii</sup> See page 1187 of the appendices to Wild Drake's main response document.

- 
- liii See page 146 of Wild Drake's main response document.
  - liv See page 141 of Wild Drake's main response document, for example.
  - lv Agenda, Special Meeting of the Central Highlands Council, Tuesday, 26 February 2019.
  - lvi See pages 64 and 97 of Wild Drake's main response document.
  - lvii See page 10 of Wild Drake's main response document.
  - lviii See pages 2, 10 and 148 of Wild Drake's main response document.
  - lix See section 60 of the *Historic Cultural Heritage Act 1995* of Tasmania.
  - lx See page 74 of Wild Drake's main response document.
  - lxi The approval provisions of the EPBC Act do not apply to activities
  - lxii See page 176 of the TWWHA management plan.
  - lxiii See page 92 of Wild Drake's main response document.