Tasmanian National Parks Association

An independent Voice for Tasmania's Parks

Set public scrutiny in concrete

Change the RAA process before new planning scheme comes into effect

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PREMIER Will Hodgman often says his Government's call for Expressions of Interest in tourism developments in Tasmania's parks and reserves provides a rigorous and transparent process for their assessment (eg, "Backing in sustainable nature tourism," media release, March 19).

However, the reality is that rather than using a well-defined, rigorous and transparent process which guarantees public comment and appeal rights, it is taking advantage of an absence of such a process.

The key decision in the approval or refusal of a development proposal in a national park or reserve (about 50 per cent of the state) is compliance with the relevant legally binding management plan where there is one, or consistency with the legislation if there is not. This is the decision that most needs to be rigorously documented and available for public scrutiny. This task falls to the Parks and Wildlife Service's Reserve Activity Assessment (RAA), so it is essential this process is robust and transparent.

The Reserve Activity Assessment, however, is only defined in an internal Parks and Wildlife Service policy document, not in legislation, so it cannot be legally challenged or appealed — there is no requirement that a Reserve Activity Assessment be made public, let alone that it be made subject to public scrutiny (Parks and Wildlife regularly undertakes Reserve Activity Assessments without public involvement), and it has no clearly defined relationship to any planning legislation despite its crucial role in informing federal and local government decisions.

This means the public have no guaranteed right of say over development of public land — which is undemocratic.

This situation must be addressed before the Tasmanian (Statewide) Planning Scheme takes effect. This will make things even worse because it effectively removes the only legislated protection the public has over development on reserved land by removing councils from key decision about impacts on reserve values. In the case of the Lake Malbena proposal, the key issue is impact on wilderness values. If there had been no role for council, the only public comment on wilderness concerns would have been through the Federal Government's separate assessment — there would have been very limited opportunity for council to refuse the development and no opportunity to raise wilderness impacts in an appeal.

Legally binding clarification of a process for assessing proposed developments on public reserved land is particularly important when the Government's policy of unlocking our national parks actively encourages such development. Legislation is needed to guarantee an open and transparent process with meaningful public scrutiny and appeal rights, and to define the relationship with other legislation (nobody gains from duplication of process).

This is not a big ask. Development on reserved public land needs to be assessed with at least as much rigour as development on private land — not less! An integrated process already exists for assessing works on heritage places, where the Tasmanian Heritage Council has a legally defined role in the planning permit assessment process and the decision is reviewable by the Resource Management and Planning Appeals Tribunal, ensuring independent scrutiny and oversight in the existing planning permit appeals process.

The proposal for a wilderness lodge at Lake Malbena in the Tasmanian Wilderness World Heritage Area originated as an Expressions of Interest proposal. On February 26, the Central Highlands Council met to make its decision on the development application. A common theme of comments by councillors was inadequacy of the Reserve Activity Assessment (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.

Tasmania's planning legislation dates from the early 1990s. Both major political parties agreed national parks were out-of-bounds for commercial development so the original omission of a rigorous process for assessment for developments is understandable.

The State Government's call for Expressions of Interest has taken advantage of this legislative void. There are thought to be about 40 Expressions of Interest proposals under consideration. Proposals are progressed to the stage of determining lease and licence conditions by an unaccountable panel of senior public servants, before the Parks and Wildlife Service is required to go through the motions of conducting a Reserve Activity Assessment which may never be made public. Depending on the detail of the proposal, further local and/or federal government assessment may be required, but these processes do not necessarily guarantee the key concerns of impacts on reserve values will be addressed. Only if the proposal requires a change to a management plan is there a legal requirement for public consultation by Parks and Wildlife. Even this may be lost in the future under the Government's apparent agenda of sidelining legally enforceable management plans in favour of the non-legally binding tourism "master plans".

The Parks and Wildlife Service started a review of the Reserve Activity Assessment early last year but it has stalled for more than 12 months. The review will be of very limited value if it is confined to refining the internal Parks and Wildlife process. The Reserve Activity Assessment's greatest deficiencies can only be addressed by legislation which guarantees an open and transparent process, with opportunity for meaningful public scrutiny, appeal rights, and clear relationship with other relevant legislation. We call on the State Government to commit to a timeframe for a consultative review of all aspects of the assessment of development proposals in national parks and reserves, and release key outcomes of the Reserve Activity Assessment review to date.

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