

Wild Drake Pty Ltd | Halls Island, Lake Malbena - Walls of Jerusalem National Park

DA 2018/50

Tasmanian Greens Submission

15 February 2019

General Manager
Central Highlands Council
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To the General Manager, Mayor and Central Highlands Councillers,

We write on behalf of all Tasmanian Greens' members and supporters to express opposition in the strongest terms to the Wild Drake Pty Ltd Development Application for Halls Island at Lake Malbena in the Tasmanian Wilderness World Heritage Area.

We urge Council to address the proposal's failure to be 'undertaken in accordance with the reserve management plan' as required under the Central Highlands Planning Scheme. 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, even despite its rewriting by the newly elected Liberal Government to weaken wilderness protections and facilitate commercial development in the TWWHA.

The Tasmanian Wilderness World Heritage Area Wilderness is a place of global significance, recognised for its outstanding natural and cultural landscape values. The TWWHA is a largely undeveloped and naturally intact landscape; home to irreplaceable and priceless wilderness and Aboriginal cultural heritage. It is a place that has been listed on the World Heritage register with the support of Commonwealth and State governments to protect for future generations. The TWWHA is the only property on the World Heritage list with the word 'wilderness' in its name, a mark of its global uniqueness.

The State Government's Expressions of Interest process was established to exploit and privatise Tasmania's publicly-owned protected areas and other public lands. It is a highly improper process that is almost entirely opaque to the public and has all the ingredients necessary to cultivate corruption and cronyism between government and business.



This flawed and political process has gifted a private proponent two exclusive leases over Halls Island that were negotiated in secret and remain secret to the public. One of these leases covers the entirety of Halls Island, a place enjoyed by generations of Tasmanian bushwalkers and anglers. They will be denied access to a unique wilderness which they have enjoyed freely should Council approve this proposal.

The secrecy around the EOI process is deeply concerning. The public is intentionally kept in the dark, with gag clauses, and Right to Information requests and questions in Parliament dismissed under 'commercial in confidence' by Ministers and bureaucrats, most particularly those in the Office of the Coordinator General.

UNESCO recognised the threat the Hodgman Government's tourism development plans had on the TWWHA. In 2015, UNESCO strongly urged the development of a Tourism Master Plan for the TWWHA before increased private development is progressed.

According to the Premier, the Tourism Master Plan is unlikely to be delivered until the end of next year by which time many of the decisions will have been made and dozens of secret commercial developments will have been negotiated through to lease, license and construction.

The proposal at Halls Island will set the precedent for development and intrusive mechanised access to the TWWHA. This is wilderness privatisation of the worst kind, facilitated by a secretive EOI process that subverts good planning process and public participation in planning decisions.

While much of this can't be considered by Council and is outside the scope of the Development Application assessment, it is illustrative of the broader issues with the proposal for Lake Malbena and the EOI process.

Issues for consideration of Council

Use Standards for Reserved Land (29.3.1) require that a use be "undertaken in accordance with the reserve management plan". Therefore, Council must satisfy itself that the use (Visitor Accommodation) is in accordance with the Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan.

Further to this, the 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.



This proposal is inconsistent with the *National Parks and Reserves Management Act (2002)*. The project undermines the management objective “to preserve the natural, primitive and remote character of wilderness areas” under *The National Parks and Reserves Management Act 2002*.¹

The use of lighting, heating, and steel buildings very clearly undermine the character of wilderness areas, and the use of helicopters clearly undermine the remote character. The measures proposed to limit natural impacts are far from comprehensive, and are vague and non-committal.

In considering compatibility with the TWWHA Management Plan, it should be kept in mind the TWWHA Management Plan² indicates that “Visitors exhibit a higher level of experience and commitment in this type of zone” and that the self-reliant recreation zone aims to “retain a largely unmodified natural setting for a challenging experience that meets the needs of a relatively low number of self-reliant recreation users”.

This objective should be considered when interpreting policy that is open to interpretation or has a broad, discretionary scope. It is also worth bearing in mind that the proposal itself is entirely contradictory to both the retention of a “largely unmodified natural setting” and to “self-reliant recreation users”.

Although the Tasmanian Parks and Wildlife Service (PWS) has provided a statement indicating that in their view, “The structures, as proposed, would meet the definition of a standing camp under the current PWS Standing Camp Policy (SCP) 2006” some of the details of the camp in the Development Application are different to those proposed in the Reserve Activity Assessment.

In relation to this matter, the Reserve Activity Assessment on which Parks has based its assessment indicates that the huts will be 3x3m (9m²)³. The plans, however, show that the accommodation buildings will be 11.4m² and adjoined to toilet facilities which at 3.6m², are in fact larger than the huts proposed in the RAA.⁴

Further to this, despite Parks’ claims, there are clear and irrefutable inconsistencies between the proposal and the current PWS Standing Camp Policy 2006.

The TWWHA Management Plan⁵ allows only standing camps in the self-reliant recreation zone. The accommodation facilities proposed are described in the plans as a type C standing camp.

Management plans are meant to stipulate⁶ which categories of standing camps are allowed, The TWWHA Management Plan does not. However, Type C standing camps are only allowed where “*site has already been degraded or hardened to such an extent that rehabilitation to its natural state is unlikely or where access is exceptionally remote or difficult*”. We do not believe that either of these conditions have been met, and the proponent has posed no argument justifying the use of a type C standing camp.

¹ [National Parks And Reserves Management Act 2002 - Schedule 1 - Objectives for management of reserved land](#)

² [Tasmanian Wilderness World Heritage Area \(TWWHA\) Management Plan](#), Page 63

³ [Halls Island Reserve Activity Assessment](#), Page 7

⁴ Halls Island Development Application Plans, Page 14

⁵ [Tasmanian Wilderness World Heritage Area \(TWWHA\) Management Plan](#), Page 79

⁶ [Parks' Standing Camp Policy](#), Page 8



Under “General conditions which apply to all Standing Camps” in the SCP it is stated that the walls and roofs of structures will be made mostly of tent style material.⁷ Instead, the buildings will be principally constructed of flat firebreaglass reinforced plastic panels. Neither the proponent nor Parks have addressed this inconsistency.

The general conditions also stipulate that boardwalks may be considered within the camp area to connect camping structures within the camp and as part of an access track.⁸ The perforated board walk above Sphagnum moss plain and board walk to edge of the exclusion zone in the plans are clearly not within camping area nor forming part of an access track.⁹

Additionally, the TWWHA Management Plan states that any new tracks or reroutes should be limited to environmental/management purposes only.¹⁰ This is a higher order document and supercedes the SCP. These tracks are not for environmental or management purposes, rather they are for commercial purposes. Again, this illustrates the proposal is not ‘undertaken in accordance with the reserve management plan.’

The Development Application for Halls Island in Lake Malbena confirms the worst fears of walkers, anglers and conservationsists for the Walls of Jerusalem and the World Heritage Area. Not only would there be highly restricted public access to a public place, consistent and persistent helicopter flights overhead degrading wilderness values, but four substantial buildings on Halls Island - not a standing camp as claimed by the proponent.

This is not consistent with the values of the Tasmanian Wilderness World Heritage Area, nor will the exclusivity of the arrangement allow free public access.

We urge you, as Council members with the responsibility to decide on the future of Halls Island, to consider not only the issues identified with the DA, but also the broader context of development of the World Heritage Area, its impact on natural and cultural values as well as public enjoyment, and reject the proposal.

Thank you for taking the time to consider our submission.



Cassy O’Connor MP
Leader of the Tasmanian Greens



Senator Nick McKim
Australian Greens Senator for Tasmania

⁷ [Parks' Standing Camp Policy](#), Page 14

⁸ [Parks' Standing Camp Policy](#), Page 16

⁹ [Halls Island DA Plans](#), Page 4

¹⁰ [Tasmanian Wilderness World Heritage Area \(TWWHA\) Management Plan](#), Page 79

