

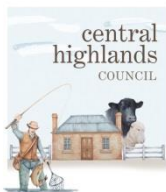


NOTICE OF MEETING

Notice is hereby given that a Special Meeting of the Central Highlands Council will be held at the Bothwell Town Hall, Alexander Street, Bothwell on Tuesday, 26 February 2019 commencing at 10.30am.

Lyn Eyles

GENERAL MANAGER



Central Highlands Council

Agenda – SPECIAL MEETING – 26th February 2019

Agenda for the Special Meeting of Central Highlands Council to be held at the Bothwell Town Hall, Alexander Street, Bothwell on Tuesday 26th February 2019, commencing at 10.30am.

I certify under S65(2) of the Local Government Act 1993 that the matters to be discussed under this agenda have been, where necessary, the subject of advice from a suitably qualified person and that such advice has been taken into account in providing any general advice to the Council.

**Lyn Eyles
General Manager**

1.0 OPENING

The Mayor advises the meeting and members of the public that all Ordinary and Special Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website. The Mayor also advises that members of the public are not permitted to make audio recordings of Council meetings.

2.0 PRESENT

3.0 APOLOGIES

4.0 PECUNIARY INTEREST DECLARATIONS

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015, the Mayor requests Councillors to indicate whether they or a close associate have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any Item of the Agenda.

5.0 COUNCIL ACTING AS A PLANNING AUTHORITY

In accordance with Regulation 25(1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items.

5.1 PUBLIC COMMENTS AND /OR QUESTIONS ON THE DEVELOPMENT APPLICATION

Procedures for Public Comments and/or Questions for the Special Meeting of Council to be held on 26th February 2019 as adopted by Council at its meeting held on 19 February 2019

Speakers should follow the procedure detailed below.

Public Comments and/or Questions Procedures for Special Meeting of Council

1. Only those people that have:
 - (a) Initiated the planning decision under the Land Use Planning and Approvals Act 1993 (Act) ("Applicant"); or
 - (b) The owner of the land subject to the planning decision ("Owner"); or
 - (c) made a representation within the statutory notice period in relation to a planning decision ("Representor")

will be entitled to speak at the meeting.
2. Prior to the commencement of the Meeting a person who wishes to address the Meeting must:
 - 2.1 Notify the Council in writing by close of business on the Friday prior to the meeting of the person's intention to address the Meeting, including the following detail:
 - (a) Identify whether the person is the Applicant or a Representor;
 - (b) If a Representor, the date the person made a representation in respect to the planning decision; and
 - (c) the relevant planning decision by the Council allocated number, or by reference to the land to which it relates (eg, by certificate of title, PID or address);
 - (d) the question or topic on which the person wishes to speak.
 - 2.2 Notify the Chairperson of his or her arrival prior to the commencement of the meeting.
3. If a person has complied with the procedure in 2, the person will be entitled to speak at the meeting.
4. The Chairperson will determine the order of speakers.
5. All people entitled to speak will be given equal opportunity to speak.
6. Each person will be limited to 3 minutes unless otherwise allowed by the Chairperson.
7. A person may make a statement only or ask questions that are directed through the Chairperson.
8. A person may not direct questions to staff members unless directed through the Chairperson. The Chairperson may ask staff members to answer any question.
9. The Council is under no obligation to answer questions. Questions may be taken on notice. Council may answer such questions at its discretion.
10. Councillors may ask questions of the person speaking or seek clarification at the discretion of the Chairperson.

11. The Applicant may be given notice of a person's intention to speak. The Applicant will be given an opportunity to speak in reply up to a maximum of 20 minutes at the conclusion of all verbal submissions by representors.
12. No debate or argument is permitted at any time.
13. Members of the gallery must not interject while another party is speaking.

Weight to be given to verbal representations made at the Meetings in planning decisions

Council is under no obligation to consider or to give any weight to any oral submission or questions made at this Meeting.

Council is under no obligation to give reasons if it chooses not to rely upon or give weight to a verbal representation made.

The hearing of an oral submission at this Meeting by Council does not take any weight or precedence over the written application and representations made.

5.2 DA2018/50: VISITOR ACCOMMODATION (STANDING CAMP): HALLS ISLAND, LAKE MALBENA, WALLS OF JERUSALEM NATIONAL PARK

Report by

Jacqui Tyson (Contract Planner)

Applicant

Wild Drake Pty Ltd

Owner

Crown Land (leased to Wild Drake Pty Ltd and Daniel Hackett)

1. Proposal Summary

The Development Application is made by Wild Drake Pty Ltd. for the development of Visitor accommodation in the form of a standing camp on Halls Island, Lake Malbena, which is located in the Walls of Jerusalem National Park and the Tasmanian Wilderness World Heritage Area ("TWWHA").

Halls Island is owned by the Crown and is currently leased to Wild Drake Pty Ltd and Daniel Hackett. The surrounding National Park and wider TWWHA is managed by the Parks and Wildlife Service ("PWS"). Consent to lodge the Development Application has been provided by the landowner (General Manager of PWS, Jason Jacobi) in accordance with the requirements of the Land Use Planning and Approvals Act 1993 ("the Act").

There is an historic hut on the island, built by Reg Hall, an early explorer of the Walls of Jerusalem area, known as Halls Hut. As well as being the namesake of the subject island, Reg Hall also named many of the topographic features in the Walls of Jerusalem. The hut site has been under private lease or licence since 1955. The proposal does not include any works to Halls Hut or immediate surrounds.

The proposed use and development is summarised as follows:

- Three accommodation pods each with toilet and shower;
- One communal pod with guide accommodation, storage and bathroom facilities;

- Sections of perforated board walks (approximately 72m total);
- Visitor access via helicopter, which will land on a rock platform just off the island and visitors then walk to the lake and be transferred to the island by rowboat;
- Selective vegetation lancing around the accommodation and helicopter landing site;
- Accommodation for up to 6 guests at a time, each with two guides;
- Maximum of 30 trips each year.

The site is in the Environmental Management Zone under the Central Highlands Interim Planning Scheme 2015 ("the Scheme"). The use class of *Visitor Accommodation* is a Permitted use in this Zone where is undertaken in accordance with a reserve management plan. In this case the proposal is discretionary as it requires assessment against Performance Criteria in the Environmental Management Zone, Waterway and Coastal Protection Code and Stormwater Management Code of the Scheme.

2. Background

This proposal has come about through the Tasmanian Government's invitation for Expressions of Interest ("EOI") from private investors and tourism operators to develop tourism experiences and associated infrastructure in Tasmania's national parks, reserves and Crown land. The Government seeks to increase tourism numbers to stimulate economic growth and jobs.

The EOI process opened in December 2016 and is now a continuous process managed by the Coordinator Generals office.

3. Other Approvals

The proposal is subject to assessments under State and Federal legislation in addition to this Development Application before Council.

The information below is for context and background purposes only. The status of the other assessments does not impact the consideration of this Development Application by the Council in the role of Planning Authority under the Land Use Planning and Approvals Act 1993.

Proposals often require consideration under concurrent but separate legislation and associated processes. The planning regime in Tasmania generally does not require a proposal to have sought and/or gained other approvals before a Development Application can be made and determined.

The only relevant matters for consideration in the assessment of a Development Application are those raised by the Act and by extension the applicable Planning Scheme.

It is a matter for the proponent to ensure they have all the necessary approvals prior to commencing the operation and/or associated works.

3.1 State/Parks and Wildlife Service Assessment

The Reserve Activity Assessment ("RAA") process is the Environmental Impact Assessment system the PWS uses to assess whether activities proposed on PWS managed land are environmentally, socially and economically acceptable.

The RAA process is applied to proposals by PWS themselves and proposals from external operators. There are different levels of assessment depending on the nature and complexity of a proposal. An RAA tests whether proposed activities meet the requirements of applicable legislation, management plans and policies and assists in deciding whether an activity should proceed, proceed with conditions or not proceed.

In this case the proposed Visitor accommodation (standing camp) development at Halls Island has been assessed by the PWS through the RAA process.

The General Manager of the National Parks and Wildlife Service has provided the following advice to assist Council:

- The proposal occurs on land within the Walls of Jerusalem National Park, for which the Director of the Tasmania Parks and Wildlife Service (PWS) is the Managing Authority under the *National Parks and Reserves Management Act 2002* ("NPRMA").
- The Walls of Jerusalem National Park is within the Tasmanian Wilderness World Heritage Area (TWWHA), which is managed in accordance with a statutory management plan approved under the NPRMA, that being the *TWWHA Management Plan 2016*.

- Under the management plan, the land the development is proposed on is zoned as Self-Reliant Recreation Zone.
- The management plan allows visitor accommodation in the form of a standing camp within the Self-Reliant Recreation Zone.
- The structures, as proposed, would meet the definition of a standing camp under the current *PWS Standing Camp Policy 2006*.
- As such, the proposed development is allowable under the management plan, and the PWS has consented to the DA being submitted on that basis.
- In regard to evidence of conditional approval from the PWS, the proposal has been assessed via the PWS Reserve Activity Assessment (RAA) process, and I understand that the proponent has submitted this completed RAA.

You will note that Step 7 of the RAA states "*at this point the assessment from a PWS perspective is complete and PWS is signalling it plans to approve the Activity Plan ... subject to any further conditions that are imposed by external assessment.*"

This status means that, subject to an approved planning permit and any associated conditions, the PWS intends to approve the proposal subject to appropriate conditions and final review.

The use of Halls Island will be monitored and reviewed by PWS into the future to ensure compliance with the conditions they impose through the RAA and lease/licence arrangements and make any adjustments considered necessary if unexpected impacts occur.

3.2 The RAA and the Planning Scheme

The RAA process is embodied in the Planning Scheme through the provisions of the Environmental Management Zone. The Zone in the Use Table 29.2 stipulates the type of uses allowable in the zone and provides a range of uses that are Permitted uses with a qualification that "Only if a reserve management plan applies". Consideration by the Planning Authority to a reserve management plan is further provided in the standards for the zone. The reason compliance with a reserve management plan is provided in the Use Table and the standards for the zone is a strategic method of creating a "permitted pathway" for use and development in reserves where such use or development is also considered by the Parks and Wildlife Service (an Authority). This aims to avoid a duplication of assessment i.e. two authorities assessing similar/same environmental impacts and considering whether or not the use should occur at all (where subject to a reserve management plan).

Avoiding a duplication of assessment, as far as practical, is embodied in the principles of the Southern Regional Model Planning Scheme that stems from the work undertaken by the Southern Tasmanian Regional Planning Project (STRPP) on which the current Planning Scheme is based. The sharing of responsibility for resource management and planning between different spheres of Government is also captured in the Objectives of the Resource Management and Planning System in Tasmania.

Statutory Management Plans, including the Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan 2016, which applies to this land, proceed through a consultation process involving statutory exhibition, public hearings and, ultimately assessment and determination by an appropriate independent body – in this case the Tasmanian Planning Commission in 2015-2016.

The Southern Tasmanian Regional Planning Project, in preparing the Regional Model Scheme took into consideration the existence of the Management Plans and the fact that the Parks and Wildlife Service is a public authority charged with responsibilities relating to land use and development in national parks and reserves. Parks and Wildlife Service, the Department of Primary Industries Water and Environment (DPIPWE) together with the Tasmanian Planning Commission and other stakeholders all had input the final Regional Model Scheme.

It is worth noting that the provisions in the Planning Scheme, relating to reserve management plans primarily involve a change to the use status under the Use Table, but still, does not completely remove the need for the use/development to comply with other applicable use and development standards within the planning scheme such as any codes or development standards. There is still substantial scope for assessment under the Planning Scheme by the Planning Authority where applicable.

Understanding the relationship between the assessment required under the Planning Scheme and the assessment already undertaken under the RAA process is of critical importance to understanding the scope of the Planning Authority's involvement in the overall assessment for this type of development. The majority of concerns raised, in the very high number of representations, addressed in Part 7 of this report focus on whether or not the proposal should happen at all in the Tasmanian Wilderness World Heritage Area. This is a decision made by the Parks and Wildlife Service and the State Government as landowner. The issue is that the RAA process does not include any public consultation or statutory exhibition period, like that under the *Land Use Planning and Approvals Act 1993*, and therefore the wider community is not able to have their views formally considered by Parks and Wildlife.

3.3 Federal Assessment

The *Environment Protection and Biodiversity Conservation Act 1999* ("EPBC Act") is the Australian Government's central piece of environmental legislation.

The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, defined in the EPBC Act as matters of national environmental significance.

The nine matters of national environmental significance to which the EPBC Act applies are:

- world heritage properties;
- national heritage places;
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed);
- nationally threatened species and ecological communities;
- migratory species;
- Commonwealth marine areas;
- the Great Barrier Reef Marine Park;
- nuclear actions (including uranium mining); and
- a water resource, in relation to coal seam gas development and large coal mining development.

In addition to the nine matters above, the EPBC Act confers jurisdiction over actions that have a significant impact on the environment where the actions affect, or are taken on, Commonwealth land.

When a proponent wants a proposal to be assessed for environmental impacts under the EPBC Act, they must refer the project to the Department of Sustainability, Environment, Water, Population and Communities. This 'referral' is then released to the public, as well as relevant state, territory and Commonwealth ministers, for comment on whether the project is likely to have a significant impact on matters of national environmental significance. The minister or the minister's delegate will then decide whether the likely environmental impacts of the project are such that it should be assessed under the EPBC Act. Any relevant public comments are taken into consideration in making that decision.

In this case, the applicant referred the proposed Visitor accommodation development to the Federal Department for consideration as it falls within the TWWHA. On the 31 August 2018 a decision was issued determining that the proposed development is not a 'controlled action' and therefore further consideration under the EPBC Act is not required.

The EPBC decision has been appealed to the Federal Court by parties opposed to the development. The proposal will not be able to proceed until the appeal is determined.

4. Application Details

The Development Application is accompanied by various supporting documents including architectural plans, expert reports, copies of RAA and EPBC documentation and description of the proposed use and development, as detailed below.

4.1 Overview

The proposed Visitor Accommodation operation will offer premium small group tour packages with transfers to and from the site by helicopter. The tours will offer customised activities for guests on and around Halls Island.

Each tour group/trip will be restricted to six (6) guests, typically accompanied by two (2) guides. Each group will stay at Halls Island for three (3) nights.

The use will be restricted to a maximum of 30 trips per year, as required by the conditions imposed by the State and Federal Government. Trips will occur during the warmer months, from November to May. This equates to approximately 1 trip per week during the operating season.

The activities available to guests, as identified in the application documents, will include kayaking, hill-walking, bushwalking, cultural interpretation, wildlife viewing, occasional fishing, and the chance to participate in choreographed 'citizen-science' style field trips with guest experts in the fields of science, art and culture. On-island activities will include continuing with the sixty-year history of poetry and art on the island, astronomy, botany, bird watching, and flora and fauna interpretation. The proponent is already involved in partnerships with the Queen Victoria Museum and Art Gallery relating to science and culture of Halls Island and the surrounding area. The overall theme of the experience will centre on appreciation of the wilderness location and cultural immersion built around the Reg Hall and Walls of Jerusalem story.

4.2 Access

Access to Halls Island will be provided by helicopter, using a licensed contractor operating under the usual regulations for flights as regulated by the Civil Aviation Safety Authority (CASA).

The departure point for transfers is not fixed and may vary between trips depending on needs of the guests. However, once a helicopter enters the TWWHA area it must travel via the nominated flight route, as approved and conditioned by PWS. This route utilises a flight path and altitude that avoids crossing walking tracks, significant trout fishing destinations and raptor nest sites to minimise impacts to these values. Possible departure points include Derwent Bridge (9 minute flight time one way) or Lake St Clair (12 minute flight time one way).

The maximum helicopter flight numbers per trip are 2 return flights (which is 4 one way flights) at arrival, and 2 return flights on departure four days later. This results in a maximum of 8 one way flights or 4 return flights per trip. At a maximum of 30 bookings per year, this extrapolates to a maximum of 240 one way/120 return flights per year. These numbers are calculated on the basis of each group requiring two flights each one way transfer as all group members will not fit in one smaller helicopter (6 guests plus 2 guides). If larger helicopters are available that will fit all the group members at once, these will be used and the total number of flights will reduce accordingly. Where possible, trips may also be overlapped so that a new group of guests will arrive and the previous group leave at the same time, reducing the number of flights. Overall, helicopter use will be required for approximately 60 days per year (arrival and departure days for each of the 30 trips).

A Helicopter Landing Site consisting of exposed bedrock suitable for landing has been identified near Halls Island. It is intended to use this area for helicopter landings to avoid the need for additional infrastructure such as a formed heli-pad.

Guests will then walk to the edge of Lake Malbena over an unformed walking track. The walking route from the Helicopter Landing Site to the lake edge will follow the sclerophyll forest / open plain edge as prescribed in the Flora and Fauna Assessment addendum. When using the route between the western plain edge and the lake edge, customers and guides shall use fan-out walking techniques to avoid trampling and track formation.

Transport to Halls Island will then be provided by rowboat, as detailed in Figure 1 below. The proposed boat landing sites are pre-existing areas of naturally exposed bedrock. No construction is proposed at either end of the boat route.

4.3 Standing Camp

The proposal includes construction of four pod buildings on Halls Island to accommodate guests and guides. The overall Standing Camp area would occupy a site of approximately 800m², located approximately 50m north east of Halls Hut (see Figure 1 below).

The three accommodation pods for guests are identical. They will each contain a room with double bed connected to a bathroom with shower and toilet by a small deck. Each accommodation pod will have an internal floor area of 15m² and overall footprint including the deck area of 19.8m² (6m long, 3.3m wide).

The communal pod will contain a dining area, guides accommodation, storage and toilet facilities. The communal pod will also have a deck area between the two internal spaces and a narrow deck extending along one elevation. The internal floor area will be 17.6m² and the overall footprint is 47.5m² including the decks.

The walls and roof of the pods will be clad in Fibreglass Re-enforced Plastic ("FRP") panels painted dark grey. Awnings are to be constructed from folded aluminium fixed plate, also painted dark grey. Windows will be finished in non reflective glazing. Decking will be a mix of perforated FRP board walk and celery top pine decking or similar. The buildings will be fitted with roof mounted solar panels.

The buildings will be largely pre-fabricated offsite and are designed to be fully removable, using only small post footings.

4.4 Board walks and vegetation lancing

Four sections of board walking are to be constructed on Halls Island in order to minimise impacts to sensitive environments and vegetation types. The approximate lengths of these board walks are 25m, 20m, 15m and 12m giving a total of 72m altogether.

The board walks will be constructed from perforated FRP with minimum anchor points. The board walk surface is perforated to allow for greater than 65% light-transmissions, not accounting for the additional light that enters between the board walk and the ground-level. This is consistent with the recommendations in the Flora and Fauna Assessment.

Some selective lancing of plants is required around the helicopter landing site and pod building sites. This typically involves cutting back shrub vegetation by hand. Some specimens of woolly tea tree (*Leptospermum lanigerum*) may need to be removed from the helicopter landing site and relocated. Lancing will be restricted to common and hardy vegetation types such as tea tree, bauera and hakea.

Customer exclusion zones will be enforced in areas with high conservation values that are sensitive to disturbance, as shown in Figure 1 below.

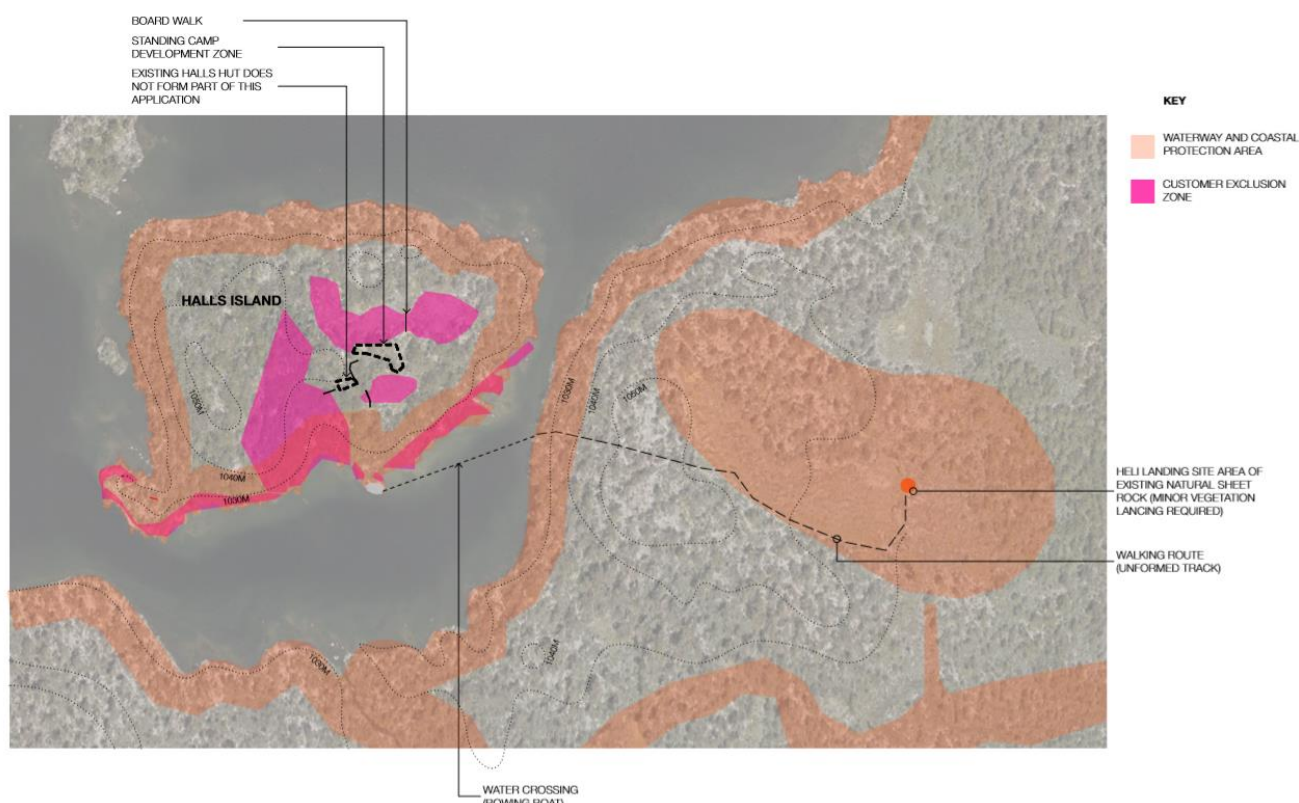


Fig 1. Proposal Plan (Source: Architectural drawing set, Cumulus Studio Pty Ltd).

4.5 Servicing

Rainwater will be collected from the roof of the buildings for re-use. The rainwater storage tanks will be located under each building.

Wastewater will be contained in complete capture pods for disposal offsite. Wastewater pods and water tanks will be fully sealed tanks, located beneath each pod building. The wastewater and water tanks are of the same or similar design to those already in use within the TWWHA at Parks and Wildlife Service facilities, and other private operations. An indicative design of has been provided with the application documents. Spare tanks will be stored on-site (within the pods) for use when full tanks are off-site for disposal.

Grey water will be back loaded on vacant heli-return legs after customers have been dropped off, for disposal outside of the TWWHA. Sewage will be collected annually in pods and emptied off-site. Greywater and sewage will be removed from the site by heli-sling line, a method used throughout the TWWHA to service infrastructure. Approximately 3 hours of helicopter use will be required annually for servicing requirements.

Regular servicing for food and other supplies will occur as part of customer transit flights. This negates the requirement for additional heli-provisioning trips.

Storage of aviation fuel or undertaking any helicopter refuelling operation is not permitted by PWS and will not occur at the Halls Island Helicopter Landing Site or nearby area.

4.6 Construction

The building materials will be delivered to the site by helicopter, likely from Lake St Clair. The buildings will be largely prefabricated, with onsite construction to be completed with hand tools and battery operated electric tools. A small generator will be used for re-charging as needed.

Construction to lock-up stage is expected to be completed in a 20-30 day period. All construction waste will be removed at completion of the build.

Conditions imposed by PWS require the proponent to prepare a Construction Environmental Management Plan (CEMP) prior to commencing construction covering the details of precautions and methods to be used during the construction phase to avoid impacts to the environment.

4.7 Ongoing Management

The proponent is required under the RAA approval and EPBC assessment to prepare a number of reports and plans prior to commencing construction and operation.

Mitigation, management and avoidance measures from the RAA approval and EPBC commitments are to be incorporated into the plans, detailing the practices to be used for the ongoing management of risks and values associated with the use and site.

The required plans include the following:

- Operations Manual
- Construction Environmental Management Plan
- Weed and Hygiene Plan
- Indigenous Heritage Management Plan
- Species and Communities of Significance Plan
- Fire Management Plan
- Customised Fly Neighbourly Advice Impact Mitigation and Avoidance Prescription Plan; and
- Wilderness Characteristics Management Plan

Once the use is operating the PWS will undertake regular monitoring and review of the use to ensure that it is managed appropriately and in accordance with all conditions and commitments. Ultimately, if the operation is not undertaken in accordance with the conditioned requirements and/or causes unreasonable impacts, the PWS have the power to revoke permission to operate.

4.8 Aboriginal Heritage

Aboriginal Heritage Tasmania (“AHT”) has completed an assessment of the proposal, covering the development on Halls Island and the helicopter landing area. The assessment is provided with the application and states that:

- No Aboriginal heritage sites are recorded within or close to the property;
- Due to a review of previous reports and the level of impact intended for the site it is believed that the area has a low probability of Aboriginal heritage being present; and
- Accordingly there is no requirement for an Aboriginal heritage investigation and AHT have no objection to the project proceeding.

An unanticipated discovery plan has been provided. In the event that any suspected Aboriginal heritage is found during construction the works will cease immediately and AHT will be contacted, as required by the *Aboriginal Heritage Act 1975*.

4.9 Flora and Fauna

The proposal documents include a Flora and fauna assessment by Northbarker Ecosystem Services.

The vegetation communities present on Halls Island as identified during a field survey are as follows:

- *Sphagnum* peatland – 0.60 ha (Listed as threatened under *Tasmanian Nature Conservation Act 2002* [“NCA”] and endangered under Commonwealth *Environment Protection and Biodiversity Conservation 1999* [“EPBC”]);
- Lichen lithosphere– 0.18 ha;
- *Athrotaxis selaginoides* rainforest– 0.03 ha – threatened under NCA;
- Highland low rainforest and scrub – 1.16 ha; and
- *Eucalyptus subcrenulata* forest and woodland – 7.8 ha.

Halls Island also has a population of the threatened plant *Pterosphaera hookeriana*, listed as vulnerable under the *Tasmanian Threatened Species Protection Act 1995*.

The only threatened fauna species known to occur within 5km of the site is the Clarence galaxias fish, which is present in the area adjacent to the path from the helicopter landing site to the boat launching site. There is no habitat for the species on Halls Island.

The report recommends that the two threatened vegetation communities and the threatened plant species are protected by avoiding development in these areas and management to avoid fire and trampling by walkers.

The proposed building sites and helicopter site are located in the Lichen lithosphere and *Eucalyptus subcrenulata* forest and woodland communities, which are identified as resilient to a proposal of this nature and with potential impacts considered to be negligible.

The report identifies that board walks designed with minimal footprint and shading could be constructed in other vegetation communities to minimise any potential for impacts to the vegetation from trampling. This recommendation has been used in the design, which incorporates sections of board walk, as described above.

5. Subject site and Locality.

Halls Island is an island with an area of approximately 9.5ha in Lake Malbena, located on the eastern edge of the Walls of Jerusalem National Park and within the Tasmanian Wilderness World Heritage Area.

The altitude of the island ranges from 1030m to 1050m AHD. Average annual rainfall in the area is around 1000mm. The geology of the island is derived from Jurassic dolerite.

Lake Malbena is located approximately 20km north east of Derwent Bridge, which is the closest settlement, and around 30km west of Marlborough Road and the southern end of Great Lake.

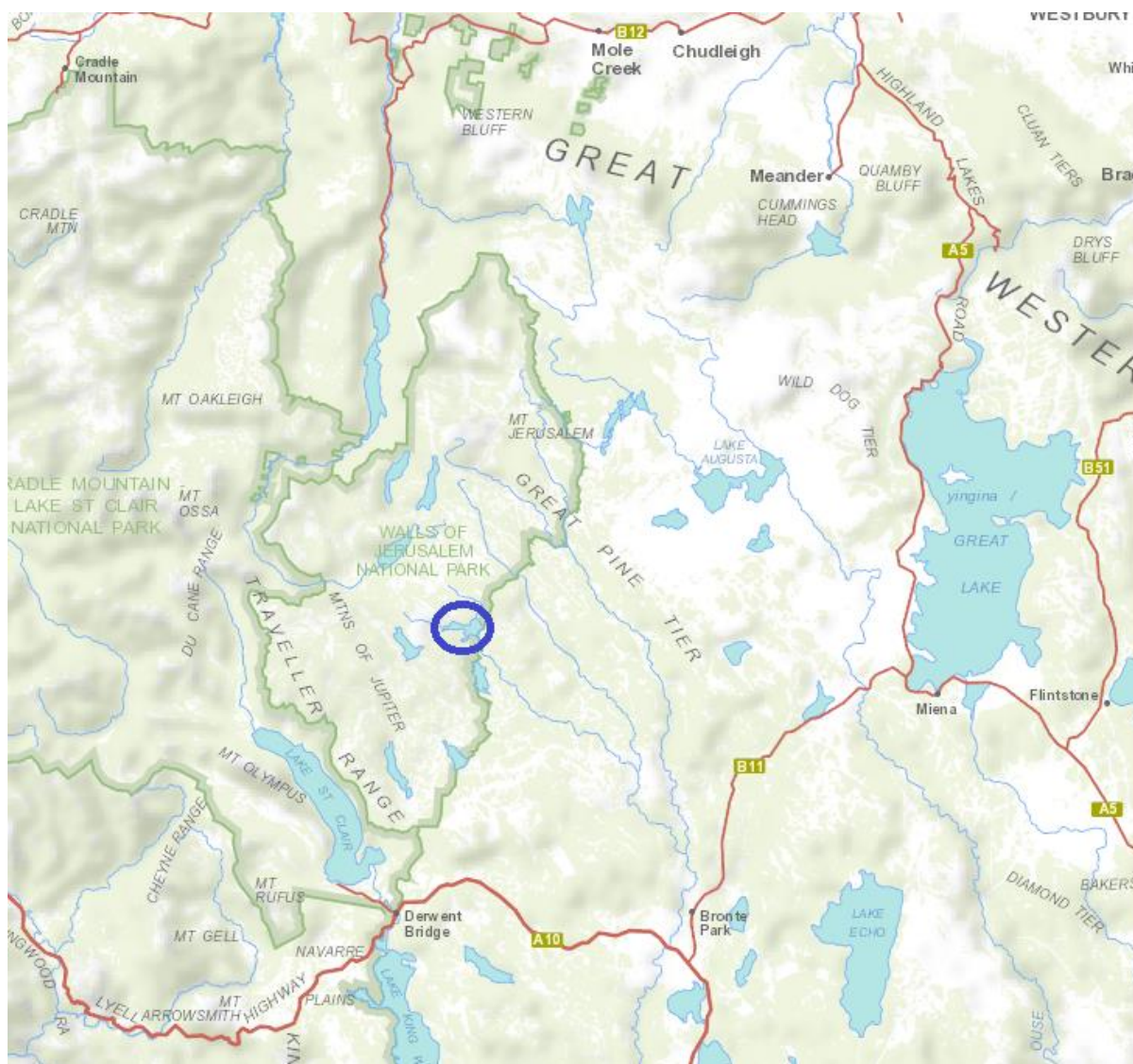


Fig 2. Location of Lake Malbena (circled in blue) (Source: LISTmap).



Fig 3. Zoning of the subject land (approximate location of standing camp and helicopter landing sites marked by red stars) in the Environmental Management Zone (Green). The Waterway Overlay (blue stripe) applies to the helicopter landing area. (Source: LISTmap).

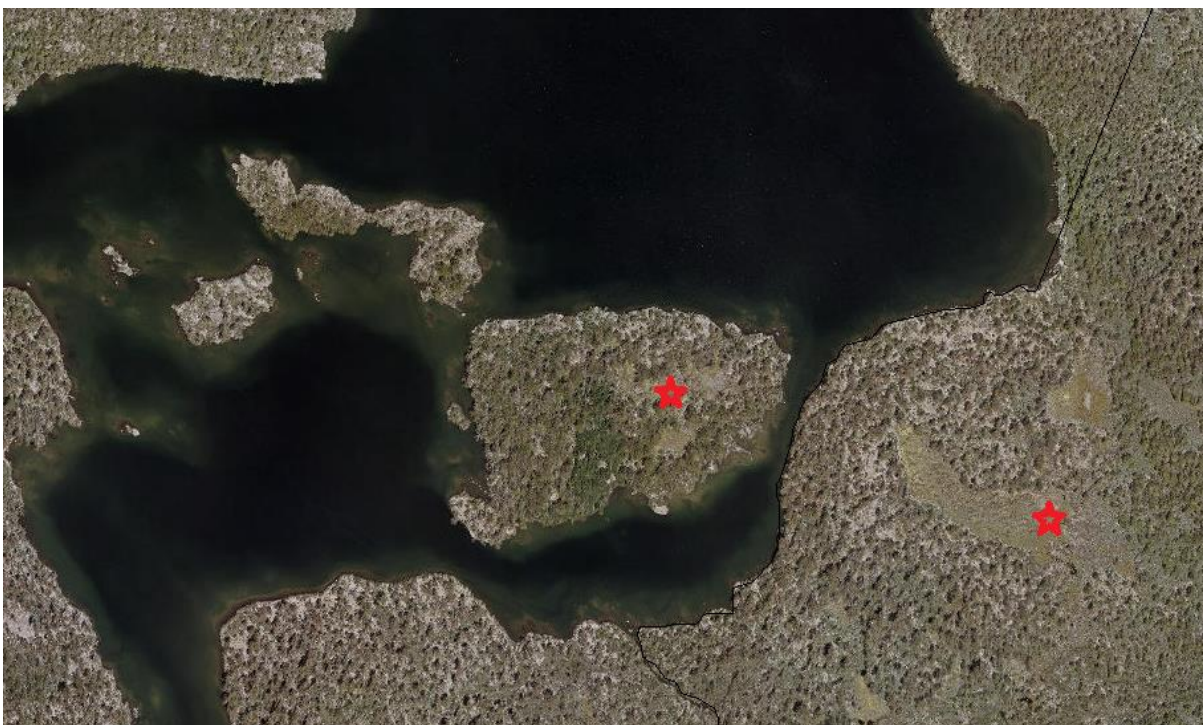


Fig 4. Aerial photo of the subject land and surrounding area, approximate location of standing camp and helicopter landing sites marked by red stars (Source: LISTmap).

6. Assessment - Central Highlands Planning Scheme 2015

6.1 Exemptions

Nil

6.2 Special Provisions

Nil

6.3 Environmental Management Zone - Use Status

Part B Section 8.2 of the Scheme provides the following sub-clauses in relation to categorising the Use and Development of the Land:

8.2.1

Each proposed use or development must be categorised into one of the use classes in Table 8.2.

8.2.2

A use or development that is directly associated with and a subservient part of another use on the same site must be categorised into the same use class as that other use.

8.2.3

If a use or development fits a description of more than one use class, the use class most specifically describing the use applies.

8.2.4

If a use or development does not readily fit any use class, it must be categorised into the most similar use class.

8.2.5

If more than one use or development is proposed, each use that is not directly associated with and subservient to another use on the same site must be individually categorised into a use class.

The proposal is for use and development under the use class *Visitor Accommodation*, as defined in section 8.2 of the Scheme:

“use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.”

In accordance with Part B Section 8.2.1 and Section 8.2.2 the helicopter landing site and associated operations are also assessed under the Visitor Accommodation use class as the helicopter use and the Visitor Accommodation use are directly associated with one another.

The Use Table at Clause 29.2 of the Environmental Management Zone identifies *Visitor Accommodation* as a Permitted use in this Zone, with the qualification “Only if a reserve management plan applies”, which is the case for this proposal.

6.4 Environmental Management Zone - Use standards

The proposal must satisfy the requirements of the relevant use standards of the Environmental Management Zone as follows:

29.3.1 Use Standards for Reserved Land

To provide for use consistent with any strategies for the protection and management of reserved land.

| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
|--|---|---|
| A1 Use is undertaken in accordance with a reserve management plan. | P1 Use must satisfy all of the following: (a) be complementary to the use of the reserved land; (b) be consistent with any applicable objectives for management of reserved land provided by the National Parks and Reserves Management Act 2002; (c) not have an unreasonable impact upon the amenity of the surrounding area through commercial vehicle movements, noise, lighting or other emissions that are unreasonable in their timing, duration or extent. | The applicable reserve management plan is the TWWHA Management Plan 2016. Advice has been provided by PWS stating that the proposal is in accordance with the TWWHA Management Plan 2016 and accordingly, the RAA has been conditionally approved. The proposal therefore complies with A1. |

6.5 Environmental Management Zone - Development standards

The proposal must satisfy the requirements of the development standards of the Environmental Management Zone as follows:

| 29.4.1 Building height To ensure that building height contributes positively to the landscape and does not result in unreasonable impact on residential amenity of adjoining land. | | |
|--|---|--|
| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
| A1 Building height comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no more than 7.5 m. | P1 Building height must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape of the area; (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: (i) overlooking and loss of privacy; (ii) | The proposed buildings will have a maximum height less than 4.3m. There are no prescribed heights under TWWHA Management Plan 2016. The proposal therefore complies with A1. |

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| | visual impact when viewed from adjoining lots, due to bulk and height; (c) be reasonably necessary due to the slope of the site or for the functional requirements of infrastructure. | |
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29.4.2 Setback

To maintain desirable characteristics of the landscape, protect amenity of adjoining lots, avoid land use conflict and fettering of use on nearby rural land and protect environmental values on adjoining land zoned Environmental Living and adjoining land in the World Heritage Area.

| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
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| A1 Building setback from frontage must comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m. | P1 Building setback from frontage must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape; (b) minimise adverse impact on the landscape as viewed from the road; (c) be consistent with the prevailing setbacks of existing buildings on nearby lots; (d) minimise loss of native vegetation within the front setback where such vegetation makes a significant contribution to the landscape as viewed from the road. | The planning scheme defines frontage as a boundary of a lot which abuts a road. In this case the site does not abut a road, so there is no front boundary. Therefore this clause does not apply. |
| A2 Building setback from side and rear boundaries must comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m. | P2 Building setback from side and rear boundaries must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape; (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: | Buildings are setback more than 30m from any boundary. There are no proscribed setbacks under TWWHA Management Plan 2016. The proposal therefore complies with A2. |

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| | <p>(i) overlooking and loss of privacy;</p> <p>(ii) visual impact, when viewed from adjoining lots, through building bulk and massing.</p> | |
| <p>A4 Building setback for buildings for sensitive use (including residential use) must comply with all of the following:</p> <p>(a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m;</p> <p>(b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.</p> | <p>P4 Building setback for buildings for sensitive use (including residential use) must satisfy all of the following:</p> <p>(a) be sufficient to prevent potential for land use conflict that would fetter resource development use of adjoining land;</p> <p>(b) be sufficient to provide a separation distance no less than:</p> <p>40 m from land zoned Rural Resource or if there is an existing building with a separation distance less than this distance, the separation distance must not be less than the existing building;</p> <p>80 m from land zoned Significant Agriculture or if there is an existing building with a separation distance less than this distance, the separation distance must not be less than the existing building.</p> | <p>The site is surrounded by Environmental Management Zone.</p> <p>There is no land zoned Rural Resource or Significant Agriculture within the specified distances.</p> <p>The proposal complies with A4.</p> |
| <p>A5 Buildings setback from the Tasmanian Wilderness World Heritage Area must comply with any of the following:</p> <p>(a) as proscribed in an applicable reserve management plan;</p> <p>(b) be no less than 500 m.</p> | <p>P5 Building setback from the Tasmanian Wilderness World Heritage Area must satisfy all of the following:</p> <p>(a) there is no significant impact from the development on the environmental values of the land within the World Heritage Area;</p> <p>(b) the potential for the spread of weeds or soil pathogens onto the land within the World Heritage Area is minimised;</p> <p>(c) there is minimal</p> | <p>The site is not located on land adjoining the Tasmanian Wilderness World Heritage Area but rather on land within the Tasmanian Wilderness World Heritage Area.</p> <p>The Acceptable Solution, as written, does not specifically address development within the TWHAA. The development cannot comply with the Acceptable Solution (which has not accounted for development within the TWHAA). Also the Reserve Management Plan 2016 does not provide any setback distances for</p> |

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| | <p>potential for contaminated or sedimented water runoff impacting the land within the World Heritage Area;</p> <p>(d) there are no reasonable and practical alternatives to developing close to the land within the World Heritage Area.</p> | <p>development adjoining the TWWHA boundaries and nor can it provide setback distances for development within such boundaries as that is illogical. The same applies to the 500m setback distance.</p> <p>The Acceptable Solution could be deemed as "Not Applicable".</p> <p>However, per Part 8.10 of the Scheme, the Acceptable Solution or Performance Criteria are used to determine compliance with the overall objective of the standard. In this case the objective encompasses a number of matters and is not limited to impacts on a single zone or land type or land use.</p> <p>It follows that assessment against the Performance Criteria is necessary insofar as assessing against the objective of the standard and to avoid any doubt as to whether the objective has been met.</p> <p>In considering the objective and considering the impact on the values of the TWWHA the conditionally approved RAA demonstrates that the environmental values are adequately protected.</p> <p>The following sub criteria of the Performance Criteria P5 are assessed:</p> <p>(a) The Development Application includes detailed information addressing the environmental values of the development site and surrounding area and the methods that will be used to avoid significantly impacting those values. The RAA, which focusses on this issue, has deemed such impacts as acceptable.</p> <p>(b) The application addresses</p> |
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| | | <p>these matters and accepted methods to avoid spread of weeds or soil pathogens will be employed both during construction and ongoing operation. Additionally, the proponent must address these matters in detail in management plans to be submitted to PWS before the use and development commences.</p> <p>(c) The proposal will utilise construction techniques that minimise the requirement for any disturbance to the ground surface. There will be no significant excavations, with only small post footings required for the buildings. This minimises potential for any sediment runoff during construction.</p> <p>Additionally, the proponent must prepare a Construction Environmental Management Plan (CEMP) prior to commencing construction covering the details of precautions and methods to be used during the construction phase to avoid impacts to the environment.</p> <p>Rainwater from the roof of the buildings will be captured and stored in tanks for re-use, avoiding runoff of concentrated stormwater.</p> <p>(d) This proposal has been developed in response to an invitation from the Tasmanian Government to expand tourism opportunities in reserved areas, including the TWWHA.</p> <p>The proposal has been conditionally approved by PWS and granted the necessary lease/licences to use the Crown land.</p> <p>The proposed tour experience has been designed to display and share the World Heritage values and features of Halls</p> |
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| | | Island and the surrounding area, and as such the location is integral to the proposal. |
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29.4.3 Design

To ensure that the location and appearance of buildings and works minimises adverse impact on natural values and on the landscape.

| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
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| <p>A1 The location of buildings and works must comply with any of the following:</p> <p>(a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline;</p> <p>(b) be located within a building area, if provided on the title;</p> <p>(c) be an addition or alteration to an existing building;</p> <p>(d) as prescribed in an applicable reserve management plan.</p> | <p>P1 The location of buildings and works must satisfy all of the following:</p> <p>(a) be located in an area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</p> <p>(iii) the location of clearing has the least environmental impact;</p> <p>(b) be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;</p> <p>(ii) there is no significant impact on the rural landscape;</p> <p>(iii) building height is minimised;</p> <p>(iv) any screening vegetation is maintained.</p> | <p>The proposal includes some lancing/pruning of native vegetation and some works associated with the foundations for the buildings and walkways. Assessment against the performance criteria is required.</p> <p>(a) The locations of the proposed buildings and the helicopter land site have been chosen specifically to minimise the need for removing vegetation and to avoid more sensitive vegetation types.</p> <p>However, some lancing/pruning of more robust species such as tea trees, baueras and hakeas is required. Some specimens of woolly tea tree (<i>Leptospermum lanigerum</i>) may need to be removed from the helicopter landing site and relocated. This will be done by hand and only to the extent necessary to allow for the buildings to be constructed and for a safe area for the helicopter land site.</p> <p>(b) The buildings and works are not located on a skyline or ridgeline, so comply with this standard.</p> <p>(c) There are no Desired Future Character Statements in the Environmental Management Zone.</p> <p>The proposal complies with the performance criteria.</p> |

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| | (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape. | |
| A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent. | P2 Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas. | The buildings and board walks will be finished in dark grey materials and some timber decking. The exterior surfaces will have light reflectance values not greater than 40 percent, in compliance with the acceptable solution. |
| A3 Fill and excavation must comply with all of the following: (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access. | P3 Fill and excavation must satisfy all of the following: (a) there is no adverse impact on natural values; (b) does not detract from the landscape character of the area; (c) does not impact upon the privacy for adjoining properties; (d) does not affect land stability on the lot or adjoining land. | The proposed works are required for, and limited to, the relatively small foundations for the buildings and walkways. Therefore the works are compliant with both A3 (a) and (b). The proposal complies with the acceptable solution. |

6.6 Codes

6.7 E7.0 Stormwater Management Code:

This Code applies to development requiring management of stormwater. In this case the proposal includes roofed buildings.

The proposal must satisfy the requirements of the *relevant* standards of the Code as follows:

| E7.7.1 Stormwater Drainage and Disposal To ensure that stormwater quality and quantity is managed appropriately. | | |
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| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
| A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. | P1 Stormwater from new impervious surfaces must be managed by any of the following: (a) disposed of on-site with soakage devices having regard to the suitability of the site, the | Public stormwater infrastructure is not available at this site, so assessment against the performance criteria is required. Stormwater from the buildings will be collected in rainwater tanks for re-use. |

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| | <p>system design and water sensitive urban design principles</p> <p>(b) collected for re-use on the site;</p> <p>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</p> | This complies with part (b) of the performance criteria. |
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The standards E7.7.1 A2/P2, A3/P3 and A4/P4 are not applicable to this proposal.

6.8 E11.0 Waterway and Coastal Protection Code:

This Code applies to the proposal as the helicopter landing site is located within a Waterway Protection Area.

The proposal must satisfy the requirements of the *relevant* standards of the Code as follows:

| E11.7.1 Buildings and Works To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values. | | |
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| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
| A1 Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme. | P1 Building and works within a Waterway and Coastal Protection Area must satisfy all of the following: <p>(a) avoid or mitigate impact on natural values;</p> <p>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</p> <p>(c) avoid or mitigate impacts on riparian or littoral vegetation;</p> <p>(d) maintain natural streambank and streambed condition, (where it exists);</p> <p>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(f) avoid significantly impeding natural flow and</p> | <p>The site is not subject to a building area on a plan of subdivision approved under this planning scheme. Assessment against the performance criteria is therefore required.</p> <p>The only part of the development that falls within a Waterway Protection Area is the Helicopter Landing Site. This site is exposed flat bedrock with various shrubs and sedges occupying the fissures and spaces between the rocks.</p> <p>The only works necessary in this area is relocation of some loose rocks and lancing/pruning of shrub vegetation and possible removal of some tea trees, to be replanted nearby if possible.</p> <p>(a) The Helicopter Landing Site on an area of exposed rock has been chosen to minimise impacts to natural values. The</p> |

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| | <p>drainage;</p> <p>(g) maintain fish passage (where applicable);</p> <p>(h) avoid landfilling of wetlands;</p> <p>(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.</p> | <p>Flora and Fauna assessment has assisted in the choice of location, which avoids protected and sensitive vegetation types. Some lancing/removal of vegetation is required, but it is minimal and only impacts vegetation types that are not rare or threatened.</p> <p>(b) The proposal does not include any excavation or activities that could cause erosion, sedimentation and runoff impacts within the Waterway Protection Area.</p> <p>(c) The proposal includes minimal impacts to vegetation and will take place only on the exposed rock area of the Helicopter Landing Site within the Waterway Protection Area.</p> <p>(d) The proposal will not effect streambank and streambed condition.</p> <p>(e) The proposed works are not in a watercourse and will not effect in-stream natural habitats.</p> <p>(f) The proposed works will not result in any significant effect on natural flow or drainage.</p> <p>(g) The proposal will not effect fish passage.</p> <p>(h) No landfilling is proposed.</p> <p>(i) The proposal will not require use of any machinery and will be undertaken in accordance with the 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).</p> <p>The proposal complies with the</p> |
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| | | performance criteria. |
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| A4 Development must involve no new stormwater point discharge into a watercourse, wetland or lake. | P4 Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all of the following: (a) risk of erosion and sedimentation is minimised; (b) any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed; (c) potential for significant adverse impact on natural values is avoided. | The proposal does not include any stormwater point discharge into a watercourse, wetland or lake. Stormwater will be collected in tanks for re-use onsite. The proposal complies with the acceptable solution. |

The standards E11.7.1 A2/P2 and A3/P3 are not applicable to this proposal.

7. Representations

The proposal was initially advertised for the statutory 14 day period from 19th January 2019 until 4th February 2019. Due to the bushfire emergency in the Central Highlands, it was decided to extend the advertising period until 15th February 2019.

A total of one thousand three hundred and forty six (1346) representations were received. Three of the submissions are in support of the proposal and the remainder object to it.

Around 1100 of the representations were form letters largely raising the same issues repeatedly, although some of these submissions did also include some personal comments as well.

Generally, the submissions have been received from a wide variety of people from different backgrounds, including many local residents and ratepayers, other Tasmanians and people from interstate. Many representors have long, sometimes multi-generational histories of visiting the Central Plateau and TWWHA area, largely for recreation purposes including walking, fishing and camping. Representations have been received from a number of interest groups including conservation organisations, user groups including fishing and walking clubs/associations and many from tourism operators and guides working in and around the area.

The issues raised in the representations are presented in the table below. Due to the large number of submissions and relative complexity of many of them it has been necessary to summarise and group the matters raised. This provides some structure to assist with understanding the issues and to enable the responses to be prepared logically and efficiently.

In order to quantify the responses, a count is provided in the right column indicating how many representors raised each issue. Examples have also been provided to illustrate each matter using representative excerpts taken directly from various submissions.

| Issue | Officer comments | # representors raising issue |
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| Issue 1 Opposition to Helicopter access | <i>The helicopter access, the use of helicopters and the land designated as the landing pad within the TWWHA are assessed and considered as being directly associated with and subservient</i> | |

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| | <p><i>to the Visitor Accommodation Use on the site.</i></p> <p><i>The requirement to categorise all related use and as a single use class is a specific requirement of Part B Section 8.2 of the Planning Scheme. The Scheme requires any development or use that is subservient to the primary use, must be classed as the same use and not a separate use altogether. This is further explained in Part 6.3 this report.</i></p> <p><i>The “Visitor Accommodation” Use is a Permitted use in the Environmental Management Zone under the Use Table 29.2 with the qualification that “Only if a reserve management plan applies”.</i></p> <p><i>A Reserve Management Plan applies to the land and the use and development has already been conditionally approved under the RAA process by Parks and Wildlife Service.</i></p> <p><i>Under the Scheme there is only one (1) use standard for the Environmental Management Zone. That is Use Standard 29.3.1 that has the Acceptable Solution A1 requiring that “Use is undertaken in accordance with a reserve management plan”. Given the Parks and Wildlife Service have already conditionally approved the helicopter usage under the RAA then it follows the use complies with the Acceptable Solution.</i></p> <p><i>The conditional approvals under the RAA, by the Parks and Wildlife Service demonstrate that the use is acceptable under the Reserve Management Plan. That is the Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan 2016.</i></p> <p><i>The Planning Authority does not have discretion to refuse the use of helicopters associated with the Visitor Accommodation Use per the applicable use standard 29.3.1 of the Scheme.</i></p> | |
| <p>Sub-issue 1.1:</p> <p>Helicopter use detracts from wilderness values and experience for other users.</p> <p>Noise of helicopters is very intrusive.</p> | <p><i>The Use Standard 29.3.1 is the only means of addressing these issues under the Planning Scheme and the proposal complies.</i></p> | 1295 |

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| <p>Helicopter use should continue to be highly regulated.</p> <p>Examples:</p> <p>“ a helicopter overhead destroys the essence of the experience current users enjoy.”</p> <p><i>“Having helicopters flying overhead constantly pretty much instantly kills that buzz.”</i></p> <p>“The noise these helicopters would generate would disturb what is an otherwise peaceful & tranquil setting for campers hikers & fishermen like myself & therefore goes against the spirit of what a world wilderness heritage area is all about.”</p> <p><i>“The sound of a helicopter destroying the very thing people go to the park to enjoy, is wrong, wrong, wrong. It is one of the most intrusive noises you can hear. It should be the sound you hear out there if there is an emergency, and never else.”</i></p> <p>“Although the DA attempts to minimize the visual and sonic impact of these flights on other visitors to the area by suggesting "between 18 and 22 minutes flight time" and "more than 300 days per year where there are no flights", this means that for more than 60 days per year - concentrated in a few summer months - any walkers in this Western Lakes area are likely to see or hear a helicopter. Due to the location of Lake Malbena, well within the TWWHA, any flight path would have this effect. From personal experience, I cannot emphasize too strongly the negative impact on the experience of the wilderness visitor of just one helicopter passing overhead when they have spent one or two days walking to a remote location for the peace, quiet and solitude this affords, only to be disrupted by the jarring noise of a passing chopper.”</p> | <p><i>The Planning Authority does not have discretion to refuse the use of helicopters associated with the Visitor Accommodation Use per the applicable use standard 29.3.1 of the Scheme as the proposal meets the Acceptable Solution. That is 29.3.1 A1 “Use is undertaken in accordance with a reserve management plan.” Given the advice received from the PWS and the conditional approvals already issued the Planning Authority should be satisfied that the Acceptable Solution has been met.</i></p> | |
| <p>Sub-issue 1.2:</p> <p>Departure points and flight path over TWWHA</p> | <p><i>The flight paths and helicopter operations have been considered and conditionally approved under the RAA process.</i></p> | <p>23</p> |

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| <p>Examples:</p> <p>“Although the recommended flight path has been nominated to reduce the impact of the helicopter flights on the species, any flights (especially during breeding season) will be very disturbing to the avian population. There is the issue of compliance and enforcement of the helicopter flight frequency and flight path if the proponent is allowed to self-manage these aspects with no oversight. GPS flight log should be maintained and available for inspection by the appropriate authority.”</p> <p><i>“clearly this would not be the case as helicopter transport would have to come from either Hobart or Launceston & must traverse the WWHA in order to be commercially viable.”</i></p> <p>“There are a number of access routes to Lake Malbena used by walkers. These include a walking route from Lake Ina to Lake Malbena which heads across country to meet the Nive River near Lake Tidler and follows up the Nive River to Lake Malbena, following a marked route from Olive Lagoon or crossing Chinamans Plains. Helicopters frequently flying overhead across any of these routes will significantly compromise the wilderness experience for traditional bush walkers. The proposed flight path closely follows the Lake Ina to Lake Malbena walking route.”</p> | | |
| <p>Sub-issue 1.3:</p> <p>Total number of flights is of concern.</p> <p>Flights will be concentrated during warmer months when other users are also in the area.</p> <p>Examples:</p> <p><i>“The development proposal will involve up to 240 helicopter flights per year plus an unspecified number of additional flights to service the project. The noise impact of these flights will result in noise emissions that would severely impact on the aesthetic values of the TWWHA which have been recognised as being of Outstanding</i></p> | <p><i>The flight paths and helicopter operations have been considered and conditionally approved under the RAA process.</i></p> | <p>1206</p> |

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| <p><i>Universal Value by UNESCO.”</i></p> <p>“ They are not going restrict their operation to 60 days a year when the prime time for catching trout runs from November to March. That’s 152 days! Not 60! Apparently the documents lodged with your council state there will be 30 tours of 6 people with up to 8 flights per tour. That’s 240 flights for the 60 days or a maximum of 608 flights for 152 days.”</p> | | |
| <p>Issue 2</p> <p><i>TWWHA Values and Management Plan</i></p> | | |
| <p>Sub-issue 2.1:</p> <p>Proposal is generally inconsistent with the intent of the TWWHA to conserve World Heritage Values.</p> <p>Example:</p> <p>“As one of the 2 most highly decorated UNESCO World Heritage sites in the world (satisfying 7 of the 10 criteria to gain World Heritage status) it is imperative that the integrity of the TWWHA is upheld and respected”</p> <p><i>“In 2015 the World Heritage Committee urged Australia to review the draft management plan for TWWHA with particular respect to the Outstanding Universal Values of wilderness. The World Heritage Committee has repeatedly called for protection of our wilderness areas.”</i></p> <p>“The Advisory body to the State government, the National Parks and Wildlife Advisory Council, following an assessment of the proposal advised that it was not supported because it was not complementary to, or consistent with the TWWHA Management Plan 2016”</p> | <p><i>The “Visitor Accommodation” Use is a Permitted use in the Environmental Management Zone under the Use Table 29.2 with the qualification that “Only if a reserve management plan applies”.</i></p> <p><i>A Reserve Management Plan applies to the land and the use and development has already been conditionally approved under the RAA by Parks and Wildlife Service.</i></p> <p><i>The Parks and Wildlife Service have deemed the use to be in accordance with the Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan 2016. The Parks and Wildlife Service are effectively the authority on this matter.</i></p> | 1276 |
| <p>Sub-issue 2.2:</p> <p>Proposal is more than a ‘standing camp’ with permanent buildings.</p> <p>Example:</p> <p>“inconsistent with the Tasmania’s Wilderness Word Heritage Area</p> | <p><i>The Parks and Wildlife Service have deemed the use to be in accordance with the Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan 2016. The Parks and Wildlife Service are effectively the authority on this matter.</i></p> | 1208 |

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| <p>(TWWHA) Management Plan 2016, which allows only standing camps in the self-reliant recreation zone. The referral describes the project as far more than a standing camp, with hut and multiple other buildings proposed to be constructed from timber and steel.”</p> <p><i>“While the Halls Island development is proposed as a "standing camp" this misrepresents what are a group of four permanent structures, creating a development far larger and very different in character from the historic hut on Halls Island (which of course dates from an era previous to the TWWHA). Rather than extending the tradition established by the historic hut, the proposed development will overshadow and impact on this piece of cultural heritage.”</i></p> | | |
| <p>Sub-issue 2.3:</p> <p>Proposal does not meet Self-Reliant Recreation Zone definition / is not ‘Self Reliant’.</p> <p>Example:</p> <p>“ The introduction of standing camps and helicopter access does not in any way suggest ‘Self Reliance’!”</p> <p><i>“If Lake Malbena now falls within a Self-Reliant Recreation Area, let the users show self reliance and walk to the lake.”</i></p> | <p><i>The Parks and Wildlife Service have deemed the use and development to be in accordance with the Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan 2016. The Parks and Wildlife Service are effectively the authority on this matter.</i></p> | 1191 |
| <p>Sub-issue 2.4:</p> <p>Changes from previous TWWHA Management Plan.</p> <p>Changes made to accommodate this proposal.</p> <p>Examples:</p> <p><i>“The Tasmanian community strongly responded to the proposed amendments to the Tasmanian Wilderness World Heritage Area Management Plan in 2015 with over 7,000 submissions forwarded; the majority not supportive of the changes. Sadly many of those changes came to fruition in the current Management Plan</i></p> | <p><i>This is not a matter for the Planning Authority to consider in assessing this Development Application. Changes to the Reserve Management Plan do not form a part of the Development Application.</i></p> | 125 |

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| <p><i>(2016) which has seen significant watering down of the laws and regulations protecting our world heritage areas.”</i></p> <p>“This plan was approved by the Federal Government because they changed the management plan to accommodate it. It would not have been passed if the plan had not been changed.”</p> <p><i>“If the relevant objects in the plan of management are ignored, then an approval of this proposal will undermine governance of national parks through plans of management in Tasmania. In other words, park management plans become meaningless and more likely to be disregarded by the community. Hunters, fishers, bushwalkers, off road vehicle users would all be encouraged to do as they please because developers can ignore the rules. Damage to park governance will have tragic consequences as the Tasmanian World Heritage wilderness”</i></p> | | |
| <p>Sub-issue 2.5:</p> <p>Does not comply with requirements for new tracks/reroutes of tracks.</p> <p>Example:</p> <p>“The TWWHA Management Plan states that any “new tracks or reroutes” should only be for “environmental/management purposes only” (p79). The proposal details new tracks that are for tourism/recreation in the self-reliant recreation zone and wilderness zone”</p> | <p><i>The Parks and Wildlife Service have deemed the use and development to be in accordance with the Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan 2016. The Parks and Wildlife Service are effectively the authority on this matter.</i></p> | 8 |
| <p>Sub-issue 2.6:</p> <p>The proposal will have negative impacts on the mapped/recognised Wilderness values which contribute to the World Heritage value of the area.</p> <p>Examples:</p> <p>“The proposal would have a negative impact on mapped wilderness values, a World Heritage value and significant component of Outstanding Universal Value, important for the maintenance of the integrity of the TWWHA. Lake Malbena is of high wilderness value</p> | <p><i>The Parks and Wildlife Service have deemed the use and development to be in accordance with the Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan 2016. The Parks and Wildlife Service are effectively the authority on this matter.</i></p> | 843 |

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| <p>and huts and commercial helicopter access degrade wilderness.”</p> <p><i>“The construction of new buildings, such as the hut and accommodation buildings proposed by Wild Drake Pty Ltd would have a demonstrable negative impact on the ‘naturalness’ and ‘remoteness from settlement’ components of wilderness. Similarly, the establishment of a private, commercial helipad will impact ‘time remoteness’ and degrade wilderness.”</i></p> <p>“I do not believe any proposed management actions can mitigate these impacts on wilderness, making the project clearly unacceptable.”</p> | | |
| <p>Issue 3</p> <p>Privatisation of Public land in a National Park for a commercial operation.</p> | <p><i>The land is owned by the Crown. The Minister of the Crown administering the land has given permission for the making of the Application to Council per Section 52 of the Act.</i></p> <p><i>There is no scope otherwise provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of the Development Application assessment.</i></p> | |
| <p>Sub-issue 3.1:</p> <p>Opposition to granting of an exclusive lease for exclusive access and commercial development rights in a National Park/TWWHA.</p> <p>Examples:</p> <p>“The vision of the PWS states that national parks are for all people for all time”</p> <p><i>“The island , in what is a National Park, and should be open to all”</i></p> <p>“The quasi-privatisation of Halls Island to the Hackett family is an abhorrent proposal as it falls within the TWWHA and therefore cannot be allowed to take place. I believe the original private lease of Halls Hut was for the location of the hut only and anyone who ventured there was welcome to visit respectfully. Using the Tasmanian</p> | <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of the Development Application assessment.</i></p> | <p>1213</p> |

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| <p>Goverment's mapping program (TheList), the lease has now enveloped the whole island. This has taken place without any proper consultation and needs to be reneged immediately. These reserved areas are both for everyone and noone, by that I understand the environment laws to be that either everyone has access or no-one does. Definitely not a select few high paying guests to a private luxury standing camp."</p> <p><i>"The proponent's submissions place great importance on the cultural history of Halls Island, etc. It is an important part of Tasmanians' cultural history, and Tasmanians and visitors have previously had free and open access to it. Unfortunately if your council approves Wild Drake's proposal, experience of that history, and that place, will only be available to those who can afford to pay for it."</i></p> <p>"As a resident and ratepayer of the Central Highlands, I can think of no better place to live in Tasmania. What makes it so great is all the varied wilderness which is accessible to all. While some of the wonderful places require a short drive, a little stroll or a longer hike, the areas are open to all, whether it be district residents, shack owners or interstate visitors"</p> | | |
| <p>Sub-issue 3.2:</p> <p>Restriction of access to Halls Island for other people.</p> <p>Example:</p> <p><i>"Even though the proponent claims that he will allow limited public access, this is not actually the case, and he is banning access to all but a select few - the very definition of private access only."</i></p> <p>"Wild Drake owners said they would allow public access to Halls Island to anyone with, & I quote, "with a history of respectful relations with the owners!" Well, doesn't that say something! Previously they said they would allow access for a limited number of days in the year. I'm guessing middle of winter. What do you think?"</p> <p><i>"I am appalled that the government</i></p> | <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of the Development Application assessment.</i></p> | <p>138</p> |

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| <p><i>seems set on allowing this proposal to succeed, given that the proponent intends excluding the general public from any future access to the island."</i></p> <p><i>"Access to Halls Hut for the general public is only to occur "on request" and "when appropriate". Who decides this? Access to Halls Hut and Halls Island is currently available to any person bushwalking or fishing in the area but would only be available at the discretion of a commercial developer. "</i></p> | | |
| <p>Issue 4</p> <p><i>The Walls of Jerusalem area is highly valued by many local and Tasmanian people and repeat visitors from interstate/overseas.</i></p> <p><i>Many people have multi-generational connections to the area.</i></p> <p><i>The proposal will negatively impact the values of the area and the experience sought by existing users and visitors.</i></p> | <p><i>The land and subject site is in the Environmental Management Zone. The purpose of the Zone is provided under Section 29.1.1 of the Scheme – that is:</i></p> <p><i>29.1.1.1</i> <i>To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.</i></p> <p><i>29.1.1.2</i> <i>To only allow for complementary use or development where consistent with any strategies for protection and management.</i></p> <p><i>29.1.1.3</i> <i>To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland areas.</i></p> <p><i>29.1.1.4</i> <i>To recognise and protect highly significant natural values on private land.</i></p> <p><i>29.1.1.5</i> <i>To recognise and protect reserved natural areas as great natural assets.</i></p> <p><i>The Planning Authority can only give consideration to the purpose statements where considering a <u>performance criterion</u>.</i></p> <p><i>In this case the use is permitted in the Zone per the Use Table 29.2.1 where a Reserve Management Plan applies (as it does in this the case).</i></p> <p><i>In essence the consideration of the</i></p> | |

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| | <p><i>impact on the values of the area as prescribed and as otherwise described in the Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan 2016 are a matter for the Parks and Wildlife Service.</i></p> <p><i>The Planning Scheme does not provide the scope for this matter to be considered.</i></p> | |
| <p>Sub-issue 4.1:</p> <p>Proposal will have negative impacts on local, regular and/or long term users of the area including walkers, fishers and the like.</p> <p>Examples:</p> <p>"The walls of Jerusalem is an area where my friends and I have been going for as long as we can remember"</p> <p><i>"I have extensively explored the area whilst bushwalking as I have spent much of the last two decades living in the Northern Midlands."</i></p> <p>"significantly lessen the experience of walkers and fishers who have been visiting this area for many generations and will redefine the term wilderness"</p> | <p><i>See the comments above.</i></p> | 930 |
| <p>Issue 5</p> <p><i>Benefits to a few at the expense of many</i></p> | | |
| <p>Sub-issue 5.1:</p> <p>The proposal will provide benefits to a few (tourists and operators) at the expense of many locals/long term users of the area.</p> <p>Examples:</p> <p>"This proposed luxury accommodation at Lake Malbina comes at a price per night most Tasmanians don't see in their monthly paycheque, or if you are a farmer, a figure you might see in your monthly overdraft. It takes from us, the Tasmanian people, to give to the international super rich."</p> <p><i>"The development proposal is both selfish and short sighted. Selfish, because it seeks gain for some at the</i></p> | <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of the Development Application assessment.</i></p> | 124 |

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| <p><i>expense of others, and short sighted because it will destroy a diminishing, marketable commodity - our wild and remote areas"</i></p> <p>"Shack owners aren't cashed up FIFOs. They are everyday people who enjoy the pleasures of the country on land outside the Park.... I want to be proud to be part of a Tasmania that protects and preserves our, and it is our, wilderness for the future."</p> <p><i>"It is sometimes argued that wilderness is elitist - that it is only accessible to the young and fit. What is more elitist that making wilderness accessible to the wealthy few, at the expense of the experience of those less affluent, for the profit of a small number of individuals?"</i></p> | | |
| <p>Sub-issue 5.2:</p> <p>There will be little economic benefit to Tasmania or the local area from the proposal eg employment, increased business for existing services etc</p> <p>Example:</p> <p>"There would have to be huge benefits to the municipality and to Tasmania for this proposal to be considered. Employment? Little, and would be no different if the so called camp were outside the Park. The proponents have the right to enrich themselves, but not at our expense. The detriments far outweigh the benefits."</p> <p><i>"The benefits, economic or otherwise, of the proposed development to the Central Highlands community are negligible or non-existent. Clients will be flown into and out of the Central Highlands area and are unlikely to ever spend any time in local communities or supporting local businesses. In contrast, current users of the area such as bushwalkers and anglers often spend time in the Central Highlands area and directly support local businesses such as shops, accommodation and food providers."</i></p> | <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of the Development Application assessment,</i></p> | 35 |
| <p>Issue 6</p> <p>Tourism - Negative impacts to broader tourism and Tasmanian</p> | | |

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| brand. | | |
| <p>Sub-issue 6.1:</p> <p>The proposal is not the right kind of tourism for this area or Tasmania generally.</p> <p>The development will detract from the economic value of the wilderness areas of Tasmania in the future.</p> <p>Examples:</p> <p>“Tasmania is in a unique position where we can create our own unique and sustainable version of ‘eco-tourism’ that we can call ‘Responsible Tourism’ that will harvest the vast TWWHA we are lucky to have and use it in a sustainable way that will have economical benefits for not just a small number of years, but for the indefinite future to come.”</p> <p><i>“Please do not follow the ‘mass tourism’ model many other countries have adopted. It is not sustainable, and it will destroy every wilderness value that our WWHA currently represents”</i></p> <p>“By building a standing camp on Halls Island, sure, a private company may (significantly) benefit financially, but it will be to the detriment of general tourism in Tasmania.”</p> <p><i>“It will not improve our reputation as a wilderness destination; it will detract from it, just as it has detracted from the wilderness experience in New Zealand.”</i></p> <p>“We need to keep our wilderness as large and untouched as we can. It’s Tasmania’s biggest asset. “</p> <p>“I feel strongly that the value of the Central Highlands wilderness area will be more valuable to our community in the future without this type of commercial development of it now.”</p> | <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of the Development Application assessment,</i></p> | 83 |
| <p>Sub-issue 6.2:</p> <p>Not opposed to tourism in wilderness/National Parks generally but opposed to aspects of this proposal.</p> <p>Example:</p> <p>“I am not at all opposed to tourism or adventure tourism in our iconic</p> | <p><i>The Environmental Management Zone allows for a range of uses in the TWWHA, many of which are permitted where both a Reserve Management Plan Applies and where such a use is also in accordance with the Reserve Management Plan.</i></p> <p><i>The Use and question of whether or not a helicopter should be allowed to</i></p> | 39 |

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| <p>locations. In fact I think having huts in some wilderness areas (for example cradle huts on the Overland) is beneficial to the area, as it makes them accessible to those who would not normally connect with the place”</p> <p><i>“By all means open access to the wilderness, just not with helicopters.”</i></p> <p>“Tourism is terrific for Tassie. The Thousand Lakes Lodge is the perfect example of what works in the Western Lakes”</p> | <p><i>operate in the TWHAA is a matter determined by the Parks and Wildlife Service. The Planning Scheme does not provide the scope to consider this matter separately.</i></p> | |
| <p>Issue 7</p> <p>Setting a Precedent and Cumulative Impacts of similar proposals</p> | <p><i>The Environmental Management Zone allows for a range of uses in the TWWHA. Many of which are permitted where both a Reserve Management Plan Applies and where such a use is also in accordance with the Reserve Management Plan.</i></p> <p><i>The issue of whether or not further development or use should occur in the TWHAA is a matter for the Parks and Wildlife Service as both the owner and administrator of the land.</i></p> <p><i>The proposal is a permitted use, meaning, strategically this type of development is generally appropriate in the Environmental Management Zone where the use and development standards are satisfied.</i></p> <p><i>Planning decisions are made on a case by case basis in accordance with the requirements of legislation and the planning scheme. Approval of one proposal does not in any way impact how a future application may be considered.</i></p> | |
| <p>Sub-issue 7.1:</p> <p>Approving this proposal will ‘open the gates’ and set a precedent allowing for more developments of this type to occur.</p> <p>Examples:</p> <p>“If we let this happen here, in our very wild Walls of Jerusalem, where do we ever end? It will encourage developers to do the same in all our wild places and nothing will be sacred anymore. Many people are very worried at the moment and they have ever right to</p> | <p>See comments above.</p> | <p>1093</p> |

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| <p>be.”</p> <p><i>“If the council approves this construction, council needs to be aware the floodgates will open seeking further approval & development of areas on the plateau for similar purposes. Inevitably the sky above all the lakes on the plateau will be full of helicopters.”</i></p> <p>“Chipping off a little bit of it may not seem a big deal to some, but compare it to putting a chip in your favourite cup. You can drink out of the other side for a while, but Inevitably, it will crack and become not fit for purpose. I greatly fear that this proposal is the first chip that will do the same thing to our beautiful National Park”</p> <p><i>“if all levels of government approve this project, then it means that there is nothing standing in the way of development anywhere in any of our national parks. National Parks are there to protect those assets and preserve them for all people for all time. If this development goes ahead, then the entire system of Nation Parks has failed.”</i></p> | | |
| <p>Issue 8</p> <p>Federal and State Government Processes and Impact on DA process</p> | <p><i>Proposals often require consideration under concurrent but separate legislation and associated processes. The planning regime in Tasmania generally does not require a proposal to have gained other approvals before a Development Application can be made and determined.</i></p> <p><i>The only relevant matters for consideration in the assessment of a Development Application are those raised by the Act and by extension the applicable Planning Scheme.</i></p> | |
| <p>Sub-issue 8.1:</p> <p>Issues with weakening/circumvention of environmental laws/regulations and lack of due process and consultation by State and Federal Government.</p> <p>Examples:</p> <p>“Clearly it’s been rammed through parliament in an underhanded manner for the benefit of a single individual at the expense of those who have a long history of visiting & camping in this</p> | <p><i>This is not a matter for the Planning Authority to consider in assessing this Development Application.</i></p> <p><i>Changes to the Reserve Management Plan and/or other legislation/regulations and the actions of the State and Federal Government are not matters for the Planning Authority to consider this matter as part of the Development Application assessment.</i></p> | <p>587</p> |

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| <p>pristine area. Our dissatisfaction with the process that has now effectively excluded our rights to enjoy the wilderness as it was intended under the original legislation is palpable.”</p> <p><i>“This plan was approved by the Federal Government because they changed the management plan to accommodate it. It would not have been passed if the plan had not been changed”</i></p> <p>“This business proposal is only made possible through the indecent haste and lack of due process demonstrated by the state Liberal Government”</p> | | |
| <p>Sub-issue 8.2:</p> <p>Mentioning the Federal Government EPBC decision/process.</p> <p>Some suggestions that Council should withhold decision until the Federal Court appeal is heard.</p> <p>Examples:</p> <p>“The Federal Government, in looking at this proposal, did not take into account some crucial issues in rubber stamping it.”</p> <p><i>“If the Minister is not willing to determine that the project is clearly unacceptable, he should determine that the ‘action’ is a ‘controlled action’ likely to have a significant impact on a matter of national environmental significance and which must be subject to further, detailed assessment. This should include an Environmental Impact Assessment addressing the impact of the proposal on wilderness.”</i></p> <p>“it would seem logical for the Central Highlands Council to withhold decisions until after the Wilderness Society's High Court appeal is heard in March”</p> | <p><i>See comments above and in Section 3.0 of this report.</i></p> <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider the EPBC decision or process as part of the Development Application assessment.</i></p> | 463 |
| <p>Sub-issue 8.3:</p> <p>State Government/PWS and the RAA Process</p> <p>Examples:</p> <p>“The proposal is shrouded in secrecy, with the full, state-based Reserve Activity Assessment (RAA) withheld from public release. Until the RAA is fully released, genuine community consultation for this referral is</p> | <p><i>The RAA process is relevant only insofar as it is embodied in the Planning Scheme through the provisions of the Environmental Management Zone.</i></p> <p><i>The Parks and Wildlife Service have conditionally approved the RAA and provided advice to this effect to Council, as described in section 3.1 of this report.</i></p> <p><i>The Parks and Wildlife Service are effectively the authority on this matter</i></p> | 386 |

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| <p>impossible.”</p> <p><i>“the present Tasmanian government is all about short term gain, with tourist dollar stars in its eyes, and does not have a pastoralists or a fisherman's understanding that we must look to the long term”</i></p> <p>“on a moral and ethical level, this proposal should have never passed the RAA assessment.”</p> <p><i>“But also the impact of the international exposure, once the area is easily accessed. Any development in these area's will no doubt do very well with bookings from national and international visitors. Therefore providing more potential and demand for similar developments. I'm worried the Tasmania government will only see the benefits of the proposed and future developments in World heritage Area's and National parks in Tasmania”</i></p> | <p><i>and the way the RAA approval process is undertaken is not a matter for Council to consider as part of the Development Application assessment</i></p> | |
| <p>Sub-issue 8.4:</p> <p>Council as the 'last hurdle' for the development to progress and last hope to stop the development.</p> <p>Examples:</p> <p>“Which leaves your council as the last hurdle for the proposal. I will be honest and say I don't know anything about your planning regulations, but a lot of people are watching this last step and will be hoping your application of the regulation succeeds where others have failed, and denies the application on the grounds of its destruction of current and future users' enjoyment of the area.”</p> <p><i>“I urge you and the council to please consider the pros and cons from both sides of this development, you are our last hope of preventing this going ahead.”</i></p> | <p><i>As mentioned previously, proposals often require consideration under concurrent but separate legislation and associated processes.</i></p> <p><i>A use/development may only occur once all required approvals are granted, but the order of approvals does not change the legislative requirements of each of them.</i></p> <p><i>The only relevant matters for consideration in the assessment of a Development Application are those raised by the Act and by extension the applicable Planning Scheme.</i></p> | 26 |
| <p>Issue 9</p> <p>Compliance with State National Parks and Reserves Management Act (2002)</p> | <p><i>The Parks and Wildlife Service operates under the National Parks and Reserves Management Act 2002 to manage National Parks and other reserves in accordance with the according with the management objectives contained in the legislation.</i></p> | |
| Sub-issue 9.1: | | 1156 |

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| <p>The proposal does not comply with the management objectives of the <i>National Parks and Reserves Management Act (2002)</i>.</p> <p>Examples:</p> <p>“The project’s negative impact on wilderness also contradicts the legislated management objective for national parks, as detailed under the <i>National Parks and Reserves Management Act (2002)</i>, which lists “to preserve the natural, primitive and remote character of wilderness areas” as a management objective.”</p> <p>“Allowing mechanised access to this remote region will severely impact on its wilderness character, including inside the Walls of Jerusalem National Park and will therefore be inconsistent with the statutory management objectives a National Park under Tasmania’s National parks and reserve Management Act (2002). “</p> | <p><i>The National Parks and Reserves Management Act 2002 is relevant only insofar as it is embodied in the Planning Scheme, as part of the Performance Criteria of the Use standard 29.3.1 of the Environmental Management Zone.</i></p> <p><i>In this case the proposal satisfies the corresponding Acceptable Solution as discussed in section 6.4 of this report.</i></p> <p><i>Further, the Parks and Wildlife Service have deemed the use and development to be in accordance with the National Parks and Reserves Management Act 2002 through the RAA approval.</i></p> | |
| <p>Issue 10</p> <p>Other suitable land outside TWWHA</p> | | |
| <p>Sub-issue 10.1:</p> <p>The proposal could have been located on private land outside of the TWWHA.</p> <p>Examples:</p> <p>“There is plenty of available land on the margins of the TWWHA that would make for excellent accommodation bases and access points to fish in these areas, as RiverFlys current hut at Lake Ina proves.”</p> <p>“If the proponents want to cater for such people, let them do it on their own property, outside our National Park. Surely, it was made into a National Park to protect it from such proposals.”</p> <p>“Developments similar to the proposed one on Halls Island could/do occur outside the world heritage area. It is not necessary to place it within the TWWHA.”</p> | <p><i>The Planning Authority must consider the Development Application that has been made.</i></p> <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider the availability of alternative sites as part of the Development Application assessment.</i></p> | 25 |
| <p>Issue 11</p> | | |

| Aboriginal Heritage | | |
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| <p>Sub-issue 11.1:</p> <p>The proposal does not have the support of the Aboriginal community and/or representative bodies.</p> <p>Examples: <i>"The Tasmanian Aboriginal Heritage Council strongly opposes the proposed tourism development for Halls Island Standing Camp, at Lake Malbena in the Central Highlands. Our objection relates to highly significant Aboriginal cultural values in the area. While the physical impacts of the proposal may be confined to the development area, we have major concerns regarding increased impacts to the sensitive Aboriginal landscape nearby. In addition, we are seriously concerned about the lack of broader consultation with Tasmanian Aboriginal people on developments such as this within the Tasmania Wilderness World Heritage Area (TWWHA). The economic benefits of these proposals seem to far outweigh any commitment to protect our heritage. This tourism development proposal lies within the boundaries of the TWWHA and should not be considered as it precedes the finalisation of the TWWHA Tourism Master Plan. The Tasmanian Aboriginal Heritage Council is the statutory body, which provides advice to Government on the management and protection of Aboriginal heritage in Tasmania. "</i></p> <p>"We object to the development application for several reasons. In summary the project proposal:</p> <ul style="list-style-type: none"> -Removes significant lands from the public domain by granting a long term lease to a private tourism proponent thereby further reducing the land available for return to the original and rightful owners of lutruwita/Tasmania; - Includes private development on reserve land without community approval; - Excludes Aboriginal decision-making; - Did not undertake a thorough assessment of the likely impact on Aboriginal cultural and natural values; | <p><i>The objection to the development by Aboriginal people and representative groups is noted.</i></p> <p><i>Tours of Aboriginal sites does not form part of this Development Application.</i></p> <p><i>The proponent has submitted proposal documents to Aboriginal Heritage Tasmania in accordance with current best practice. The assessment is provided with the application and states that:</i></p> <ul style="list-style-type: none"> • <i>No Aboriginal heritage sites are recorded within or close to the property;</i> • <i>Due to a review of previous reports and the level of impact intended for the site it is believed that the area has a low probability of Aboriginal heritage being present; and</i> • <i>Accordingly there is no requirement for an Aboriginal heritage investigation and AHT have no objection to the project proceeding.</i> <p><i>An unanticipated discovery plan has been also provided. In the event that any suspected Aboriginal heritage is found during construction the works will cease immediately and AHT will be contacted, as required by the Aboriginal Heritage Act 1975.</i></p> <p><i>All use and development in Tasmania must comply with the Aboriginal Heritage Act 1975.</i></p> | <p>45</p> |

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| <ul style="list-style-type: none"> - Involves tourist access to highly significant Aboriginal cultural sites without Aboriginal involvement or consent; - Has misrepresented the position of the Aboriginal community by claiming wrongly that our organisation, amongst others, agreed with the proposal; - Offends the very principles of 'wilderness' that enabled the area to obtain world heritage status in the first place, in particular by involving mechanised access in the form of helicopters; - Required the rezoning of Lake Malbena from a 'Wilderness Zone' to 'Self-Reliant Recreation Zone' without the involvement or consent of the Aboriginal community, and indeed any other parties; - Jeopardises at least two endangered plant communities with which our ancestors lived. <p>"We (Tasmanian Aboriginal Centre) have read the wilderness values assessment of Martin Hawes. The Hawes assessment found there would be significant loss of wilderness character at Lake Malbena and the country around it. Impact on wilderness character would come from the construction of new accommodation, increased human visits to the area, increased infrastructure maintenance activity, and the noise and distraction of helicopter flights.</p> <p>The following quote from an article by ABC reporter Phoebe Hosier in November 2018 indicates the disregard of the Tasmanian government for Aboriginal heritage values in the area, a disregard that we hope the Central Highlands Council can overcome:</p> <p><i>The Government said the proponent was responsible for mitigating any impact on Aboriginal heritage and that the Aboriginal community would be able to put their point of view forward when the Aboriginal Heritage Act is reviewed.</i></p> <p>The destruction that can be caused to Aboriginal heritage by careless tourism just cannot be mitigated. There are no guarantees this will not happen and the precautionary principle must prevail."</p> | | |
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| <p><i>“in regard to Aboriginal Heritage I note the supposed 'desk top' search provided by a Mr Samuel Dix, a former employee of Aboriginal Heritage Tasmania. I note that there is no date in this document. I note that there is no letterhead on this document. I note that there is no signature on this document. I note that below the name the Email address is not Mr Dix direct email, and the address and other contact details as such are certainly blurred and unclear, which I note as 'odd' in my understanding as the remainder of the document is quite clear and unblurred. I note that there is a large component of that document that has been blacked out. I find this most disrespectful in that the landscape in which Halls Island is part of is a known Aboriginal Landscape, and it's my understanding that the proponent indeed intends to allow and provide some Aboriginal Heritage trail. This latter part is not clear. However, I have noted above there is an absolute lack of information in the proposed 'trails', where they start, where they end, how long in length are the trails, what are the 'interpretations' referred to, how will the trails be made and kept safe and then be removed for the natural landscapes to heal (there is no planning for this in the application documentation).”</i></p> <p><i>“They claim to have the support of the aboriginal community, when in fact the aboriginal community has stated its concerns about cultural tours involving aboriginal sites”</i></p> | | |
| <p>Issue 13</p> <p>Biosecurity risks</p> | | |
| <p>Sub-issue 13.1:</p> <p>Increased visitation to remote areas brings risk of introducing weeds/pests/diseases that could impact the environment and fishing values.</p> <p>Examples:</p> <p>“What guarantee can be given that environmental security will be tight? Tasmanian trout waters are renowned throughout the world and are among the most pristine. New Zealand waters were once like this but the discovery of</p> | <p><i>This matter is addressed in the application documents, particularly in the documents submitted for EPBC assessment.</i></p> <p><i>The proponent intends to utilise current best practice hygiene methods to avoid spread of weeds and other biological contaminants/pathogens.</i></p> <p><i>The practices will be detailed and formalised in a Weed and Hygiene Plan to be prepared and approved prior to the operation commencing. This is required to fulfil RAA/EPBC conditions and must also be provided to Council in</i></p> | <p>1032</p> |

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| <p><i>Didymosphenia geminata</i>, commonly known as didymo or rock snot has changed this classification. To restrict its spread, the whole of the South Island of New Zealand was declared a controlled area in December 2005. It could be argued that bushwalkers and fishers could introduce this by walking into the area. However, this group of people are more vigilant by the very fact that they appreciate the wilderness and all that it signifies by making sure that if they have been to NZ or other countries that carry these virus' that their gear is thoroughly disinfected. The fly in, fly out tourist may not have this same stake in our wilderness area that the local people have."</p> <p><i>"I gather these flights have the potential to also transmit diseases like Didymo to our lakes. Perhaps you think this is an exaggeration, but as an example, a fisherman that comes directly from NZ to Tasmania with gear that is still wet can bring this dreaded disease to our highland lakes. No amount of due care can stop disease or weeds encroaching on an environment once machinery or people enter that space."</i></p> | <p><i>accordance with the recommended conditions below.</i></p> | |
| <p>Issue 14</p> <p>Servicing and</p> <p>Ongoing Management</p> | | |
| <p>Sub-issue 14.1:</p> <p>Concerned about ongoing management and maintenance of the development.</p> <p>Examples:</p> <p><i>"I am very much concerned that this Development Proposal does not adequately address how it will manage adverse impacts arising from the construction, use and ongoing maintenance of the helipad, associated walking tracks, and the 'huts'. "</i></p> <p><i>"Don't be fooled; once approval is granted they can do what they like."</i></p> <p><i>" Though the footprint of the actual huts is represented as relatively small the total area of the camp will be 800 square metres . The necessity for spaces between the huts and the</i></p> | <p><i>Ongoing management and maintenance practices will be detailed and formalised in a series of documents required to be prepared and approved prior to the operation commencing, as required to fulfil RAA/EPBC conditions placed on the development.</i></p> <p><i>The documents must also be provided to Council in accordance with the recommended conditions below, and include:</i></p> <ul style="list-style-type: none"> • <i>Operations Manual;</i> • <i>Construction Environmental Management Plan;</i> • <i>Weed and Hygiene Plan;</i> • <i>Indigenous Heritage Management Plan;</i> • <i>Species and Communities of Significance Plan;</i> • <i>Fire Management Plan</i> • <i>Customised Fly</i> | <p>63</p> |

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| <p><i>construction and maintenance of walking tracks and boardwalks will require the removal of extra vegetation in addition to that removed from the actual accommodation sites"</i></p> | <p><i>Neighbourly Advice Impact Mitigation and Avoidance Prescription Plan;</i></p> <ul style="list-style-type: none"> <i>Wilderness Characteristics Management Plan;</i> <i>Soil and Water Management Plan; and</i> <i>Emergency Management Plan</i> <p><i>Once established, the use will be subject to ongoing monitoring and review by PWS. Ultimately, as the landowner and manager, PWS could revoke permission if the proposal is mismanaged or has unintended consequences that cannot be mitigated sufficiently.</i></p> | |
| <p>Sub-issue 14.2:</p> <p>Emergency management planning.</p> <p>Examples: "I was unable to find any documentation dealing with the safe evacuation of people in the event of a natural disaster in the area, including bushfires and flooding. Nor was I to find any information in the first aid to be provided in a human emergency."</p> | <p><i>See the comments above.</i></p> | <p>54</p> |
| <p>Sub-issue 14.3:</p> <p>Concerned how stormwater runoff will be managed.</p> <p>Example: "I am also concerned about the storm water situation or run off from such a remote site, and what is intended to service the accommodation - more helicopters? Run off attempts of a greywater system into the pristine lake?? Even a small amount makes a huge cause for concern. Guests made to respect minimal impact ethos and how so??"</p> | <p><i>Stormwater from the buildings will be collected in tanks for re-use.</i></p> <p><i>A condition is included in the recommendation to ensure that stormwater is not directed to the lake and any overflows will be appropriately managed to avoid environmental degradation.</i></p> | <p>263</p> |
| <p>Sub-issue 14.4:</p> <p>How will the development be serviced?</p> <p>Example: "what is intended to service the accommodation - more helicopters?"</p> <p><i>"The proponent suggests that heating of the buildings would be done by gas or electricity. Elevated parts of the</i></p> | <p><i>Servicing, including transfer of wastewater pods, gas cylinders and the like will be undertaken by helicopter using a sling system.</i></p> <p><i>The application documents indicate that approximately 3 hours of helicopter use will be required annually specifically for servicing requirements. Otherwise back loading of guest transfer helicopters will be used to achieve servicing requirements.</i></p> | <p>453</p> |

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| <p><i>Central Plateau can experience cold weather conditions throughout the year. The 'luxury' camp would be expected to provide warm conditions for the clients, therefore the heating and energy requirements will be substantial. Gas cylinders would have to be replaced regularly and slung in and out by helicopter resulting in additional helicopter operation directly over the island."</i></p> <p>"There is mention of water supply by the proponent. Water will need to be supplied to the buildings for domestic use ie hygiene, cooking, and washing up. There will have to be water storage on the buildings, water tanks and means of pumping water around the buildings and from the lake. Pumping would have to be carried out by electric pumps or fuel powered pumps to fill the storage tanks. Electric pumps cannot be directly driven by solar panels but require storage batteries. This means more infrastructure and fire risk."</p> | | |
| <p>Issue 15</p> <p><i>Impacts on the wilderness and natural values including flora and fauna.</i></p> | | |
| <p>Sub-issue 15.1:</p> <p>The natural environment and values of the area will be impacted by the proposed standing camp and increased visitation.</p> <p>No amount of good intention or management can completely remove impacts and/or risks such as fire.</p> <p>Examples: "the nature of the development will destroy the natural beauty of a beautiful location, and will vastly increase the impact of humans on Halls Island. Despite the best intentions of the proponent to protect the natural assets, it is simply not possible to build that much infrastructure and add that many visitors without causing damage."</p> <p><i>"I believe it will greatly impact the natural values of the area in an adverse manner"</i></p> | <p><i>These matters have largely been addressed by PWS in the RAA assessment and the Federal EPBC assessment.</i></p> <p><i>Ongoing management and maintenance practices will be detailed and formalised in a series of documents as described above, with the intention of protecting the values of the site.</i></p> | <p>696</p> |

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| <p>"The proposed increased visitation to Halls Island by 180 (30x6) clients per year is a huge addition to the relatively small number of walkers who currently visit the Lake Malbena area - and this is certain to have an adverse negative impact on natural values - the very reason most people come."</p> <p><i>"Wedge-tailed Eagles Aquila audax fleayi are often seen in the general area, Whitebellied Sea-eagles Haliaeetus leucogaster sometimes. The former species is listed as endangered on the Tasmanian Threatened Species Protection Act 1995 and Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and a priority species under the Tasmanian Regional Forest Agreement. The latter species is listed as vulnerable under the Tasmanian Threatened Species Protection Act 1995). Any helicopter activity threatens these birds. Birdlife Tasmania is also concerned about the more general threat to all birds (including Brown Falcon, Collared Sparrowhawk, Owlet Nightjar, Swamp Harrier, Azure Kingfisher, Latham's Snipe, Australian Bittern and the plethora of smaller bush birds) and wildlife in this beautiful area"</i></p> | | |
| <p>Sub-issue 15.2:</p> <p>There is a moral responsibility to protect wilderness areas.</p> <p>Wilderness should be protected for future generations.</p> <p>Examples:</p> <p><i>"I am voicing my objection not only on behalf of myself but for my grandchildren and all those that will follow"</i></p> <p><i>"You must put a stop to this development. For the sake of all Tasmanians."</i></p> <p><i>"I feel that Tasmanians have an incredible gift in living in a State with such incredible and pristine wilderness. I would very much love to keep it that way so that it is there for</i></p> | <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of this particular Development Application assessment. The use status and use standard for the Environmental Management Zone provide a "Permitted" pathway for such development where also subject to approvals under a Reserve Management Plan by PWS.</i></p> | <p>78</p> |

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| <p><i>my children and grandchildren to enjoy”</i></p> <p>“the Central Highlands Council has an obligation to protect the natural values of the region, which the Lake Malbena development clearly reduces”</p> | | |
| <p>Sub-issue 15.3:</p> <p>Visiting wilderness areas provides a unique experience.</p> <p>It should be relatively difficult and take time to access these areas.</p> <p>The effort/journey contributes to the experience and appreciation of the environment.</p> <p>Examples:</p> <p>“the Walls of Jerusalem is one of our last easily accessible to the general public, but still wild wilderness areas. The Walls of Jerusalem is currently the perfect blend of wild but accessible. It means both tourists and locals can go and explore these areas and connect with Tasmania and our wilderness on a deeper level, but it is still relatively easy to do so.”</p> <p><i>“To visit a wilderness area usually means some sort of effort is involved, human endeavour and a bit of hardship. This is what makes walking into these areas so special. It gives you a feeling of accomplishment. To hear the drone of a helicopter will take all that away. The mental health aspect of effort, peace and solitude cannot be underestimated.”</i></p> <p>“primary reason in my opinion that these lands are reserved is to provide an outstanding example of land that is not tamed by human interference, yet can still be enjoyed by those who are prepared to put in an effort”</p> <p><i>“How incredibly fortunate we are in Tasmania to have what the rest of the world simply doesn’t have anymore. Places you can walk to, far from paved roads and free from machines buzzing around and dropping people off right in front of you. There are many great places in Tasmania that anyone can visit within an hours walk from their car. The sights and beauty that can be</i></p> | <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of the Development Application assessment.</i></p> | <p>46</p> |

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| <p><i>found in these places are more than satisfying enough for visitors that travel to Tasmania. If we take this same approach of 'instant' access with our remote areas, such as Malbena, then I believe we will lose something unique."</i></p> | | |
| <p>Sub-issue 15.4:</p> <p>The proposal will be visually intrusive.</p> <p>Examples:</p> <p><i>"The proponent appears to have placed the hut high a top a ridge on the island, where it was stated previously that it would be blended in to the natural environment. This will be an eyesore on and off the island, no matter how "blended" they claim it will be."</i></p> <p>"In the application the proponent state's "The building and works have been sited to be hidden in the landscape and are not on a skyline or ridgeline". That is not true as the proposed huts sit on the broad ridge top running across Halls Island. Hence the views from Mt Oana and other high points will lose the wilderness and remote feel."</p> | <p><i>The proposal is designed to blend with the natural environment as much as possible.</i></p> | 13 |
| <p>Issue 16</p> <p>Central Highlands Planning Scheme 2015</p> | | |
| <p>Sub-issue 16.1:</p> <p>The proposal is not consistent with the purpose of the Environmental Management Zone.</p> <p>Example:</p> <p>"It seems clear that the Central Highlands Council has an obligation under its planning scheme to protect the natural values of this area, and the overall experience of the existing visitors to the area who come for these natural values."</p> <p><i>"Although the clause allows for 'facilitating passive recreation', it stipulates that it must be consistent with 'natural values'. The Tasmanian Wilderness World Heritage Management Plan, 2016 (pp 173-174) acknowledges that a 'tangible component' of this wilderness value is due to 'the large extent of remote and</i></p> | <p><i>The Planning Authority can only give consideration to the purpose statements where considering an individual performance criterion, as provided in Clause 7.5.4 of the Scheme.</i></p> <p><i>The proposal has been assessed to comply with all relevant performance criteria of the Zone and applicable Codes, as detailed in sections 6.5, 6.7 and 6.8 of this report.</i></p> | 1235 |

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| <p><i>largely undisturbed country'."</i></p> <p>"This proposal fails to 'provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic values or with a significant likelihood of risk from a natural hazard'. (29.1.1.1)"</p> <p><i>"The proposed helicopter-accessed visitor accommodation at Halls Island, Lake Malbena is clearly inconsistent with these Zone objectives because it will not contribute towards the protection, conservation or appropriate management of the internationally recognised, significant ecological, scientific, cultural and aesthetic values of the Tasmanian Wilderness World Heritage Area (TWWHA)."</i></p> | | |
| <p>Sub-issue 16.2:</p> <p>The use class Visitor accommodation is not appropriate classification of the helicopter use.</p> <p>Examples:</p> <p>"The use of the proposed helipad is not currently restricted to those staying at the proposed visitor accommodation, and so it should be treated as a separate use by Council. The most appropriate use class for the helipad is "Transport depot and distribution", which is a prohibited use in the Environmental Management Zone."</p> <p><i>"On the publicly available information, it appears that no conditions have been imposed as part of the Parks and Wildlife Service (PWS) Reserve Activity Assessment (RAA) or EPBC Act process to restrict the use of the helipad to only those using the proposed visitor accommodation. The development application has not otherwise demonstrated that the use of the helipad is "directly associated with and a subservient part of" the proposed visitor development. Therefore, the helipad should be considered a separate use and be categorised as a separate use class in accordance with clause 8.2.5 of the Scheme. The use that most specifically describes the helipad is "Transport depot and distribution" use, which is a "prohibited</i></p> | <p><i>The use of the helicopter is considered to be entirely ancillary to the Visitor accommodation use class, as discussed in section 6.3 of this report.</i></p> <p><i>Further, conditions are included in the recommendation to ensure that helicopter use is restricted to this use.</i></p> | 1184 |

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| <p><i>use” in the Environmental Management Zone. Council should therefore refuse a permit for the use of the helipad.”</i></p> | | |
| <p>Sub-issue 16.3:</p> <p>The proposal does not comply with the use definition and qualifications in 29.2 and the use 29.3.1.</p> <p>Example:</p> <p>“The letter to Council from PWS dated 16 November 2018 and the associated RAA should not be taken by Council as demonstrating that the development complies with clause 29.3.1 A1 of the Scheme.</p> <p>In performing its functions and powers under the Scheme and the <i>Land Use Planning and Approvals Act 1993</i>, Council needs to undertake its own assessment of whether the proposed use and development are in accordance with the Management Plan. The proposed use fails to satisfy clause 29.3.1 A1 of the Scheme for the following reasons:</p> <ul style="list-style-type: none"> ○ The proposed development involves the construction and use of huts. ○ While commercial standing camps and commercial aircraft landings are permitted uses with the Self-Reliant Recreation Zone under the Management Plan, the development and use of huts is not. ○ The development application, the RAA and the letter from PWS to Council fail to outline why the proposed permanent accommodation should be described as a “standing camp” and not “huts”. ○ The applicant refers to the accommodation as “huts” numerous times in its EPBC referral (not all of which was provided to Council). It even appears that lease conditions imposed on the development by PWS refers to the accommodation as “huts”. ○ To characterise the proposed accommodation as a “standing camp” would be inconsistent with the intent of the Self- | <p><i>The proposal is assessed to comply with the use standards of the Environmental Management Zone, as detailed in section 6.5 of this report.</i></p> | <p>1168</p> |

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| <p>Reliant Recreation Zone of the Management Plan, and the PWS Standing Camp Policy 2006.</p> <ul style="list-style-type: none"> ○ As already outlined above, NPWAC has indicated that it does not consider the proposed development to be in accordance with the Management Plan. This is because NPWAC considers the development involves the construction of huts, and the helicopter overflights will have a significant cumulative impact on the World Heritage values of the area. ○ The Australian Heritage Council, an advisory council to the Australian Government about heritage issues under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), has also indicated that it does not consider the proposed development is in accordance with the Management Plan as it is not a standing camp.” | | |
| <p>Sub-issue 16.4:</p> <p>The proposal does not comply with the setback standard 29.4.2.</p> <p>Example:</p> <p>“The proposed development fails to comply with clause 29.4.2 A5 as the buildings are located within the TWWHA.</p> <p>Council should refuse to issue a permit for the proposed development because it fails to comply with clause 29.4.2 P5. This is because, as already outlined above, the development will have a significant impact on the environmental values of the land within the TWWHA. The development does not minimise the potential for the spread of weeds or soil pathogens onto land within the TWWHA. There is also some potential for contaminated or sedimented water runoff from the visitor accommodation, associated walking tracks and helipad to impact on the land and waterways within the TWWHA.”</p> | <p><i>The proposal is assessed to comply with the development standard for setback, as far as it is applicable, as detailed in section 6.5 of this report.</i></p> | <p>1160</p> |
| <p>Sub-issue 16.5:</p> | <p><i>The proposal is assessed to comply with</i></p> | <p>1154</p> |

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| <p>The proposal does not comply with the design standard 29.4.3.</p> <p>Example:</p> <p>“The development fails to satisfy clause 29.4.3 P1 because the development application has not demonstrated that the buildings and works are sited in locations where clearing is required because there are no other sites clear of vegetation; the extent of the clearing is the minimum necessary to provide for the buildings and works; and the location of the clearing will have the least environmental impact.</p> <p>Therefore, Council should either refuse a permit for the development, or impose clear conditions regulating the vegetation clearing that can be undertaken by the applicant.”</p> | <p><i>the development standard for design as detailed in section 6.5 of this report.</i></p> | |
| <p>Sub-issue 16.6:</p> <p>The proposal does not comply with the Stormwater Code E7.7.1.</p> <p>Example:</p> <p>“The applicant states that the development satisfies clause E7.7.1 P1 as stormwater from new impervious surfaces will be collected for reuse on the site. However, the applicant has failed to outline how much stormwater will be generated from the impervious surfaces of the pods and whether the proposed water storage (and associated grey and blackwater storage) will be sufficient to store this amount; where overflows from the rainwater collection points will be diverted to and whether this would cause any damage to surrounding natural values and watercourses.</p> <p>Therefore, Council should either refuse a permit for the development, or impose clear conditions ensuring that stormwater runoff from the development will not have adverse impacts on the surrounding natural values of the area.”</p> | <p><i>The proposal is assessed to comply with the requirements of the Stormwater Code, as detailed in section 6.7 of this report.</i></p> | 1142 |
| <p>Sub-issue 16.7:</p> <p>The proposal does not comply with the Waterway and Coastal Protection Code standard E11.7.1.</p> <p>Example:</p> | <p><i>The proposal is assessed to comply with the requirements of the Waterway and Coastal Protection Code, as detailed in section 6.8 of this report.</i></p> | 1142 |

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| <p>“The development has not demonstrated compliance with the clause E11.7.1 P1 of the Scheme because the location of the helipad and associated walking track does not avoid or mitigate impact on natural values including on riparian or littoral vegetation. The adverse erosion, sedimentation and runoff impacts on natural values arising from the helipad and associated walking track are not proposed to be mitigated or managed. The development application does not state how the natural flow and drainage of the land surrounding the helipad and associated walking track will be protected from significant impediments arising from the development; and the proposed development involves the unnecessary use of machinery (namely helicopters) within a wetland. Therefore, Council should either refuse a permit for the development, or impose clear conditions ensuring that potentially adverse impacts arising from the helipad and associated walking tracks on the surrounding natural values of the area.”</p> | | |
| <p>Issue 19</p> <p><i>Building Code/National Construction Code standards.</i></p> | | |
| <p><i>Sub-issue 19.1:</i></p> <p><i>The proposal doesn't demonstrate compliance with Building Code of Australia/National Construction Code requirements, particularly in regard to bushfire/fire safety.</i></p> <p><i>Example:</i> <i>“The planning application does not show any details regarding the “necessary and appropriate fire retardation and fire-fighting equipment and devices (including those required by Law)”. How will these potentially toxic substances be stored on the island?</i> <i>Will a few fire extinguishers be considered sufficient?”</i></p> <p>“The EPBC decision stipulates that the development must satisfy all requirements for developments in bushfire prone areas. The area is extremely remote and inaccessible by</p> | <p><i>Approval under the Building Act 2016 is a separate consideration.</i></p> <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of the Development Application assessment.</i></p> | <p>26</p> |

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| terrestrial or aquatic vehicles, or even a walking track. Furthermore, clients are isolated on a fire-prone island. In the case of a dry-lightning storm (as are becoming commonplace) the buildings are the last line of protection from radiant heat and direct flame. No Bushfire Management Plan has been tendered, and the building materials do not satisfy the fire rating for buildings in bushfire prone areas.” | | |
| Issue 20 <i>The Development Application does not contain all information required for assessment.</i> | | |
| <p>Sub-issue 20.1:</p> <p><i>The Development Application does not have valid consent from the Crown to be lodged and therefore cannot be determined.</i></p> <p>Example:</p> <p><i>“It is unclear whether proper landowner consent has been granted for the development as proposed in the plans attached to the development application. The development application does not appear to have been signed by PWS General Manager Jason Jacobi. Further, the PWS letters to the applicant dated 4 October 2018 and 3 August 2018 do not attach the designs and plans that they refer to. This raises the question whether the design and plans that the applicant has submitted to Council are consistent with the plans that were consented to by PWS.”</i></p> | <p><i>Legal advice has been sought in regard to this matter.</i></p> <p><i>The advice received is that sufficient proof has been provided to demonstrate that the Crown consents to the Development Application in accordance with the requirements of Section 52 (1B) of the Act.</i></p> | 126 |
| <p>Sub-issue 20.2:</p> <p>The Development Application is missing information and/or details in the application documents are inconsistent.</p> <p>Examples:</p> <p>“There is no mention of construction of a jetty in the application which will be required on both the helipad foreshore as well as the island to ensure safe transportation of customers, staff, equipment, food and waste to and from</p> | <p><i>Sufficient information has been provided with the Development Application to allow the Planning Authority to consider this matter in regard to the considerations made relevant by the Planning Scheme or the Act.</i></p> <p><i>The proposal does not include a jetty, formed heli-pad or walking tracks other than the board walks described in the DA documents.</i></p> <p><i>Any differences in the proposal documents are minor in extent and do</i></p> | 243 |

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| <p>the landing site to the island in all weather conditions.”</p> <p><i>“The DA is incomplete, contains significant omissions and appears to be different to what the Crown provided consent to lodge and different to what was approved under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC).”</i></p> <p>“I believe an inaccurate and incomplete application was provided, and hence accepted, by your Councils Planning Officer/s in that crucial information was missing, and that perhaps the document should not have been accepted as it currently stands.</p> <p>- These include:</p> <ul style="list-style-type: none"> ~ an inaccurate rate of helicopter ~ an absolute lack of thought, planning and evidence regarding the intended walking trails; the location, the flora removal, the use of wood or other building material for these walking (interpretive) tracks ~ an absolute absence of the information referred to as requiring walking tracks ~ an in-depth survey of flora removal and/or ruins, and any secondary effect to fauna in the area ~ whether these 'tracks' are permanent, or removable or any intent for an annual time period for these tracks to be allowed to regenerate to ensure no permanent loss of flora within the World Heritage area” <p><i>“the proponent has signed a legal document noting that he is the Owner. In fact, the proponents are not the owners; instead there is a lease agreement between the proponent and the State. Therefore, not only should the Proponent have provided a declaration or confirmation of the lease from the Owner, the proponent should also have provided documentation confirming the lease arrangements, including the timeframe of the lease and any conditions that may be attached to such lease. I believe this a serious matter in that the proponent has willingly lodged the application with possible untrue information, as well as the Central Highlands Council accepting the application without a certified copy of the required lease</i></p> | <p><i>not change the overall nature of the proposed development.</i></p> <p><i>The details of the lease and/or licence agreements are not matters relevant to this assessment.</i></p> <p><i>The flight paths and helicopter operations have been considered and conditionally approved under the RAA process. Council have no jurisdiction over air space.</i></p> | |
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| <p><i>agreement, which would give Council as the Planning Authority information needed including the length of time of the lease but also any conditions that may or may not be within the lease agreement. I refer you to the Land Use Planning and Approval Act 1993, specifically Division 2, 52(1B) (a) & (b), of which has not been fulfilled, to my understanding.”</i></p> <p><i>“I strongly urge you to request the lease agreement for Halls Island. Council owe it to their ratepayers and the people who walk and fish in the Western Lakes to end the secrecy and you have the opportunity to do that. “</i></p> <p><i>“The fly route from Derwent Bridge is specified at one point, but, later the proposal states: Clarification of helicopter departure point a)no fixed departure point is proposed as this is dependent on the pre-trip location of guests. This contradiction needs to be explained.”</i></p> | | |
| <p>Issue 21</p> <p><i>Misleading and/or contradictory information in application documents</i></p> | <p><i>The Planning Authority must consider the Development Application that has been submitted.</i></p> <p><i>Sufficient information has been provided with the Development Application to allow the Planning Authority to consider this matter in regard to the considerations made relevant by the Planning Scheme or the Act.</i></p> | |
| <p>Sub-issue 21.1:</p> <p>The applicant provides misleading information and uses misdirection tactics to justify proposed development.</p> <p>Examples:</p> <p><i>“Private, commercial tourism accommodation is not currently an “existing use” of Halls Island and Lake Malbena and it is not, and has never been, the destination of private commercial helicopter flights with the sole purpose of transporting paying customers.”</i></p> <p><i>“The proponents have been deliberately misleading in suggesting the camp on Halls Island will only</i></p> | <p><i>See the comments above.</i></p> | <p>36</p> |

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| <p><i>involve a limited number of flights & for 60 days only and the suggestion helicopters would depart from Derwent Bridge is ludicrous.</i></p> <p><i>This is a complete nonsense & typical of the <u>misdirection tactics</u> used by developers to try to fool councillors like yourself who are in a position to obstruct their development proposals."</i></p> | | |
| <p>Sub-issue 21.2:</p> <p>The site will primarily be used for fly fishing and the proposal documents misrepresent the purpose of the development.</p> <p>Examples:</p> <p>" The proponent of the development, Daniel Hackett, is a well-known fly-fishing guide and fly-fishing book author, who with his wife Simone owned a fly-fishing store in Launceston. It is a little hard to believe that the majority of clients who visit the Halls Island development will not be affluent fly fishing tourists who can afford the luxury accommodation, fishing guides, and helicopter flights to get there, and it seems almost certain that their primary activity will be fishing."</p> | <p><i>See the comments above.</i></p> | 6 |
| <p>Issue 22</p> <p><i>Extension of time for making representations</i></p> | | |
| <p>Sub-issue 22.1:</p> <p>Request to Council to extend the representation period due to fire emergency in the Central Highlands.</p> | <p><i>Council decided to grant an extension of the representation period until the 15th January 2019 in response to submissions.</i></p> <p><i>No further consideration of this matter is required.</i></p> | 2 |
| <p>Issue 23</p> <p><i>Business structure and project funding arrangements</i></p> | | |
| <p>Sub-issue 23.1:</p> <p>No financial information is provided to demonstrate how the project will be funded.</p> <p>Identity of funders ASIC documents.</p> | <p><i>There is no scope provided in the Planning Scheme or the Act for the Planning Authority to consider this matter as part of the Development Application assessment.</i></p> | 2 |

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| <p>Example:</p> <p>“ASIC documents reveal that Wild Drake had secured investors for the Malbena development by 31 January 2019. The investors are: Peter and Anne Downie Neville Topfer Nicholas and Victoria D'Antoine I would like to think that any councillors with close associations with any of the above will declare a conflict of interest and abstain from voting on the Malbena project.”</p> | | |
| <p>Issue 24</p> <p>Comments in support of the proposal.</p> <p>Examples:</p> <p><i>“I am writing to convey my support for the proposed Lake Malbena tourism development planning documents as shown on your website. I believe this project is a very appropriate development for the wilderness setting. It meets the TWWHA management plan requirements and it has been competently and comprehensively described in the planning documentation and it has been assessed and signed off by the independent processes of PWS through their RAA and the federal EPBC. I believe this is a good project for Tasmania and is proposed by respected and successful tourism operators Daniel and Simone Hackett and I believe it is a great example of sensitive and sustainable low impact tourism that should be supported”</i></p> <p>“I Strongly urge you to SUPPORT the Hackett proposal for Halls island on Lake Malbena.</p> <p>My interest stemmed from as a young person on Ben Lomond meeting Reg Hall, Dick Reed, David MacIntyre etc who all played a part in building the Halls island Hut.</p> <p>My first visit to the area was in fact with Dick Reed with packhorses finishing off the building of the Meston and Junction lake huts.</p> <p>I think it is wonderful that the Hacketts</p> | <p>Comments are noted.</p> | <p>3</p> |

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| <p>have put together a comprehensive plan that's ticked all the boxes to safeguard the environment and will enable older people to enjoy a wilderness experience on Halls island.</p> <p>I am one of the very few who has visited the island, twice in the last 15 years and noted the numbers in the log book ,it is a very serious slog through unmanaged kerosine bush.</p> <p>I would suggest that fewer than 6 to 8 people a year have ventured there over the last 50 years when access was very much easier than it is today . Access was available through the Gowan Brae property to Olive Lagoon.</p> <p>Gowan Brae access is now closed and it is at least a two day walk-in from either the north via Lake Meston or from the Derwent bridge area through unmanaged kerosine bush similar to what has ravaged as with uncontrollable fires over the last month.</p> <p>As a ratepayer in the Central Highlands, I am custodian of a 6000 acre property and a shareholder in Pumphouse Point.</p> <p>As a responsible landowner who has a passion for the real environment I would like strongly recommend to council that this project be approved, like Pumphouse Point will bring many benefits to the Community and ratepayers of the Central Highlands.</p> <p>I have no financial interest in this project but want to support it as I feel that some conservationists are Misrepresenting the real facts.</p> <p>The Hacketts have against all odds complied with all the necessary regulations including the UNESCO endorsed management plan, It would be a tragedy for our community and tourism industry if the proposal was to fail at the last hurdle."</p> | | |
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8. Conclusion

The proposal for the development of Visitor accommodation in the form of a standing camp on Halls Island, Lake Malbena and the associated helicopter operations is assessed to comply with the applicable standards of the Environmental Management Zone, Stormwater Management Code and Waterway and Coastal Protection Code of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and a total of one thousand three hundred and forty six (1346) representations were received. Two (2) of the submissions received are in support of the proposal and the remainder object to it. The concerns raised in the representations have been summarised and addressed in the report above.

The proposal has been found to comply with the relevant standards of the *Central Highlands Interim Planning Scheme 2015* and is recommended for approval, subject to conditions as recommended below.

9. Recommendation

The proposal is assessed to substantially comply with the requirements of the Central Highlands Interim Planning Scheme 2015 and so in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993*, the Planning Authority is recommended to approve the Development Application for use and development of Visitor accommodation in the form of a Standing Camp at Halls Island, Lake Malbena.

Recommended Conditions:

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning And Approvals Act 1993.

Approved Use

- 3) The site is to be used for the purposes detailed within the approved documents only, that is; Visitor accommodation and ancillary activities. It must not be used for other purposes without the prior written consent of Council.
- 4) The Helicopter Landing Site is approved as ancillary to the Visitor accommodation use only and must only be used for purposes associated with that use i.e. construction, guest transfers to and from the visitor accommodation, servicing and emergencies. Helicopters and the Helicopter Landing Site must not be used for any other purpose and must altogether cease if the Visitor accommodation use ends.

Rehabilitation

- 5) If the Visitor accommodation use ceases for any reason all approved buildings and structures must be removed from the site and the site must be rehabilitated to avoid environmental degradation such as erosion, to the satisfaction of the Council's General Manager.

External finishes

- 6) The external building materials and finishes associated with the development are to be of types and colours that are sympathetic to the natural environment as detailed in the approved plans and shall be to the satisfaction of the Council's General Manager.
- 7) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's General Manager.

Services

- 8) All stormwater from the roofs of the proposed development must be captured for re-use onsite with water from overflows to be dispersed to avoid any concentrated or diverted discharge that may cause unnatural erosion. Such water must not be directly discharged to Lake Malbena. All such works must be to the satisfaction of Councils Plumbing Inspector.
- 9) All wastewater from the proposed development must be captured in sealed tanks and removed from the site for disposal at an approved facility outside the Tasmanian Wilderness World Heritage Area, to the satisfaction of Councils General Manager.

Operations and Management Plans

- 10) Before any work commences the following documents must be submitted to the satisfaction of Councils General Manager:
 - Reserve Activity Assessment approval including any conditions;
 - Operations Manual;
 - Construction Environmental Management Plan;

- Weed and Hygiene Plan;
- Indigenous Heritage Management Plan;
- Species and Communities of Significance Plan;
- Fire Management Plan
- Customised Fly Neighbourly Advice Impact Mitigation and Avoidance Prescription Plan;
- Wilderness Characteristics Management Plan;
- Soil and Water Management Plan; and
- Emergency Management Plan

Construction Amenity

- 11) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:
Monday to Friday 7:00 a.m. to 6:00 p.m.
Saturday 8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- 12) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
 - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - b. The transportation of materials, goods and commodities to and from the land.
 - c. Appearance of any building, works or materials.
 - d. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site is permitted.

The following advice applies to this permit:

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) The use and development must not commence until all other approvals have been obtained.
- c) Construction and site works must not commence until any necessary approval has been issued in accordance with the *Building Act 2016*.
- d) The Soil and Water Management Plan shall be prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, the State Policy for Water Quality Management 1997.
- e) The issue of this permit does not ensure compliance with the provisions of the Aboriginal Heritage Act 1975. If any suspected Aboriginal heritage items are located during construction the provisions of the Act must be complied with.
- f) The issue of this permit does not ensure compliance with the provisions of the Threatened Species Protection Act 1995, Nature Conservation Act 2002 or the Commonwealth Environmental Protection and Biodiversity Protection Act 1999.
- g) Any signage associated with the use located on the land may require further pre-approvals from Council.

6.0 CLOSURE
