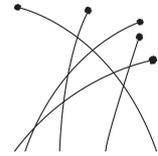


# Lake Malbena Tourism Development Proposal – Background & Summary

1 July 2019

**Tasmanian**  
**National Parks**  
Association



An independent Voice for Tasmania's Parks



Halls Island is about 400 metres from east to west, and 250 metres north to south. It is almost entirely forested and located in Lake Malbena (above) on Tasmania's Central Plateau. The area is about as remote and isolated as anywhere on the plateau – there are no formal walking tracks in the vicinity and the easiest access route requires several hours of mostly cross-country walking from a former logging road and a packraft or similar to cross the lake.

In the early 1950s a Launceston lawyer named Reg Hall chose the island that now bears his name as the perfect location on which to build a tiny shack to serve as a base for exploring and enjoying some of the most remote parts of the Central Plateau. Being a lawyer, he chose to obtain a lease for his shack, something that few others would have bothered with in those days. Although a private hut it was open to all comers and treated with respect.

When the hut was constructed in the 1950s the island was Unallocated Crown Land but it has subsequently progressed through various categories of reservation until it became part of the Walls of Jerusalem National Park and was incorporated into the Tasmanian Wilderness World Heritage Area (TWWHA) in 1989.



Reg Hall himself died in 1981 but his daughter continued the lease until she transferred it to professional trout guide Daniel Hackett in 2016 with the intention of ensuring the long-term preservation of her father's now historic hut. Mr Hackett has committed to maintaining the old hut but his company, Wild Drake, has applied for permission to construct helicopter-accessed tourist accommodation on the island. [His proposal includes three twin-share accommodation buildings and a communal hut](#), each larger than the historic hut. Despite Mr Hackett's background as a trout guide the primary theme of this proposal is 'cultural immersion', not fishing (Malbena itself is not considered to provide good fishing, unlike some of the nearby lakes).

Wild Drake's initial application was through the Tasmanian Government's [Expressions of Interest process](#). In the 1999 Management Plan for the TWWHA Halls Island was zoned 'Wilderness', which effectively ruled out any possibility of development. However, it was changed to 'Self-Reliant Recreation' in the 2016 plan. This allows the consideration of 'standing camps' but not huts. Many objectors questioned the description of the proposed accommodation as a 'standing camp'.

The proposal has drawn outrage from a wide range of people for a range of reasons including the alienation of public land within a national park for the benefit of a private developer, but the most common theme is the [impact of both the development itself and the helicopter access on the wilderness character of the area](#).

The proposal requires approval from all three tiers of government: local, state and federal. State approval has already been granted through the Parks and Wildlife Service's Reserve Activity Assessment (RAA), and the Federal Government decided that approval under the *Environment Protection and Biodiversity Conservation Act* was not required, although this remains subject to legal challenge by The Wilderness Society (TWS). A decision in this case is expected later this year. A successful outcome in the Federal Court will not necessarily prevent the development proceeding, but it may result in it being properly assessed under the EPBC Act.

The final approval required before the development could proceed was from local government. When Central Highland Council (CHC) advertised the Development Application (DA) it received 1346 submissions; only 3 supported the proposal!

On 26 February 2019 the [CHC decided to refuse the DA](#). A common theme of comments by the mayor and councillors was inadequacy of the RAA (which had not been subject to separate public comment) and the failure of process – the state and federal governments had shirked their responsibilities – a small rural council should never have been required to make key decisions about impacts on World Heritage values.

As expected, the proponent, Wild Drake, appealed the council's decision to refuse a permit. The [Tasmanian National Parks Association, The Wilderness Society \(Tasmania\) and two individuals with long connections to the area \(the joined parties\) have made the expensive commitment of joining the appeal](#) to defend Council's decision (the RMPAT hearing requires the engagement of highly experienced lawyers and expert witnesses).

RMPAT heard this appeal from 24-28 June, and the hearing will resume on August 8-9 to hear further evidence about wedge-tailed eagles and for the legal representatives to present closing submissions. The purpose of closing submissions is to make legal arguments about how the Tribunal should make its decision having regard to the evidence before it and the law to be applied.

While this matter is before the Tribunal, we are constrained from providing commentary on its progress. We are satisfied with how it has proceeded so far. The Tribunal has heard from our expert witnesses and will hear legal argument from our barrister when the hearing resumes. In combination, the Central Highlands Council and the joined parties called expert witnesses on planning, wilderness, ecology, eagles, aviation, and acoustics.

At this stage, the best estimate we can give is that the Tribunal's decision is likely to be handed down in early September. This appeal is not just about Lake Malbena. It will have significant implications for the processes by which all tourism developments within our national parks and reserves gain approval, particularly the numerous proposals that are currently going through the Tasmanian Government's controversial Expressions of Interest process, many of which are likely to pose similar threats to Tasmania's wilderness and our reserve estate.

The [Tasmanian Attorney-General has intervened in the appeal](#) to argue that the Land Use and Planning Approvals Act does not apply to reserved land covered by a management plan.

**This is not just an appeal about a tourism development in a Tasmanian national park. We anticipate that the outcome will set a national precedent. The supposed success of the Tasmanian government’s policy of ‘unlocking our national parks’ is often quoted by mainland State Governments and Parks Services seeking to follow suit. A Tribunal determination in our favour may cause them to reconsider.**

We note that Mr Hackett last week publicly made allegations of threats against him and damage to his property. The TNPA would like to emphasise that its concern is with Mr Hackett’s proposed development at Lake Malbena, not with Mr Hackett. TNPA is pursuing its concerns through the proper process, which is the appeal currently before RMPAT.

The RMAP appeal is likely to cost us upwards of \$60,000. The Tasmanian National Parks Association and The Wilderness Society (Tasmania) have set up the [Lake Malbena Appeal Fund](#) to raise money for this. Donations over \$2.00 are tax deductible and can be made at [tnpa.org.au/donate/](http://tnpa.org.au/donate/)

