

Out of Scope

- **EOI Leases and Licences**

- Halls Island:**

- The Resource Management and Planning Appeals Tribunal (RMPAT) has upheld the appeal on the Central Highlands Councils decision on the Halls Island project. The Council has been directed to apply conditions on the project and directed the Central Highlands Council to apply conditions. RMPAT also upheld the application of LUPPA to State Government land as questioned by the Attorney-General.

The EPBC Act appeal by the Wilderness Society to the Federal Court was upheld. The Judge made a directive that the proponent and the Wilderness Society meet to decide on a set of conditions. The issue was raised that the proposal was divided into

two stages. The judge noted that both stage one and stage two should be assessed concurrently.

The proponent will submit its final RAA before Christmas and it is the intention to submit it to NPWAC for review. Jason noted that it will be assessed against the old Standing Camp Policy.

Out of scope



State-wide EOI in National Parks and Reserves

- Lake Malbena:
 - EPBC Act: The Commonwealth are currently reviewing their original decision following the finding of the High Court challenge.
 - RMPAT: the RMPAT decision has been appealed by the Wilderness Society/Environmental Defenders Office. The matter is being referred to the Supreme Court. A date for hearings has not been set.
 - The Ombudsman has determined that lease/licenses are not exempt under RTI. The Lake Malbena lease was made public on 28th January 2020 following a RTI application.

Out of Scope

State-wide EOI in National Parks and Reserves

Lake Malbena:

- EPBC Act: The Commonwealth are currently reviewing their original decision following the finding of the High Court challenge.
- RMPAT: the RMPAT decision has been appealed by the Wilderness Society/Environmental Defenders Office. The matter is being referred to the Supreme Court. A hearing date has been set for 24 June 2020.
- The Ombudsman has determined that lease/licenses are not exempt under RTI and subsequently the Lake Malbena lease was made public by the proponent on 28 January 2020 following an RTI application.

Out of Scope



Tierney, Eric

From: Rachel Brown <[REDACTED]>
Sent: Wednesday, 29 July 2020 8:07 PM
To: Tierney, Eric
Cc: hullcindy [REDACTED]; hank.horton; Hanny Allston; whinambauer; wellsmalcolm; rikki_ingram; susprott; trish; myallhollow
Subject: Re: NPWAC Meeting No.248

Hi Eric,

Thanks for this.

Given the importance of the Lake Malbena RAA, would it be possible to send a copy of it to all members who haven't seen it or direct us where to find it in the Members Portal.

I would definitely like to read it before the meeting.

Thanks,
Rachel.

Dr Rachel Brown
Director, Landly Pty Ltd
Sustainable Dairying Adviser (DairyTas contractor)

[REDACTED]
PO Box 260 Port Sorell Tas 7307
www.landly.com.au

Out of Scope



Out of Scope



- **Statewide EOI Projects:**
 - **Lake Malbena:** the Australian Government is still considering the results of the high court challenge and the PWS is waiting until this occurs before progressing the Reserve Activity Assessment (RAA).

Out of Scope



State-wide EOI in National Parks and Reserves

Lake Malbena

- EPBC Act: The Commonwealth are currently re-making their original decision following the finding of the High Court challenge.
- RMPAT: the RMPAT decision was appealed by the Wilderness Society/Environmental Defenders Office. The matter was heard by the Supreme Court of Tasmania, and a finding delivered on 6 July 2020. The appeal was dismissed.
- The Wilderness Society is appealing the Supreme Court decision. No date has been set for the appeal hearing.
- PWS will review a final RAA from the proponent once the EBPC decision has been re-made.
- NPWAC will be provided with the final RAA to consider.

Out of Scope



From: [Rachel Brown](#)
To: [wellsmalcolm](#)
Cc: [Tierney, Eric](#); [hullcindy](#); [myallhollow](#); [hank.horton](#); [Hanny Allston](#); [whinambauer](#); [rikki_ingram](#); [susprott](#); [trish](#)
Subject: Re: NPWAC comments on TMP in light of last meeting
Date: Wednesday, 19 August 2020 8:08:28 AM

Hi Malcolm,

s.35



Out of Scope



s.35



Thanks,
Rachel.

Out of Scope



Out of Scope



On 18 Aug 2020, at 6:24 am, Rachel Brown

<[redacted]> wrote:

Out of Scope



Out of Scope



s.35



Thanks,
Rachel.

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Dr Rachel Brown
Director, Landly Pty Ltd
Sustainable Dairying Adviser (DairyTas contractor)



PO Box 260 Port Sorell Tas 7307
www.landly.com.au

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RTI-DL-RELEASE-DPI/WE

Tierney, Eric

From: Malc <wellsmalcolm [REDACTED]>
Sent: Thursday, 17 September 2020 3:48 PM
To: rikki_ingram; myallhollow; hullcindy [REDACTED]; Tierney, Eric; hank.horton; whinambauer; Rachel Brown; susprott; trish; Hanny Allston
Subject: Out of scope
Attachments: [REDACTED]

Out of Scope

I assume that you have heard that the Commonwealth Minister has also reversed her stand on Halls Island that will at a minimum, result in further months of work for the proponent! Interesting times!
Regards to all Malcolm

Minister orders EPBC assessment for Lake Malbena

17 September 2020

Minister for the Environment Sussan Ley has determined that an application for a remote eco-tourism development on Halls Island in Tasmania's Lake Malbena must be assessed under the Environment Protection and Biodiversity Conservation Act.

The previous Departmental decision found that the proposal to establish a helicopter pad and eco-tourism accommodation on the tiny, remote island in the state's central highlands was unlikely to significantly impact matters of national environmental significance.

The proposed development has attracted considerable public complaint and legal challenge, resulting in the Minister needing to determine if the matter needs to be subject to a formal federal assessment.

"While acknowledging the Department's 2018 determination (accepting submissions from Wild Drake Pty Ltd that this was not a controlled action) and its current advice, I have determined that the likely impacts to the unique values of the Tasmanian Wilderness World Heritage Area (TWWHA) warrant a formal assessment," Minister Ley said.

"This decision does not pre-determine an outcome, but it does ensure a detailed assessment is made and all possible impacts on the TWWHA are considered.

"Under both the current EPBC Act and under our proposed streamlining of approval processes, the Commonwealth maintains, as a signatory to the UNESCO World

Heritage Convention, responsibility for ensuring the protection of World Heritage Values, just as it will ensure that binding national standards underpin environmental decisions in the future.”

The EPBC Assessment will commence immediately and will involve further public consultation before a decision is made whether or not to approve the proposal.

Sent from my iPad

Out of Scope

RTI-DL-RELEASE-DPI/PWE

Out of Scope

Lake Malbena

Paul Turner, Assistant Solicitor General – Litigation, joined the meeting to participate in discussion.

Following the removal of Lake Malbena from the proposed agenda, Jason provided a brief overview of the proposal assessment process to date including the following:

- The proposal is subject to three levels of assessment; PWS (land manager) RAA process; local council development application process; and the *EPBC Act* referral.
- The proponent has been issued with a lease and business licence conditional on all approvals being obtained, and all appeals and any conditions being addressed.
- The proposal initially had two stages; stage one is the camp construction while stage two was focused on obtaining approvals to undertake natural and cultural heritage tours. The proponent has subsequently determined to not proceed with stage two of the proposal at this time, following advice from the Aboriginal Heritage Council.
- The RAA for Lake Malbena was paused at step 7 so that it could be referred under the *EPBC Act*. The RAA will not be signed off until advice from *EPBC Act* referral and advice from NPWAC is received. It remains the intention to officially refer the final RAA to NPWAC.
- The proposal is subject to the 2007 Standing Camp Policy as the new policy has not yet been approved and is not intended to be applied retrospectively.

NPWAC thanked Jason for his briefing.

Longstanding NPWAC members noted that a copy of the RAA was provided to members for background information in its submission to the *EPBC Act* referral.

Out of scope



A member noted that the lease and business licence provided to Daniel Hackett are conditional on the recommendations of the RAA at Attachment C being complied with (see Section 2.3 RAA on page 45 of the lease). The Right to Information copy of the lease however does not include a copy of Attachment C. Regardless, it has been noted that the current version of the RAA is not yet complete.

s.35



Helen Wright and Paul Turner left the meeting.

Out of Scope



Tierney, Eric

From: Tierney, Eric
Sent: Thursday, 8 October 2020 12:09 PM
To: Malcom Wells
Subject: FW: Draft NPWAC No.248 Meeting Minutes

Hi Malcolm

Thanks for the quick chat.

With regards to Rachel's requests:

- **Lake Malbena**

I agree that Rachel's research after the meeting shouldn't change what was recorded at the meeting. However, I propose to include her update in the Action's list to record processes undertaken after the meeting and further information obtained in seeking to progress to this action. Rachel's comments are in the below email, the extract of the minutes are as follows:

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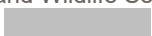
Out of Scope

Cheers
Eric

Eric Tierney
Executive Officer
National Parks and Wildlife Advisory Council
Tasmanian Wilderness World Heritage Area

I acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners, and continuing custodians of this land now called Tasmania and acknowledge Elders – past and present.

Working Hours: Please note that I work Monday to Thursday.

Tasmania Parks and Wildlife Service
03 6165 4277 | 
eric.tierney@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



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From: Rachel Brown [redacted]
Sent: Wednesday, 30 September 2020 7:55 PM
To: Tierney, Eric <Eric.Tierney@parks.tas.gov.au>
Cc: Hanny Allston <[redacted]>; hullcindy <[redacted]>; myallhollow <[redacted]>; hank.horton <[redacted]>; whinambauer <[redacted]>; wellsmalcolm <[redacted]>; rikki_ingram <[redacted]>; susprott <[redacted]>; trish <[redacted]>
Subject: Re: Draft NPWAC No.248 Meeting Minutes

Hi all,

Thanks to Eric for these minutes.

s.35

Also, after the meeting I went back over the RTI documents.

I'm pretty sure Appendix B (flight path) and Appendix C (the RAA) is actually there!

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s.35

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Thanks,
Rachel.

Dr Rachel Brown
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PO Box 260 Port Sorell Tas 7307
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Out of Scope

RTI-DL-RELEASE-DPIPWVE

Out of Scope

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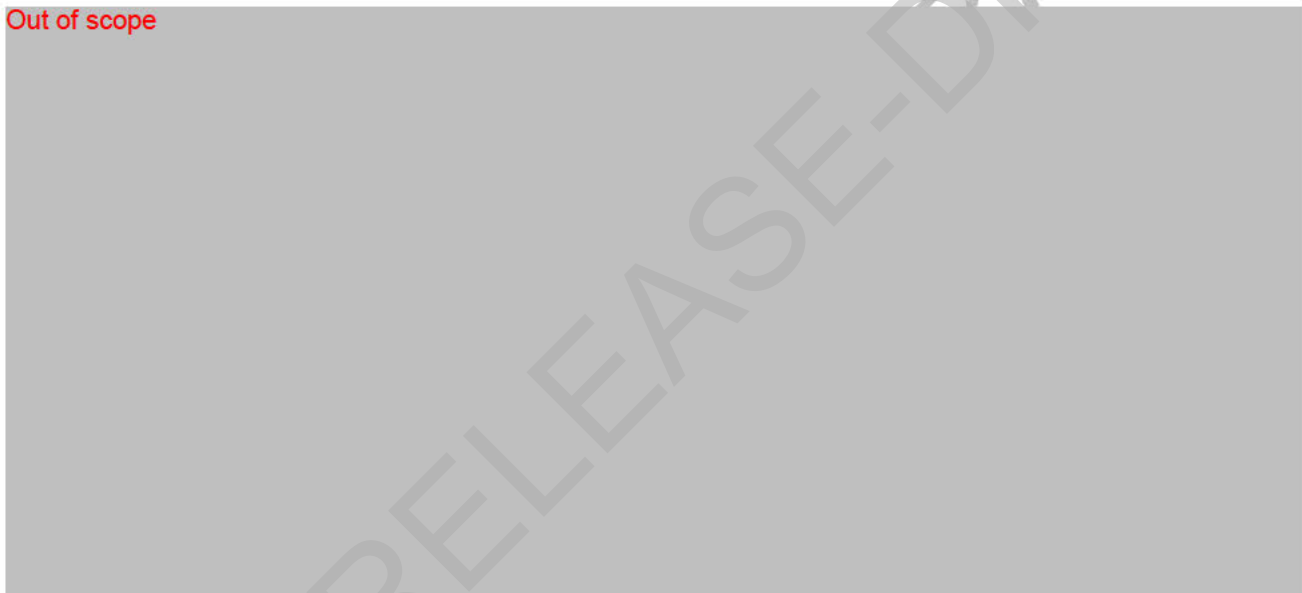
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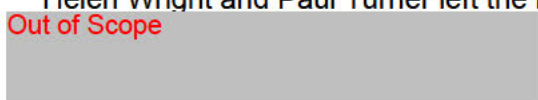
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s.35



Helen Wright and Paul Turner left the meeting.

Out of Scope



Out of Scope

248.5	s.35	f JJ	Jason to provide a verbal briefing to NPAC at Meeting No 249	Yes
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Out of Scope

State-wide EOI in National Parks and Reserves

Out of Scope



Lake Malbena

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NPWAC will have the opportunity to comment on the Preliminary Documentation.

Out of Scope



Tierney, Eric

From: Tierney, Eric
Sent: Thursday, 3 December 2020 11:33 PM
To: Jacobi, Jason; Malcom Wells
Subject: FW: Draft NPWAC No.248 Meeting Minutes
Attachments: Re: Draft NPWAC No.248 Meeting Minutes

Hi Jason and Malcolm

Apologies but this just crossed my mind in finalising a few items for tomorrow's meeting.

From Meeting No.248, both Rachel and Cindy provided some comments (below and attached) on Lake Malbena
Out of Scope

s.35

In reviewing the action list I just noticed that I had not updated the wording from what I had previously recorded:

s.35

I believe that both actions note the intent of what is being asked, but the amended action wording has further clarification.

Out of Scope

Apologies again
Eric

Eric Tierney
Executive Officer
National Parks and Wildlife Advisory Council
Tasmanian Wilderness World Heritage Area

I acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners, and continuing custodians of this land now called Tasmania and acknowledge Elders – past and present.

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eric.tierney@parks.tas.gov.au
Level 7, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



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Out of Scope

Out of Scope

- **EOI Process**

- There has been no further progress on either the Lake Malbena **Out of Scope**
- **Out of scope**

Out of Scope