



# ACS

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Tasmania Branch

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State Planning Office  
Department of Premier and Cabinet  
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Australian Coastal Society (Tasmania) Submission on

***Review of the State Coastal Policy – Development of Actively Mobile Landforms Position Paper***

The Australian Coastal Society (ACS) is a national organisation dedicated to healthy coastal ecosystems, vibrant coastal communities and sustainable use of coastal resources. The objectives of the organisation are:

1. To promote and share knowledge and understanding of the environmental, social and economic values of the Australian coast.
2. To contribute to international, national, state and local debates on coastal issues to foster informed, open decision-making to sustain coastal resources and natural assets.
3. To provide a forum for the exchange of ideas and knowledge among stakeholders involved in the management, planning and development of the Australian coast.
4. To promote the protection and conservation of coastal sites of environmental and cultural significance.
5. To facilitate the development of the knowledge and skills of those engaged in coastal natural resource management, planning, development and other relevant industries along the Australian coast.

Further details of the ACS are at <https://australiancoastalsociety.org.au/>

The Tasmanian Branch of the ACS welcomes the opportunity to make a submission to the ***Review of the State Coastal Policy – Development of Actively Mobile Landforms Position Paper*** issued by the State Planning Office, DPAC (hereafter “Position Paper”).

**Summary of ACS submission**

The State Coastal Policy 1996 has protected Tasmania’s coastal values and processes as intended for nearly 30 years. In most instances, the Policy has provided guidance on decision making regarding development on the coast that has prevented much inappropriate development. The Policy has been used by planners and managers as a blueprint for quality coastal development.

At times the State Coastal Policy has been used for decision making by the Crown, in RMPAT, by the TPC and in the Courts. It has also been ignored too many times, in part through ignorance, at times no doubt deliberately, at least partially due to the absence of resources to implement the Policy. Nonetheless, Tasmania’s coastline remains in reasonable condition with the avoidance of coastal ribbon development and ill-advised development in hazardous areas subject to this submission.

The ACS submission raises extensive doubts with respect to the changes proposed by the Tasmanian Government in the wording of Outcome 1.4 (**Part 1**). The submission identifies critical flaws in the proposed use of existing mapping layers (**Part 2** and detailed in **Appendix 1**), and raises serious concerns regarding the proposed Interim State Policy (**Part 3**).

Yours sincerely,

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## 1. Proposed change to Outcome 1.4 of the State Coastal Policy

The Tasmanian Government proposes to substantially alter the existing wording of Outcome 1.4 of the State Coastal Policy (**Box 1**), taken from the DPAC Position Paper.

**Box 1.** Existing wording of Outcome 1.4 of the State Coastal Policy.

### 1.4. COASTAL HAZARDS

- 1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.
- 1.4.2. Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.
- 1.4.3. Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone.

**Box 2.** The Position Paper includes these proposed changes to Outcome 1.4.2.

### 6.5 Amendment to State Coastal Policy

As a starting point for discussion and to assist with the consultation process, submissions are invited on the following proposed draft amendment to the SCP:

Delete Outcome 1.4.2 and replace with:

*1.4.2 Development on actively mobile landforms will only be allowed for engineering or remediation works **necessary** to protect land, property and human life, unless it can be demonstrated that the development **appropriately considers***

- a) protecting coastal values and natural coastal processes*
- b) achieving and **maintaining** a **tolerable** level of risk; and*
- c) the **benefits** to the public and dependency on the particular location*

### ACS response:

There can be no doubt that the proposed revised Outcome 1.4.2 introduces additional and extensive uncertainty and vagueness to the State Coastal Policy, significantly undermining its current effectiveness in restricting and preventing developments inconsistent with the protection of the coastal zone in the public interest of all Tasmanians.

Qualifiers in the proposed text (identified above in **bold type** by the ACS for emphasis) each - and in combination - introduce confusion, a reduction in clarity and an increase in uncertainty with respect to the current Outcome 1.4.2.

Similarly, there can be no doubt that each Tasmanian Government agency and all of the 24 Tasmanian coastal Councils will each interpret the proposed Outcome 1.4.2 uniquely specific to their situation-specific circumstances, resulting in a disparate, *ad-hoc* and numerous inconsistent implementations of the proposed Outcome 1.4.2.

Of substantial concern is that there is no mention of avoiding or minimising risks mentioned, considered or incorporated at any point into the proposed Outcome 1.4.2. There is no mention, implicit or explicit, that risks to coastal values and processes should be (a) avoided or (b) minimised.

As a consequence, the proposed Outcome 1.4.2 is inconsistent with, and antagonistic to, all three Principles of the State Coastal Policy and should be rejected in favour of a proper review of the policy as provided for in the Act. The three Principles are:

- **Natural and cultural values of the coast shall be protected.**
- **The coast shall be used and developed in a sustainable manner.**

- **Integrated management and protection of the coastal zone is a shared responsibility.**

It is unclear in the Position Paper whether the existing Outcomes 1.4.1 and 1.4.3 remain intact or whether either or both may be modified or even removed. The Position Paper is silent on the existing Outcomes 1.4.1 and 1.4.3. The Government must understand that the State Coastal Policy states that, “No one principle should be read in isolation from the others to imply a particular action or consequence.

The proposed replacement text for Outcome 1.4.2 as indicated in the Position Paper is unclear in terms of the relationship among the three clauses (a – c) provided. Must all three be met [as suggested by the “and” at the end of b)]? Is there an implied hierarchy in the clauses, or are all three given equal weighting? Greater clarity is obviously required.

**The following points list the critical weaknesses in the Tasmanian Government’s proposed revision of Outcome 1.4.2 identified by the Australian Coastal Society:**

1. How will “**necessary**...” be identified? By what criteria will a proposal be deemed to be “necessary”? To whom will the works be deemed “necessary”? All developers will claim their project is “necessary”! This will be their universal starting position. Will it be dependent upon the TPC to assess the claim of a proposed work to be “necessary”?
2. By what criteria and how will a project’s developer be assessed as having “**appropriately consider**” the listed criteria? There are no guidelines nor requirements identified nor offered by which to identify the scale, intensity or breadth of the required “considerations”.

Each development proposal will possess unique characteristics – how will Councils and/or the TPC determine whether the developer has considered the proposal “appropriately” given there are no specifications nor criteria provided?

3. Over what time and space scales will the “**tolerable**” risks be **maintained**? For one year? A decade perhaps? Over what area or spatial extent are the risks to be assessed or maintained? Are they to be confined to the development footprint? What about risks to adjoining properties? It is not inconceivable that a coastal development such as a seawall may reduce some risk to a proposal but would exacerbate risks to adjoining and adjacent properties.

How is “**tolerable**” defined? “Tolerable” to whom and under what circumstances? The developer only? Will adjacent/adjoining landowners be consulted to determine what risks may be “tolerable” to them? What about the broader community? What is undoubtedly “tolerable” to a developer may not be “tolerable” to the community.

Perhaps “**tolerable**” is to be defined on the basis of whether a proposal can be insured? Again, will it be incumbent upon the TPC to assess the risks associated with a proposed work to be “tolerable”?

4. How will the “**benefits**” be determined? To whom do the “benefits” go? Just to the developer or more widely? Clearly and without doubt, there will always be “benefits” to the proponent otherwise there would be no development proposal, so this criterion will always be met by all proposals from the outset before any “consideration” has been initiated.

Clearly, and regrettably, this clause introduces economic considerations into the management and conservation of Tasmania’s coastal areas, values and processes. How do the claimed economic benefits align with the Sustainable Development Objectives of the *State Coastal Policy 1996*, the *State Policies and Projects Act 1993* and the entire Resource Management and Planning System of Tasmania?

**ACS rejects the proposed approach to coastal development based solely on risk-analysis and economic benefits.** Instead, ACS proposes an hierarchical approach to the conservation and management of Tasmania’s coastal values and processes.

As a matter of public interest for all Tasmanians, ACS asserts that the Policy must prioritise the protection of the

natural and cultural values of the coast, including the natural biodiversity and geomorphic processes. This requires the avoidance of development and works on hazardous coastlines, in particular those potentially giving rise to the need for insurance or damage protection and/or remediation whilst still allowing low-key works that support international best practice coastal management in protecting natural and cultural values.

Hazardous coastlines are by definition vulnerable to flooding and erosion from occasional severe climatic events, and the revised Outcomes therefore must avoid exacerbating risks to natural and cultural values and to people, land and built assets.

Further and critically, failure to give due respect to natural coastal processes can lead to extremely costly interventions, beyond the reach of private, community or government budgets for even small areas when things go wrong. Major climatic events can lead to dramatic, rapid and far reaching impacts on low lying and erodible landforms - as evidenced by countless examples around the coastlines around the globe. International best practice and the common sense approach to managing risks posed to values and assets in and by these areas is, as far as possible, to leave them alone other than providing for management initiatives supporting low impact human activity consistent with their protection.

ACS therefore proposes the following redrafting of Outcome 1.4 to address the Government's intended vagueness by providing a clarity that will guide proponents, managers, decision makers and the wider Tasmanian community.

**Box 3.** ACS proposed redrafting of *Outcome 1.4 COASTAL HAZARDS*

**1.4 COASTAL HAZARDS**

- 1.4.1 *Development in areas subject to risk from natural coastal processes and hazards such as inundation, erosion, landslip, littoral drift, dune mobility and sea level rise will not be permitted except for works consistent with Outcome 1.4.2*
- 1.4.2 *Works in areas covered in 1.4.1 shall be limited to public foreshore access, vegetation and animal management, public health and safety, scientific monitoring and ground-based navigation aids. The installation of linear public infrastructure such as cables and pipelines is to be minimised, and land and marine vehicular access to foreshores will only be permitted in notified emergencies where public facilities are unavailable.*
- 1.4.3. *Policies will be developed to respond to the potential effects of climate change (including sea-level rise and associated worsening risks and impacts of severe weather events) on use and development in the coastal zone.*

## 2. Proposed change to terminology used in the State Coastal Policy

The Tasmanian Government's Position Paper invites submissions on the terminology within the current Outcome 1.4.2 (**Box 1**, above). This invitation arises from the acknowledged lack of an operational or functional definition of what constitutes, "*actively mobile landforms*" within the State Coastal Policy.

**Box 4.** The Position Paper includes this discussion:

### 6.5 Amendment to State Coastal Policy

There is also a need to provide greater clarification around 'actively mobile landforms' to assist with the application of the SCP. One option might be to use the *present dune mobility* layer of the Land Information System Tasmania (the LIST) to identify coastal 'actively mobile landforms'. This layer informed the preparation of the coastal erosion hazard bands that are implemented through the Tasmanian Planning Scheme.

Submissions are invited on how the SCP might define or use the existing mapping to provide greater certainty as to what constitutes 'actively mobile landforms' and therefore the application of the Outcome.

### ACS response:

As noted in section 4.3 of the position paper, Sharples (2012) noted that the term, "*actively mobile landforms*" as used in Section 1.4.2 of the State Coastal Policy was ambiguous and undefined, and that had impacted on the application and usefulness of the policy.

In principle, there are two potential options available to the Tasmanian Government to resolve the ambiguity around the phrase, "*actively mobile landforms*". These are to either (a) provide a clear and unambiguous definition of the term, or (b) to identify, "*actively mobile landforms*" on the basis of using the available *present dune mobility* mapping to identify such features (as suggested in Section 6.5 of the Position Paper).

Despite the State Coastal Policy having been in effect for almost 30 years, a satisfactory operational or functional definition of the phrase "*actively mobile landforms*" has yet to be found, and as noted in Section 4.3 of the Position Paper, there is no agreed definition available. The ACS agrees with this assessment.

However, the ACS considers the proposed alternative of using the LIST mapping layer *present dune mobility* to be problematical for multiple reasons (as detailed in the Appendix) to the point where this proposed alternative approach has no merit nor benefit.

Consequently, the ACS recommends that avoiding the ambiguity created by the use of the term "actively mobile landforms" in the State Coastal Policy is essential, and ACS supports a risk-based approach based on the combination of landforms and locations exposed to specific risks.

**ACS therefore strongly recommends total avoidance of the term "*actively mobile landforms*", and alternatively recommends our proposed redraft of Outcome 1.4 (see **Box 3**, see page 4).**

To support this proposal, and in order to facilitate the essential identification of hazardous areas listed in ACS's proposed Outcome 1.4, guidance is found in **Appendix 1** (below), where the available data sets and critical data gaps are identified, as is the need for ongoing assessment of these areas.

### 3. Proposed Interim Policy

The Tasmanian Government proposes to establish an Interim State Policy that gives immediate effect to the proposed changes to the wording of Outcome 1.4.2.

**Box 5.** The Position Paper includes this detailed description of the intended process:

#### 7.0 Next Steps

State Policies are made under the SPPA. Section 15A of the SPPA includes the provisions for amending a State Policy. The process involves a Ministerial direction to the Commission to determine whether the draft amendment is considered a significant change. Because the amendment involves replacing a self-executing prohibition, with an allowance to consider a broader range of developments than under Outcome 1.4.1, it is anticipated that the Commission will determine that the draft amendment will result in a significant change to the SCP. If this is the case, the Minister directs the Commission to prepare a report which also triggers the Commission to exhibit the draft amendment to the SCP.

During the exhibition, the Governor, in accordance with section 12 of the SPPA and on request from the Minister, may declare that the draft amendment is to be an Interim State Policy after being satisfied that it is necessary for the amended SCP to apply without delay. There is evidence that the current drafting of the SCP is ambiguous and creates perverse outcomes and is not in line with the evolution of risk-based planning controls for other natural hazards as found in the Tasmanian Planning Scheme.

A State Policy that comes into operation as an Interim State Policy ceases to operate:

- a) when the Governor gives notice in the Gazette of its termination;
- b) either House of Parliament passes a resolution disallowing it;
- c) is superseded by a State Policy made in accordance with section 11 of the SPP Act; or
- d) 12 months from the day it became operational.

Using section 12 of the SPPA would allow the amended provisions of the SCP to have a more immediate effect and be applicable to development applications while the Commission undertakes its assessment of the draft amendment.

Section 13 also enables the Commission to make amendments to a planning scheme to remove any inconsistency with a State Policy. The coming into effect of an amended SCP will inform any amendments that need to be made to the SPPs.

#### ACS response:

The proposal to establish an Interim State Policy is abhorrent to the ACS and should be abandoned in favour of a proper review pursuant to the *State Policies and Projects Act 1993*. As proposed, the Interim State Policy would give immediate effect to the Government's proposed revision of Outcome 1.4 before any consideration by the Tasmanian Planning Commission, and before any public consultation or submission by the Tasmanian Community and the Parliament.

This is the first time there has been an Interim State Sustainable Development Policy proposed in Tasmania, and ACS questions the urgency with respect to Outcome 1.4, when the ambiguity has been acknowledged since at least 2009. The proposed action in the Position Paper appears to be fast-tracking the Policy amendment process in order to facilitate the approval for the proposed Robbins Island and likely North East Wind (Rushy Lagoon) Windfarms, clearly accommodating commercial developers ahead of following the statutory process.

The Government's haste pre-empts any recommendations that the Tasmanian Planning Commission may have in relation to the wording of Outcome 1.4.2, or the validity of using the *present dune mobility* layer/data as an alternative.

The Government's proposed action pro-actively undermines the existing State Coastal Policy and the Tasmanian Planning Commission and gives nil opportunity to undo any amendments approved under the Interim State Policy. The proposed process further undermines the statutory process established and identified in the State Policies



and Projects Act 1993 regarding the process to revise a State Sustainable Development Policy.

The Position Paper also states that, “***There is evidence that the current drafting of the SCP is ambiguous and creates perverse outcomes...***” This claim has been made repeatedly by the Tasmanian Government throughout most of 2024 in support of the claimed “urgent” need to fast-track the approval of the *Validation (State Coastal Policy) Bill 2024*. Despite numerous requests by Parliamentarians, multiple media outlets and the wider Tasmanian community, the Tasmanian Government has failed to provide a single example to substantiate this claim.

The ACS considers the claim to be highly spurious, and has no confidence in the assertions made by the Government or the Minister with regards to the claimed need for the proposed fast-tracking of changes to the State Coastal Policy.

In the absence of abandoning the proposed amendments to Outcome 1.4 of the Policy, the ACS strongly argues for the adoption of the ACS revised wording of Outcome 1.4 (**Box 3**), removing entirely the phrase “*actively mobile landforms*” from the State Coastal Policy.

### References cited in text and in Appendix 1.

- Sharples C 2012. The problem of the use of ambiguous terms in Tasmanian coastal planning policy documents for defining appropriate coastal development zones, May 2012, Unpublished document by the author.  
[https://williamccromer.com/content/uploads/2015/03/SharplesOpinion\\_CoastalDuneTerminology\\_PolicyImplications\\_v3\\_May2012.pdf](https://williamccromer.com/content/uploads/2015/03/SharplesOpinion_CoastalDuneTerminology_PolicyImplications_v3_May2012.pdf)
- Sharples C, Mowling F 2006a. *Northern Natural Resource Management Region Coastal Geomorphic Mapping and Management Decision Support Tools - Interpretation Report and Manual*. Tasmanian Department of Primary Industries and Water, Hobart.
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## Appendix 1. Significant problems with the proposed use of *Present Dune Mobility* layer Prepared by Dr Chris Sharples, October 2024

Section 6.5 of the Position Paper suggested using the *Present Dune Mobility* layer to identify coastal *Actively Mobile Landforms*. However, there are numerous significant problems associated with this proposed approach:

The LIST layer *present dune mobility* was created in 2006 as part of an NRM project (Sharples and Mowling 2006a, 2006b). The layer contributed to a digital coastal sediment and landform map that was based on existing geological mapping, and involved dedicated fieldwork to significantly update and supplement the existing mapping at the time.

The NRM project aimed to produce a comprehensive coastal sediment and landform map for Tasmania. It is critical to note that work on the mapping data continued after the conclusion of the NRM project, with ongoing additions, edits and corrections to the mapping data.

The mobility attribute field was removed from version 6 of the mapping file in 2012 (but has remained available as a layer on the LIST). A subsequent version 7 of the coastal sediment and landform mapping file was later used (again, without the mobility fields) as part of the data on which the *coastal erosion hazard bands* that are now implemented through the Tasmanian Planning Scheme were created (Sharples et al. 2013).

Hence, the dune mobility layer (as available from the LIST) **did not** inform the *coastal erosion hazard bands* (as stated in Section 6.5 of the Position Paper). The *coastal erosion hazard bands* were actually based on a substantially improved, edited and updated version of the geomorphic mapping for which the dune mobility layer was previously created.

The following points identify critical issues with, and impediments to, the proposed use of the *present dune mobility* layer (available on the LIST) to identify *actively mobile landforms*. These points clearly undermine the consideration of the mapping layer *present dune mobility* as a viable alternative as proposed in the Position Paper.

1. The *present dune mobility* layer includes many polygons that were originally drafted at small (coarse) scales for use at State or Regional scales. In places, these polygon boundaries are only accurate to within some 10s of metres (but errors up to 100m or greater are present in some places). Thus, it is highly likely that these coastal polygon boundaries are significantly inaccurate at fine(r)-scales for site-specific localities.
2. In some areas (eg south of Cape Portland and east from Waterhouse Beach in northeast Tasmania), substantial gaps exist between adjacent polygons; in some cases, these gaps exceed 100m. These gaps indicate an absence of any mapping of the landform attributes, including mobility characteristics. Clearly, all coastal locations where these gaps exist cannot be assessed for any purpose until contemporary data are available.
3. Dunes are not the only coastal landform types that can be defined as, “actively mobile”. Unvegetated beaches, and inter-tidal or sub-tidal sand bars and tidal flats are arguably the most unambiguously, “actively mobile” landforms in the coastal zone.
4. While some beaches and inter-tidal or sub-tidal sand bars have been included in parts of the *present dune mobility* and coastal sediments and landforms data sets for some sections of the Tasmanian coast, they have not been mapped in many other parts of the Tasmanian coast where they are present. Further, actively mobile landforms are not attributed as *present dune mobility* map polygons in the LIST mapping at all for some parts of the Tasmanian coast (eg the south coast), even though the relevant “actively mobile” landform types are present and have been mapped in those areas.
5. As noted above, inaccuracies or data gaps may not be significant when using the data at regional scales, but will cause significant problems in correctly identifying actively mobile landforms at fine(r)-scales for site-specific localities.
6. The LIST *present dune mobility* layer attributes mobile landform polygons according to their estimated



percentage of vegetation cover. In many cases – particularly with larger polygons – these polygons have sub-areas within them that have significantly different percentages of vegetation cover, so that this attribute may not be accurate for substantial parts of these polygons.

7. It is critical to acknowledge that the percentage vegetation cover can change significantly over relatively short periods. For example, aerial photographs show the dune complex immediately behind the east part of Window Pane Bay Beach (southwest Tasmania) was 100% vegetated and stable before 1975. Subsequently, wave erosion and slumping at an increasing rate has continued to the present. This has resulted in a progressive widening extent of the dune face with 0% vegetation cover where there was previously 100% vegetation cover.

**As can be clearly deduced from the above points, the Tasmanian Government’s proposed re-drafting of Outcome 1.4 is highly problematic due to the fragmented and inconsistent standard of available mapping data on which to base assessments of “actively mobile landforms”.**

In order to support an integrated management to coastal hazard management, the requisite data need to be:

- contemporary
- standardised
- complete, reliable and accurate
- scaled appropriately and suitable for development assessments, and
- freely available to all stakeholders at all times.