

**The
community's
response**

and our formal
submission to the
Tasmanian Government

concerning the
Walker
development
proposed for
Ralphs Bay at
Lauderdale



ralphs bay

save ralphs bay

the community's response and our formal submission to the Tasmanian Government concerning the Walker development proposed for Ralphs Bay at Lauderdale

This document has been prepared by Save Ralphs Bay Inc on behalf of the Lauderdale and South Arm Peninsula communities.

The document is divided into 2 sections –

- Section 1 deals with the community's response to a proposed development by Walker Corporation in Ralphs Bay.
Appendices available upon request to:
Rachel Todd,
Publicity Officer SRB Inc,
PO Box 161,
Rokeby 7019, Tasmania.
- Section 2 is a formal submission to the Government on behalf of the community to say NO to a development application from Walker Corporation for Ralphs Bay.

QUIET MOMENTS

*Lauderdale, Ralphs Bay
So beautiful, must stay
As nature made*

*The hillsides and mountains
So lovely to see,
Snow capped in winter,
And birds here to feed*

*The waves flowing freely,
Then calm as can be,
It's more than a bay,
And more than you see*

*So beautiful, fulfilling,
It's just part of me,
We need it forever,
For others to see.*

Ron Goodrick

SECTION 1:

THE COMMUNITY'S RESPONSE



PUBLIC MEETING 17 MARCH 2004 AT THE LAUDERDALE HALL

SECTION ONE: TABLE OF CONTENTS

SUMMARY AND KEY RECOMMENDATIONS..... 2

1 OUR COMMUNITY 4

1.1 IDENTIFYING OUR COMMUNITY 4

1.2 IDENTIFYING THE SAVE RALPHS BAY INC ACTION GROUP 4

2 WHAT IS OUR COMMUNITY SAYING? 6

2.1 NO TO A DEVELOPMENT APPLICATION FROM WALKER CORPORATION..... 6

2.2 RALPHS BAY IS NOT FOR SALE 6

2.3 PROTECT OUR CONSERVATION AREAS 6

2.4 OUR BIRD HABITATS ARE PRECIOUS 7

2.5 DO NOT OPEN THE CANAL INTO FREDERICK HENRY BAY 7

2.6 WE DON’T NEED NEW PUBLIC BEACHES, PARKS AND PROMENADES 7

2.7 NO TO MAJOR INCREASES IN TRAFFIC FLOW..... 7

2.8 WHO WOULD MEET OUR SEWERAGE COSTS?..... 8

2.9 NEW SCHOOLS – WOULD WALKER CORPORATION CONTRIBUTE? 8

2.10 HEALTH CARE – WHO WOULD PROVIDE THE EXTRA SERVICES?..... 8

2.11 STRENGTHEN OUR COASTAL POLICY 8

2.12 SAY NO TO CANAL DEVELOPMENTS 9

2.13 RESPECT OUR LIFESTYLE..... 9

2.14 THE WALKER PROPOSAL IS UNLAWFUL..... 9

3 CONSULTING THE COMMUNITY 10

3.1 THE WALKER CONSULTATION PROGRAM..... 10

3.1.1 *Community consultation*..... 10

3.1.2 *The project description*..... 10

3.1.3 *Public consultation on the proposal*..... 10

3.1.4 *Information available to the public on the proposal concept* 10

3.1.5 *Canvassing the local community* 10

3.2 THE CONSULTATION PROGRAM UNDERTAKEN BY SRB INC 11

3.2.1 *Information evenings* 11

3.2.2 *The SRB Inc shopfront*..... 11

3.2.3 *Community Expo Day*..... 11

3.2.4 *Newsletter distribution* 11

3.2.5 *Public website* 12

3.2.6 *Stalls and displays* 12

3.2.7 *Media initiatives*..... 12

3.2.8 *Rally for the Coast*..... 12

3.3 COMMUNITY SURVEYS, PETITIONS AND LETTERS 13

3.3.1 *Surveys*..... 13

3.3.2 *SRB Inc Community diary*..... 13

3.3.3 *SRB Inc petitions*..... 13

3.3.4 *SRB Inc letters*..... 13

4 HOW IS THE COMMUNITY SAYING NO TO WALKER? 14

4.1 IN LETTERS TO MEMBERS OF GOVERNMENT..... 14

4.2 THROUGH LETTERS TO THE MERCURY 14

4.3 THROUGH TALKBACK RADIO 14

4.4 BY WRITING IN THE SRB INC COMMENTS BOOK..... 14

4.5 BY SIGNING PETITIONS AND LETTERS 14

4.6 THROUGH MEMBERSHIP 14

4.7 BY SUPPORT FOR SRB INC 14

4.8 BY INFORMING THE MEDIA..... 15

4.9 THROUGH THE SUPPORT OF FUNCTIONS 15

5 MEDIA SUMMARY 16

APPENDICES 18

Summary and key recommendations

In March 2004, the Walker Corporation released a proposed "exciting redevelopment of Ralphs Bay on Hobart's eastern shore". Ralphs Bay is a conservation area, the feeding ground and nesting area of a variety of migratory and resident shorebirds, a recreation area, a valued ecosystem and an integral component of Lauderdale and the South Arm Peninsula.

The Walker proposal promises "an exciting new lifestyle for Tasmania". The proposal includes re-opening the Ralphs Bay canal, a new bayside village, a public marina, a new conservation area, public beaches, parks and promenades, and sewerage and water improvements for the community.

The Premier of Tasmania, The Hon Paul Lennon, promised a 3-month community consultation period by Walker Corporation to gauge public sentiment, prior to the Government considering whether to agree to the proposal going through the formal planning approval process.

The community reacted quickly, and a huge public meeting at the Lauderdale Hall on 17 March 2004, sent a very strong message to the State Government that the local community was simply not interested in a development that would desecrate Ralphs Bay.

During the Walker Corporation consultation period, community opposition to the Ralphs Bay development, and to inappropriate coastal development generally, has been convincingly sustained.

The community maintains that the Government should reject any development application from Walker Corporation in Ralphs Bay for the following reasons:

- Ralphs Bay is a conservation area, a bird habitat for local and migratory shorebirds and a habitat for vulnerable and threatened species including the critically endangered Spotted Handfish;
- Ralphs Bay is a valued recreational area and an important complex estuarine ecosystem.
- Sale of Ralphs Bay to a developer would set a dangerous precedent for Tasmania.
- Canal estate developments in coastal areas cause irreversible environmental damage, pose public health problems and are costly to maintain.
- We believe that our coastline is our birthright and that our lifestyle would be irrevocably damaged by large and invasive development.

These impacts are in addition to the direct practical impacts of this proposal on the community. These include substantial infrastructure costs relating to roads, education and health; the lengthy traffic delays and safety issues associated with construction; destruction of a key vista as Ralphs Bay is altered from a natural area to a large construction site; and the noise impacts for residents as a result of building activity.

We believe that the development proposed by Walker is contrary to:

- Tasmania's sustainable development objectives;
- the *(Tasmanian) State Coastal Policy 1996*;
- objectives and legal provisions that aim to protect threatened species;

- objectives to retain areas of significance (on the Register of the National Estate); and
- findings and recommendations of the Tasmanian State of the Environment Report 2003 and the Derwent Estuary Programme.

This proposal represents a threat to our way of life in the following ways:

- the proposed 'up-market' canal estate would introduce a dramatic separation between 'rich Lauderdale' and 'poor Lauderdale', creating social tensions and eroding community connections. The proposal represents a dramatic change to the gradual integration of new community members over time as individual homes are bought and sold in existing streets, and small subdivisions occur;
- reports from interstate indicate that, while the 'swimming pool mentality' makes canal estates appealing in the abstract, their poor liveability means owners typically resell and move on after only a year or so. This is in contrast to the stable nature of the Peninsula population and suggests few canal estate residents would become involved in or contribute to the wider community; and
- due to Tasmania's climate, it is likely many homes purchased as second residences would be occupied in summer only, standing empty for much of the year. This would further decrease the likelihood that canal estate residents would integrate well with the wider community.

Recommendations:

1. That the Minister for the Environment, the Honourable Judith Louise Jackson, MHR, accept the formal submission from Save Ralphs Bay Inc, that the proposed Walker Corporation development for Ralphs Bay should not proceed;
2. That the Minister for the Environment, the Honourable Judith Louise Jackson, MHR, respect the overwhelming and sustained community opposition to the proposed Walker Corporation development for Ralphs Bay; and
3. That the Minister for the Environment, the Honourable Judith Louise Jackson, MHR, introduce legislation into the Parliament to ban coastal canal style housing development in Tasmania.

1 Our community

1.1 *Identifying our community*

Our community is defined as the population south of and including Acton Road. It includes primarily Lauderdale, Roches Beach, Acton Road, Sandford, Cremorne, Clifton Beach, South Arm, and Opossum Bay.

Eastern Shore communities in general, and South Arm Peninsula communities in particular, are characterised by strong traditions and a high degree of linkage between community members. Many families have lived in the area for generations, and there are rich family and community histories.

Of these localities, Lauderdale has the largest population (2445) and number of dwellings (943), set out on a suburban plan. It is a robust community with a good sense of identity and environment. The village, which is predominantly on the eastern side of the isthmus, is socially active and cohesive with a range of services including a primary school, large doctors' surgery, plant nursery, hotel, restaurant, post office, fire brigade and a number of shops and garages.

As a township, Lauderdale is defined by its coastal environment. Ralphs Bay, Frederick Henry Bay and the Lauderdale Canal provide the overwhelming focus for social and recreational activity, including surfing, windsurfing, fishing and swimming. The resultant lifestyle attracts families and individuals who appreciate easy access to beaches and public spaces and the sense of community engendered by a small township focused on a small number of key social and recreational areas.

At all times of the day people are actively out in the community – bird watching, walking their dogs, riding bicycles and horses, fishing, swimming, sailing, sailboarding and walking. People greet each other by name as they pursue their activities. The population of Lauderdale has remained stable since 1996 with an estimated one-third of the population of 2.5 thousand under the age of 18.

Acton has a population of 1715 spread across 580 dwellings built on acreages north and south of Acton Road. Likewise, Sandford, which spreads from north and south of the South Arm Highway and through Rifle Range and Gellibrand Roads, has a population of 1425 spread across 513 dwellings.

The villages south of Lauderdale - Cremorne (pop 403), Clifton Beach (657), South Arm (714), and Opossum Bay (268) reflect similar village style interactive communities. (ABS Census 2001)

While the Lauderdale population has been most dominant in gatherings opposing the proposed Walker development on Ralphs Bay, there is noted and sustained opposition from the total population base across our community.

1.2 *Identifying the Save Ralphs Bay Inc action group*

The Save Ralphs Bay Inc (SRB Inc) action group grew out of the very first public meeting held on 17 March 2004 in response to the Walker Corporation proposed 800-lot canal estate development in Ralphs Bay at Lauderdale. The action group was incorporated in April 2004. The objectives of SRB Inc are :

- To oppose the Walker Corporation's 2004 development proposal for Ralphs Bay at Lauderdale, and any subsequent development proposals for Ralphs Bay deemed by SRB to be inappropriate;
- To work towards the future protection of the natural and aesthetic values of Ralphs Bay such that further proposals of this nature cannot be put forward;

- To promote an approach to Coastal Planning in Tasmania that will prevent future inappropriate development proposals in coastal areas;
- To bring into closer understanding and co-operation the supporters of SRB Inc for the purposes set out above, and to convene, organise and co-ordinate such meetings, activities and events (including fundraising) as may be deemed necessary.

Whilst SRB Inc is primarily focused on campaigning against the proposed canal estate development, it is also concerned that there be long-term protection for Ralphs Bay to ensure the community is not faced with periodic and ongoing campaigns to protect our conservation area.

One hundred and forty five financial members, who represent a wide cross-section of our community, support SRB Inc.

The SRB Inc working group is a smaller group of over 30 volunteers, with a wide range of expertise in a number of fields including environmental law, policy development, environmental and land use planning, town planning, architecture, coastal management (Coastcare), marine biology, a range of the sciences, media and journalism, business management, accounting, education, information technology and photography. Essentially our group is composed of local people who have volunteered large amounts of time, energy and resources to help save Ralphs Bay. Many of the working group members have years of involvement in the local community, working for local organisations, and on projects to improve community infrastructure.

Members of the SRB Inc working group meet weekly and are involved in the organisation of the campaign. The working group is actively supported by scores of people from the community who turn up faithfully to news-drop newsletters, spend time on stalls, mount displays, hold up roadside signs in the freezing cold, erect banners, distribute information and canvas local opinion. SRB Inc is further supported by the hundreds of people who turn up to events.

SRB Inc has focused on raising community awareness of the Walker proposal by providing accessible and expert information regarding the nature of impacts associated with this type of development. The wide range of activities undertaken by SRB Inc demonstrates the extent to which the Group has tried, within its limited resources, to engage the community on this issue. The activities of SRB Inc are in stark contrast to the distinct lack of consultation undertaken by the Walker Corporation.

2 What is our community saying?

2.1 *NO to a development application from Walker Corporation*

A huge public meeting at the Lauderdale Hall on 17 March sent a very clear message to Walker Corporation and the State Government that the local community was simply not interested in the latest plan to desecrate Ralphs Bay.

Over 500 locals responded to the initial call for concerned residents to attend this public meeting about the proposed Walker Corporation development. We voted unanimously for representatives from that meeting to tell the Government NO!

The message was that NO development proposal, which would destroy any part of Ralphs Bay, was acceptable. The community did not want to be consulted on the shape, the size, or the particulars of the proposal.

Since that date, a growing number of residents from Lauderdale and the South Arm Peninsula areas, and concerned people across Tasmania, and indeed many national and international tourists, continue to voice their anger and dismay to politicians, talkback radio and newspapers that such a proposal could even be considered.

Hundreds of local residents have consistently turned up to our public information nights and events since 17 March 2004, and have continued to oppose the concept of any development on Ralphs Bay.

Close to a 1,000 people rallied in the Hobart City Hall on 15 July 2004 to support our local community and unanimously urged the Government to protect our coastline and reject any development application from Walker Corporation for Ralphs Bay.

2.2 *Ralphs Bay is NOT for sale*

Ralphs Bay is crown land, part of our heritage, our environment, our scenery, our coastline and our recreational area. It belongs to the people of Tasmania to safeguard for the future. It does not belong in the hands of a greedy developer who will sell at a profit to a select group of rich people wanting to buy their own piece of coast.

It is one of two main sailboarding areas in Southern Tasmania. Sailboarders have been using Ralphs Bay for nearly 30 years and kite-boarders for the past 5 years. Adult Education has conducted "learn to sailboard" lessons on the bay for the past 7 years. Walker's published concept plans for Ralphs Bay appear to involve the destruction of the current sailboarding area by excavation and redevelopment.

Selling part of our publicly owned coastline would set a dangerous precedent for the future sale of our coast, our bays and beaches.

What price could be put on the Bay? It is priceless. If, as is rumoured to be likely, Walker were permitted to buy the land in question at pre-real estate boom prices, Tasmanians would be outraged.

2.3 *Protect our conservation areas*

People in our community believed that when this section of Ralphs Bay was declared a designated Conservation Area in 1992, the Bay would indeed be 'conserved' ie. protected, safeguarded, maintained into the future.

In the past 12 years, the community has learnt to respect and appreciate the fragile environment of Ralphs Bay, especially the margins and bird nesting areas, and the mudflat feeding grounds of the birds.

In 1996, Ralphs Bay and adjacent areas were considered to be of such national and international significance as to warrant placement on the Register of the National Estate.

We believe that the government has a responsibility to continue to protect this significant location because of its importance as a complex estuarine ecosystem. It supports a number of rare and threatened species, among them the vulnerable Saltmarsh Moths, (2 species), and the critically endangered Spotted Handfish.

2.4 *Our bird habitats are precious*

Our community treasures the sight of the hundreds of shorebirds that feed and nest in their protected habitat in and around Ralphs Bay.

We know that Ralphs Bay, and Lauderdale's foreshores and wetlands, are vital parts of a network of feeding and nesting sites essential for the survival of our migratory and resident shorebirds. Ralphs Bay contains up to 3% of the total population of the Australian Pied Oystercatcher, and the destruction of a large section of their vital mudflat feeding grounds by the Walker Corporation would be devastating.

The extensive tidal range in Ralphs Bay exposes mudflats that are rich in food essential for our resident shorebirds, and for the migrants which fly in from Siberia, China and New Zealand. These migratory waders must store up good body fat reserves before their return flights.

It is vital to protect this precious bird habitat from human invasion.

2.5 *Do not open the canal into Frederick Henry Bay*

The community was appalled that part of the original Walker proposal included opening the canal from Ralphs Bay into Frederick Henry Bay. A development proposal with the potential to pollute Frederick Henry Bay and surrounds, damage the fragile sand dunes, disrupt currents and tidal flow, turn a safe beach into a dangerous swimming area and divide the beach is simply unacceptable.

The proposal to re-open the canal also appeared likely to destroy not only the park and picnic area at the eastern end of the canal (the traditional site for community events including Carols by Candlelight), but also our hard won skateboard park and our popular local restaurant. We would also lose the much-used tree-lined walking paths around the canal.

The opening of the canal would be the end of canoeing and kayaking by local Scout and other community based groups in the safe shallows, and the regular use of the canal for model boating. It would be the end of walking from one end of our beach to the other. It would effectively divide our community in half. This is unacceptable.

2.6 *We don't need new public beaches, parks and promenades*

The Walker proposal to "create new public beaches" astounds the community. We are privileged to walk, swim, sail, fish and play on a number of pristine beaches on Frederick Henry Bay and on the ocean beaches of the South Arm Peninsula. We enjoy the parks and walking areas abounding in the area and feel that "promenades" are out of kilter with our community lifestyle.

2.7 *No to major increases in traffic flow*

South Arm Highway is already a busy road, carrying all the major traffic from the South Arm Peninsula, the Lauderdale village and Acton. We are concerned that the

enormous increase in heavy vehicle traffic during a construction phase would damage roads, increase noise levels and significantly delay traffic flow.

Residents are concerned that major traffic delays would result if the canal was to be opened and a swing bridge used to control boat traffic. Traffic flow between north of the canal and south of the canal would be seriously impeded.

An additional 800 houses would represent a significant increase on current housing stock and would increase local traffic volumes and movements. Road network, infrastructure and safety impacts, particularly during peak hour, would include localised impacts in Lauderdale as well as flow-on effects through to the Tasman Bridge.

We are concerned that Walker Corporation has stated that road and infrastructure costs associated with increased traffic would not be met by the developer.

2.8 *Who would meet our sewerage costs?*

The Walker Corporation proposal promises "Availability of new sewerage and improved water reticulation to the existing Lauderdale and Roches Beach communities" (Information booklet).

We understand that the sewerage infrastructure is already available for the Lauderdale area. Walker's promise of "new" services does not inform the community that connection costs, should the Clarence City Council choose to connect Lauderdale, would be the responsibility of individual ratepayers.

2.9 *New schools – would Walker Corporation contribute?*

Given the size of the development in Ralphs Bay proposed by Walker, we are concerned that existing local schools and colleges would not be able to pick up the additional school age population. The proposed Walker development makes no mention of provision of infrastructure to meet increased demand for schooling.

2.10 *Health care – who would provide the extra services?*

A privately operated medical centre currently services the Lauderdale community with medical practitioners and support staff working at near capacity. Hospital care is provided by the public and private hospitals in Hobart. We are concerned that the size of the proposed Walker development would double the demand for local medical services at a time when there is high demand and a scarce resource base for regional demand.

2.11 *Strengthen our coastal policy*

Our coasts are precious. Our legislation and policy guidelines should be strong and clear enough to determine what is acceptable development for our coastlines.

We believe that the Tasmanian people, and our mainland and overseas tourists, truly value the unspoilt coastlines of Tasmania. This has been a strong theme throughout the consultation period.

We are aware that throughout the world, wetlands and estuarine ecosystems are under threat and their value is still sometimes seriously underestimated by those who do not understand the concepts of Natural Capital and Ecosystem Services.

The existing Tasmanian State Coastal Policy states that care must be taken to minimise or totally avoid any impact from urban expansion into environmentally sensitive areas.

We understand the Minister for the Environment has promised an imminent review of our coastal policy. We urge the Government to keep this commitment and to delay evaluation of any major coastal development proposals until this review has been finalised.

2.12 *Say No to canal developments*

Canal estates in coastal areas interstate have caused irreversible environmental damage including the destruction of bird habitats and plant life, the destruction of vital fish nurseries, acid-sulphate soil pollution and resulting fish kills, and pollution of surrounding waters by road, driveway and garden run-off, as well as by antifoulants, fuels and paints from boats.

In many areas, canal estates have become breeding grounds for mosquitoes and other pest insects, which require regular control by toxic chemicals. Canal estates require ongoing dredging and cleansing at enormous cost to the ratepayers.

Canal estates are bad news on the mainland. They are prohibited in New South Wales because of their impact on coastlines, water quality, social cohesion and valuable ecosystems. Other States are likely to follow suit.

Our community believes that with our largely unspoilt coastline, Tasmania is a sitting target for big developers. We agree with our Premier's statement – we do not want Tasmania to look like the Gold Coast. We strongly believe that canal estates are not the way to go – for Ralphs Bay, for Tasmania, in fact for Australia.

2.13 *Respect our lifestyle*

We believe that our coastline is our birthright. We have a shared responsibility to protect and care for our bays, beaches and rivers.

We choose to live in our beachside community because we truly value our beachside village environment and easy access to sand, swimming, fishing, boating, windsurfing and beachside activities. We are attached to the sunrises and moon rising over Frederick Henry Bay and the sunsets over Ralphs Bay. We take our children, and our grandchildren, to admire the birds that have flown halfway round the world to feed on the mudflats in Ralphs Bay. We watch with respect as the storms rage across Ralphs Bay, and the high tide laps the highway.

We believe that we have a right to the lifestyle we have chosen. The 800 house canal estate proposed by Walker would double the size of the Lauderdale village, change the ambience of the peninsula forever, increase traffic flow, invade our recreational space. It would take away forever the beauty of our views over Ralphs Bay to Droughty Point and across the Derwent River to Mount Wellington.

This public amenity must be protected for all generations.

2.14 *The Walker proposal is unlawful*

We believe the Walker proposal is contrary to the:

- sustainable development objectives of the **Resource Management and Planning System**;
- objectives and specific provisions of the **Tasmanian State Coastal Policy 1996**;
- recommendations and purpose of the **Derwent Estuary Programme**;
- objectives to retain areas of significance on the **Register of the National Estate**;
- objectives to protect threatened species and habitats (wetlands) under the **Threatened Species Protection Act 1995** and **Environment Protection and Biodiversity Conservation Act 1999**;
- findings and recommendations of the **Tasmanian State of the Environment Report 2004**; and
- provisions of the **National Charter for Integrated Land Use and Transport Planning**.

3 Consulting the community

3.1 The Walker consultation program

3.1.1 Community consultation

On 15 March 2004, the Honourable Paul Lennon, then Acting Premier, explained in a letter to residents that the Government had asked the Walker Corporation to:

- provide a more detailed project description;
- make it public; and
- to enter into a three month consultation period.

See Appendix 9: Letter 15 March 2004 from Paul Lennon

3.1.2 The project description

Beyond an initial 'information brochure', the Walker Corporation failed to produce any further project detail. The brochure is inadequate in terms of detailed project design or description, providing minimal detail beyond diagrams and indicative sketches.

3.1.3 Public consultation on the proposal

The consultative strategies of the Walker Corporation appear to consist of only two, highly selective strategies:

- Invitation-only events with unidentified key stakeholder groups; and
- a public information office.

Neither provided sufficient or equitable opportunities for the wider community to access information on, or to comment upon, the proposal.

The public information office, open in the Lauderdale Shopping Centre between 26 April and 23 May, was the major consultation opportunity for the general community. Open only between 10:00 and 4:00 daily, it was difficult for working people to visit and peruse the displayed information, especially working families with hectic weekend schedules.

3.1.4 Information available to the public on the proposal concept

Essentially, the only source of information was the Walker office. Apart from the large glossy pictures of coastal developments that were not canal estates, and which were not carried out by the Walker Corporation, technical reports prepared on behalf of the Corporation were available chained to the bench at the rear of the office. Despite the technical nature of these reports, which made them difficult to review within a limited timeframe, excerpts or copies were not made available. Interested persons were obliged to view and comprehend the reports within the office itself, which was clearly unsatisfactory for most people.

3.1.5 Canvassing the local community

The Walker Corporation's Lauderdale information office appears to have been the major consultative tool for Walker.

At the office, concerned residents were able to complete comment sheets and post them in a slot in the bench. Some visitors said that they were actively discouraged from completing these forms if they were opposed to the development.

The Walker Corporation failed to directly engage directly with the community. Whilst the company held invitation-only events for unidentified key stakeholders, none were held for the wider community.

3.2 The consultation program undertaken by SRB Inc

3.2.1 Information evenings

Four information evenings were held in the Lauderdale Hall on 17 March, 5 May, 2 June, and 30 June 2004. Many hundreds of people from the community attended these meetings to listen and to ask questions.

The following guest speakers provided expert information and responded to the public's questions in relation to the following areas:

- Dr Frank Bullen – engineering issues for a canal estate development on Ralphs Bay
- Dr John Hunter - the impact of building structures on ocean and wave action
- Dr Jamie Kirkpatrick – environmental implications of the proposed canal estate development on Ralphs Bay
- Dr Eric Woehler – Birds Tasmania – migratory and resident shorebirds
- Dr Peter Nuttall – canal estates – the impact of residential tidal canal developments in Australia
- Kaye McPherson – an aboriginal perspective
- Phil Newsome – real estate problems relating to canal estates
- Professor Jim Reid – the nature of place and community attachment

3.2.2 The SRB Inc shopfront

In response to the Walker Corporation shopfront, SRB Inc staffed a display and information table outside the Walker shop during the period 26 April to 22 May, so that visitors could seek information on the many issues raised by the proposal.

Our experience was that the overwhelming majority of visitors to the Walker office also stopped at the SRB Inc information display and expressed outrage at the proposal. Many of these people were so distressed that they stayed and talked at length about their reasons for not wanting a development in Ralphs Bay. We started a comments book in response to the need of so many people to record their thoughts and feelings.

See Appendix 6: Community diary summary and sample pages

3.2.3 Community Expo Day

A Community Expo Day to celebrate Ralphs Bay was held on the 23 May 2004 at the Lauderdale Hall. Over 600 people participated in a range of activities including wetland ecology tours, historic tours of the canal, skate-park demonstrations, badge making and letter writing. People also took advantage of the opportunity to learn about the impact of the proposed development on our shorebirds, sailboarding, oyster growing, and our vistas, our shorelines and environmental impacts.

3.2.4 Newsletter distribution

Five newsletters have been printed and distributed to the 3,000 households in our local community since 17 March 2004. The purpose of the newsletters is to raise awareness on issues for the community to consider in determining the impact of the proposed Walker Corporation development, and to alert the public to SRB Inc events.

See Appendix 1: Newsletters distributed by SRB Inc

The newsletters to date have covered the following topics:

- How will the proposed Ralphs Bay Walker development affect the wider peninsula community? (20 April 2004)
- What does Walker's plan for opening the Lauderdale Canal mean for the community? (1 May 2004)
- How will the proposed Ralphs Bay Walker development affect our birds? (14 May 2004)
- Why should we value the ecosystems of Ralphs Bay and Frederick Henry Bay? (24 May 2004)
- Is the Walker Corporation plan unlawful? (15 June 2004)

3.2.5 Public website

SRB Inc established a public website www.saveralphsbay.org in April this year. The website provides up to date information for the public on issues and events. It also provides members of the community with an avenue to voice their concerns.

The website features photographs of Ralphs and Frederick Henry Bays and SRB Inc activities and events, poems, newsletters, media releases and links to other relevant websites. The public can also down-load our song "Talkin' Hands Off Ralphs Bay King Canute's Blues".

3.2.6 Stalls and displays

Information stalls and displays have been held by SRB Inc at a range of public events and locations including:

- The National Coast to Coast Conference 2004 (19 to 23 April)
- World Environment Day (5 June)
- Clarence Expo (4 April)
- Barilla Restaurant (12 & 13 June)
- Shoreline shopping Centre (14 to 24 May)
- Salamanca Market (29 May and 5 June)
- Rosny Library(April and May)

To support these stalls and displays, a range of merchandise and other items have been produced to raise awareness and funds, including car stickers, postcards, posters, photographs and maps, T-shirts, large banners, signs for roadside rallies, the Save Ralphs Bay CD, and a range of handout flyers and pamphlets.

See Appendix 2: Collection of handout examples and merchandise

Roadside rallies with placard displays were conducted at morning peak hour at Lauderdale and Mornington on Monday mornings through April and May. On these occasions, over 70% of passing motorists gave overt indications of their support for the protest, while less than 1% gave overt indications of disagreement with the protestors.

3.2.7 Media initiatives

SRB Inc. has regularly released information to the media on the range of issues and concerns raised by the community.

As a result of our efforts, the issues raised by this proposal have attracted wide media interest, including feature articles on coastal development in the Mercury, Sunday Tasmanian and Australian newspapers, and features on the national 7:30 Report, Radio National's Earthbeat and the ABC's weekly current affairs programme, Stateline.

See Appendix 3: Media coverage Tasmanian newspapers – October 2003 to August 2004

See Appendix 4: Media coverage – media releases & transcripts March to August 2004

3.2.8 Rally for the Coast

On 15 July 2004, less than 4 months after the Lauderdale community first met in response to Walker's proposal, close to 1,000 people rallied in Hobart's City Hall. They rallied to save Tasmanian bays and beaches in general from invasive coastal development, and Ralphs Bay in particular from the canal and housing development proposed by Walker.

The growing community outrage against inappropriate coastal development was reflected in the almost unanimous support of this crowd to save Ralphs Bay and to urge the Government to reject inappropriate coastal developments.

3.3 Community surveys, petitions and letters

3.3.1 Surveys

Three surveys have been conducted on the Ralphs Bay issue:

1. a postal survey by letter dated 27 April 2004 from Lin Thorp inviting comment on the Walker proposal; and
2. a postal survey by letter in May 2004 from Harry Quick MHR addressed to individual local residents.
3. A postal reply-paid survey of 6,000 residents from Senator Paul Calvert in August 2004. Results of this survey are still being collated at the time of writing.

Each of the first two surveys attracted over 200 written responses – Lin Thorp received 202 responses with a massive 91.1% against the proposal; and Harry Quick 262 responses with 69.5% against.

See Appendix 5: Copies of survey letters and survey responses

3.3.2 SRB Inc Community diary

SRB Inc started a comments book at the end of April 2004, to provide an opportunity for the community to record its responses to the Walker proposal. Almost 300 people took this opportunity to record their concerns in their own handwriting, sending their personal message to the Parliament of Tasmania.

The vast majority of concerns were recorded in our shopfront stall, outside the Walker shopfront, by people who were appalled at the proposed development and had seemingly no opportunity to register their total opposition to Walker Corporation.

See Appendix 6: Community diary summary and sample pages

3.3.3 SRB Inc petitions

Hundreds of people chose to sign the Save Ralphs Bay petition form at our various shopfronts, stalls and activities.

See Appendix 7: Summary of SRB Inc petitions and sample petitions

3.3.4 SRB Inc letters

Thousands of people from the local community, other parts of Tasmania, the mainland and overseas chose to add personal comments and sign a proforma letter to the Premier, opposing a development that has the potential to change the unique and relatively unspoilt Tasmanian coastline forever.

See Appendix 7: Summary comments and sample SRB Inc letters

4 How is the community saying NO to Walker?

4.1 *In letters to members of Government*

It is understood that since March 2004, the Minister for the Environment, the Premier and other Government members have been overwhelmed by the number of letters from the public saying NO to Walker's proposed development.

4.2 *Through letters to the Mercury*

Since March 2004, a sustained flow of letters to the Editor of the Mercury has maintained a consistent theme of objection to the Walker Corporation proposal. The range of reasons for saying NO reflects the community's concerns outlined in Part 3 of this document. Compared with the outpouring of letters objecting to the proposal, letters in favour have been conspicuous by their absence.

See Appendix 3: Media coverage Tasmanian newspapers – October 2003 to August 2004

4.3 *Through talkback radio*

Throughout the community consultation period, numerous members of the public have persevered with long waits to have their say on talkback radio. The vast majority of these people heard on the radio said NO to a development in Ralphs Bay. Their reasons were as varied as the community's concerns. There is a consistent message to the Government – say NO to a development in Ralphs Bay, and review our Coastal Policy. See Appendix 4: Media coverage – media releases & transcripts March to August 2004

4.4 *By writing in the SRB Inc comments book*

Our comments book was established at our SRB Inc information display at Lauderdale. Members of the community took the opportunity to record their concerns about the Walker consultation process and the proposal itself.

Almost 300 individuals have taken considerable time to hand-write their messages to the Parliament of Tasmania in this book, saying NO to the proposed Walker development.

See Appendix 6: Community diary summary and sample pages

4.5 *By signing petitions and letters*

Over 900 people have signed a petition stating that they do not support the proposed Canal Estate and marina development in Ralphs bay at Lauderdale. Thousands more have signed and individually commented on SRB Inc letters to the Premier.

Appendix 7: Summary of SRB Inc petitions and sample petitions and

Appendix 8: Summary comments and sample SRB Inc letters

4.6 *Through membership.*

During the Walker consultation period, SRB Inc attracted the support of 159 financial members, and hundreds of local residents who responded to a call for active participation in activities.

A working group of around 30 volunteers has met weekly over the past 4 months to raise public awareness and to ensure that the community has access to a range of information on the issues associated with the proposed development. Many people with professional expertise have freely given of their time to provide expert advice to the community on the many aspects of the proposed Walker development.

4.7 *By support for SRB Inc*

Hundreds of community members have donated ideas, time and energy to create postcards, websites, t-shirts, graphic designs, an original framed photo and painting for raffle prizes, car stickers, photomontages, badges, banners and signs and more. Practical support has come from the community in the form of food for barbeques, paper and printing facilities

Thousands of dollars have been raised and donated by concerned individuals who are actively seeking to save Ralphs Bay from the proposed Walker development, and to protect our coastlines from inappropriate development.

4.8 *By informing the media*

SRB Inc has maintained an open and honest relationship with all branches of the media, releasing information on activities and events, and concerns and issues raised by the community.

While the local community was identified as the major target for the Walker public consultation, local, state-wide and national media interest in the issue of coastal development in general, and the Ralphs Bay development in particular, compelled SRB Inc to respond regularly on behalf of the community to media reports and inquiries.

There has been a significant absence of community support in the media for the Walker proposal and the desecration of Ralphs Bay.

See Appendix 3: Media coverage Tasmanian newspapers – October 2003 to August 2004

See Appendix 4: Media coverage – media releases & transcripts March to August 2004

4.9 *Through the support of functions*

Since the initial call to consider the proposed Walker development, which attracted over 500 locals, hundreds of people have continued to show their support for the initial community decision to say NO the proposed canal estate development in Ralphs Bay.

The community has sustained its support by attending our information nights, our Expo Day and our Rally for the Coast, which attracted 1,000 people. Our community has consistently said NO. Our message has not changed.

Our roadside rallies, in the cold of early winter mornings, were supported by a resounding 70% of motorists showing their support for a NO vote.

Our stalls and shopfronts have attracted streams of people, local and state-wide, and national and international tourists, appalled at the idea of desecrating a conservation area and destroying a bird habitat by approval of a canal housing estate development in Tasmania.

5 Media summary

Environment Minister, Judy Jackson, first brought the Walker plan for Ralphs Bay to public attention on 11 March 2004. On March 17, ABC radio reported more than 500 people voted against the plan at a public meeting at Lauderdale Hall. The vote was also reported and a subject of talkback on ABC Breakfast with Tim Cox, in the Mercury and on ABC TV news the following day.

On Thursday, 25 March 2004, the Save Ralphs Bay working group held its first media conference, at the Dorans Road jetty. WIN, Southern Cross, ABC TV and radio news, and the Mercury reported that a community group had formed to fight the plan on environmental, social, ethical and aesthetic grounds. The issue became a feature of both ABC talkback and the Mercury letters' pages.

Stateline Tasmania reporter, Fiona Blackwood, prepared a six-minute feature on the Ralphs Bay plan which went to air on 2 April 2004.

The Coast to Coast 2004 conference at the Hobart Grand Chancellor highlighted the threat to Ralphs Bay, with delegates, SRB Inc representatives and media converging on the Lauderdale canal on 21 April 2004. WA coastal planning consultant, Dr Richard Kay, spoke out against the development. During the conference, NSW coastal expert, Professor Bruce Thom told the Mercury, estuary habitats are an invaluable economic resource. Delegates were also in Hobart when the Mercury ran the 1200 word 'Bay of Ire' feature by SRB Inc member, Cassy O'Connor, on 22 April.

ABC radio Drive interviewed SRB Inc Chair, Bill Edmunds on the outcome of the meeting with Minister Jackson on 27 April 2004.

On 29 April 2004, Franklin Green MHA Nick McKim asked a question in Parliament about the legal arrangements surrounding the Walker talks with Government, and those of the previous development proponent, Tominex. The story was reported in the Mercury.

The Mercury was the first media outlet to report that former ALP Minister and Senator, Graham Richardson had flown in to town with Lang Walker for a private meeting with the Premier. The topic went on to feature in talkback and the Mercury letters' pages.

ABC radio news and the Mercury reported on the first SRB Inc Public Information evening on 5 May 2004. On May 7, Southern Cross, WIN and ABC news, as well as the Mercury covered the Protecting our Protected Places rally.

Walker business development manager, Kevin Hunt, answered talkback calls on Tim Cox on 13 May 2004, and was questioned about statistical assertions, Graham Richardson and environmental concerns.

National media attention focused on Ralphs Bay with Andrew Darby's story "Tasmania: Absolute Waterfront" in the Sydney Morning Herald on 15 May 2004. The article examined big developers' interest in places like Ralphs Bay, and again raised the sudden interest of Graham Richardson in the local political scene.

On 23 May 2004, ABC TV and radio news, WIN, Southern Cross and HO FM news covered our successful Community Expo at the Lauderdale Hall. The Mercury ran a colour photo story the following day. Also on that day, Radio National Earthbeat reporter Nicole Johnson gathered interviews and sound grabs for her feature 'Canal Dreaming' which broadcast nationally on 10 July.

Our second information evening, held on 2 June 2004, was reported by ABC radio news and the Mercury. The following morning guest speaker, Dr Peter Nuttall, was interviewed by Tim Cox on the environmental and visual impacts of canal developments.

Also in June, the Sunday Tasmanian and the Mercury ran a series of banner stories – including a full colour front page - on the statewide coastal development threat. On 30 June 2004, the national ABC 7.30 Report broadcast its feature, by Jocelyn Nettlefold, on the Walker plan for Ralphs Bay as part of a wider picture.

The Tasmanian Conservation Trust and Save Ralphs Bay Inc held a joint media conference on 13 July 2004 to call for a halt to big coastal development plans until the State Coastal Policy is given full weight. The Sydney Morning Herald story “Tycoon scores \$60 million on land he never owned” by Stephen Gibbs (12/7) raised questions from journalists. Southern Cross, ABC TV, WIN and the Mercury covered the media conference.

The Save Ralphs Bay Inc Rally for the Coast at lunchtime on 15 July 2004 drew almost a thousand people to City Hall to show their concern for Ralphs Bay and our entire unspoiled coastline. ABC TV, radio, WIN, Southern Cross, AAP, the Mercury, Advocate and the Examiner covered the event.

On 28 July 2004, IUCN delegate, Christine Milne, called for an immediate halt to the Walker plan, in order to protect the critically endangered Spotted Handfish. Christine Milne stated that she had alerted the World Conservation Union about the threat to the remaining handfish. She has since also successfully urged the RAMSAR Secretariat to raise questions about the development in a sensitive coastal habitat, with Federal Environment Minister, Ian Campbell.

The student press has also taken an interest in Ralphs Bay. The University of Tasmania's 'Edge' radio featured an extensive interview with an SRB Inc spokesperson, and journalism students are communicating directly and via our website for more information on the Walker proposal. Save Ralphs Bay Inc has also had three feature-length articles published on the www.tasmaniantimes.com website.

Throughout the campaign to save Ralphs Bay to date, the Tasmanian media has demonstrated its willingness to cover community issues and follow their progress, and examine in detail a story which highlights the flaws in coastal development policy, politics and practice.

See Appendix 3: Media coverage Tasmanian newspapers – October 2003 to August 2004

See Appendix 4: Media coverage – media releases & transcripts March to August 2004

APPENDICES

Appendix 1: Newsletters distributed by SRB Inc

Appendix 2: Collection of handout examples and merchandise

Appendix 3: Media coverage Tasmanian newspapers-October 2003 to August 2004

Appendix 4: Media coverage–media releases & transcripts March 2004 to August 2004

Appendix 5: Copies of survey letters and survey responses

Appendix 6: Community diary summary and sample pages

Appendix 7: Summary of SRB Inc petitions and sample petitions

Appendix 8: Summary comments and sample SRB Inc letters

Appendix 9: Letter 15 March 2004 from Paul Lennon

SECTION 2: THE COMMUNITY'S
FORMAL SUBMISSION TO
GOVERNMENT

SECTION 2: TABLE OF CONTENTS

SUBMISSION TO THE MINISTER FOR THE ENVIRONMENT.....	3
THE PROPOSED DEVELOPMENT OF A CANAL ESTATE BY THE WALKER CORPORATION IN THE RALPHS BAY CONSERVATION AREA MUST NOT PROCEED TO A FORMAL PLANNING APPROVAL PROCESS BECAUSE IT IS CONTRARY TO:	1
THE PROPOSAL MUST ALSO NOT PROCEED TO A FORMAL PLANNING APPROVAL PROCESS BECAUSE IT WOULD:.....	1
SAVE RALPHS BAY INC REQUESTS THAT THE MINISTER NOT ALLOW A DEVELOPMENT APPLICATION FOR A CANAL STYLE DEVELOPMENT IN THE RALPHS BAY AREA TO ENTER A FORMAL PLANNING PROCESS	3
BACKGROUND	3
ISSUES AND IMPACTS.....	4
ENVIRONMENTAL	4
AMENITY.....	4
SOCIAL	4
ECONOMIC	4
LEGAL AND PLANNING CONSIDERATIONS.....	5
RALPHS BAY: LISTED CONSERVATION AREA	5
RALPHS BAY: THREATENED SPECIES/SPECIES AND HABITATS PROTECTED UNDER NATIONAL LAW AND INTERNATIONAL CONVENTIONS	6
RALPHS BAY: STATE COASTAL POLICY.....	7
RALPHS BAY: PLANNING ISSUES	10
LAUDERDALE: SEWERAGE AND OTHER INFRASTRUCTURE UPGRADES	11

**SUBMISSION TO THE MINISTER FOR THE ENVIRONMENT
THE HONOURABLE JUDITH LOUISE JACKSON MHR
FROM SAVE RALPHS BAY INC
THAT THE PROPOSED WALKER CORPORATION DEVELOPMENT FOR
RALPHS BAY SHOULD NOT PROCEED INTO THE PLANNING SYSTEM**

AUGUST 2004

The proposed development of a canal estate by the Walker Corporation in the Ralphs Bay Conservation area must not proceed to a formal planning approval process because it is contrary to:

- the sustainable development objectives of Tasmania's Resource Management and Planning System
- objectives and specific provisions of the (Tasmanian) *State Coastal Policy 1996*
- objectives to protect threatened species and habitats and specific provisions of the:
 - **Threatened Species Protection Act 1995* (Tas);
 - **Environment Protection and Biodiversity Conservation Act 1999* (Cw); and
 - **Fisheries (General & Fees) Regulations 1996*
- objectives to retain areas of significance on the Register of the National Estate
- the stated priority of this State Government that the Regional Forest Agreement be adhered to (Schedule 9 of the RFA {Land Classifications} Act 1998 lists the Ralphs Bay Conservation area
- findings and recommendations of the Tasmanian State of the Environment Report 2003
- recommendations and purpose of the Derwent Estuary Programme, established under a joint governmental Partnership Agreement
- provisions of the *National Charter for Integrated Land Use and Transport Planning 2003* (Cw and Tas)

The proposal must also not proceed to a formal planning approval process because it would:

- destroy a listed Conservation Area, protected under Tasmanian legislation including the Regional Forest Agreement
- set a precedent for the future sale of public conservation areas for private developments that have negligible benefits for the wider community and impose costs on local governments
- demonstrate the failure of the Tasmanian Government to listen to the views of the community and to uphold its own legislative and policy objectives to conserve protected places and uphold the Regional Forest Agreement
- be the antithesis of the findings of Tasmania Together, including, *inter alia*, that the primary goals for the environment are to:
 - **value, protect and conserve our natural and cultural heritage:*
 - **value, protect and maintain our natural diversity; and*
 - **ensure there is a balance between environmental protection and economic and social development*
- fail to ensure our natural resources are managed in a sustainable way now and for future generations
- result in the loss of key wetland habitat and detrimental impacts on threatened species
- result in substantial disturbance and the transportation of higher sediment loads, including heavy metals

- have significant impacts on the existing road infrastructure and network, requiring upgrades in the order of millions of dollars
- have a significant visual and aesthetic impact during both the construction and completion phases
- have potentially serious economic impacts on the aquaculture industry in Frederick Henry Bay and Pittwater Lagoon due to increased sedimentation and lowered water quality
- significant impacts on community lifestyle

SAVE RALPHS BAY INC REQUESTS THAT THE MINISTER NOT ALLOW A DEVELOPMENT APPLICATION FOR A CANAL STYLE DEVELOPMENT IN THE RALPHS BAY AREA TO ENTER A FORMAL PLANNING PROCESS

Background

The Tasmanian Government required the Walker Corporation to undertake community consultation on its proposed canal estate development in Ralphs Bay. However, during the public consultation period the Corporation produced few proposal plans beyond a sketch diagram reproduced from a previous development proposal in 2000. SRB Inc. submits that the public consultation required by the Minister was not fulfilled by the Walker Corporation.

SRB Inc presents this request to the Minister based on the information provided by Walker Corporation to the public, and publicly available scientific material including material produced by the Tasmanian Government's own departmental research, and material derived from the experiences of other state Labor governments, notably Queensland and New South Wales, with similar canal and marina-style developments.

This material clearly shows that a canal development in Ralphs Bay should not be approved for ecological, social and economic reasons. Public comments show that such a development is not supported or welcome in Tasmania.

The request now deals with the issues raised by the proposed development.

ISSUES AND IMPACTS***Environmental***

- revocation and alienation of a conservation reserve—irreversible impacts on internationally protected bird species and on Federally and locally and nationally protected bird and fish species
- loss of key wetland habitat—irreversible impacts on threatened species
- risks related to the treatment and containment of heavy metals
- substantial alteration of sediment budget and likely increase in sedimentation
- increased eutrophication and impacts on water quality both in the immediate canal environs and the wider Derwent Estuary
- increased pollution from recreational vessels
- ongoing impacts from dredging

These environmental issues must be considered by either the Clarence Council or the Tasmanian Government (depending on which body will be the decision-maker) under a range of State and Federal environmental and planning legislation and policies. The legal and planning considerations are addressed below.

Amenity

- visual impact
- impacts on community lifestyle

Social

- derogation of public use and restricted access to Ralphs Bay and the coastal foreshore
- pedestrian and driver safety as a result of increased traffic volumes and movements of heavy trucks

Economic

- costs to the aquaculture industry from transportation of heavy metals and sedimentation to Frederick Henry Bay and Pittwater Lagoon
- costs to the Lauderdale community of sewerage infrastructure
- costs to Clarence Council/State Government of ongoing maintenance such as dredging
- costs of maintaining and upgrading roads due to increased traffic and heavily laden trucks
- cost to Tasmania's economy from loss of tourism revenue, for example, loss of ecotourism revenue

LEGAL AND PLANNING CONSIDERATIONS

Ralphs Bay: Listed conservation area

The area the subject of the proposed development is listed as a conservation zone under the (TAS) *Nature Conservation Act 2002*, and has been so listed since 1982. That part of the subject area that is not listed as a conservation zone is Crown land and subject to the provisions of the (TAS) *Crown Lands Act 1976*.

To allow the proposed development to proceed, the Tasmanian Government must sell the relevant land to the Walker Corporation and revoke the conservation listing of Ralphs Bay.

Revocation of the listing may only occur after the Governor's proclamation declaring the land ceasing to be reserved land is approved by both houses of parliament (TAS) *Nature Conservation Act 2002*, s. 21). Section 21 provides no guidance for the basis of the Governor's declaration. It may be that comments by the Walker Corporation and the Minister that the land has been degraded will be the basis for the Governor's declaration.

The Walker Corporation has argued that the land the subject of the conservation listing is degraded:

'The ecological values of the Ralphs Bay marine and foreshore environments have been significantly degraded through human disturbance. Areas of saltmarsh and wetland have been drained and cleared, while breeding success of resident birds has been impacted by recreational activities and predation by domestic animals such as cats and dogs. Water and sediment quality has been influenced by both diffuse and point source discharges of contaminants and, in East Marsh Lagoon, by obstructed tidal flows'.

The Minister's public comments [7.30 Report] "It's not a pristine area by any stretch of the imagination...Not necessarily be revoked (ie conservation status), but for development to occur on that land if it satisfies an environmental impact study." appear to endorse this view.

SRB Inc submits that Walker and the Minister's approach overlooks the abrogation by the current and past governments of their statutory duty to protect the listed area, allowing it to become degraded. Further, we submit that to argue the degradation of the area as justification for the proposed development, that by its very nature could only enhance the degradation of the area, is spurious.

Ralphs Bay: Threatened species/species and habitats protected under national law and international conventions

(TAS) Threatened Species Act 1995

(CTH) Environment Protection and Biodiversity Conservation Act 1999

Fisheries (General & Fees) Regulations 1996

Despite any degradation of the Ralphs Bay conservation area, it nonetheless remains the habitat of migratory birds listed for protection under Commonwealth and State legislation and international conventions. Tasmania's own threatened species legislation also specifically protects species that have Ralphs Bay as their habitat. The provisions of these instruments require that the State government actively undertake steps to protect these species and habitats.

The environmental impacts of canal estates are known, and have been discussed by independent scientists (Maxted et al, 1997; Nuttall, 1992; 1985), government (Queensland Government, 2001; NSW Government, 1995 (is this the year of the canal estate ban?); NSW Commission of Inquiry for Environment and Planning, 1998; NSW Commission of Inquiry for Environment and Planning, 1995) non-governmental groups (NSW Total Environment Centre, 1985; Wise Use Resource Centre, 1998) and parties associated with canal construction (McIlwain and Boys, undated).

To lawfully undertake any of its proposed development in Ralphs Bay, the Walker Corporation must apply to the Minister for a permit to take or kill threatened species (*(TAS) Threatened Species Protection Act 1995 s 51*). The threatened species legislation does not expressly state matters that the Minister must take into consideration in determining whether or not to grant such a permit.

SRB Inc submits that the Minister must give highest priority to the objectives of the threatened species legislation):

- to ensure that all native flora and fauna in Tasmania can survive, flourish and retain their potential for evolutionary development in the wild..." Sch 1, Pt 2 (objectives re: threatened species protection system); and
- refuse to grant such a permit.

Ralphs Bay: State Coastal Policy

(TAS) State Coastal Policy 1996

The *(TAS) State Coastal Policy 1996* is currently under review. The policy was held to be invalid by the Tasmanian Supreme Court in 2002 (on the basis of the vagueness of the definition of 'coastal zone'): *Richard G Bejah Insurance & Financial Services Pty Ltd v Maning* [2002] TASSC 36. The other provisions of the Policy have not been rigorously examined for their inadequacy or otherwise to achieve the objectives of the Policy, which are expressed as three main principles:

1. Natural and cultural values of the coast shall be protected.
2. The coast shall be used and developed in a sustainable manner.
3. Integrated management and protection of the coastal zone is a shared responsibility.

The New South Wales coastal policy (*(NSW) State Environmental Planning Policy No 71—Coastal Protection*) contains similar objectives to those found in the Tasmanian coastal policy. However, after suffering the environmental damage caused by canal developments and a public outcry against such developments, the NSW government introduced a specific policy banning canal development (*(NSW) State Environmental Planning Policy No 50—Canal Estate Development*) to ensure that the objectives of their State Coastal Policy could be met.

The New South Wales government says:

'the decision to prohibit canal estate developments on the coast in recognition of the impacts these developments have on water quality, flooding and valuable ecosystems...' was one of the most important initiatives undertaken since 1995 to support their coastal protection policy.

(www.dlwc.nsw.gov.au/regions/sydney/coast/nsw_coastal_policy.html).

Canal and related marina development is increasingly the subject of prohibition and restrictions in other States in recognition of the environmental degradation resulting from such developments as demonstrated by the following extract from the *(QLD) State Coastal Management Plan* made under *(QLD) Coastal Management and Protection Act 1995*:

The development of canals and dry land marinas can, however, have significant adverse impacts on coastal resources resulting from construction of the waterways and the subsequent filling of the adjoining land with the extracted material.

In the past, adverse impacts from the development of canals and dry land marinas have included:

- direct loss of or impacts on coastal wetlands;
- increased tidal volumes and associated erosive actions of tidal waters;
- increased risk of flooding due to loss of flood storage or increase in peak flood levels;
- diminished water quality associated with the disturbance of acid sulfate soils, and poor tidal flushing and water circulation;
- loss of public access to foreshores;
- impacts on water quality and soft bottom (benthic) habitat from the increase in maintenance dredging and disposal of spoil;
- direct loss of or impacts on significant fish, wader and migratory bird habitats; and
- impacts on the natural character of the coast and landscape quality.

While some adverse impacts of canals and dry land marinas can be mitigated through appropriate design and management, the potential significance of cumulative impacts and the resultant public costs for remedial action necessitate a preference for urban forms on the coast that, to the greatest possible extent, maintain the natural vegetation, landform and physical coastal processes.

Stopping inappropriate coastal development is also one of the major goals of the Federal Labor Party's policy on protecting Australia's coastal zone (see *Protecting Our Beaches and Coast—Labor's Blueprint for Australia's Coastal Zone 2004*).

The provisions of the *State Coastal Policy 1996* must be taken into account by the Clarence Council should they be the decision makers on a development application from Walker Corporation (which presupposes a sale of land to Walker which it is both within the power of the Minister to refuse and which should be refused on environmental grounds as outlined above). A decision on the Walker Corporation development therefore cannot be made legitimately by the Clarence Council while the policy is under review, nor by the Minister should the development be declared a State Significant Project (under *State Policies and Projects Act 1993*).

The provisions of the *State Coastal Policy 1996* are not to be taken lightly for not only does such a policy reflect a matter of State significance (*State Policies and Projects Act 1993 s 5(b)*) and take precedence over an inconsistent planning scheme (*State Policies and Projects Act 1993 s 13*) but also it is an offence to contravene such a policy (*State Policies and Projects Act 1993 s 14*).

The particular *State Coastal Policy 1996* principle that must be considered, with regard to the conservation zone listing of Ralphs Bay under the *Nature Conservation Act 2002*, is the following:

- 1.1.7. Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified **and protected as appropriate**.

SRB Inc submits that the Tasmanian Government must strengthen its protection of Tasmania's coasts from inappropriate development by introducing provisions banning canal development. Based on local, national and international scientific evidence¹ concerning the natural resources of our coasts this is an urgent requirement, especially for areas that are already the subject of legislative protection, such as Ralphs Bay.

Further, Ralphs Bay as part of the Derwent foreshore is the subject of the Environmental Management Plan produced under the Derwent Estuary Program, 2003. This plan identifies the wetlands, salt marshes and tidal flats of Ralphs Bay as an area of high conservation value. It also requires that a study of the loss of seagrasses in the area must be conducted.

SRB Inc urges the Tasmanian government to undertake the research work required by its own departments and that the Minister must not make a decision to allow a development in Ralphs Bay that would further undermine the ecological values of the area.

¹ Total Environment Centre, 1985, *The impact of canal estates on the coastal environment*, Submission regarding the need to discourage canal estates to the Minister for Planning and Environment, New South Wales; Green, G and Coughanowr, C 2003, *State of the Derwent Estuary 2003: a review of pollution sources, loads and environmental quality data from 1997 – 2003*. Derwent Estuary Program, DPIWE, Tasmania; Resource Planning and Development Commission, 2003, *Tasmanian State of the Environment Report*, Tasmanian Government,

Ralphs Bay: Planning issues

Regardless of assessment type, the proposed canal development will eventually fall within the management ambit of the Clarence City Council.

Given the significant ongoing environmental, infrastructure and planning issues raised by this proposal and in the context of the limited resources and expertise of any local government, eventual management by local government is worrying. Neither the existing or proposed planning scheme is capable of addressing the issues raised by this development. Issues include:

- Who would monitor and enforce the development conditions once in place? Clarence City Council would be left with primary responsibility as the relevant planning authority, but it is difficult to see how it could provide the resources, expertise and time required to manage this development through space and time.
- How would development conditions be enforced? Enforcement is a time consuming and difficult aspect of the land use planning process, requiring action in the Resource Management and Planning Appeals Tribunal. In the overwhelming number of cases, enforcement occurs long after damage has been caused and is at the very best remedial in nature.
- Would the developer be required to carry out periodic environmental assessments? If not, how would we know how the development was performing? Who would coordinate and review these assessments? Again, the ability of the local government to do so is highly constrained.
- What action would (could) be taken if the development failed ecologically?
- Who would take responsibility to pay for and conduct dredging? Will there be a general fee levied on owners of individual dwellings within the development or would all ratepayers have to contribute?
- How far into the future would the developer be required to undertake remedial and maintenance works?

This proposal should not proceed to the planning stage. As much as it is about finding workable solutions to issues, the land use planning process is also about saying no in circumstances where the inherent unsustainability of a development is clear.

Lauderdale: Sewerage and other infrastructure upgrades

The Walker Corporation has indicated that one benefit of the proposal will be the introduction of new infrastructure, notably extension of the sewerage line into Lauderdale (Walker Corporation, *Ralphs Bay Information Booklet* 2004). Whilst reference must be made to the relevant planning scheme, the peripheral or indirect benefits of a development, particularly economic benefits, generally lie beyond those matters that must be considered within the statutory planning process. At the very least, peripheral benefits must not detract from detailed consideration of the direct impacts of a development.

Further, as with any development, the extension of infrastructure such as water and sewerage is provided on a user-pays basis. Whilst the Walker Corporation will extend the sewerage line to service its canal estate development, the Clarence City Council, via its ratepayers, will have to cover the cost of connecting households within Lauderdale itself. Individual households will need to cover the cost of connecting to the street frontage, as well as the almost certain increase in rates associated with connection.

SRB Inc urges the Minister to consider the impact of the costs of any new infrastructure on the residents of Lauderdale.