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1 August 2024

State Planning Office  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001

By email: [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

Dear State Planning Office,

**RE: PMAT Submission: Scrap the *Validation (State Coastal Policy) Bill 2024*.**

The [Planning Matters Alliance Tasmania](http://www.planningmatterstas.org.au) (PMAT) thanks the Department of Premier and Cabinet for the opportunity to comment on the *Validation (State Coastal Policy) Bill 2024*.

The Tasmanian Government has released draft legislation to fast-track changes to the [Tasmanian State Coastal Policy 1996](#) through the Tasmanian Parliament.

The *Validation (State Coastal Policy) Bill 2024* has been released for a very limited public consultation period between 16 July – 1 August 2024. See the draft Bill [here](#) and Department of Premier and Cabinet's information [here](#).

Changes of this magnitude, with such far reaching consequences, must go through the standard existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.

The proposed changes will profoundly weaken the *State Coastal Policy* and the way *Lutruwita*/Tasmania's coasts are managed and protected in Tasmania.

Tasmania's coast is unique and largely unspoilt, thanks to the *State Coastal Policy*, which has protected it for almost 30 years.

**PMAT's submission**

PMAT's submission covers:

1. What is PMAT; and
2. PMAT's key concerns and issues.

**Tasmanian Government *Public Submissions Policy***

In its [Public Submissions Policy](#) the Tasmanian Government's states that it is committed to '*providing opportunities for community involvement in the development of Government policy*' and '*Notices*



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*calling for submissions are to specify, where possible, when submissions will be published. As a matter of policy, submissions should be published on department websites within a reasonable timeframe as determined by the department.'*

Given this commitment and the high-level public interest in the *Validation (State Coastal Policy) Bill 2024*, it is requested that all submission be made public as soon as possible.

We are happy for our submission to be made public.

Yours sincerely,

Sophie

Sophie Underwood

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## 1. WHAT IS PMAT

The [Planning Matters Alliance Tasmania](#) (PMAT) is a growing network of [over 70 community groups](#) from across *lutruwita* /Tasmania which is committed to a vision for Tasmania to be a global leader in planning excellence. Our Alliance is united in common concern over the new Tasmanian state planning laws and what they mean for Tasmania's future. The level of collaboration and solidarity emerging within the advocacy campaign of PMAT, as well as the number of groups involved is unprecedented in Tasmania and crosses community group genres: recreation, environment, urban/local community associations, historic built heritage, ratepayers and 'Friends of ' groups.

Land use planning impacts every inch of Tasmania. We hold that good planning is fundamental to our way of life and democracy. PMAT works hard to raise community awareness about planning and Local Government and encourages community engagement in the relevant processes.

PMAT is an independent, apolitical, not-for-profit [incorporated association](#), governed by a [skills-based Board](#). PMAT is funded entirely [by donations](#).

In 2020 PMAT was named Australia's Planning Champion, a prestigious honour awarded by the Planning Institute of Australia that recognises non-planners for their advocacy and for making a significant contribution and lasting presence to the urban and regional environment. PMAT was awarded the Tasmanian Planning Champion title in 2019.

**PMAT's purpose is to achieve a values-based, fair and equitable planning scheme implemented across Tasmania, informed by [PMAT's Platform Principles](#) and delivering the objectives of the *Land Use Planning and Approvals Act 1993*.**

*As outlined in [PMAT's Strategic Plan 2021–2023](#), 'PMAT's vision is for Tasmania to be a global leader in planning excellence. We believe best practice planning must embrace and respect all Tasmanians, enhance community well-being, health and prosperity, nourish and care for Tasmania's outstanding natural values, recognise and enrich our cultural heritage and, through democratic and transparent processes, deliver sustainable, integrated development in harmony with the surrounding environment.'*

**Land use planning must offer a balance between development, individual rights and community amenity, and not just make it easier for development and growth at the cost of community well-being and natural and cultural values.**

PMAT considers that the incoming [Tasmanian Planning Scheme](#) and the associated 'planning reform' weakens the protections for places where we live and places we love around Tasmania.



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## 2. KEY ISSUES AND CONCERNS

PMAT opposes the proposed changes to the *Tasmanian State Coastal Policy* and calls on you to scrap the *Validation (State Coastal Policy) Bill 2024* due to the below issues and concerns.

1. The State Government immediately stops its attempt to amend the *Tasmanian State Coastal Policy*, ensuring there is no impact to the ongoing Robbins Island Supreme Court case.
2. **Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.**
3. If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to **release the legal reasons** (if not the legal advice) supporting these assertions to ensure transparency in the proposal.
4. **Note the Robbins Island wind farm is yet to gain approval from the Australian Government.** Thus, there is no immediate need to rush through the proposed changes to the *State Coastal Policy*.
5. **The Tasmanian Government has failed to demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the *State Coastal Policy*.** The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). **No such evidence has been provided and thus we remain sceptical of the Tasmanian Government's justification for the proposed changes to the *State Coastal Policy*.**
6. **Any proposed changes to the *State Coastal Policy* must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released.** The State Government is proposing to make two lots of changes to the *State Coastal Policy* – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important *State Policy* so it can properly assess whether to approve the draft changes or not.



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7. **We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least allow further (but limited) community consultation/engagement.** This is especially important as the State Government is choosing not to follow the existing, legislated eight-week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it goes to committee for proper scrutiny.
8. **The draft legislation (*the Validation (State Coastal Policy) Bill 2024*) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that '*validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act*' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.
9. **The State Government's claim that no mapping of mobile landforms has been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (*Land Information System Tasmania*) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania.