Wilderness Society
Life. Support.

Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 public consultation

Submission by the Wilderness Society Tasmania.

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About the Wilderness Society

The Wilderness Society is an independent environmental advocacy organisation.

As a people-powered organisation, we are part of a mass movement for climate action and nature conservation in Australia. Since 1976, we've led some of the country's most successful campaigns, including the Franklin River, Fraser Island, Australia's Forests, James Price Point in the Kimberley and numerous World Heritage areas.

Today we are campaigning to end deforestation in Queensland, for the introduction of a new generation of nature protection laws (that actually work), the end of fossil fuel drilling in the Great Australian Bight and to end the destruction of native forests in Victoria, Tasmania and beyond.

We exist to protect Australia's environment, to which life on this continent depends. Our mission is to protect, promote and restore wilderness and its natural processes.

A fitting acronym for wilderness is LIFE: Large, Intact, Functioning Ecosystems. Wilderness can be described as the purest form of nature.

The Federal Government defines wilderness as being remote and natural, constituting

- Remoteness from places of permanent occupation
- Remoteness from established access routes
- Naturalness - the landscape is free from permanent structures of modern society;
- Biophysical naturalness - the natural environment is free from biophysical disturbance and constitutes thriving ecosystems

Examples of wilderness in Australia are the Tasmanian Wilderness World Heritage Area and takayna/Tarkine (TAS), Kakadu National Park (NT), Lamington National Park (QLD), Flinders Ranges (SA) and Ningaloo Reef (WA), among others.

Introduction

"Quite simply, social licence to operate exists when a project, asset or organisation has the ongoing approval from stakeholders" - Anthony Sprigg, CEO of Infrastructure Sustainability Council of Australia[1].

If a project, major or not, fails the social licence test, it can and should be impossible for it to proceed. Major projects ideally rely on social licence if they are to be successfully completed.

Tasmania's planning landscape is littered with the carcasses of failed projects that governments have sought and failed to impose upon communities that didn't want them.

From Wild Drake's helicopter-accessed, luxury tourist accommodation proposed for Lake Malbena inside Walls of Jerusalem National Park, to the Bell Bay pulp mill, Ralph's Bay marina, Dover woodchip port and the cable car proposed for kunanyi/Mount Wellington, the record shows that unpopular proposals consistently fail and that government and developers sideline the community at their peril.

Failure can also prove expensive.

The failed East-West Link (EWL) Road in Melbourne is instructive and has been studied by academics as a textbook case study of an environmentally-disastrous major project proposal that failed through lack of social licence.

The East-West Link Road was a multi-billion dollar freeway proposed between west and central Melbourne supported by State and Federal governments, which had signed construction contracts. But there was a major problem: local people didn't want it. "Public opposition and anger to EWL grew such that the incumbent government was thrown out over the project"[2].

The cost of failure? $1.1 billion in wasted public funds paid out contracts that had been signed too soon, a government brought down and Melbourne's traffic congestion problem unsolved.

Failures to fully and properly engage the community in planning and development decisions also excludes important opportunities to improve projects.

Based on this case, University of Sydney researchers found that "poor engagement can result in missed opportunities to crowd-source ideas, incorporate these into the project and subsequently deliver better public value"[3].

Unfortunately, the Tasmanian State Liberal Government's Major Projects Bill lays the groundwork for future major projects to fail in Tasmania in the same way as the East-West link road did. If the Bill became law, it would further sideline local communities, who are already unhappy with Tasmania's rigid, unfair and unconsultative planning system.

There is unlikely to be a local community anywhere in Tasmania that isn't already incensed by the current planning scheme 'requirement' that when the clock on a development application is

[1] How much is your Social Licence costing you?, Antony Sprigg, Infrastructure Sustainability Council of Australia, undated

[2] (Collaborative engagement for successful delivery of major projects - Many major projects fail to deliver on their intended outcomes, Suresh Cuganesan, and Alison Hart, John Grill Centre for Project Leadership, The University of Sydney.)

[3] ibid

started, it can't be stopped.

This isn't an immutable law of physics, it's a planning law passed by Parliament that favours developers over the public and has made planning worse, not better. The Major Projects Bill will be like taking this unpopular requirement and supercharging it.

The Major Projects Bill proposes to fast-track projects, large or small, not towards success, completion and long-term successful operation, but into contestation and acrimony through the lack of social licence it is likely to create by bypassing local communities.

The Major Projects Bill is wildly inconsistent with the emerging trend of better consultation with local communities emerging the world over. It will hardwire greater ministerial power, less transparency, weaker environmental assessment and reduced public involvement in projects which, if they are genuinely major ones, should require more scrutiny not less.

This would also prove disastrous to Tasmania's already weakened environment. If it became law, the Bill would worsen the prospects of the island's growing pool of more than 600 threatened, endangered and at-risk plants and animals because there are weakened environmental assessment provisions.

Another pulp mill, a new woodchip mill, all the multiple Tourism EOI proposals waiting to privatise public World Heritage land - any project like this could be fast-tracked out of the normal planning system.

This submission sets out some of the reasons why this Bill is bad news for Tasmania's environment (communities, landscapes and ecosystems) and why it should be rejected in favour of Tasmania's existing planning system. The current system already allows for major projects to proceed, without doing away with public consultation, public appeal rights and local councils' involvement.

Recommendation

That the Bill is abandoned in favour of the existing planning scheme, the Projects of State Significance under the State Policies and Projects Act 1993 (POSS), Projects of Regional Significance under the Land Use Planning and Approvals Act 1993 (PORS) and the Major Infrastructure Development Approval (MIDA) process.

This will allow major projects to continue to proceed but while retaining the inputs of local councils, local people and greater accountability of the powers the planning minister can dispense.

Background

On 3 March 2020, the Tasmanian Government released a draft *Land Use Planning and Approvals Amendment (Major Projects) Bill 2020* ("the Bill") for public comment.

There are already three assessment processes for major development proposals in Tasmania:

1. Projects of State Significance under the State Policies and Projects Act 1993 (POSS), for projects with significant capital investment, state-wide impacts or complex design;
2. Projects of Regional Significance under the Land Use Planning and Approvals Act 1993 (PORS) for larger and more complex projects that do not qualify as a POSS but have impacts across council boundaries and regions;
3. Major Infrastructure Development Approval (MIDA) for major linear infrastructure projects eg, road, railway, power-line, telecommunications cable or other prescribed infrastructure.

The Major Projects Bill proposes to

- Give the planning minister the power to declare a project to be a major project
- Repeal and replace the PORS process
- Establish a new assessment process for major projects, to be conducted by a "Development Assessment Panel", being a new panel appointed by the Tasmanian Planning Commission for each major project.
- Replace existing approvals and establish "relevant regulators" which have input into the assessment and approval of a major project. These bodies are Tasmania's Environmental Protection Agency (EPA), the Tasmanian Heritage Council, the Secretary of DPIPWE and the directors, respectively, of Aboriginal Heritage Tasmania, TasWater and TasNetworks.

If a project is granted a major project permit, the proponent would **not** need to separately obtain the following approvals:

- Ordinary development permits under the Land Use Planning and Approvals Act 1993 (Tas)
- Permits relating to level 2 activities under the Environmental Management and Pollution Control Act 1994 (Tas)
- heritage approvals under the Historic Cultural Heritage Act 1995 (Tas)
- Permits, authorities, licences, certificates, determinations, permissions or other authorisations under the Nature Conservation Act 2002 (Tas)
- Permits, authorities, licences, certificates, determinations, permissions or other authorisations under the Threatened Species Protection Act 1995 (Tas)
- Permits, authorities, licences, certificates, determinations, permissions or other authorisations under the Aboriginal Heritage Act 1975 (Tas)

The Bill therefore means that a proposal that the planning minister decides to make a 'major project' is insulated from having to make proper heritage, environmental and Aboriginal cultural impact assessments. This lowers the assessment bar for projects, if they are genuinely major, should have it raised.

This legislation, if introduced, would also remove any semblance of balance, fairness and democracy from planning decisions.

Under the proposed legislation, the planning minister has unchecked power to declare virtually

any development that would normally go to a local council, a major project - from a subdivision to a development in a national park or a pulp mill.

The legislation provides a fast-track approval pathway, with no public appeal rights and no role for elected councils, with regard to the final approval of a project. If a proposal is made a major project and fast tracked out of the normal planning scheme, local elected members and the local people they represent, will lose control of the development.

These impacts are bad enough in their own right but what concerns our organisation in particular is what this could mean for the Tasmanian Wilderness World Heritage Area, areas of wilderness that still require protection, such as takayna/Tarkine, the Spero-Wanderer Wilderness Area (south of Macquarie Harbour) and Recherche Bay among others, for national parks and for other wild places.

With insufficient checks and balances, including weaker environmental assessments, this Bill would be a disaster for the natural world in Tasmania at the very time overarching threats from climate change demand a more robust, considered and precautionary approach to its protection than ever before.

One of the criteria for the planning minister to confer 'major project' status on any project of his choosing is because the "the project has, or is likely to have, significant, or potentially significant, environmental... effects" (60K (d), p45). The Bill does not say whether these effects need to be positive or negative, just that the environment has to be, in some way, affected.

The Bill does not require any additional environmental assessments for a proposal that is made a major project. A major project could include a large processing plant - say a pulp mill - that would have a serious impact upon the local environment and community. Therefore, additional environmental assessments should be required but this Bill does not provide any.

This approach is also completely inconsistent with the EPBC Act, where the significance of the impact is supposed to determine the level/detail of the assessment undertaken.

Compared to many other jurisdictions around the world, Tasmania is still fairly unspoilt, despite the constant erosion of our ecosystems and over 600 threatened, endangered and at-risk plant and animal species.

For the record, it is important that we state that our organisation supports development and that development from 2020 onwards must have social licence, ecological integrity and be in the public interest.

This Bill underlines the need for a new generation of nature protection laws that actually work, something the Wilderness Society has been campaigning for for many years.

Major misnomer

The Major Projects Bill is a misnomer.

It is inaccurately named because there is nothing in the proposed legislation that limits the Bill to only objectively large projects.

In bureaucratic language, section 60B of the Bill explains that a "major project means a project to which a declaration of a major project relates".

Section 60K (p44) sets out eligibility criteria for what constitutes a 'major project'. This section is critically important because it provides the justification for the planning minister to exempt particular projects from the normal planning rules, pull a project out of the planning system, away from public scrutiny and declare it a 'major project'.

This section of the Bill explains that the planning minister can confer major project status on a proposed development if - "in the *opinion* of the minister" [italics added] - if it fulfills two of the following criteria:

- That the proposal would offer significant financial or social contribution to a region or the State
- The project is of strategic planning significance to a region or the State
- The project will significantly affect the provision of public infrastructure, including, but not limited to, by requiring significant augmentation or alteration of public infrastructure
- The project has, or is likely to have, significant, or potentially significant, environmental, economic or social effects
- The characteristics of the project make it unsuitable for a planning authority to determine.

These criteria say nothing about the size of a particular project. In fact, no criteria about the size of a particular project are provided anywhere in the Bill. Therefore, it is perfectly possible that these criteria could equally apply to small, medium or large projects, not just major project proposals.

Nor does the Bill provide clarification or definition about the word "significant", despite the words significant, significantly and significance occurring 19 times and four times in the critically-important eligibility criteria section.

The application of these criteria hinges on the opinion of the planning minister, rather than an objective assessment on the merits or otherwise of a particular proposal. If the minister *thinks* that a proposal will meet two of a very broad range of criteria, including that it will

- Make a "significant" financial or social contribution to a region or the state (60k (1)(a), p45),
- Would be of "strategic planning" significance to a region or the State
- Significantly "affect" existing public infrastructure
- Involve significant "environmental, economic or social effects"

... he can declare it a major project. These criteria' could realistically apply to any project and should, at the very least,j be able to be objectively measured.

The criteria are so broad and general that the planning minister can, in practice, determine any project, large or small, that he chooses to become a 'major project'.

In reality, the Bill isn't about major projects, it's about pet projects that any planning minister can fast-track out of the existing planning system, away from proper assessment, regulation, impact assessment and away from public scrutiny.

It is also important to consider what could happen if a planning minister had malign intentions. So broad are the Bill's criteria for making a proposal a 'major project' that a morally-compromised planning minister would have vast scope to fast-track proposals of their choosing.

Let's not forget that only last year, despite the climate crisis and moral and commercial unviability of coal, the current Government provided public funds to help a coal exploration company look for coal on farmland in the middle of Tasmania. This Bill would make it much easier for the Government to help a coal-related project - or similarly non-viable proposals - get up.

The Precautionary Principle is designed to protect people from harm and posits that we should consider something harmful unless there is good evidence to consider it safe.

If we apply this Principle to this Bill, the eligibility criteria, reduced assessments and extra power the Bill gives to the planning minister could mean harms being perpetrated upon Tasmania's environment (people, place and nature).

The Bill provides no evidence that a planning minister can realistically be restrained in conferring major project status on projects of his choosing and plenty of evidence of how he is handed more power under this Bill and fewer checks and balances.

Therefore, because of the lack of evidence to the contrary, the application of the Precautionary Principle to this Bill runs counter to good planning.

Major chaos

Planning is conventionally and justifiably seen as a way to impose order on chaos. However, the current tumult of changes being imposed on Tasmania's planning system imposes chaos on order. A raft of Bills and other changes to Tasmania's planning laws represent a radical overhaul of Tasmania's planning regime, which is perplexing coming from a government that claims to be conservative.

The Major Projects Bill is part of a suite of proposed legislated changes to Tasmania's already sub-standard planning laws all happening at once. As well as this Bill, there is currently

- A review of the Tasmanian Planning Commission Review (the heart of Tasmania's planning system). This is currently out for public consultation and had the same submission deadline as the Major Projects Bill, meaning that interested parties had to work on two submissions at once.

- A Tasmanian Civil and Administrative Tribunal 2020 Bill (currently out for public comment). The Bill would subsume the Tasmanian Planning Tribunal into a larger tribunal and could therefore affect planning review decisions.

- Local Provisions Schedule - government is requiring local councils to create local planning rules

There are also a number of planning-related, second-tier plans out for public consultation at the same time as those listed above, including the draft Tourism Master Plan for the TWWHA and a Recreation Zone Plan for the lower Gordon River, among others.

It is poor governance to publicly consult on proposed major changes concurrently, instead of sequentially, one after the other, especially during the worst public health crisis in a century.

This represents poor practice because the community is prevented from knowing how any possible changes to Bill A could have knock-on effects on Bill B.

If the Government subsequently makes changes to Bill A, these could mean significant changes to Bill B or C but because they could be made at the same time and after the public consultation period closes there is no way for the public to have their say on how a finalised Bill, which could then become law, could impact other Bills or existing laws or regulations. It's hard to see how this isn't deliberate.

For example, the Tasmanian Planning Commission, which is integral to the Major Projects Bill, could be dramatically changed following its government review, which could, in turn, affect the Major Projects Bill. But because public consultation on both is simultaneous, the public will be unable to have its say.

The current COVID-19 health crisis is also the wrong time to consult on these radical changes to Tasmania's planning laws that will become permanent and could affect the fabric of Tasmania for generations to come.

Consultation at this time has also led to confusion through the collision of the government's pre-existing plans to radically overhaul Tasmania's planning system with the need to recover from

the impacts of the coronavirus.

In the State and Federal planning ministers' communique of April 20, 2020, the country's planning ministers set out broad principles behind proposed "adjustments to jurisdictional planning systems" they said were needed so that "the [planning] system supports economic recovery" in the wake of the Covid-19 pandemic.

The Wilderness Society supports the notion of 'building back better' in the wake of the terrible impacts on the country, including Tasmania. The problem is that the planning principles in the communique seem to be less about "better" and more about "faster", "fewer checks and balances" and "reduced public input".

If we are truly to recover successfully, we need to do it together, and with the certainty that public support brings to new developments. And that that can only be delivered with improved, not reduced, public transparency, engagement and review.

The principle of "balancing administrative and legal review rights with the need to address the pandemic emergency and to assist community and economic recovery" is particularly troubling. Getting the balance wrong could mean planning decisions are made that aren't in the best interests of the community's recovery needs.

The speed of approval of developments in this recovery phase needs to be balanced with the recognition that major projects lock-in particular activities and impacts for decades.

Tasmania's Planning MInister, Roger Jaensch MP, issued a complimentary statement to the communique[4], which included this paragraph:

"The Tasmanian Government has already implemented measures consistent with these principles to ensure development assessment and approvals processes can be kept open, and applications can continue to be processed."

It is important to be crystal clear on this point.

The Major Projects Bill was tabled in Tasmania's House of Assembly on March 4, well before the impacts of the COVID-19 were being felt in Tasmania or the rest of the country.

The statement by Mr Jaensch suggests that the state government "has already implemented" proposed changes to Tasmania's planning laws that are consistent with an emergency response, even though, at the time, there was no emergency.

Had there been no pandemic, the state government still intended to introduce the major projects Bill, to overhaul the Tasmanian Planning Commission and change local planning rules.

What the government is effectively saying is that the changes it always planned to make to Tasmania's planning systems are consistent with a proposed emergency response. This suspension of normal planning laws should set Tasmanians' alarm bells ringing.

Mr Janesch has effectively admitted that these changes are suitable for an emergency response

[4] Keeping the planning and investment pipeline open, Roger Jaensch MP, 20 April, 2020

even though the government always intended to make them law.

This justifies our and others' claims that these changes are a radical overhaul of Tasmania's planning law.

Instead of discussing proposed permanent changes to Tasmania's planning laws in an orderly, sober and sequential way, outside this period of historic community vulnerability, legislation is being pushed through, all at once, with confusion as to whether this is part of an emergency recovery package or normal government business.

Major sidelining of local councils

Every 'major project' is also always a local one. Any proposal that the Government and the planning minister determines to be a 'major project' will always occur somewhere on the ground in Tasmania and affect a local community. Ordinarily, that would also mean it would fall into one of Tasmania's 29 local council areas, which would consider whether to grant the proposal a development application.

But the Major Projects Bill would mean that 'major projects' bypass local councils and therefore bypass local communities too.

The most controversial projects communities are currently fighting could be taken away from councils: Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

This legislation would make the Resource Management and Planning Appeals Tribunal (RMPAT) and the Tasmanian Planning Commission (TPC) largely irrelevant, because any declared major project could go straight to an unelected Development Assessment Panel (DAP). Decisions by the tribunal (to refuse a development on appeal) and TPC (to refuse a planning scheme change) could be overturned through the Major Project Bill's fast-track process.

Projects could either

1. Go straight to the Major Projects process (and bypass local councils, RMPAT and TPC)
2. Or those that aren't given a planning permit by a local council, RMPAT or TPC could go through the Major Projects process anyway.

Just as concerning is the fact that a proposal could contravene a local planning scheme and still be made a major project and fast-tracked out of the normal planning system. The DAP would only have to "consider" a local planning scheme, rather than ensure a proposal is compliant with it[5]. This fundamentally undermines local planning schemes and their enforcement.

Local councils are also excluded by virtue of the fact that they aren't listed "relevant regulators", which the DAP must consult with.

These scenarios have the consequence of undermining the roles and functions of councils and/or RMPAT and/or the TPC. Therefore the Bill would see a significant reduction in the role of local communities and local democracy in planning decisions.

As set out by section 60ZL (2)(a)(ii), the public only gets the chance to comment on a major project *after* the DAP has made its decision. There is no obligation on the DAP to change its decision following public consultation. We would suggest this is illustrative of empty public consultation, that only happens after a decision has already been made.

[5] Tasmanian Draft Major Projects Bill Factsheet, Environmental Defenders Office Tasmania, 30 April, 2020

Major missed opportunity for local people power

'Public consultation' often seems like a box a federal, state or local government body or process seeks to tick rather than being properly recognised as an opportunity to collaborate with people. And not just collaborate but as a way to materially incorporate people's wisdom, ideas and improvements into particular projects.

"No matter who you are, most of the smartest people don't work for you," said Bill Joy, founder of Sun Microsystems, referring to the fact that most wisdom lies outside any organisation, and with the people.[6] The problem is, government typically seems to think it knows best.

The fatal flaw in not properly collaborating and engaging with local people is the failure to realise that proposals can emerge stronger as a result.

This Bill moves in the opposite direction and comes from an old-fashioned, cargo-cult, low self-esteem mindset that is based on the misplaced idea that if we just get some factories built, everything will be okay. It's based on a mistaken calculus that lowering standards and fast-tracking developments are better than raising standards and inviting public collaboration.

This Bill represents yesterday's thinking and increasingly businesses are realising that without social licence, their commercial landscape can become non-viable.

The world's largest public relations company Edelman has conducted an annual trust barometer survey for the last 20 years and its 2020 report is instructive in the context of this Bill.

In a survey in 28 countries and with 34,000 respondents, it found that 87% of respondents, primarily from the business community, believe that "stakeholders, not shareholders, are most important to long-term company success".

In this context of planning, this Bill misses a huge opportunity to enhance local democracy and, in fact, it reduces it. What genuine planning reform should be doing is looking at ways to crowdsource solutions to problems and to enhance the quality, utility and functionality of local planning proposals, as well as to reduce their harmful impacts.

The implication of this Bill is that people are awkward, unnecessary and inconvenient and just hold things up. This is not just an affront but it also fails to tap local wisdom by collaborating with people. Combined with the ubiquity and utility of the internet, this failure is inexcusable. "Emerging technologies hold the potential for real time social licence and social risk measurement, allowing for more targeted, rapid response[7]."

There is masses of information available about how to use crowdsourcing with planning. Here are just a few examples:

- "Project executives across government and the private-sector need to be able to engage skilfully with the public if major projects are to be designed and delivered well."[8]
- "The time is ripe for rethinking the role that dispersed information can play in land use policy. To that end, local governments should explore new ways of crowdsourcing land use."[9]

[6] P1, The value of crowdsourcing: A public sector guide to harnessing the crowd, Deloitte, 2016

[7] P22, Next Generation Engagement Informing community engagement for Australia's infrastructure sector, Melbourne School of Government, 2017

[8] Collaborative engagement for successful delivery of major projects, Suresh Cuganesan, and Alison Hart, John Grill Centre for Project Leadership, The University of Sydney, undated

[9] Crowdsourcing Land Use, Lee Ann Fennell, 2013

- “There is clearly room for crowdsourcing at the state and local levels… But the most substantial hurdle for smaller government entities will be, frankly, having the guts to give crowdsourcing a try.”[10]
- “Crowdsourcing should be embraced by state and local government practitioners and scholars as a noteworthy strategy to approach emergency planning”[11]
- NextHamburg is a citizens’ think tank that crowdsources the city together with citizens – a model that is now being replicated in cities across the world. By serving as a citizen-driven project platform and incubator and enabling people to influence politics, NextHamburg is creating an alternative future agenda for their city. There is no reason this model could not be replicated in Tasmania by this Bill.
- Parramatta City Council is matching crowdsourced public donations for popular projects in its area
- “Here are some intriguing crowd-sourced projects that are using the power of a crowd to make major projects come to life.”[12]

[10] p30, Using Crowdsourcing In Government, IBM Centre for the Business of Government, 2013

[11] p64, Embracing Crowdsourcing: A Strategy for State and Local Governments Approaching “Whole Community” Emergency Planning

[12] Tapping into the power of the crowd— a list of 100 uses of crowdsourcing, Medium, 2019

Major Malbena risk

There is a real risk that Wild Drake's luxury tourist proposal at Lake Malbena could be fast-tracked if this Bill becomes law. There is nothing in the Bill that would stop this from happening.

We already know the following things about the helicopter-accessed, luxury accommodation proposed for Lake Malbena inside Walls of Jerusalem National Park:

- That it would degrade wilderness if it were to proceed because the Wilderness Impact Assessment Report we commissioned showed that it would.
- That the government secretly changed the boundaries of the TWWHA's Self-Reliant Recreation Zone to specifically allow for the proposal to go ahead because it's admitted as much.[13]
- That three key statutory bodies that exist to advise the government on such matters, the Australian Heritage Council, the Aboriginal Heritage Council of Tasmania and the National Parks and Wildlife Advisory Council each recommended against the proposal proceeding but were ignored by the government.
- That the local council with jurisdiction for Walls of Jerusalem National Park, Central Highlands Council, also rejected the proposal.[14]
- That the Federal Court found that the assessment process by State and Federal governments was unlawful, secretive and spurious, and awarded costs to our organisation.
- 99% of the submissions to the Federal Government and to Central Highlands Council opposed the Lake Malbena proposal.

Wild Drake's proposal would diminish wilderness in Tasmania. But it is also a test case for the Government's Tourism EOI process, whereby it is facilitating private commercial tourism developments on public reserved land, national parks and inside the Tasmanian Wilderness World Heritage Area.

The Major Projects Bill would give the planning minister the power to fast-track developments on reserve land and in national parks. Section 60N (2)(a) makes all crown land eligible for major project development, which includes reserves, national parks and the World Heritage area.

These Tourism EOI proposals would not be able to get up without the Government protecting them because the majority of Tasmanians know it is wrong to privatise public land in this way and councils would reject them. The Wilderness Society supports nature tourism, but based on developments outside national parks, that don't exclude existing users, are ecologically sustainable and where developers buy their own land.

Given its test-case status, even though Wild Drake's proposal is not a major project in terms of its immediate footprint, it should be considered a major project for what it represents: the first cab off the rank for any number of private commercial tourist proposals for public reserve land, many of which could have their lease and licences signed off before they go through any sort of public consultation exercise, as was the case with the Lake Malbena proposal. The nature of this proposal

[13] Halls Island rezoned after tourism proposal received, The Mercury, February 20, 2019
[14] Central Highlands Council rejects Lake Malbena tourism development in the Wilderness World Heritage Area, The Examiner, February 26, 2019

being the 'thin end of the wedge' is well understood by the public.

If the Major Projects Bill were to become law and the planning minister make the Lake Malbena proposal a 'major project', all these demonstrations listed above that the project is harmful to wilderness, has no social licence and has been the subject of an unlawful assessment process could be ignored and the proposal be fast-tracked regardless.

As a warning of what this Bill could lead to, Tasmanians should picture the planning minister justifying just such an intervention and his determination that Wild Drake's Lake Malbena proposal is to become a major project.

He could pick and choose from the Bill's broad criteria and use any particular justification for doing so, given the laissez-faire nonchalance of the Bill to what constitutes a major project.

The planning minister might be of the *opinion* that Wild Drake's fly-in, fly-out proposal could create local jobs, even though it wouldn't. (Former UTAS economics professor, Graeme Wells, found that the proposal offered zero net benefit to the State's economy[15].)

Or the minister could claim the proposal is of "strategic planning importance" because fast-tracking the Lake Malbena proposal could help the planning prospects of all the other commercial tourism development proposals in the pipeline for the TWWHA, courtesy of the discredited Tourism EOI process.

Or the Minister could say that, because of the environmental impacts the Wild Drake proposal would have - the Bill doesn't say whether the impacts have to be positive or negative - he wishes to make the Lake Malbena proposal a major project.

Or that because of the characteristics of the proposal - outright unpopularity and being the subject of several legal appeals, perhaps - he has decided to make the proposal a major project.

Tasmanians may not need to imagine the planning minister using the Bill's criteria to make the non-major proposal like the Lake Malbena proposal a major project because we believe that is exactly what the planning minister is likely to do and exactly what the so-called major projects Bill is intended for.

And for this reason, and for all the others outlined in this submission, the Major Projects Bill should be rejected in favour of the existing Tasmanian planning system, which already allows for major projects and already offers stronger public consultation, local council consideration and public appeal rights, all of which this Bill would do away with.

[15] Libs' plan for helipad at Lake Malbena will affect JOBS, Tasmanian Times, November 20, 2018