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21 October 2024

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001
By: yoursay.planning@dpac.tas.gov.au

Dear State Planning Office,

RE: PMAT Submission: *Review of the State Coastal Policy – Development of Actively Mobile Landforms Position Paper*

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 *Review of the State Coastal Policy – Development of Actively Mobile Landforms Position Paper* [here](#) (the *Position Paper*).

United by [our platform](#), the Planning Matters Alliance Tasmania is a growing network of over 70 diverse community groups from across lutruwita/Tasmania. Our Alliance members recognise land use planning impacts every inch of Tasmania. They are united in common concern over the current Tasmanian state planning laws and what they mean for Tasmania's future.

We hold that good planning is fundamental to supporting both people and nature to thrive and underpins a healthy democracy and how we respond to climate change.

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.

Contrary to sound strategic planning, the Tasmanian Government's *Position Paper* proposes to fast-track changes to the [Tasmanian State Coastal Policy 1996](#).

Strategic planning is one of the essential elements in ensuring Tasmania's Resource Management and Planning System is applied effectively: '*Strategic planning allows government, industry and the community to agree on common strategies for resource use and development, reducing the likelihood of conflict over individual developments. It also ensures that short-term decisions are consistent with long-term goals. This allows the needs of future generations to be taken into account when providing for the resource development needs of existing communities.* ([Guide to the Resource Management and Planning System](#), Resource Planning and Development Commission, 2003).



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PMAT's key concerns and recommendations are summarised here and attached in more detail below.

- 1. The Tasmanian Government wants to create an *Interim State Policy*, using section 12 of the *State Policies and Projects Act 1993*. This gives immediate effect to development applications and is not recommended. This will be the first time that an *Interim State Sustainable Development Policy* has been proposed in Tasmania.**

An *Interim State Policy* would give immediate effect to the Tasmanian Government's proposed revision of *Outcome 1.4 Coastal Hazards* before any consideration by the Tasmanian Planning Commission, before any public consultation by the Tasmanian community and with no Parliamentary oversight.

Fast tracking changes to the State Coastal Policy will create planning uncertainty with likely perverse and ad hoc planning outcomes. Prioritising individual commercial developments over a proper review of the State Coastal Policy is reactive and undermines sound strategic planning.

Any significant amendments to the *Tasmanian State Coastal Policy* must go through the standard robust and transparent legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission and then be subject to Parliamentary oversight.

- 2. Undertake a comprehensive review of the State Coastal Policy, as recommended by Tasmania's State of the Environment Report.**
- 3. Abandon the State Government's proposed amendment to the State Coastal Policy.**
- 4. The need for amending *Outcome 1.4 Coastal Hazards* has not been established as the Tasmanian Government has failed to outline the legal reasons for the proposed changes.**
- 5. In the absence of the Tasmanian Government abandoning its proposed amendments to the *Tasmanian State Coastal Policy* we support the Australian Coastal Society Ltd's revised wording to *Outcome 1.4 Coastal Hazards* which removes the phrase '*actively mobile landforms*'.**
- 6. Identification/mapping of hazardous areas – adopt Chris Sharple's expert guidance.**

The Tasmanian Government's 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.



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The Tasmanian Government's [Public Submissions Policy](#) states it is committed to 'providing opportunities for community involvement in the development of Government policy' and 'Notices 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 future of Lutruwita/Tasmania's coastline, it is reasonable to expect all submissions on the *Position Paper* be made public as soon as possible.

We are happy for our submission to be made public.

Yours sincerely,

Sophie

Sophie Underwood

State Director – Planning Matters Alliance Tasmania

E: sophie_underwood@hotmail.com

M: 0407501999

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KEY CONCERNS & RECOMMENDATIONS

- 1. Creating an *Interim State Policy*, using section 12 of the *State Policies and Projects Act 1993*, which gives immediate effect to development applications is not recommended. Fast tracking changes to the State Coastal Policy will create planning uncertainty with likely perverse and ad hoc planning outcomes.**

As outlined in the *Position Paper*, the Tasmanian Government proposes to use section 12 of the *State Policies and Projects Act 1993* that allows the amended policy to become an *Interim State Policy* and have immediate effect and be applicable to development applications while it is being reviewed by the Tasmanian Planning Commission.

An *Interim State Policy* would give immediate effect to the Tasmanian Government's proposed revision of *Outcome 1.4 Coastal Hazards* before any consideration by the Tasmanian Planning Commission, before any public consultation by the Tasmanian community and with no Parliamentary oversight.

The obvious weakness of this approach is that, if the Tasmanian Planning Commission finds problems with the amended policy, it will already be in force and may continue to be for up to 12 months. This is not sound strategic planning and will most likely create perverse and ad hoc planning outcomes.

Strategic planning is one of the essential elements in ensuring Tasmania's Resource Management and Planning System is applied effectively: '*Strategic planning allows government, industry and the community to agree on common strategies for resource use and development, reducing the likelihood of conflict over individual developments. It also ensures that short-term decisions are consistent with long-term goals. This allows the needs of future generations to be taken into account when providing for the resource development needs of existing communities.* ([Guide to the Resource Management and Planning System](#), Resource Planning and Development Commission, 2003).

This will be the first time that an *Interim State Sustainable Development Policy* has been proposed in Tasmania. There is a strong perception that changes to the State Coastal Policy are being fast tracked to facilitate particular commercial developments – i.e. both the pilitika/Robbins Island wind farm and the proposed North East Wind at Rushy Lagoon.

Prioritising individual commercial developments over a comprehensive review of the State Coastal Policy is reactive and undermines sound strategic planning.



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2. Undertake a comprehensive review of the State Coastal Policy, as recommended by Tasmania’s State of the Environment Report.

It is good to review our planning laws and policies to ensure they are performing as we expect and are responsive to changes such as climate change. The State Coastal Policy has not been reviewed since its inception in 1996. The recently released State of the Environment Report recommends to “*Undertake a comprehensive review of Tasmanian Coastal Policy in response to the pressures and threats to natural and built coastal environment.*”

This State of the Environment recommendation is only supported if the Tasmanian Planning Commission undertakes a comprehensive review under the *State Policies and Projects Act 1993* and is not ‘fast-tracked’ using section 12.

3. Abandon the Tasmanian Government’s proposed amendment to the State Coastal Policy.

The Tasmanian Government’s *Position Paper* proposes to remove a key part of the State Coastal Policy in *Section 1.4 Coastal Hazards*, clause section 1.4.2, which would remove a key protection for actively mobile landforms such as sand dunes.

There is good reason to keep clause 1.4.2 of the State Coastal Policy, as it provides protection for actively mobile landforms that may have high conservation cultural and natural values. The impacts of climate change make it even more important to not make it easier for development to be built on actively mobile landforms such as on sand dunes.

4. The need for amending *Outcome 1.4 Coastal Hazards* has not been established as the Tasmanian Government has failed to outline the legal reasons for the proposed changes.

The *Position Paper* does not provide a convincing explanation for what the purported problem with the State Coastal Policy is and why the amendment is being proposed. The *Position Paper* claims there are problems with the application of section 1.4.2 of the State Coastal Policy but there is no reference in it to legal advice. The Tasmanian Government has refused to release any legal advice (or even provide legal reasons), and it is uncertain if it has obtained any. If the government cannot explain the need for the change, then it should not make the change.



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5. In the absence of Tasmanian Government abandoning the proposed amendments to the *Tasmanian State Coastal Policy* we support the Australian Coastal Society Ltd's revised wording to **Outcome 1.4 Coastal Hazards** which removes the phrase '*actively mobile landforms*'.

In the absence of the Tasmanian Government abandoning their proposed amendments to the State Coastal Policy we support the Australian Coastal Society Ltd's revised wording to Outcome 1.4 Coastal Hazards which removes the phrase '*actively mobile landforms*':

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.*

We also support the Australian Coastal Society Ltd's rationale for redrafting *1.4 Coastal Hazards* as outlined in their 17 October 2024 submission on the *Position Paper*.

6. **Identification/mapping of hazardous areas – adopt Chris Sharple's expert guidance.**

To facilitate the essential identification of hazardous areas listed in the proposed redrafted *Outcome 1.4 Coastal Hazards* by the Australian Coastal Society Ltd, we support the guidance offered by Dr Chris Sharples outlined in Appendix 1 of their submission.

Appendix 1 was prepared by Dr Chris Sharples in October 2024. Dr Chris Sharples is a staff member with Geography, Planning, and Spatial Sciences at the University of Tasmania. His field of research includes natural hazards, geomorphology and earth surface processes and physical geography and environmental geoscience. In 2020 Sharples graduated as a PhD. His



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project investigated the identification of sea-level rise signals in coastal erosion and recession processes.

Appendix 1 concludes that:

'In order to support an integrated management to coastal hazard management, the requisite [mapping] 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.'*