



JOINT MEDIA RELEASE

SAVE RALPHS BAY INC. AND BIRDS TASMANIA QUERY WALKER CORPORATION'S CLAIMS REGARDING THE RALPHS BAY CONSERVATION AREA

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The Walker Corporation has recently claimed in the Tasmanian media that the Ralphs Bay Conservation Area is a thin strip of land comprising approximately 7.3 hectares which “extends only to the shoreline and does not include the tidal sandflats.” Save Ralphs Bay Inc. and Birds Tasmania reject this assertion, and wish to draw attention to the murky history of the so-called “Ralphs Bay Conservation Area (Clarification) Act 2006.”

1. The Ralphs Bay Coastal Reserve was declared on 23 April 1982. The order declaring the Reserve stated that the reserved area comprised land adjacent to the shore **“together with land between Lot 23 and low water mark on Ralphs Bay”**.
2. Following the land classification process undertaken as part of the Regional Forest Agreement, the Ralphs Bay Coastal Reserve was revoked in 1998 and replaced by the Ralphs Bay Conservation Area. The extent of the Ralphs Bay Conservation Area is described in Schedule 9 of the *Regional Forests Agreement (Land Classification) Act 1998* by reference both to an area comprising 7.3 hectares and to a plan showing the area extending to a heavy line marked “Low Water Mark”.

Save Ralphs Bay Inc and Birds Tasmania contend that the Ralphs Bay Conservation Area was always intended to include the tidal sandflats. Any inconsistency between the technical description (7.3 ha) and the physical description (to low water mark) should be resolved in a way that promotes the purposes of the reserve and recognises the conservation values of the inter-tidal zone.

3. In 2006, following the re-emergence of the Walker proposal, Premier Paul Lennon foreshadowed legislative action to “clarify” the boundaries of the Ralphs Bay Conservation Area. In August 2006, the Ralphs Bay Conservation Area (Clarification) Bill 2006 was introduced with the intention of confining the area to approximately 5.5 hectares of foreshore land.

In his second reading speech, Minister David Llewellyn admitted to the House of Assembly that the decision to reduce the area of the Conservation Area was “a political decision” and that the advice of the Solicitor-General was 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, 31 August 2006). Despite this, the Ralphs Bay Conservation Area (Clarification) Bill 2006 was passed by the House of Assembly on 31 August 2006.

4. Save Ralphs Bay Inc commenced an intense lobbying effort to prevent the Bill from passing in the Legislative Council. These efforts were supported by legal advice from Duncan Kerr SC MP to the effect that removing the area of land to the low water mark was inconsistent with the purposes of the Conservation Area, therefore the drafting of the ***“must therefore be for an un-stated and ulterior motive .”***
5. In September 2006, the Legislative Council passed the Ralphs Bay Conservation Area (Clarification) Act 2006, subject to a number of important amendments. These amendments declared the Conservation Area to be 171 hectares (extending to low water mark), excluding any area that the Resource Planning and Development Commission determine is “necessary or convenient” for the Lauderdale Quay proposal.

The provisions of the Ralphs Bay Conservation Area (Clarification) Act 2006 declaring the extent of the Conservation Area will not commence until:

- o the RPDC submits a report to the Minister recommending that the Lauderdale Quay project not proceed; or
- o the Governor makes an order that the project proceed.

Therefore, the final extent of the Ralphs Bay Conservation Area will not be known until after the assessment of the Walker Corporation’s canal estate proposal. If the proposal is rejected, the Conservation Area will comprise 171 hectares, in recognition of the significant environmental values of the sandflats. However, if the canal estate development goes ahead, the RPDC has been given the power to excise whatever is “necessary or convenient” from the Conservation Area, to be sold to the Walker Corporation.

In its analysis of the submissions on the draft guidelines for the Walker proposal, the RPDC acknowledged the “uncertainty as to the extent of the Conservation Area”. It has always been a concern that the Walker Corporation will attempt to use this uncertainty to deny the existence of the conservation values of the sandflats during the assessment of its proposed conversion of the sandflats into a canal housing estate.

Save Ralphs Bay Inc. and Birds Tasmania remain adamant that **the proposed canal estate development is situated in the Ralphs Bay Conservation Area. This area is Crown Land belonging to the people of Tasmania, and a much loved and valued internationally significant habitat for both resident and migratory shorebirds.**

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