

# coastal Collaboration Cluster



## Ralph's Bay

### Purpose

This investigation focuses on the proposed canal development in Ralphs Bay 2003-2010 that was overturned by the Tasmanian Planning Commission.

### Indicative Research Questions

- What counts as evidence-informed decision making in coastal zone planning?
- Does public awareness and understanding influence the potential for science to enhance coastal zone impact?

### Background

Ralphs Bay is a wide shallow bay in the Derwent Estuary, south-east of Hobart. The bay is enclosed by the hook-shaped South Arm peninsula, the final landmass before the estuary meets the sea. Ralphs Bay contains extensive sandflats, some of which are protected within the Ralphs Bay Conservation Area at Lauderdale. The small coastal community of Lauderdale is located in the north eastern corner of the bay. Ralphs Bay is an area of considerable ecological significance. Migratory shorebirds such as Red-necked Stints arrive from Siberia each spring, and the bay contains one of Australia's most significant populations of Pied Oystercatchers. Critically endangered Spotted Handfish have also been recorded in the northern section of the bay. Ralphs Bay contains one of the most biodiverse saltmarsh vegetation communities in southern Tasmania and delivers important ecosystem services such as denitrification. The extensive sandflats and fringing saltmarsh provide important habitat for a wide variety of invertebrate and microalgal species, which support a complex food web unique in the Derwent. In addition to natural and scientific values, Ralphs Bay has significant aesthetic, community and recreational values enjoyed by residents and visitors. In 2004, the Tasmanian community became aware of a proposal put forward by the Walker Corporation to construct a residential canal estate development in Ralphs Bay at Lauderdale Tasmania. In response, the 'Save Ralphs Bay Inc' (SRB) community group was formed in opposition. The group's stated objectives include the protection of the 'natural and aesthetic values of Ralphs Bay' and the promotion of 'an approach to Coastal Planning in Tasmania that will prevent inappropriate development proposals in coastal areas'.

Despite significant public opposition, the proposal proceeded through the relevant assessment and approval processes under both state and federal law. The proposal was declared to be a 'Project of State Significance' for the purposes of the Tasmanian legislation, and a 'controlled action' for the purposes of the federal legislation.

### Key Findings

The Tasmanian Planning Commission (TPC) in its report entitled *Integrated Assessment Report - Lauderdale Quay Development Proposal* (2010) recommended that the proposal should not proceed. In its Final Report, the Commission noted that 'the only substantial factor in favour of recommendation' was the economic benefit to the state which would result from the development and construction of the site. The Commission concluded that this economic benefit was 'overwhelmingly outweighed' by a number of considerations including the fact that 'the construction of a residential estate on the tidal flats of Ralphs Bay is an inherently unsustainable approach to satisfying demand for residential land'. The unsustainable nature of the development was attributed to a number of factors, including the potential impact on endangered species in the area and the degree of scientific uncertainty surrounding some of the ecological impacts of the project. In reaching its conclusions, the Report made reference to the detailed scientific opinions put forward by various scientific experts consulted during the hearings.

In response to the Commission's recommendation, the State Government announced that the project would not proceed. Following this development, in 2011 the Government introduced a Bill into State Parliament which sought to prohibit the use and development of canal estates in Tasmania. Although the Bill passed the Lower House, it did not survive the Upper House, with Independent MLC Jim Wilkinson stating that sufficient 'safeguards' already existed, as demonstrated by the failure of the Walker Corporation's proposal (ABC News 2011). SRB Inc continue to campaign for the introduction of a complete state-wide ban on residential canal estate development, in particular citing concerns over their appropriateness in light of the latest sea level rise projections.

SRB and the Environmental Defenders Office (EDO) performed substantial roles in the assessment/approval process of the Walker Corporation proposal. SRB provided consistent scrutiny of the proposal over the 6 years between its announcement and the Commission's recommendation for its rejection. In light of this significant contribution, it is important to consider how the process would have proceeded in the absence of SRB. For example, as noted by Jane MacDonald (SRB) and Jess Feehely (EDO), it is likely that a number of issues 'would not have been pursued in detail at the hearing' had it not been for the 'daily involvement' of SRB and the EDO (MacDonald and Feehely 2010: 38, 44). Moreover, SRB were responsible for the involvement of a number of scientific experts, whose expert testimony featured prominently in the Commission's assessment of the proposal. SRB also raised over \$150 000 for assistance with legal costs which enabled Roland Browne (a Hobart barrister) to act as legal counsel for not only the group, but other members of the public. Given the procedural nature of such processes, securing adequate representation is a significant advantage.

As noted in [Table 1](#), the importance of SRB's involvement may be indicative of both functional and dysfunctional aspects of Tasmania's coastal planning and development assessment processes.

Scientific knowledge played a crucial role in the Commission's decision not to recommend the proposal. In turn, the Commission's recommendation convinced the Government not to proceed with the project. Accordingly, it is important to consider how the scientific evidence which informed the hearings was presented, received and prioritised. Although it is necessary to acknowledge the crucial role played by SRB in this process, it is equally important to recognise that the manner in which the evidence was considered and weighted was the result of the comprehensive and independent assessment process undertaken by the Commission. The absence of either of these elements (i.e. a dedicated community group putting forward scientific expertise and an independent and trusted assessment body assessing their evidence) could have resulted in a different outcome.

Furthermore, the themed investigation provides an indication of how the broader planning system responds to such experiences, and therefore how scientific conclusions reached in one specific context can have a more general impact. In the wake of the Government's acceptance of the Commission's recommendation, the Government recognised that the Commission's reasons for rejecting the Walker Corporation proposal on the grounds of its inherent unsustainability weighed in favour of a policy response prohibiting canal estate use and development.

The themed investigation also highlights the issues created by the absence of a comprehensive and adequate State Coastal Policy, which could have provided greater policy direction for the process, informed by principles of sustainable development. Overall, the Ralphs Bay themed investigation reveals a number of functional and dysfunctional aspects of the coastal planning and assessment framework in Tasmania. [Table 1](#) summarises a few of these observations.

Functional and dysfunctional aspects of the coastal planning and assessment framework in Tasmania

Functional	Dysfunctional
<p>The organisation and consistent dedication of the SRB community group demonstrated the potential power and importance of community organisations in the development and application of Tasmanian coastal policy.</p>	<p>The reliance placed on SRB during the hearings process, and the significant role played by SRB during the preceding assessment stages, may be viewed as an indication that SRB were left performing some functions which should have been performed by government.</p>
<p>The efficient and thorough assessment process adhered to by the Tasmanian Planning Commission demonstrated the importance of ensuring that an independent body is tasked with the responsibility of assessing the validity of significant development proposals which involve complex (and sometimes contested) scientific evidence.</p>	<p>The independence demonstrated by the TPC can be contrasted with the behaviour of the Tasmanian State Government. It was evident from the Government’s response to the Walker Corporation’s proposal that despite significant public opposition, the Government was committed to the project.</p>
<p>Movements forged in response to particular development projects can result in greater community engagement and understanding of the broader policy and planning framework in which they operate. For example, SRB have contributed to government reviews of the Tasmanian and federal environment, planning and assessment systems.</p>	<p>The themed investigation demonstrates the problems raised by a lack of strategic direction in coastal planning, resulting from the absence of an adequate, comprehensive and enforceable state-wide coastal policy.</p>

Table 1

Unlike NSW and Victoria, Tasmania is yet to approve a state-wide ban on canal estate development, but It should be noted that Kingborough Council in the south of Tasmania has prohibited canal estate development within the area under its jurisdiction through the *Kingborough Planning Scheme 2000*. In light of the significant opposition to the Raph’s Bay proposal, it is arguably unlikely that canal estate development will feature in Tasmania’s future.