



Submissions for Save Ralphs Bay Inc.

**RPDC Assessment Panel Hearings into the Draft Integrated Impact
Statement for the proposed Lauderdale Canal Development**

These submissions will generally follow the structure of the final scope guidelines for the Integrated Impact Statement (IIS).

Some components of the final scope guidelines are not addressed at all. This should not be taken as an endorsement of the Draft IIS prepared by the proponent in response to those guidelines.

1. Introductory matters

1.4 Public consultation and participation

Despite requirements for consultation and a specific direction to identify methodologies employed and the results of public consultation, the DIIS fails to address this.

The Nylander report (Appendix D) gives no reference to the results of the consultation, just extracts from some responses.

Where the opportunity arose for consultation, the consultants more often than not failed to take that opportunity.

- Shaun Walsh –
- Dee Elliot

The proponent has confused public consultation with public relations.

Public Consultation has neither been effective or useful:

- eg Kay McFarlane; SRB submission

Public consultation is a cornerstone of the RMP system.

2. Need for the project

- The DIIS fails to address the “need for additional urban density residential land within the Municipality of Clarence and the greater Hobart area.”¹
- The DIIS fails to address the consistency of the project “with any relevant strategic planning completed for the region”.² In particular, there is inadequate consideration of the Clarence Residential Strategy 2007.
- The DIIS fails to provide a substantive strategic basis for the project in the greater Hobart area. All Walker says is:

“it is unique” or “distinctive” and otherwise not provided for.

The DIIS requires much more than this.³

- The proponent has failed to adequately address the need for the reclamation of land, as opposed to the use of existing urban density residential land.⁴

¹ Final Scope Guidelines, page 21.

² Final Scope Guidelines, page 21.

³ Final Scope Guidelines, page 21.

⁴ Final Scope Guidelines, page 21.

These failures are identified in the following evidence:

- Robert Giblin
- Brian Risby
- Neil Sheppard
- Scott Leitch

Most critically, the DIIS asserts that where there is an absence of strategic planning or research, the proponent should address the issues which would otherwise be covered by such work. The absence of a regional plan or settlement strategy does not obviate the need to demonstrate that the proposal represents sound strategic planning.⁵ The proponent has not done this at all.

- Brian Risby
- Robert Giblin

3. The site and design considerations

The proponent is required to demonstrate the appropriateness of the chosen location of the proposal.⁶ The proponent has not done this. There is nothing to demonstrate that sound strategic planning principles have been adopted in determining that Ralphs Bay is an appropriate site for the proposed project (apart from the existence of sewage and road infrastructure).

- Brian Risby
- Robert Giblin

⁵ Final Scope Guidelines, page 21.

⁶ Final Scope Guidelines, page 22.

There is no sound strategic planning assessment of the need for 2,500 square metres of commercial space in Ralphs Bay, as part of this development. There is also no sound strategic planning consideration of the need for a marina in Ralphs Bay.

While proponent relies on a “perceived demand⁷” for waterfront land, the magnitude of the demand in reality is for a handful of waterfront lots in the \$1m - \$1.5m price range. Not 40 - 60 per year.

3.2 Site suitability

3.2.1 Site selection criteria, as follows:

- (1) The risk of Ross River Virus has been understated and inadequately dealt with. See the evidence of Dr. Saul.
- (3) In terms of site selection, the proximity of the site to the foraging and breeding areas of the Pied Oystercatcher and wader habitat generally has been underplayed. It is the proximity – and in fact obliteration of 85 hectares of that site – which has not been dealt with as a site selection criteria, but rather dealt with as an impact that needed to be ameliorated.
- (7) Proximity to the Spotted Handfish and the listed migratory species, such as the Red Necked Stint have not been adequately dealt with. See (3) above.
- (9) The proponent has failed to assess the transport requirements of the site as a site selection criterion, and this much is evident

⁷ As referred to by Mr Shepherd at p. 2 in his Strategic Town Planning report at Appendix C

from the fact that the proponent still cannot finalise a traffic concept plan after numerous attempts.

(13) The exposed nature of the site now appears to be beyond dispute. See the evidence of:

- Michael Figg – acknowledged that the site was windy and gave evidence that he has lost a solar heating Panel in high winds
- Anthony Houston – it was his experience that winds at the site could be up to 50% stronger than those at the Hobart airport.
- Sandra Wiggins – when the wind blows, it is very strong and makes for an inhospitable environment. She noted that if she had purchased property on the Bay unaware of the wind conditions, she would be very upset.
- Robert Giblin, John Saul and Max Darcey all gave evidence, based on their sailing experience, regarding the high wind conditions in Ralphs Bay.
- Roger Toombes
- Robert Morris-Nunn had experience designing homes in the area and described the wind as “problematic”.

3.2.2 The proponent’s commercial criteria influencing site selection have not been disclosed. It is merely asserted that there is a need for waterfront land. That does not explain why the project must proceed at Lauderdale. That just explains why the proponent wants to build a canal estate.

3.2.4 Walker points to commercial areas, parks, public walkways and the like on the canal estate as social and amenity benefits from the project. However, this ignores community conflict and which conflict will

continue for years after approval and in the course of construction. See the evidence of Scott Leitch and Merinda Wellsford.

The proponent ignores that there is an established community that is content with what they have, and that they value what they have. See the evidence of Dr Saul, Roger Toombes, Sandra Wiggins, Scott Leitch, Merinda Welsford.

3.4 Strategic planning details

There is no adequate discussion of this issue. The best effort made is an argument from Mr. Sheppard that sewerage and road upgrades are indicative of a strategic intent for the area. This is an artificial construct. Sewerage upgrades are required to improve the water quality of the Derwent. Road upgrades occur by virtue of increased road traffic.

3.5 Sustainable outcomes

The proponent has failed to identify how the site, waterways, topography and other factors⁸, deliver sustainable outcomes.

When asked about this, Mr. Sheppard for Walker Corporation put forward a series of barely relevant propositions that were apparently sustainable housing outcomes. They were not.

Mr Shepherd acknowledged the high energy costs of construction, but believed this was outweighed by other sustainability benefits, including:

⁸ Final Scope Guidelines, page 24.

- Housing for a niche market
- Economies of scale for services to Lauderdale
- Ameliorating the impacts of sea level rise in Lauderdale
- Additional services and employment opportunities
- Additional formal recreation areas
- Different transport options, such as a ferry.

The sustainable outcomes guideline 3.5(5) requires the proponent to identify how the use and development integrate with the urban character and form of the Lauderdale township.

The proponent has not even come close to doing this. The canal estate cannot and will not integrate with the character and form of Lauderdale. See the evidence of:

- Professor Morris Nunn
- Ms. Pat Barwick
- Ms. Colleen Coyne (she said that they had the feel of being gated communities).
- Alderman Richard James

Sustainable outcomes guideline 3.5(8) requires the proponent to demonstrate the placement and management structure of the affordable housing component.

In fact, there is no affordable housing component. Further, there is no adequate management structure.

3.6 Design scope

The development is not compatible with Ralphs Bay and neither is it compatible with the surrounds. The DIIS fails to give specific attention to the compatibility and acceptability of the proposed development from the natural, landscape, visual and other perspectives.⁹

- Ms. Pat Barwick
- Professor Morris Nunn
- Shaun Walsh (who referred to how the proposal would “relocate the view”. See Exhibit W 34 at p. 18.)

4.4 Operation and Maintenance

(1), (3) At the conclusion of this hearing, the Panel still has no adequate information as to how long term ongoing maintenance of the project is to be achieved.

Canal estates tend to place long term responsibility on local government for maintenance and other costs (see Richard James and Dr. Steve Appleyard).

In the Solis Development near Orford, there was an attempt to work out the best management structure, but this was challenging (Evan Boardman).

These developments frequently change hands:

- Dr. Steve Appleyard

⁹ Final Scope Guidelines, page 25.

- Colleen Coyne

Walker accepted at the opening of this hearing that the project may change hands.

- (4) In terms of management proposed for offsite habitat creation, this was dependant on resources being available to the relevant authorities (evidence of Mr. Mooney), who also made a point of saying that he wanted no further responsibility for a tip. Ms. Penny Wells also asserted that she was not sure if off-site offset land even existed.

A significant issue remains in relation to the monitoring and movement of leachate from the tip. See the evidence of Collins and Delaney. Warren Jones acknowledged this, and now Council is investigating.

- (6) As to the maintenance of navigable depth in the waterways within the development, on the one hand, Dr. Treloar says that siltation will be extremely minor. This is contrary to the evidence and opinion of Dr. Woodward, Mr. Ray and others that say that siltation is likely to be an issue.

5. Environmental impact

There are eight principal areas of potential environmental impacts that have not been addressed either adequately or at all.

These are as follows:

- (a) Impact on the foraging and breeding habitat of the Pied Oystercatcher.
- (b) Movement of soluble mercury in the water column from the sediments in the course of dredging and the Ralphs Bay conundrum.
- (c) The loss of the navigation channel seabed benthic sediments and biota.
- (d) Loss of primary productivity in Ralphs Bay.
- (e) Loss of salt marsh on the spit and the associated question of whether East Marsh Lagoon salt marsh can replace the salt marsh lost from the spit.
- (f) migratory species.
- (g) de-nitrification function of Ralphs Bay sand flats
- (h) Impact on the Spotted Handfish.

- (a) Pied Oystercatcher

There are a multitude of references to the importance of Lauderdale to the Pied Oystercatcher in the DIIS.

- Appendix S1, page 77, 78
- Appendix S2, pages 39, 46, 43, 102

See also the following evidence:

- Harrison
- Taylor
- Newman
- Meredith
- Delaney

- Annette Harrison said it was best to leave the sand flats. See the extract of her transcript on the immediately following page.
- The conclusion of the carrying capacity model was heavily criticised by Dr. Taylor by reference to the input data. In particular the following issues were raised:
 - o Lack of Hammering as a method of foraging
 - o Size of shellfish in diet
 - o Interference competition
 - o Assumption of no change south of Lauderdale
- Dr. Newman also criticised the model because he had only accounted for feeding and not for breeding. It is necessary to consider the population dynamics necessary to predict foraging behaviour.
- In any event, the modellers say the model only considers impact on foraging and not impact on other issues relating to the Pied Oystercatcher. See Appendix S7 at p. 26
- Further, notwithstanding that this is a foraging model and one which attempts to predict the carrying capacity of the sand flats, no information was provided to the modellers in respect of the feeding behaviour of the Pied Oystercatcher.
- As Dr. Meredith made clear, the carrying capacity model is merely a snapshot and tells us where things will be in one year. Unlike a PVA model, it does not take into account

stochastic events (such as a natural disaster) and does not predict the “trajectory” of the population of the Pied Oystercatcher.

- The modellers appear to have just accepted some assumptions as a basis for the model. See the 50% night time foraging estimate at S7 p. 32.
- The impact of the loss of roosting habitat on the spit has not been assessed in an adequate way; the efficacy of proposed offsets is speculative.

(b) Soluble Mercury – Ralphs Bay conundrum

These remain very real issues. Despite the dismissal of Dr. Erikson’s concerns by Dr. Lincoln Smith (on the basis that the Nyrstar data was too variable), the expression of concern by Dr. Erikson ought be preferred. Her experience with mercury in the Derwent is longstanding. It is also supported by Ms. Coughanowr.

(c) Navigation channel

This involves the removal of the sea floor sediments and benthic layer over an area of approximately 1 kilometre x 300 metres. Mr. Delaney agreed this area was not assessed for impact. Dr. Edmunds was strongly of the view that this should have been assessed. The proponent is not able to demonstrate that this

area is of no value or has no ecological role of significance in the wider marine environment of Ralphs Bay.

(d) Primary production

This relates to the role of microalgae in the marine environment and the contribution that it makes to the ecology of the Bay. While not assessed, its importance was recognised by Dr. Edmunds. See also the representation contained in the representation by Professors McMinn and Hallegraef (representation 519).

(e) Loss of salt marsh

The loss of the salt marsh on the spit has not been properly addressed and its impact is not understood. The proponent proposes an offset strategy whereby there will be some rehabilitation of salt marsh at East Marsh Lagoon. However, the proponent has ignored the advice of North Barker to investigate whether the leachate from the tip is killing the salt marsh. Until this is done, it is impossible to know the cause of deterioration in the condition of the salt marsh. See the evidence of Dr. Woodward and Mr. Delaney.

(f) Migratory Species

We adopt the submission of Birds Tasmania.

(g) De-nitrification

Daniel Ray, Dr. Matthew Edmunds and Colin Sheppard were of the opinion that the sand flats the subject of this development potentially play an important role in de-nitrification. See also Dr. Coughanowr. This issue has not been addressed adequately, and involves an assumption that any offset can play a like for like role once sandflats are removed.

(h) The Spotted Handfish

Investigation into the ecological status of this endangered species has been inadequate. Because its nearest actual habitat is approximately 2 kilometres away, it is regarded as beyond impact. The studies are inadequate. See:

- Dr. Edmunds
- Dr. Lincoln Smith
- Sue Wragg
- Peter McGlone

OTHER ISSUES

- **Stratification**
- **Sea stars**
- **Stormwater pollution –**
- **MBOs**

5.2.7 Dust)

5.2.8 Noise)

As to the predictions for emission of dust from the site, there was clearly a failure of the proponent to adequately model wind and to obtain the appropriate data. See the evidence of Ronan Kellaghan.

The proponent has failed to deal with the construction noise issue. The noise exceeds relevant standards for Lauderdale Primary School if the windows were open. That the noise will extend over a period of 7 years is not justified or acceptable. That 3 metre high screens are needed to contain emission of noise is indicative not of good management, but of the extent of noise that is expected to be produced on the site.

5.2.12 Climate Change

The modelling by the proponent is flawed for two reasons. Firstly, the proponent modelled on the basis of mean sea level rise. This does not model a worst case scenario, because the mean sea level rise is not the highest anticipated level that the sea can reach. Secondly, in choosing the predicted mean sea level for 2100, the proponent chose 0.5 metres, rather than the likely and expected mean sea level rise of not less than 1.0 metres.

See the University of Copenhagen Synthesis Report¹⁰ Exhibit (SRB 7) and the US Government Report "*Global Climate Change Impacts in the United States*"¹¹ (Exhibit SR8).

¹⁰ At pages 8 & 10

¹¹ At page 25

See also the evidence of Professor Tomlinson who said:

- Planning should be based on extremes as that's when you get inundation.
- From an engineering modelling (traditional) perspective, he accepted the reclamation height calculations; however, from a climate change adaption perspective he did not agree.

A predicted mean SL rise of 0.5 bears no relationship to current interstate standards (0.9 in NSW and Qld) and is based on outdated science. On revision a level of 0.9 was used by Dr Treloar. This is still inadequate. In any event, it was not modelled again, just recalculated and the free board eliminated. Why was the freeboard included???

This is far from a precautionary approach.

Yet Dr Treloar says in his response statement (W 17 page 17) "when considering the latest IPCC information a mid-range value is a consensus position".

This is contrary to the progressive development of standards in other states and is out of step with the latest scientific research.

Climate change and SL rise impact on access, stormwater and liveability.

5.3 Visual impact

The assessment of the visual impact is inadequate for the following reasons:

- There is no disclosure of methodology and reasoning as to how the author of the visual impact assessment made the judgments in the course of applying the Western Australian Panning Commission Visual Management system. See the evidence of Shaun Walsh.
- As a result of the above, the assessment has underestimated the impact and the significance of that impact.
- See the evidence of Ms. Pat Barwick.
- Critically, the proponent falls into the trap of attempting to reject any “subjective” assessment of visual impact and replacing it with an “objective” assessment. Not only does this contradict the methodology contained in the Western Australian Planning Commission report, but it is contrary to established visual impact methodology. See the evidence of Ms. Barwick.
- As to visual impact, see the evidence of Michael Figg, Merinda Welsford, Cassy O’Connor, Jane McDonald, Scott Leitch, Dr. John Saul.

5.4 Traffic

- At the conclusion of these hearings the question of traffic access to and from the project remains nothing more than a concept. The proponent has proposed 3 roundabouts in response to a range of concerns presented by Mr. Williams and Mr. Prodanovic.

- In proposing 3 roundabouts, and in the context of a likely upgrade of the Acton Road/South Arm Road intersection, there are likely to be 4 roundabouts between North Terrace and Acton Road. This in itself leads to a range of likely traffic issues, which have not been assessed, let alone addressed. See again, the evidence of Mr Prodanovic and Mr. Williams.
- All traffic experts are of the view that homeowners in the Lauderdale canal estate will not walk more than about 400 metres to catch public transport. The furthest distance is 1.7 kilometres.

6. Economic impacts

The net benefit analysis conducted by Mr Page relied on a range of factors being taken into account that were judged subjectively. Slight alteration to some of these factors inevitably leads to a different result. The primary factor was the conclusion that the canal waterways attract the same value from a cost benefit analysis as the sandflats prior to the development being constructed. This proposition is absurd.

7. Social and Community Impacts

The social and community impact by Ms Elliot underplayed visual impact and failed to take into account the extent and nature of community opposition to the project. Further, the DIIS fails to assess the relationship of the residents of Lauderdale to Ralphs Bay.¹²

¹² Final Scope Guidelines 7.2.2, page 53.

The impact of the project on windsurfing has not been assessed in any meaningful way. To the contrary, the DIIS proposes the launching of windsurfers in an area of the proposed canal estate that would be both impracticable and likely dangerous.

Other matters

1. Evaluation of experts:

The POC

- As to the POC, Dr Taylor has vastly more research experience observing the POC than Mrs Harrison. His evidence and opinion as to the feeding habits ought be preferred. Dr Newman regarded Dr Taylor as the principal expert in Australia on POC foraging

The Ralphs Bay Conundrum

- This was identified by Dr Eriksen and agreed in by Ms Coughanowr. Dr Lincoln-Smith disputed the existence of the conundrum on the basis of “variability in the data”. The evidence of Dr Eriksen and Ms Coughanowr ought be preferred.

Visual Impact

- Mr Walsh had only carried out 4 visual impact analysis before this project. In contrast, Ms Barwick had conducted some 20 or 30 and was more qualified and experienced. She also had a sense of local knowledge and understanding of the way the views were valued by local residents and others.

2. POSS v. Planning processes

In theory, a POSS declaration overrides all planning instruments (except perhaps State Policies), but in practical terms the POSS requires the RPDC to undertake strategic planning. As the RPDC is to prepare the IIR on the basis of the FSGs, this requires identification and application of sound strategic planning principles.

3. State Coastal Policy

By any standard this development is contrary to various clauses of the Tasmanian State Coastal Policy, including the identified need for a precautionary approach.

Conclusion

The Panel, on behalf of the Commission, ought conclude that the proponent has failed to satisfy a large number of the Final Scope Guidelines. The Panel ought also be affirmatively satisfied that the proponent is not capable of satisfying those guidelines in some areas.

The Panel ought also regard canal estates as inappropriate, unsuitable and a threat to coastal and estuarine environments. See the Victorian Coastal Strategy 2008 (p 39 and 40, attached).

This canal estate will be a blight on Ralphs Bay and Tasmania's image and will lead to a long period of disharmony on the South Arm peninsula.

