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Dear Minister,

Withdrawal of Lake Malbena planning application

Congratulations on becoming Premier and welcome to the role of
Tourism Minister.

We are writing to you about the withdrawal by Wild Drake Ptd Ltd of its
planning appeal for its proposal to build helicopter-accessed permanent
luxury tourism accommodation at Halls Island, on Lake Malbena, inside
Walls of Jerusalem National Park, within the Tasmanian Wilderness
World Heritage Area (TWWHA).

On Wednesday, 15 December 2021, Wild Drake Pty Ltd, withdrew its
planning appeal before the Tasmanian Civil and Administrative Tribunal,
meaning that the Central Highlands Council's original refusal of a permit
for the proposal now stands.

The withdrawal of the appeal occurred two days before the Tribunal was
due to consider Wild Drake's application again, following our successful
appeal to the Tasmanian Supreme Court, which found that the Tribunal's
previous grant or a permit for Wild Drake's proposal was not in
accordance with the law.

In light of the withdrawal of this planning appeal, and because you have
recently taken on the tourism portfolio, we believe now is an appropriate

time to reconsider the Tasmanian Government's current tourism policy that facilitated Wild Drake's proposal, namely, your Government's parks privatisation policy - "[Unlocking the Potential in our Parks](#)" - and by extension, the tourism Expressions of Interest (EOI) process that this policy gives rise to.

First, though, it may help to identify some common ground.

Assuming that it remains the aim of your Government for lutruwita/Tasmania to become a [global eco-tourism destination](#), this is something we welcome. **Could you confirm that this remains your Government's aim?**

Late last year, following a meeting with your colleague, the Parks Minister, Jacquie Petrusma's office forwarded us a definition of ecotourism apparently used by Tasmania's Parks and Wildlife Service:

"Ecotourism is ecologically sustainable tourism with a primary focus on experiencing natural areas that foster environmental and cultural understanding, appreciation and conservation."

We welcome this definition and look forward to its meaningful application and adherence in practice and principle in the future. **Can you confirm that you support this statement in principle and practice?**

Third, we believe that we share the aim of wanting sustainable tourism on the island to flourish, alongside properly-protected, respected and celebrated national parks, our world heritage property, and other high conservation value areas.

Wilderness is the pre-eminent drawcard for tourists to visit the island. Tourism Tasmania found:

"That 'wilderness' is integral to Tasmania's brand and appeal as a total tourism destination: 'wilderness' is the greatest trigger to influence intention to visit Tasmania, and respondents across market segments consistently rank

‘wilderness’ as having the highest appeal and being a uniquely Tasmanian experience.”¹

Despite wilderness underpinning Tasmania’s tourism sector, government tourism policy is at odds with it and, worse still, threatens the values of the world’s highest-rated World Heritage wilderness.

The Wilderness Quality Assessment by the Tasmanian Parks and Wildlife Service (released through a Right To Information request) found that 4,200 hectares of World Heritage wilderness would be degraded if the Wild Drake proposal had proceeded.²

As well as conflicting with the PWS definition of ecologically sustainable tourism, this put the PWS in the contradictory position of supporting a process and Wild Drake’s proposal despite its own assessment showing that it would degrade wilderness that PWS is charged with managing and protecting.

Despite it not being in the interests of the tourism industry, Wild Drake’s proposal was enthusiastically and repeatedly supported by the State Government, Tourism Tasmania, the Tourism Industry Council of Tasmania and, most confoundingly of all, by the Parks and Wildlife Service itself. This approach is counterintuitive and unnecessary.

Tasmania could be a world-leader in ecologically sustainable tourism. But not if it continues to seek to privatise and develop national parks and nature reserves for the few against the interests of the many.

Perhaps the most egregious aspect of the EOI tourism framework is that it encourages proposals that breach the statutory Management Plan for the TWWHA, with clause five of the tourism EOI [‘Guiding Principles’](#) saying:

“a participant is **not excluded** from lodging an EOI submission for a proposed development that may **not be fully compatible with the current statutory and**

¹ Page 5, [A representation by Tourism Industry Council Tasmania regarding the Draft Tasmanian Wilderness World Heritage Area \(TWWHA\) Management Plan 2014](#), 2015

² [Lake Malbena Proposal would Degrade 5,000ha of Wilderness](#), Tasmanian Times, 2021

regulatory framework [emphasis added], for consideration and assessment by the Minister”.

It’s hard to see how this clause is in the public interest. It must surely also set up proposals that are not compliant with the Management Plan for legal strife, which the now-withdrawn Lake Malbena proposal amply demonstrates.

Equally, it’s hard to see what the point of so much effort going into developing the statutory Management Plan is if proposals are encouraged that breach it. The ethics and legal soundness of such an approach are also highly questionable.

The notion of commercialising and privatising public places like national parks is something almost universally opposed by people in Tasmania. The parks privatisation policy and tourism EOI process are undeniably unpopular and self-evidently lack social licence.

As the Commonwealth Environment Minister, Sussan Ley MP, wrote in her [Statement of Reasons](#) declaring the Wild Drake proposal a controlled action: “No [public] comments are supportive of the proposed action in its current form”.

Do you accept that your Government's parks privatisation agenda is unpopular and lacks social licence?

These widely-held misgivings over the policy and EOI tourism instrument are also shared by the World Heritage Committee³, which has urged that all major developments, including tourism developments, in the TWWHA halt until the Detailed Plan for a Comprehensive Cultural Assessment of Aboriginal cultural values is completed. It is our understanding that this request has still not been implemented.

These concerns also extend to the Commonwealth Environment Minister, Sussan Ley MP, who wrote in her [statement of reasons](#)

³ See <https://whc.unesco.org/en/decisions/7791/> at [7]

declaring the Wild Drake proposal a controlled action, that Wild Drake's proposal:

“is likely to have a significant impact on the national heritage values for the Tasmanian Wilderness National Heritage Place” (para 85) and that,

“it will or is likely to have a significant impact on a listed threatened species, a World Heritage property and a National Heritage place” (para 109).

Paragraphs 76 and 79 also refer to the significant impacts on key World Heritage values because of the impacts the proposal would have had on high-quality wilderness.

In a worryingly similar fashion to the Wild Drake proposal, Experience Co and subsidiary Wild Bush Luxury is proposing to build luxury lodges along the South Coast Track . Ironically, both Wild Drake and Wild Bush Luxury use 'wild' in their name yet both seek to tame and adversely impact wilderness.

Just like Lake Malbena, Wild Bush Luxury is pressing ahead with exploiting this ancient Aboriginal track, instead of buying its own land and all the while ignoring the opposition of the Aboriginal community. The EOI process is setting up another controversial proposal to fail.

We strongly believe that there are better ways to foster tourism endeavours than through the parks privatisation policy.

Indeed, if the Government is serious about the island becoming an ecotourism destination, it's hard to see how such an aspiration can coexist alongside the current tourism EOI framework, especially when Tasmania is in competition with other international jurisdictions, which take ecotourism more seriously than Tasmania's officialdom does.

If you share our view that there are better ways to do tourism than this, and in light of Wild Drake's withdrawal, one option could be for you to scrap the parks privatisation policy and the tourism EOI framework, in favour of tourism developers buying their own land and using the same planning laws and processes as everyone else.

Alternatively, you could overhaul the tourism EOI process so that, for example, it instead encourages sustainable tourism proposals, consistent with PWS ecological tourism definition, in rural and regional communities instead of national parks and public nature reserves.

Both options are preferable to leaving the parks privatisation policy and EOI tourism framework unchanged and on the table. Doing so will only lead to further adverse outcomes.

In light of Wild Drake effectively withdrawing its planning permit, and in light of the pending disaster of Experience Co.'s development proposal, can you confirm that you will urgently reconsider the ["Unlocking the Potential in our Parks"](#) policy and tourism EOI process??

There is also the matter of Wild Drake's lease of Halls Island. We would be grateful if you could, through the Minister for Parks, instruct the Parks and Wildlife Service to void this lease to remove any legal ambiguity about people's right to freely visit this island once more.

Please could you advise the current status of the Halls Island lease granted to Wild Drake and what will happen to it in light of Wild Drake's withdrawal of its planning application?



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Copied to:
Parks Minister, Jacque Petrusma MP (and senior advisor)
Australia's Environment Minister, Sussan Ley MP