



## **Why we say the Walker Corporation's canal estate development proposal for Ralphs Bay should NOT be a Project of State Significance (PoSS)**

10 August 2006

Dear members and supporters of Save Ralphs Bay Inc,

We are seeking your assistance to stop the Walker Corporation's proposed canal estate for Ralphs Bay in its tracks, because this development has the potential to cause profound and enduring environmental, economic and social problems for Tasmania.

This is how you can help save Ralphs Bay. Write to your Upper House members particularly - <http://www.parliament.tas.gov.au/lc/lclist.htm> - saying:

1. Do not support the PoSS bill in the House when it is introduced
2. Do not support the removal of the sandflats from the Ralphs Bay Conservation Area

If the Tasmanian House of Assembly passes Project of State Significance (PoSS) status for the Walker Corporation's proposal, this could well be the first step towards construction of Tasmania's first canal estate on the sandflats of the Ralphs Bay Conservation Area at Lauderdale.

However, the Walker Corporation has stated it will abandon its proposed canal estate if it does not get PoSS status. It is possible a concerned community can defeat the planned excavation and development of the high conservation value sandflats of Ralphs Bay.

The main issues are set out in points 1 – 9 below. There are, of course, many, many more drawbacks of canal estates, which is why New South Wales has banned their construction. The arguments below explain why the proposal should not be sent to the RPDC for assessment.

A summary of them all might be, “NO PoSS – Don’t let the canal estate genie out of the bottle in Tasmania, and don’t contemplate compromising the River Derwent’s future health. The potential risks are far too high, and this is a case for exercising the precautionary principle.”

### *1. Walker WALKED - end of story*

Six months before the 2006 state election, following a visit by Premier Paul Lennon, Walker Corporation shelved its highly unpopular canal estate proposal for Ralphs Bay, ‘for commercial reasons’. The March 18 election campaign was fought on the understanding that Walker’s proposal was no longer an issue. The Minister then responsible, Judy Jackson, wrote to a constituent stating, “The Government has no intention of revisiting any development proposal for Ralphs Bay.” Lennon has no mandate to promote the return of this canal estate proposal now that the poll is behind him.

### *2. Canal estates – a demonstrably failed style of development*

Mainland Australia’s coastline is littered with canal estates that have failed structurally, environmentally, socially and economically, leaving local and state authorities with severe ongoing maintenance costs and reengineering works. Semi-occupied canal estates have led to high vandalism rates and decaying social cohesion. They are a failed technology, a failed development style. The associated risks are so severe that the State of New South Wales has banned canal estates outright.

### *3. Substantial waste of taxpayers’ dollars*

The RPDC exists to assess genuine development proposals with a good chance of progressing. It is an abuse of process and waste of public funds to ask the RPDC to review a canal estate style development for Tasmania, when this is so unlikely to go ahead. The State of the Derwent Report, Draft Derwent Estuary Water Quality Improvement Plan for Heavy Metals, State Coastal Policy and other expert advice leave the sincere reader in no doubt that a canal estate in Ralphs Bay is a nonsense. The Federal Government’s Environment Protection & Biodiversity Conservation (EPBC) Act would surely not permit such an extreme threat to the critically endangered Spotted Handfish. Existing policies and legislation cannot be disregarded, but the PoSS legislation can over ride relevant

State statutes and policies.

#### *4. Government's attempts to excise bird feeding grounds from Ralphs Bay Conservation Area.*

The State Government has undertaken to free up Walker's proposed development site by cynically excising the crucial sandflat bird feeding grounds from the Ralphs Bay Conservation Area. Save Ralphs Bay Inc. sought legal advice last year, and challenged the legality of this action in writing to Minister Jackson in August 2006. Premier Lennon has stated he will introduce formal legislation to 'remove inconsistencies' as to the extent of the Conservation Area, soon after Parliament resumes.

**Does this sound like "Proper Process"?** How can the Parliament vote with a clear conscience on PoSS status for the canal estate before scrutinising the issue of the Conservation Area's boundary? Tasmanian mapmakers have always understood very clearly that the Ralphs Bay sandflats are part of the Conservation Area. How can Premier Lennon expect any reasonable person to believe he has discovered a 'mistake' after this area has been protected for twenty-four years?

#### *5. Can't rely on the RPDC to stop the proposal – its recommendations are not binding on the Government*

The PoSS process holds a frighteningly high risk of delivering a disastrous outcome to generations of Tasmanians. Regardless of any final RPDC recommendations, it is the government who decides if the canal estate development will proceed. The government is under no legal obligation to accept the RPDC's advice. The RPDC does not control the outcome of the process. The Minister responsible for the PoSS process is the Premier, Paul Lennon. He has already stated his support of Walker Corporation's canal estate proposal and has refused to meet the community to hear its concerns. The terms of reference for the RPDC would be established by Paul Lennon. We are unable to trust him: see "Broken Promises" below.

#### *6. The RPDC is independent, but the PoSS process is biased.*

Walker Corporation is rich and powerful. They have appointed an ex-RPDC Commissioner to represent them in Tasmania, and they have engaged the services of at least one of the state's top barristers. They are in a position to fund extensive lobbying of MLC's, MHA's, Clarence City Councillors, and to make significant donations to Labor Party coffers. (Walker Corporation is the

single biggest corporate donor to the Federal Labor Party). There is a fundamental injustice in pitting a local community with limited resources against a multi-million dollar corporation backed by the state's Premier.

## 7. *Broken promises*

On 4 March 2004, then Environment Minister Judy Jackson wrote to Walker Corporation, stating:

**“you would need to undertake wide public consultation on the proposal for at least 3 months prior to its formal submission to the Government. Such consultation should include *public forums*, newspaper advertisement and *canvassing of the local population*. The public response to the consultation process would be weighed in any government decision to allow the project to proceed through the appropriate planning process.”**  
(emphasis added)

**The reality? NO** public forums, and **NO** formal canvassing of the local population by Walker Corporation.

On 15 March 2004, Paul Lennon wrote to the residents of the area most affected by Walker's proposal, announcing a “3 month public consultation program” and promising the following:

-‘detailed information’

-‘an opportunity for anyone with concerns or comments about the proposal to be more fully informed of the developer's intentions and how specific issues will be addressed’

-‘the Government will review both the project description and the outcome of the public consultation before it makes any decision on whether to agree to the proposal going through the formal planning approval process’

**The reality? NO** detailed information distributed; documents chained to the wall of the Walker shopfront in Lauderdale; evasion of the public's questions by the developer, and disregard of strong local opposition by the Premier.

Constituent surveys by Harry Quick MHR, Senator Paul Calvert, Lin Thorp MLC and Will Hodgman MHA demonstrated around **70% community opposition**. The Save Ralphs Bay Inc response to the Walker proposal was delivered to Minister Judy Jackson on 24 September 2004. It contained **2500 letters and**

**personal messages opposing the proposal**, and a detailed examination of the issues. In August 2005 we delivered a further 500 letters in the lead-up to the first anticipated cabinet decision on PoSS status for the proposal.

Thousands more letters were sent directly to members of the government by the public. 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 from concerned members of the public.

Premier Lennon has breached his commitment to the community by repeatedly refusing to meet with representatives of Save Ralphs Bay Inc to discuss the community's concerns; by ignoring the community's responses; by accepting (if not organising) resubmission of the Walker proposal; and by pushing for its assessment as a PoSS.

#### ***8. Conflicting State directions on coastal protection***

The RPDC is currently assessing the Bruny Bioregion, to decide what Marine Protected Areas (MPA's) should be put into place. Ralphs Bay is in this region (see RPDC website). It is outrageous to even consider assessing a "development" proposal that would have devastating impacts on species such as the critically endangered Spotted Handfish, and migratory birds before knowing whether their habitat is about to be declared an MPA.

#### ***9. Bill tabled in Lower House to ban canal estates in Tasmania***

Greens MHA Nick McKim has tabled a Canal Estate Ban bill, based on the NSW legislation. No vote on the PoSS bill should be taken until the Canal Estate Ban bill has been seriously debated.

#### ***10. Independence of the Legislative Council***

MLC's have a special responsibility to assert their independence and scrutinise the activities of the Government in detail.

**Please write to your MLC's (follow above link) and urge them to vote down the PoSS. Also request them to vote against removal of the bird feeding grounds from the Conservation Area which is supposed to protect them.**

**Thank you in anticipation of your ongoing support and concern for Ralphs Bay.**

Yours sincerely,

Save Ralphs Bay Inc  
<http://www.saveralphsbay.org>  
[www.saveralphsbay.org](http://www.saveralphsbay.org)