



MEDIA BACKGROUND BRIEFING NOTES

BRIEF HISTORY OF THE CAMPAIGN TO SAVE RALPHS BAY, 2004 – 2009

February 16 2009

After almost five long years, the battle for Ralphs Bay now begins in earnest. The Walker Corporation has lodged a Draft Integrated Impact Statement (IIS) of almost 7000 pages, and opponents of the development are invited to make submissions to the Resource Planning and Development Commission (RPDC) in response to the IIS.

How is it that Tasmania has made a housing subdivision in the sea a Project of State Significance, and how did we reach this point?

4 March 2004: In-principle agreement to sell the Conservation Area if Walker can obtain approval for its proposal

Almost 5 years ago, on 4 March 2004, the Tasmanian State Government signed an in-principle agreement with the Walker Corporation of NSW. The State Government agreed to sell the Ralphs Bay Conservation Area to the Walker Corporation, if it could obtain the approvals necessary to bulldoze the Conservation Area and turn it into a Gold Coast style canal housing estate. The Ralphs Bay Conservation Area consists mainly of extensive sandflats and was declared following decades of campaigning by Tasmanian ornithologist Len Wall, who had a heartfelt wish to protect this important feeding, roosting and nesting area for resident and migratory shorebirds.

The in-principle agreement to sell off the Ralphs Bay Conservation Area was made in secret, and the existence of any agreement was strenuously denied, until a Freedom of Information request revealed the truth.

15 March 2004: “Community Consultation” begins – huge community opposition ignored

In a letter to residents dated 15 March 2004, then Acting Premier Paul Lennon announced a “3 month community consultation”, whose result would be considered when determining whether or not the canal estate proposal was permitted to enter the formal planning system. In the event, the community response was ignored, and the wishes of the community were treated with contempt. An extensive survey by Senator Paul Calvert indicated 73% opposition.

During the “community consultation”, thousands of letters were sent directly to members of the Government by the public. Then Environment Minister Jackson’s office began tallying the responses but was soon overwhelmed. Save Ralphs Bay Inc. received the first 9 summary sheets of the tally following a Freedom of Information request: out of the first 227 items of correspondence summarised in the Minister’s office, 224 communications were opposed to the development; 2 supported it and 1 was neutral. This is **99% opposition**, in unsolicited letters to the Minister that were neither organised by, collected by nor sent in by Save Ralphs Bay Inc.

2 September 2005: Walker Corporation withdraws proposal

By 2 September 2005, the strong community objection to the canal estate proposal and the announcement by Liberal Leader Will Hodgman that his party did not support the development led to the Walker Corporation's announcement that it was withdrawing the proposal.

2006 state election

The 2006 state election campaign was fought on the understanding that Walker Corporation's proposal was gone. The Minister then responsible, Judy Jackson, wrote to a constituent stating, *"The Government has no intention of revisiting any development proposal for Ralphs Bay."*

6 July 2006: Mr. Lennon announces return of Walker Corporation proposal

However, on Thursday 6 July 2006, Premier Paul Lennon announced to the Parliament the return of the Walker Corporation proposal, ten months and three days after it had been "shelved" in the lead-up to the state election.

On 6 September 2006, Sue Neales reported in the *Mercury*, *"Contrary to claims made by Tasmanian Premier Paul Lennon, Walker Corporation has admitted that its pullout from the Ralphs Bay canal housing project was always only temporary. It was also only ever about politics."*

Quoting the Walker Corporation's then divisional manager, Kevin Hunt, during a Legislative Council Ralphs Bay briefing session on 5 September 2006, Ms. Neales stated, *"Mr. Hunt's frank admission that Walker Corporation never really abandoned its Ralphs Bay proposal last year contrasts with claims by Mr. Lennon that he was certain the company had quit Tasmania for good."*

August 29 2006: "Ralphs Bay Conservation Area (Clarification) Bill" attempts to remove over 90% of the Ralphs Bay Conservation Area prior to the integrated assessment process

On 29 August 2006, the infamous "Ralphs Bay Conservation Area (Clarification) Bill" was tabled in the Lower House of the Tasmanian Parliament. This legislation sought to remove the sandflats from the Conservation Area in advance of the RPDC's integrated assessment of the canal estate proposal, leaving only a pitiful 7.3 hectare strip of land on the foreshore below nearby houses. Over 90% of the Conservation Area was to be removed.

31 August 2006: Minister Llewellyn confirms this is, "a political decision" and a court would probably not agree on the "clarified" dimensions of the Conservation Area

In Parliament on Thursday 31 August 2006, Minister David Llewellyn confirmed the government had no legal advice recommending the boundary be moved from low water mark to high water mark, and that the Bill was, *"a political decision"* made by Cabinet. (Hansard, 7.30 pm).

Mr. Llewellyn admitted, *"In subsequent legal advice, however, the Solicitor-General has indicated that the conservation area would more likely than not extend to the actual 'low water mark' in Ralphs Bay, if it were the subject of litigation"* (Hansard, Second Reading of the Bill).

The Ralphs Bay Conservation Area (Clarification) Bill was passed by the House of Assembly on 31 August 2006.

Legal opinion from Duncan Kerr SC MP: “an un-stated and ulterior motive”

In a formal Legal Opinion, Duncan Kerr SC, MP stated,

“That the *Ralph’s Bay Conservation Area (Clarification) Bill 2006* has been drafted to remove reference to the area of land to low water mark must therefore be for an un-stated and ulterior motive—because getting rid of the inter-tidal zone’s status as a conservation area is neither legally necessary to permit the Commission to assess any proposed project of state significance nor is it consistent with the purposes of the establishment of the Ralphs Bay conservation area.

“17. All that may be speculated as to possible ulterior reasons are that:

- state agencies formerly responsible for the management of the conservation area will no longer have an ‘interest’ under section 21 of the *State Policies and Projects Act 1993* in the inter-tidal zone requiring the Commission to seek their views in relation to the proposed project of state significance;
- those state agencies may be instructed, or choose, not to provide evidence as to the conservation values of the inter-tidal zone on the grounds that they will no longer have responsibility for its management;
- even if they are not instructed to not provide evidence and choose to do so, it is possible that legal objection may be taken to the Commission receiving such information (see first dot point above); and,
- ***the political advantage in removing the inter-tidal zone’s legal status as a conservation area in this way (confusing it as a required ‘clarification’) is that it may minimise the inherent political awkwardness facing those who support a proposal for digging canals and a building housing estate in a conservation area.*** (*Emphasis added*).

September 2006: Upper House passes amendments to Ralphs Bay Conservation Area (Clarification) Bill, preventing the removal of over 90% of its area, and also passes Project of State Significance status for the proposal

This means there will be a full integrated assessment of the proposal, in the Resource Planning and Development Corporation (RPDC).

The final decision on the status of the Ralphs Bay Conservation Area is also to be decided by the RPDC. If the development is rejected, the Conservation Area may increase to 171 hectares in size. If the development is approved, the Commission has been given the power to excise whatever area is “necessary and convenient”, for sale to the Walker Corporation.

9 June 2007 Draft Scope Guidelines for the IIS released by the RPDC for public comment

August 2007 Final Scope Guidelines for the IIS published by the RPDC

February 12 2009: Walker Corporation lodges its draft Integrated Impact Statement (IIS) with the RPDC.

The battle commences. Community members will now be invited by the RPDC to make their submissions in response to the draft IIS. This is Step 1 in a process expected to take at least 8 months.

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