

MEDIA RELEASES - 07 JULY 2020

Tasmania's Supreme Court outcome means Lake Malbena decision back in Sussan Ley's court



Lake Malbena, Walls of Jerusalem National Park.

- Supreme Court has dismissed the appeal by Wilderness Society Tasmania and TNPA against the grant of a permit for the Lake Malbena heli-tourism proposal
- The Appellants call on Commonwealth Minister to determine that the Lake Malbena proposal is a controlled action and requires a rigorous and transparent environmental impact assessment

The Wilderness Society Tasmania, the Tasmanian National Parks Association, Richard Webb and Paul Smith have expressed disappointment with the 6 July decision by Tasmania's Supreme Court to dismiss their appeal against the decision by the Resource Management and Planning

Appeals Tribunal to grant a permit to Wild Drake's helicopter-accessed luxury tourist accommodation within the Tasmanian Wilderness World Heritage Area.

[Menu](#)

[Donate](#)

The Supreme Court's decision turned on a legal point and did not assess the merit of the proposal.

The appellants now have 21 days to consider the Supreme Court's decision and decide whether or not to appeal it to the Full Court of the Supreme Court.

"While we are disappointed with this decision, in the coming weeks we will explore our options because the integrity of Tasmania's World Heritage wilderness is worth fighting for," said Tom Allen, Wilderness Society Tasmania Campaign Manager.

"Our campaign is on behalf of the thousands of people who have opposed this unpopular development. It is also for all the people around the country defending national parks and reserves from inappropriate commercial development.

"While the Supreme Court decision reaffirmed the Tribunal's decision to grant Wild Drake a planning permit for its proposed development, the company still doesn't have Commonwealth approval.

"Since that Federal Court decision, the Commonwealth Environment Minister Sussan Ley has been provided with numerous independent expert reports demonstrating that the proposed development will significantly adversely impact the area's Wilderness World Heritage values.

"We call on the Commonwealth Environment Minister Sussan Ley MP to determine, in accordance with the significant independent expert evidence before her, that the Lake Malbena proposal is a "controlled action" under the federal environment law.

"We further call on her to decide that the proposal should be subject to a detailed and transparent environmental impact assessment that specifically considers the wilderness impacts of this proposal and includes the opportunity for public comment.

"Part of the reason we took our appeal to the Supreme Court was that both the State and Federal Governments have failed to properly assess the impacts of the Lake Malbena proposal upon the Wilderness World Heritage Values of the area," said Mr Allen.

"The Management Plan for the Tasmanian Wilderness World Heritage Area includes a requirement to 'ensure that impacts on wilderness values are considered in any assessment of activities in the TWWHA'. So far, the only body to assess Wild Drake's proposal against the plan's requirements has been Tasmania's Parks and Wildlife Service," said Nick Sawyer for the Tasmanian National Parks Association.

Menu  [Donate](#)
“In our appeal to the Tribunal we demonstrated that that process was sub-standard. However the Tribunal and now the Supreme Court has found that it is unnecessary to consider all evidence.

“We have 21 days to appeal against the Supreme Court’s decision. We will be reading the decision in detail and carefully considering our options in the interim,” said Mr Sawyer.

“A legal appeal is just one of the options we can pursue in our campaign to maintain the integrity of wilderness,” said Mr Allen and Mr Sawyer.

For further comment contact Tom Allen on 0434 614 323

(/)

Wilderness Society

GPO Box 716, Hobart

Tasmania 7001 Australia

Freecall: **1800 030 641 (tel:1800030641)**

ABN: 18 611 229 086



Aboriginal and Torres Strait Islander viewers are advised that this website may contain images, names and voices of people who are deceased. Except where otherwise explicitly authorised, any material on this website which may be construed as electoral material or an electoral matter under any State or Commonwealth Law is authorised by M. Brennan on behalf of The Wilderness Society Ltd, 132 Davey Street, Hobart Tasmania 7000. © 2020 Wilderness Society

[Privacy Policy & Collection Statement](#)

<https://www.wilderness.org.au/about/privacy> | [Terms & Conditions](#)

<https://www.wilderness.org.au/about/terms-conditions>