

The following information is intended to provide a guide as to issues that may be raised in representations opposing the development proposal.

Further information about how to make representations and read planning schemes, can be found here: <http://www.edotas.org.au/haveyoursay/how-to-have-your-say/>

Compliance with Scheme requirements

Clause 29.1 - Compliance with Zone objectives

- The objectives of the Environmental Management Zone of the [Central Highlands Interim Planning Scheme 2015](#) (the **Scheme**) include:
 - 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.
 - To only allow for complementary use or development where consistent with any strategies for protection and management.
 - To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland areas.
 - To recognise and protect reserved natural areas as great natural assets.

- 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**). Expert advice to government and a detailed wilderness impact assessment highlights the development would in fact have a negative impact on the internationally recognised values of wilderness character and the wilderness experience of other users.
 - According to the expert statutory advisory council to the Tasmanian Government on the management of parks, reserves and the TWWHA, the National Parks and Wildlife Advisory Council ([NPWAC](#)), the development is not complementary to, or consistent with the Tasmanian Wilderness World Heritage Area Management Plan 2016 (**Management Plan**).
 - It facilitates private, for-profit recreational activities at the expense of the protection of the natural values, and in particular, the wilderness value of the TWWHA.
 - It fails to recognise and protect the World Heritage values of the TWWHA, particularly wilderness character.

- The wilderness character of the TWWHA, recognised in its name, underpins the property's World Heritage values. This is clearly acknowledged in the Management Plan, which states (at pp 173-174):

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

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

- The value of wilderness was a key element in the nomination, assessment and listing documents of the TWWHA and is seen as an important intrinsic and recreational value. Its continuing integrity is therefore an important social value for many people. It is a central element in what many people value with respect to the TWWHA as a whole. Wilderness is often viewed as the principal value of the TWWHA.
- Maintenance or enhancement of this wilderness character, and the proper assessment of any action likely to detract from that character, is therefore critical to ensuring compliance with the Management Plan, and by extension, that Australia meets its obligations under the World Heritage Convention.

Clause 29.2 - Appropriate Use Class

- 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 use" in the Environmental Management Zone.
- Council should therefore refuse a permit for the use of the helipad.

Clause 29.3.1 – Use Standards for Reserved Land

- 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.
- In performing its functions and powers under the Scheme and the *Land Use Planning and Approvals Act 1993*, 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:
 - 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-Reliant Recreation Zone of the Management Plan, and the PWS Standing Camp Policy 2006.
 - 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 *Environment Protection and Biodiversity Conservation Act 1999* (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.
- Council should refuse to issue a permit for the proposed development because it fails to comply with clause 29.3.1 P1. This is because:
 - The proposed development is not complementary to the use of the reserved land. The 240 (or more) helicopter overflights resulting from the proposed development each year will severely impact on the wilderness experience of bushwalkers and anglers in this part of the Walls of Jerusalem National Park. Allowing mechanised access to this remote region of the Walls of Jerusalem National Park may also undermine the very purpose of the reserve as it could result in:
 - the transmission of weeds, pests and diseases into a pristine environment
 - adverse impacts on endangered flora and fauna.
 - The proposed development is inconsistent with the applicable objectives for conservation areas and National Parks under the *National Parks and Reserves Management Act 2002*. In particular, the development:
 - will not protect the natural and cultural values of the Walls of Jerusalem National Park against adverse impacts of fire, introduced species, diseases and soil erosion;

- encourages and provides for tourism, recreational uses and enjoyment in a way that is inconsistent with the conservation of Walls of Jerusalem National Park's natural and cultural values and the Management Plan;
 - fails to encourage cooperative management programs with Aboriginal people in areas of significance to them;
 - fails to preserve the natural, primitive and remote character of wilderness areas.
- The proposed development will have an unreasonable impact upon the amenity of the surrounding area through commercial vehicle movements, noise, lighting or other emissions that are unreasonable in timing, duration and extent.
 - As already outlined above, the numerous helicopter flights servicing the development will result in noise emissions that would severely impact on the aesthetic values of the Park. These aesthetic values are both treasured by bushwalkers and anglers and recognised as being of Outstanding Universal Value by UNESCO. That the flights each way would be 9-11 minutes in duration and/or limited to 65 days per year does not mitigate or minimise their adverse impact, as currently, no commercial operators are permitted to land in the region. There are therefore very few, if any, commercial overflights of the area.

Clause 29.4.2 – Setback

- The proposed development fails to comply with clause 29.4.2 A5 as the buildings are located within the TWWHA.
- 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.

Clause 29.4.3 – Design

- 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.

- 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.

Clause E7.7.1 – Stormwater management

- 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.
- 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.

Clause E11.7.1 – Waterway and coastal protection development standards

- 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.

Other issues

Landowner consent

- 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.
- Council should clarify this issue before granting any permit for the development.