



19 October 2022

Wild Drake Pty Ltd  
Attn: Daniel Hackett  
PO Box 1061  
Launceston TAS 7250  
Via: <https://hallsisland.com.au/fourthcomment/>

To Wild Drake Pty Ltd,

We write this submission on behalf of all Tasmanian Greens' members and supporters in response to the invitation for public comment on the EPBC assessment of the proposed helicopter-accessed tourist accommodation proposal at Lake Malbena (EPBC referral no. 2018/8177).

We acknowledge that Halls Island, the Tasmanian Wilderness World Heritage Area and the entirety of lutruwita/Tasmania are unceded Aboriginal land.

The Tasmanian Greens oppose the proposal in the strongest terms due to the deleterious and unresolvable negative impacts it will have on the wilderness and cultural values of the Tasmanian Wilderness World Heritage Area (TWWHA). The proposal stands to irredeemably harm outstanding universal natural and cultural world heritage values, and therefore must be rejected.

This submission will outline the proponent's failure to respect or abide by the principles of the Tasmanian Wilderness World Heritage Area Management Plan 2016. We make the case that the Commonwealth Environment Minister should not approve the proposed action under the EPBC Act due to its damaging and degrading impact on the TWWHA.

## Part 1: The proposed location for development is inappropriate

Tasmania's World Heritage estate is one of the world's great treasures. It is the only World Heritage area with the word 'wilderness' in its name, a mark of its globally unrivalled uniqueness.

Halls Island on Lake Malbena is situated in the world-renowned Walls of Jerusalem National Park. The island is public land, inside public protected lands, but bushwalkers, fly fishers and other recreational users believe Halls Island is now effectively privatised for a peppercorn rent to the proponent. It is inextricably ensconced in an area deemed globally significant due to its outstanding universal value.



The Tasmanian Parks and Wildlife Service, a division of the Tasmanian Government's Department of Natural Resources and Environment Tasmania, describes the Park's stunning beauty:

*"Located in the Tasmanian Wilderness World Heritage Area, the Walls of Jerusalem is a wild and inspiring alpine park with a labyrinth of highland lakes, craggy mountains and elegant stands of pure pencil pine forests. Its stunning landscape of precipitous dolerite peaks, moraines and tarns are the result of glaciation."<sup>1</sup>*

The people of lutruwita/Tasmania who are alive today are fated with holding these areas of outstanding universal value for current and future generations. According to the Australian government, *"It is intended that, unlike the seven wonders of the ancient world, properties on the World Heritage List will be conserved for all time."<sup>2</sup>*

All people in Tasmania share a responsibility to protect the entirety of the TWWHA in perpetuity. Wild Drake Pty Ltd's proposal for helicopter-accessed tourist accommodation is ill-fitting with the globally significant and ecologically sensitive area.

## Part 2: Responsibility to protect wilderness

The Australian World Heritage Management Principles<sup>3</sup> state:

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

The proposal for helicopter-access tourism accommodation within the National Park and within the TWWHA more broadly is an affront to the wilderness values that are intended to be protected.

The proponent's ludicrous claim, of minimal noise impact from 130 helicopter flights through

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<sup>1</sup> *Walls of Jerusalem National Park: wild and inspiring alpine landscape*, 19/07/2022, Tasmanian Parks and Wildlife Service, <https://parks.tas.gov.au/explore-our-parks/walls-of-jerusalem-national-park>, accessed 12/10/22

<sup>2</sup> *The World Heritage Convention*, 03/10/2021, Australian Government, Department of Climate Change, Energy, the Environment and Water, <https://www.dcceew.gov.au/parks-heritage/heritage/about/world/world-heritage-convention#:~:text=The%20World%20Heritage%20Convention%20aims,for%20current%20and%20future%20generations>, accessed 12/10/22

<sup>3</sup> *Ibid.* <https://www.dcceew.gov.au/parks-heritage/heritage/about/world/management-australias-world-heritage-listed/managing-world-heritage-australia/conserving-world-heritage#austrian-world-heritage-management-principles>, accessed 12/10/22



wilderness to and from Halls Island, cannot be substantiated. Indeed, the proponent cites his own research in an attempt to substantiate his claim.

In 2015, the newly elected Hodgman Liberal Government rewrote the Tasmanian Wilderness World Heritage Area Management Plan to facilitate increased commercial development and hardened structures in the TWWHA. It changed zoning boundaries, including that around Halls Island, Lake Malbena, in a manner designed to enable the proposal currently before the Federal Minister. We strongly urge the Minister to disregard the proponent's claim that the rezoning of Lake Malbena from Wilderness Zone to Self-Reliant Zone was a necessary correction, rather than what it was - a political decision to facilitate the proponent's proposal.

The proposal is not consistent with the Tasmanian Wilderness World Heritage Area Management Plan 2016, particularly with respect to noise and visual impact, nor with the Tourism Master Plan for the Tasmanian Wilderness World Heritage Area<sup>4</sup>.

### Part 3: The benefits are vastly outweighed by harm

At the heart of this proposal is the notion of exclusivity of access to a publicly owned asset now in private hands by way of a secretly negotiated and signed lease over both Halls Island and Reg Hall's historic hut.

There has been widespread community concern that anyone who wants to visit Halls Island would, according to Mr Hackett in a recent radio interview, have to send him an email first. So walkers, anglers and conservationists are already being told they have to ask permission from a private operator to go onto Halls Island or risk being charged with trespass.

In addition to significantly restricting public access to a public place, the proposal includes a significant and unacceptable number of helicopter flights each year which, despite claims by the proponent of having very minimal impact on the wilderness, would in fact degrade wilderness values substantially. This is the reason the proposal has caused such angst and anger among traditional and recreational users of the TWWHA.

The noise from persistent and consistent overhead helicopter flights would have a negative impact on the "naturalness" and "remoteness from settlement" and "time remoteness" which are key components of wilderness. Routine helicopter flights will also cause additional visual, air and sound pollution.

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<sup>4</sup> *Tourism Master Plan for the Tasmanian Wilderness World Heritage Area*, 05/2021, see policy guideline APG 5 and APG7, pages 46-47, 56, Tasmanian Government Department of Primary Industries, Parks, Water and Environment, <https://nre.tas.gov.au/Documents/Tourism%20Master%20Plan%20for%20the%20Tasmanian%20Wilderness%20World%20Heritage%20Area.pdf>, accessed 12/10/22



The Tasmanian Parks and Wildlife Service Wilderness Quality Assessment found that more than 1,150 hectares of high-quality wilderness would be degraded by this proposal, with a total of 4,900 hectares of wilderness adversely affected.

In his RFI document to the EPBC, Mr Hackett also states the island is not a fire refuge, but there are in fact 1000-year-old pines on Halls Island that have never seen fire. This is another example of the proponent misrepresenting facts to support his profit-making venture.

In the *Request for Further Information (RFI) - Response*, Wild Drake Pty Ltd claims:

*“The Parks and Wildlife Service will benefit from up to \$40,000 per annum (5% of gross turnover) via lease arrangements, and a further potential \$7,200 annually via Parks Passes. Total returns up to \$47,200 annually.”<sup>5</sup>*

The Parks and Wildlife Service manages in excess of \$1 billion of public assets that service visitor needs and experiences within Tasmania’s parks and reserves. PWS receives over \$80 million each year from the Tasmanian Government<sup>6</sup>. The proposal’s claimed contribution would represent *up to* one sixteenth of one percent (0.0625) of the department’s revenue.

Impinging upon the TWWHA’s outstanding universal values for such a paltry sum is a slap in the face to Aboriginal and non-Aboriginal Tasmanians who identify strongly with the TWWHA, as well as the global conservation community.

The risk to endangered Tasmanian wedge-tailed eagles by disturbance of dust and noise for the pleasure of 180 customers per year<sup>7</sup> to a private operator is a price few Tasmanians would be willing to pay.

Crucially, the Tasmanian Aboriginal community does not support this proposal. The TWWHA is listed in part because of the Outstanding Universal Values of its Aboriginal heritage. For this proposal to proceed over the objections of the Tasmanian Aboriginal community would add further to the massive harms and dispossessions that they have already been subjected to.

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<sup>5</sup> *Request for Further Information (RFI) – Response Halls Island Standing Camp, Lake Malbena, Tasmania (EPBC 2018/8177) V4.4*, Wild Drake Pty Ltd, 31/08/2022, p.2, <https://hallsisland.com.au/wp-content/uploads/RFI-Halls-Island-v4.4.pdf>, accessed 12/10/22

<sup>6</sup> *Government Services Budget Paper No 2 Volume 1*, Department of Treasury and Finance, 27/05/22, p.177, <https://www.treasury.tas.gov.au/BudgetPapersHTML/Budget2022/BP2/2022-23-BP2-8-Natural-Resources-Environment-Tasmania.htm>, access 12/10/2022

<sup>7</sup> *Op cit.* Wild Drake Pty Ltd, p. 147, see 10e *Improved valuation, pricing and incentive mechanisms should be promoted*



## Part 4: The EOI process is a flawed process with disastrous results for heritage values

The expressions of interest (EOI) process for development inside public protected areas was initiated very soon after the Liberal Party came into government in 2014 and it immediately created deep public concern. In 2016, the Tasmanian Wilderness World Heritage Management Plan was amended to specifically enable the type of private commercial developments inside the TWWHA that were previously specifically prohibited.

The Tasmanian Liberal Government secretly leased the historic Reg Hall's Hut and an entire island in the TWWHA to the lead proponent from Wild Drake Pty Ltd, a form of privatisation in all but name. To add insult to injury, this gem of Tasmania's world heritage estate has been effectively privatised - with the broader public shut out and threatened with trespass unless they seek permission - in return for a little over \$100 per week paid to the Parks and Wildlife Service. To date, this project has been rejected by the Central Highlands Council<sup>8</sup>, the Tasmanian Supreme Court<sup>9</sup> and the Federal Court<sup>10</sup>.

Fundamentally, the TWWHA is not ours to sell or to privatise. It is held in trust to be cared for in perpetuity for the sake of the world's people and generations still to come. To sell it, to privatise it, and to trample its outstanding universal values for profit is to make a mockery of the TWWHA's World Heritage property listing.

To degrade wilderness in a world where it is disappearing fast is unacceptable on every level.

For these reasons, the Tasmanian Greens strongly oppose Wild Drake Pty Ltd's proposal for helicopter-accessed tourism accommodation inside the TWWHA at Hall's Island on Lake Malbena.

We strongly urge the Federal Minister to reject this proposal on the grounds it would degrade outstanding universal wilderness and cultural values, and represents a threat to rare and endangered species.

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<sup>8</sup>Lake Malbena camp proponent flags appeal after council knockback for World Heritage Area plan ABC News, Alexandra Humphries, [26/02/2019https://www.abc.net.au/news/2019-02-26/lake-malbena-development-in-wilderness-heritage-area-voted-down/10849912](https://www.abc.net.au/news/2019-02-26/lake-malbena-development-in-wilderness-heritage-area-voted-down/10849912), accessed 12/10/2022

<sup>9</sup>Lake Malbena tourism proposal fails to pass Supreme Court full bench on appeal, The Advocate, Adam Holmes, <https://www.theadvocate.com.au/story/7432367/lake-malbena-proposal-fails-to-pass-supreme-court/>,

<sup>10</sup>Court finds Commonwealth decision on Lake Malbena 'heli-tourism' invalid, Environmental Defenders Office 5/12/2019, <https://www.edo.org.au/2019/12/05/lake-malbena-heli-tourism-decision-invalid/>, accessed 12/10/2022



BACKGROUND READING:

<https://tasmps.greens.org.au/parliament/lake-malbena-twwha>

<https://tasmps.greens.org.au/submission/lake-malbena-development-application>

[https://wilderness.good.do/malbena2022/wilddrake\\_submission/](https://wilderness.good.do/malbena2022/wilddrake_submission/)

**Cassy O'Connor MP**  
Leader of the Tasmanian Greens

**Senator Nick McKim**  
Australian Greens Senator for Tasmania

**Dr Rosalie Woodruff MP**  
Greens Environment spokesperson

**Senator Peter Whish-Wilson**  
Australian Greens Senator for Tasmania