



# edotasmânia

using the law to protect the natural and built environment

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Dear Madam / Sir,

## **EPBC 2018/8177 Halls Island Standing Camp, Tasmanian Wilderness World Heritage Area**

EDO Tasmania is a community legal centre specialising in environmental and planning law, and particularly interested in the regulation of use and development within protected areas. We welcome the opportunity to comment on the above referral (the **Halls Island proposal**).

We recently delivered a series of workshops around Tasmania regarding the assessment process for development within the Tasmanian Wilderness World Heritage Area (**TWWHA**). The content of those workshops was general, rather than focussed on any particular development. However, it was clear from the level of attendance and discussions with attendees that there is considerable concern regarding the impacts of the Halls Island proposal on the wilderness character of the TWWHA and the experience of other users of the TWWHA.

Our comments are limited to addressing that issue.

The Australian World Heritage Management Principles state:

*1.01 The primary purpose of management of natural heritage and cultural heritage of a declared World Heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the World Heritage values of the property.*

The Management Principles also state that actions with the potential to significantly impact on World Heritage values should be subject to detailed assessment and any action that would be inconsistent with the conservation of those values should not be approved.<sup>1</sup>

In light of the significant disruption to wilderness character resulting from helicopter flights and intensified use of Halls Island, Lake Malbena, we recommend that the Minister determine that the Halls Island proposal:

- is a controlled action; and
- should be subject to assessment by way of Public Environment Report or Environmental Impact Statement to ensure that the impacts on wilderness values, and the effectiveness of any proposed mitigation measures, can be well understood.

Our comments supporting that recommendation are set out below.

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<sup>1</sup> *Environment Protection and Biodiversity Conservation Regulations 2000*, Schedule 5, 3.01-3.04.

## World Heritage Values of the TWWHA

The wilderness character of the TWWHA, recognised in its name, underpins the property's World Heritage values. This is clearly acknowledged at pp173-174 of the *TWWHA Management Plan 2016*:

*The large extent of remote and largely undisturbed country forms the tangible component of wilderness value in the TWWHA. These areas are fundamental to the integrity of the TWWHA and many of the natural and aesthetic values that form part of its Outstanding Universal Value. The scale and remoteness of these areas is also important in the protection of the Aboriginal cultural values contained within them.*

*Wilderness also has an intangible value. In the TWWHA, wilderness is valued both for the recreational opportunities it provides and from a social and intrinsic perspective...*

*The intrinsic value of wilderness was a key element in the advocacy for the protection and listing of the TWWHA. Its continuing integrity is therefore an important social value for many people. It is a central element in what many people value with respect to the TWWHA as a whole, and in effect it is often viewed as the principal value of the TWWHA.*

Maintenance of this wilderness character, and the proper assessment of any action likely to detract from that character, is therefore critical to meeting Australia's obligations under the World Heritage Convention.

## Wilderness character

Throughout the referral, reference is made to the accommodation complex and the helicopter landing site being outside the Wilderness Zone, and the flight path avoiding the Wilderness Zone. Significantly, the accommodation complex site was within the Wilderness Zone under the *TWWHA Management Plan 1999* and its excision from that zone has been noted with concern by the World Heritage Centre and Advisory Bodies:

*[S]ome of the provisions in the 2016 Management Plan raise concerns, in particular the rezoning of some areas from "wilderness" to "remote recreation" in order to allow for acceptable tourism opportunities and make provisions for wider aircraft access, which may have impacts on wilderness values of the property.<sup>2</sup>*

Further, the TWWHA Management Plan itself recognises that wilderness values are not confined to the Wilderness Zone:

*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.*

The Wilderness Values mapping on p.176 of the Management Plan indicates that the Halls Island site has been assessed as having high wilderness value (14-18 of a possible 20). The mapping method considers four factors: Remoteness from Settlement, Apparent Naturalness, Biophysical Naturalness and Time Remoteness (an analogue for "away from it all / sense of isolation").

## Impact on wilderness character

The document entitled "Halls Island EPBC Self-referral – Response to request for further Information" provides a cursory assessment of the impact of the Halls Island proposal on wilderness values. That assessment considers both the impact of the built infrastructure and the impact of helicopter flights.

We do not believe that the information provided is adequate to allow the Minister to understand how wilderness values will be affected by the proposal. To assess the significance of any impact on wilderness values, it is necessary to undertake quantitative modelling and analyse the predicted reduction in values compared with the values currently mapped in the TWWHA Management Plan (see Map 7, Wilderness Values 2015 Assessment).

Such modelling should have regard to the matters outlined below.

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<sup>2</sup> *Analysis and Conclusion by World Heritage Centre and the Advisory Bodies in 2018*, World Heritage Committee, available at <http://whc.unesco.org/en/soc/3684>. Please note, the reference to "remote recreation" is assumed to be a reference to the Self-Reliant Recreation Zone.

### **Built infrastructure**

- The existing hut is of a significantly smaller scale than the proposed accommodation complex (which comprises 3 accommodation huts, communal kitchen area and related infrastructure – see Map 2 of the “Halls Island Maps” Attachment for a comparison of the footprints):
  - Any degradation of the Apparent Naturalness resulting from Reg Hall’s original hut cannot be compared to the impact of the proposed structures;
  - Remoteness from Settlement and Time Remoteness will also be reduced as a result of introduced helicopter access;
  - The historical usage levels described in 9.2 of the Protected Matters Environmental Management Plan record a total of 271 guests over 26 years. The current proposal would involve visitation of up to 250 people each year (30 trips of 6 guests + 2 guides, 3 private trips of 4 guests). This is a significant intensification of usage of the area.
- Standing Camps are permitted in the Self-Reliant Recreation zone, however huts are prohibited. The proposed accommodation complex is described as a Standing Camp in the referral. That term is used in the Tasmanian government’s *Standing Camp Policy 2006* to mean “temporary commercial bush camp”. While the Policy allows for Type C standing camps to be of lightweight material but remain intact, the camps must be “constructed so they are temporary in nature and appearance”. The scale and design of the proposed Halls Island accommodation facilities, while sympathetic to the surroundings, are not temporary in appearance.

Throughout the referral material and additional information, the accommodation facilities are variously referred to as pods, standing camps, and huts. The Protected Matters Environmental Management Plan consistently refers to the facilities as ‘huts’, a description we consider is more in keeping with the extent of timber and steel infrastructure proposed than a ‘standing camp’.

- The lease conditions, as replicated in 8.8.1 of the Protected Matters Environmental Management Plan, state that the “*exact locations and size of huts to be determined in conjunction with the [Tasmanian] Minister.*” The Federal Minister should not be satisfied that the impact of the huts can be understood without confirmation of the exact location, size and layout of the buildings.
- The risk of ‘infrastructure creep’ is exemplified by the discussion in the referral of a range of additional tracks proposed as Stage 2 of the proposal. There is a danger that, if Stage 1 is constructed and degrades wilderness values, the additional impacts of Stage 2 infrastructure will not be considered “significant” when assessed against that revised baseline. Further details regarding Stage 2 should be provided to allow a cumulative assessment of the impacts associated with the Halls Island proposal as one larger action.

### **Helicopter access**

- As discussed above, “avoiding traversing the Wilderness Zone for extended periods” or ensuring no noise from helicopter landing site within the Wilderness Zone does not avoid impacting on wilderness values.
- The helicopter landing site will result in localised impacts on the Apparent Naturalness and a reduction in remoteness for the site. The Wilderness Value mapping methodology explicitly recognises helipads as affecting “Remoteness from Access.”
- More significantly, helicopter overflights will degrade wilderness values over a much larger area. The TWWHA Management Plan states (at 175):

*The recreational value of wilderness in the TWWHA arises principally from the opportunity it provides for people to experience large remote areas that have little or no facilities, management presence or evidence of modern society and are largely free from disturbance and mechanical access.*

We heard consistently at the workshop series that current recreational users highly value the isolation they experience in the area of the proposal, a “sense of getting away from it all” that they fear will be damaged by overflights – not just from the immediate intrusion of noise, but the

intrusion into the sense of remoteness. This impact on time remoteness has not been adequately quantified or analysed in the referral or additional information.

The calculation of anticipated impacts as once-off point-impact of less than 2 minutes<sup>3</sup> ignores this intrusion on remoteness. Further, each trip is expected to involve four helicopter flights in a day (2 trips in to deliver guests, and 2 return trips). Experiencing four overflights within an hour is likely to significantly detract from sense of remoteness for other recreational users.

- The additional material estimates maximum flight usage at 48 hours annually.<sup>4</sup> This does not account for flights to stock and maintain the huts, or to regularly remove grey and black water (as required by the lease condition A2.2(m)). The lease conditions allow for unlimited trips for construction, supply and servicing runs in connection with the operations (see C4.B(ix)). It is not clear how many additional trips / flight hours will be involved in these activities.
- The additional material states that the helicopter landing site is within the Central Plateau Conservation Area and is a "compliant activity with both the current 2016 TWWHA Management Plan, and the preceding 1999 TWWHA Management Plan."

However, the 1999 Management Plan made clear that "*the use of aircraft to gain access to remote parts of the WHA is generally incompatible with the recreation experiences sought by on-ground visitors to such areas.*" Helicopter landings would be considered in the Central Plateau Conservation Area subject to investigation against criteria such as:

- Nil or very little conflict between proposed commercial users and other users of the site
- Nil or minimal impact on the World Heritage and other natural and cultural values at the site
- No facilities are to be constructed

It is incorrect to say the proposed landing site would have been compliant with the 1999 Management Plan – the proposal may have been considered, but would not have been likely to satisfy the relevant criteria (particularly in light of the long-standing opposition from anglers to helicopter use in the Central Plateau).

- The customised Fly Neighbourly Advice can be amended by the parties (PWS and the proponent) "acting reasonably", therefore provides little guarantee that its terms will provide long term protection of World Heritage values.

None of these issues have been adequately addressed in the assessment of impacts on wilderness character in the referral and additional information.

Given the explicit recognition in the TWWHA Management Plan that commercial development in remote areas, noise and mechanised access can significantly detract from wilderness experience, the Minister should be satisfied that the Halls Island proposal is likely to have a significant impact on World Heritage values. The Minister cannot be satisfied on current information that these impacts are not significant or can be appropriately mitigated.

On that basis, we urge the Minister to declare that the Halls Island proposal is a controlled action and nominate an assessment approach that will, at a minimum, allow a rigorous quantitative and qualitative analysis of the impact of the proposal on wilderness values.

Please do not hesitate to contact us to discuss these comments in further detail.

Kind regards,

**Environmental Defenders Office (Tas) Inc.**



Solicitor

<sup>3</sup> Attachment 11: Notes on Helicopter use and impact minimisation, 11d

<sup>4</sup> Attachment 11: Notes on Helicopter use and impact minimisation, 11a