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# Stakeholder Feedback on Draft Tasmanian Coastal Policy Statement

*Final Report*

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# Table of Contents

Glossary .....	iii
Executive Summary.....	iv
1 Introduction .....	1
2 Key Themes.....	4
2.1 Support for the Draft TCPS .....	4
2.3 Balancing Environmental, Economic, and Social Outcomes .....	5
2.4 CPPF Process and Draft TCPS Direction.....	5
2.5 Defining the Coastal Area .....	9
2.6 Dealing with the Impacts of Coastal Processes and Hazards... ..	15
2.7 Planning and Managing the Coastal Area .....	17
3 Additional Issues Concerning the Draft TCPS .....	21
3.1 Vision.....	21
3.2 Guiding Principles .....	22
3.3 Goals and Directions.....	24
3.4 Where Does the Policy Statement Apply (Definition of the Coast)? .....	28
3.5 The Different Types of Coast (Coastal Typologies) .....	29
3.6 Roles and Responsibilities .....	29
3.7 Other Issues.....	30
Attachment A.....	31
Attachment B.....	34
Attachment C.....	38



## Glossary

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<b>CPPF</b>	Coastal Protection and Planning Framework
<b>DPAC</b>	Department of Premier and Cabinet
<b>DPIPWE</b>	Department of Primary Industries, Parks, Water and Environment
<b>IDC</b>	Interdepartmental Committee
<b>IMAS</b>	Institute for Marine and Antarctic Studies
<b>LGA</b>	Local Government Association
<b>LUPAA</b>	Land Use Planning and Approvals Act 1993
<b>NGO</b>	Non-Government Organisations
<b>NRM</b>	Natural Resource Management Groups
<b>RLUS</b>	Regional Land Use Strategies
<b>RMPS</b>	Resource Management and Planning System
<b>S&amp;A</b>	Stenning and Associates
<b>SCP 96</b>	State Coastal Policy 1996
<b>TCCO</b>	Tasmanian Climate Change Office
<b>TCPS</b>	Tasmanian Coastal Policy Statement
<b>TFGA</b>	Tasmanian Farmers and Graziers Association

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## Executive Summary

The Tasmanian Government released a draft Tasmanian Coastal Policy Statement (TCPS) for public comment that details the State Government's policy position for the design of its Coastal Protection and Planning Framework (CPPF).

Stenning and Associates (S&A) was contracted by the Department of Premier and Cabinet (DPAC) to facilitate six targeted stakeholder feedback sessions regarding the draft TCPS.

This report:

- provides details of the stakeholder feedback provided during these sessions;
- contains an analysis of the issues raised; and
- where appropriate, makes recommendations on how the draft TPCS or the CPPF development process could be strengthened.

The issues raised by stakeholders are presented in two primary sections:

- Section 2 - Key Themes.
- Section 3 - Additional Issues Concerning the Draft TCPS.

A key theme explored by the sessions was the overall level of support for the draft TCPS. Executive Summary Table 1 outlines the overall support for the draft TCPS and the support shown for the individual sections of the document.

**Executive Summary Table 1**      **High level comments regarding stakeholder support for the draft TCPS**

Section	Comments
<b>Overall</b>	There was general consensus amongst stakeholders that there is a need to review the current coastal management framework and support for the broad intent and direction of the draft TCPS.
<b>Vision</b>	Stakeholders were generally supportive of the draft TCPS' vision, but also felt that this statement needs to be reworked (see Section 3.1).
<b>Guiding Principles</b>	Stakeholders mostly indicated their broad support for the guiding principles.  However, a number of stakeholders also stated that the existing guiding principles should be revised and there was also a suggestion for a new guiding principle to be added to the TCPS (see Section 3.2).
<b>Goals and Directions</b>	There was a strong level of support shown by stakeholders for the general scope of the goals and directions.  Stakeholders also provided a range of suggestions on how to amend this section of the draft TCPS (see Section 3.3).
<b>Definition of the Coast</b>	There was strong support for a flexible definition of the coast (see Section 2.5.2), along with general agreement that further work needs to be done to ensure that the definition of the coast used is legally robust and creates certainty for the planning process (see Section 2.5.2).
<b>Coastal Typologies</b>	Stakeholders indicated their strong support for the use of a typology of the coast, with recognition that further work is required on the typological categories and how they will be used within the CPPF (see Section 2.5.3).



Section	Comments
<b>Roles and Responsibilities</b>	<p>Stakeholders identified a number of additional groups that need to be included in this section of the draft TCPS.</p> <p>There were also concerns, mainly from local government stakeholders, regarding the breadth of the role and responsibilities assigned to local government and whether the resourcing requirements of the role and responsibilities have been appropriately considered (see Section 3.6).</p>

Another important theme was whether stakeholders considered that the draft TCPS provides an appropriate balance between environmental, economic, and social goals and outcomes.

It is difficult to provide a cohesive statement regarding stakeholder opinions about this question because the feedback sessions involved stakeholders from a range of sectors who held quite diverse perspectives on the various weights that the TCPS should give to environmental, economic and social goals and outcomes.

A high level assessment of the feedback from the sessions indicates that:

- stakeholders generally understood that the intent of the draft TCPS is to provide a framework for balancing environmental, economic and social goals and outcomes; and
- overall, indicated strong support for its broad intent.

Stakeholders did raise a number of concerns regarding specific sections and issues in the draft TCPS (see Sections 2 and 3), however these were mostly raised at a ‘details’ level, rather than as a major challenge to the broad direction of the draft TCPS.

It is concluded that, based on the feedback from the sessions, stakeholders broadly approve the overall balance that the draft TCPS achieves between environmental, economic and social outcomes. Nevertheless, the draft TCPS is a high level strategic document and it is premature to conclude that stakeholders will be satisfied with the way that the CPPF balances environmental, economic and social goals and outcomes. A fuller test of stakeholder support for how well these goals and outcomes are balanced will become apparent when stakeholders understand the implementation arrangements for the CPPF.

The remaining key themes arising from stakeholder feedback and associated recommendations are outlined in Executive Summary Table 2.

**Executive Summary Table 2**      **Summary of Key Themes and Recommendations**

Key Theme	Recommendation
Improving the clarity of the CPPF process and timeline.	<p>It is recommended that consideration be given to:</p> <ul style="list-style-type: none"> <li>• clarifying the process for developing the CPPF with stakeholders;</li> <li>• identifying opportunities for conducting further consultation with stakeholders regarding the implementation arrangements for the CPPF; and</li> <li>• the adequacy of the timeframe allowed for the development of the CPPF.</li> </ul>
Address confusion about the intent and role of the TCPS in the development of the CPPF.	<p>It is recommended that the draft TCPS be amended to clarify the intent and role of the TCPS in the development of the CPPF.</p>



Key Theme	Recommendation
Refocus TCPS on planning and managing activities in the coastal area.	It is recommended that references to 'planning and managing the coast' in the draft TCPS be changed to 'planning and managing activities and land use in the coastal area'.
Clarify how the CPPF will focus on issues that are specific to the coastal area.	It is recommended that consideration be given to refining the draft TCPS to clarify that the CPPF will, where possible, use, amend or link existing legislative controls for the regulation of the coastal area (both landward and seaward sides of the high water mark).
Clarify whether there is a hierarchy of goals and directions in the TCPS.	It is recommended that the final TCPS clarify the extent to which there is a hierarchical order between the goals and their directions.
Clarify the values of the coastal area.	It is recommended that consideration be given to including a clear statement in the draft TCPS that describes in greater detail the different values associated with the coastal area that are to be covered by the CPPF.
Support for pursuing a flexible definition of the spatial area covered by the draft TCPS.	It is recommended that the flexible definition of the coast proposed by the draft TCPS be pursued, taking into account the issues raised by stakeholders during these feedback sessions.
Support for the use of a coastal typology.	It is recommended that the flexible definition of the coast proposed by the draft TCPS be pursued, taking into account the issues raised by stakeholders during these feedback sessions.
Mapping the coastal boundary and typology categories.	It is recommended that the coastal boundary and typology categories be clearly mapped to improve certainty for stakeholders.
Clarify the interaction between coastal values, the definition of the coast, the goals and directions for the coastal area and coastal typology categories.	It is recommended that the draft TCPS clarifies how the values, typologies, goals and directions will integrate to assist with the appropriate planning and management of multiple uses and activities within the coastal area.
Clarify how the draft TCPS relates to the seaward side of the high water mark.	It is recommended that the draft TCPS clarify how the CPPF would apply to aquaculture activities and other activities on the seaward side of the high watermark.
Dealing with the impacts of coastal processes and hazards.	<p>It is recommended that consideration be given to:</p> <ul style="list-style-type: none"> <li>• clarifying in the draft TCPS the expectations for the how the community and individuals should respond to coastal processes and hazards (e.g. defend, adapt, retreat issues); and</li> <li>• ensuring that the CPPF appropriately incorporates projects concentrating on data collection, planning and mapping of the likely impact that coastal processes and hazards (including predicted sea level rise) will have on the coastal area.</li> </ul>



Key Theme	Recommendation
Improving certainty in the coastal area planning process.	It is recommended that consideration be given to further consultation with a broad range of stakeholders to assess their views on the likely impact of the CPPF on certainty in planning processes regarding activities undertaken in the coastal area.
Mitigating the liability of Councils for decisions regarding coastal development.	It is recommended that consideration be given to including ensuring that the CPPF mitigates the issue of local government liability related to planning and land use decisions made in good faith on development and land use proposals in coastal areas.
Requirements of risk based assessment and data.	<p>It is recommended that the draft TCPS and CPPF should:</p> <ul style="list-style-type: none"> <li>• reference initiatives currently underway to collate and make publicly available relevant data;</li> <li>• clarify the intended approach of the CPPF in instances where data is limited or not available; and</li> <li>• consider what further initiative might be needed to improve the availability of and access to relevant public data relevant to the coastal area.</li> </ul>
Providing equitable access to the coastal area.	<p>It is recommended that Goal 4 - <i>To ensure the coast is accessible and available for recreational use by the public</i>, its description and associated directions be revised to clarify how the CPPF will approach access issues such as:</p> <ul style="list-style-type: none"> <li>• the provision of reasonable access to public land in the coastal area (e.g. dunes, beach, water, etc), while taking into account situations where this access should be limited (e.g. for private property, security, safety, environmental or cultural reasons, etc); and</li> <li>• how these 'right of access to the coastal area' provisions will impact upon existing private property rights.</li> </ul>

Section 3 of this report contains a number of additional issues raised by stakeholders regarding the different sections of the draft TCPS.

Due to the diverse and often competing nature of many of the comments provided by stakeholders it is not possible to attempt to provide firm recommendations regarding these issues. Instead, it is recommended that each section of the draft TCPS be revised in light of the comments received from stakeholders and outlined in Section 3.

Nevertheless, Section 3 does contain some specific recommendations and these are summarised in Executive Summary Table 3.





Additional Issues	Recommendation
Guiding Principle 1 - Balanced, evidence and risk-based decision making, including application of the precautionary principle.	It is recommended that: <ul style="list-style-type: none"> <li>• Guiding Principle 1 be reviewed with particular attention given to the manner in which the precautionary principle is included in the TCPS and its potential impact upon the planning process; and</li> <li>• further detail be provided in the draft TCPS regarding the requirement in Guiding Principle 1 for 'risk based decision making'.</li> </ul>
Guiding Principle 2 - Minimal regulation, where necessary.	It is recommended that Guiding Principle 2 be reviewed with the aim of clarifying its intent.
Proposed new guiding principles.	It is recommended that the potential be considered for the inclusion of a further guiding principle in the draft TCPS that indicates that existing property rights will not be expunged without adequate compensation.
Roles and Responsibilities.	It is recommended that the roles and responsibilities section of the draft TCPS be reviewed to consider: <ul style="list-style-type: none"> <li>• leadership roles on coastal policy matters;</li> <li>• the inclusion of additional groups in the 'Roles and responsibilities' section of the TCPS; and</li> <li>• whether the roles and responsibilities assigned to the various stakeholders are likely to be commensurate with the capacity and resources they have available to them.</li> </ul>
Provide a more extensive glossary in the draft TCPS.	It is recommended that consideration be given to expanding the glossary in the draft TCPS to include definitions of any words that could be considered ambiguous.



# 1 Introduction

In 2012, the Tasmanian Government committed to developing a CPPF. This project aims to:

- identify issues with the current arrangements for managing coastal issues; and
- provide a blueprint for the management of coastal issues now and into the future.

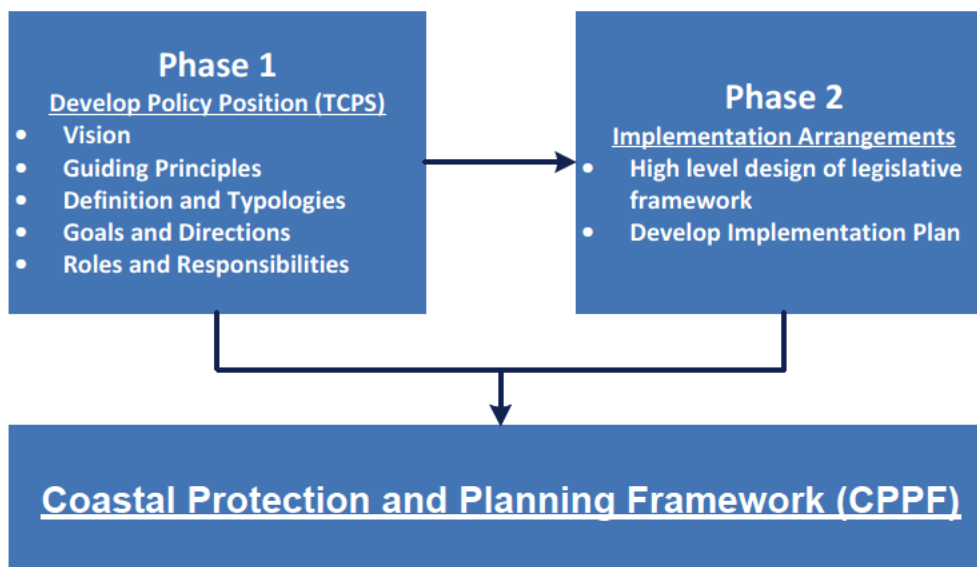
The Minister for Planning, the Minister for Environment, Parks and Heritage and the Minister for Climate Change have joint Ministerial oversight of this project.

The CPPF is being led by the Policy Division in DPAC, and steered by a whole of government Interdepartmental Committee (IDC), comprising representatives from the Departments of Premier and Cabinet (Chair); Economic Development, Tourism and the Arts; Infrastructure, Energy and Resources; Justice; Police and Emergency Management and Primary Industries, Parks, Water and Environment and the Local Government Association of Tasmania.

The first step in this process is the development of a draft TCPS, which presents the State Government's policy position for the coast.

The second phase of the project is the development of the CPPF Implementation Plan, including the high level design of legislative and policy instruments. The Implementation Plan, in conjunction with the final TCPS, will form the CPPF (see Figure 1). The CPPF will then drive the re-structuring of the State's legislative and policy framework to achieve the CPPF policy vision for the coast.

Figure 1 Development of Coastal Protection and Planning Framework



As part of the development of the draft TCPS, DPAC contracted S&A as an independent facilitator to conduct targeted stakeholder feedback sessions regarding the draft TCPS<sup>1</sup>. These sessions were one part of the draft TCPS consultation process, which also included inviting stakeholders to submit written submissions to DPAC and DPAC conducting one-on-one consultations with those stakeholders that requested them.

<sup>1</sup> Version 13/32064 of the draft TCPS was used in the stakeholder feedback sessions and is the version referred to in this report.

Table 1 lists the draft TCPS stakeholder feedback sessions organised by DPAC based on expressions of interest<sup>2</sup>.

**Table 1 Draft TCPS stakeholder sessions**

Date	Stakeholder Group	Location
26 July 2013	Southern Land Managers, Environmental Groups and Research Institutions	Hobart
6 August 2013	Northern Land Managers, Environmental Groups and Research Institutions	Launceston
6 August 2013	Northern Councils	Launceston
7 August 2013	North West Councils	Burnie
13 August 2013	Southern Councils	Hobart
16 August 2013	Business and Industry	Hobart

The objective of these stakeholder sessions was to elicit feedback from participants on the draft TCPS. In particular, the stakeholder sessions were designed to determine the level of support for the draft TCPS, and to explore issues and potential solutions to those issues.

The feedback sessions used a mix of group discussions and breakout sessions, designed to allow stakeholders to firstly provide high level statements regarding the draft TCPS and then explore specific sections of the document in detail, specifically:

- Definition of the 'coast'.
- Coastal typology.
- Vision and guiding principles.
- Goals 1 – 4 and associated policy directions.
- Roles and responsibilities.
- Implementation issues.

It should be noted:

- that there was often a high degree of consensus amongst stakeholders across all of the feedback sessions regarding the types of issues that should be addressed in the draft TCPS and the CPPF process;
- that although there was often consensus within the different feedback sessions regarding the specific amendments that should be taken to address these issues, there were also issues that produced a diverse range of proposed amendments; and
- that the commentary provided by the different feedback sessions regarding the nature of the suggested amendments was often polarised.

The following issues should be noted regarding this report:

- This report details the outcomes of the feedback sessions by outlining the key themes and other issues that were raised by participants regarding the draft TCPS.

<sup>2</sup> A full list of attendees for these sessions can be found in [Attachment B](#).



- Where appropriate, the report makes recommendations on how the draft TPCS or the CPPF development process could be strengthened.
- This report does not seek to cover the full range of issues raised in the feedback sessions as many are not material to finalising the draft TCPS. Nevertheless, notes from each of the feedback sessions are contained in Attachment C.
- Please note that this report is designed for the internal use of DPAC and not for general publication.



## 2 Key Themes

This section contains the key themes identified by stakeholders during the feedback sessions held on the draft TCPS. The themes have been grouped and are not presented according to any hierarchical order of importance or preference.

### 2.1 Support for the Draft TCPS

One of the primary purposes of the feedback sessions was to evaluate the level of support for the draft TCPS from targeted stakeholders.

Table 2 provides details of the overall support for the draft TCPS and the support shown for the individual sections of the document.

**Table 2 High level comments regarding stakeholder support for the draft TCPS**

Section	Comments
<b>Overall</b>	There was general consensus amongst stakeholders that there is a need to review the current coastal management framework and support for the broad intent and direction of the draft TCPS.
<b>Vision</b>	Stakeholders were generally supportive of the draft TCPS' vision, but also felt that this statement needs to be reworked (see Section 3.1).
<b>Guiding Principles</b>	Stakeholders mostly indicated their broad support for the guiding principles.  However, a number of stakeholders also stated that the existing guiding principles should be revised and there was also a suggestion for a new guiding principle to be added to the TCPS (see Section 3.2).
<b>Goals and Directions</b>	There was a strong level of support shown by stakeholders for the general scope of the goals and directions.  Stakeholders also provided a range of suggestions on how to amend this section of the draft TCPS (see Section 3.3).
<b>Definition of the Coast</b>	There was strong support for a flexible definition of the coast (see Section 2.5.2), along with general agreement that further work needs to be done to ensure that the definition of the coast used is legally robust and creates certainty for the planning process (see Section 2.5.2).
<b>Coastal Typologies</b>	Stakeholders indicated their strong support for the use of a typology of the coast, with recognition that further work is required on the typological categories and how they will be used within the CPPF (see Section 2.5.3).
<b>Roles and Responsibilities</b>	Stakeholders identified a number of additional groups that need to be included in this section of the draft TCPS.  There were also concerns, mainly from local government stakeholders, regarding the breadth of the role and responsibilities assigned to local government and whether the resourcing requirements of the role and responsibilities have been appropriately considered (see Section 3.6).



## 2.3 Balancing Environmental, Economic, and Social Outcomes

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The draft TCPS notes that its purpose is to,

*... provide the Tasmanian Government's strategic direction for the protection, planning and management of Tasmania's coast. It seeks to balance environmental, economic and social goals and outcomes, consistent with the sustainable development principles of the RMPS.*

Therefore, a key question is whether the feedback sessions demonstrated that stakeholders considered that the draft TCPS provides an appropriate balance between environmental, economic, and social goals and outcomes.

It is difficult to provide a cohesive statement regarding stakeholder opinions regard this question because the feedback sessions involved stakeholders from a range of sectors who held quite diverse perspectives on the various weights that the TCPS should give to environmental, economic and social goals and outcomes.

However, it is possible to provide some guidance on this issue through a high level assessment of the stakeholder feedback provided at these sessions. Specifically:

- It is considered that stakeholders displayed a general understanding that the intent of the draft TCPS is to provide a framework for balancing environmental, economic and social goals and outcomes, through the articulation of a vision, guiding principles and a range of goals and policy directions.
- Overall, stakeholders indicated strong support for the broad intent of the draft TCPS, its vision, guiding principles, goals and directions.

Although stakeholders did raise a number of concerns regarding specific sections and issues in the draft TCPS (see Sections 2 and 3) these were mostly raised at a 'details' level, rather than representing a major challenge to the broad direction of the draft TCPS.

It is suggested that this indicates that, at this stage, stakeholders broadly approve the overall balance that the draft TCPS achieves between environmental, economic and social outcomes.

Nevertheless, the draft TCPS is a high level strategic document and it is premature to conclude that stakeholders will be satisfied with the way that the CPPF balances environmental, economic and social goals and outcomes. A fuller test of stakeholder support for how well these goals and outcomes are balanced will become apparent when stakeholders understand the implementation arrangements for the CPPF.

## 2.4 CPPF Process and Draft TCPS Direction

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### 2.4.1 Improving the clarity of the CPPF process and timeline

Phase 1 of the CPPF process was the creation of the draft TCPS, which presents the State Government's policy position for the coastal area. Phase 2 involves the drafting of the implementation arrangements for the CPPF. Once both of these phases have been completed, their work will combine to form the CPPF, which will then be the basis for implementing the necessary governance, administrative and legislative reforms.

The feedback sessions raised the following key concerns regarding the CPPF process:

- a number of stakeholders, including several who had been involved in the establishment of the SCP 96, indicated that the key failing of SCP 96 was in its implementation and they saw a similar risk with the implementation of the CPPF unless it was thoroughly understood and tested by stakeholders and adequate time was given for its implementation; and



- some stakeholders expressed concern regarding what they saw as overly ambitious timeframes for settling the implementation arrangements for the CPPF.

There was significant concern expressed by some stakeholders that, whilst they can contribute comments on the draft TCPS, they are not being offered the same opportunity to do so regarding the implementation arrangements, which led a number requests for further consultation to be held regarding this phase of the CPPF project.

Stakeholders also noted that it was important that the CPPF takes into account all existing and planned legislation, policies, processes and governance arrangements that guide decisions on activities and land use in the coastal area (e.g. planning, land management, water quality, Aboriginal, cultural, environmental, heritage, climate change, coastal processes etc)<sup>3</sup>.

It was apparent from the feedback sessions that many of the stakeholders interpreted the concept of the development of the implementation arrangements narrowly (e.g. perhaps considering it to be a list of activities and an implementation schedule).

A number of stakeholders noted that they would like to be provided with the opportunity to consider the CPPF implementation arrangements so that they can understand and provide comment on framework design and implementation issues. It is considered that these stakeholders felt that this step would provide an opportunity to consolidate support for the CPPF, support which may not have been necessarily achieved to the same extent by the draft TCPS feedback process.

Further, it is suggested that providing stakeholders additional opportunities to comment on the design and implementation of the CPPF would help to address concerns raised by business and industry stakeholders that they had been insufficiently consulted during the draft TCPS process.

Therefore, consideration should be given to ensuring that the implementation plan identifies opportunities for conducting consultation with stakeholders on specific CPPF design documentation.

This would allow the Government to consult on design elements separately from the question of determining the implementation activities and their timelines.

#### **Recommendation**

It is recommended that consideration be given to:

- clarifying the process for developing the CPPF with stakeholders;
- identifying opportunities for conducting further consultation with stakeholders regarding the implementation arrangements for the CPPF; and
- the adequacy of the timeframe allowed for the development of the CPPF.

#### **2.4.2 Address confusion about the intent and role of the TCPS in the development of the CPPF**

A common theme emerging from the feedback sessions was confusion regarding what the intent and role of the TCPS in the development of the CPPF.

For instance, the similarity between the titles and content of the draft TCPS and the SCP 96 seemed to result in a significant number of stakeholders believing that the TCPS was

<sup>3</sup> See Section 2.4.4 for further discussion regarding focusing the TCPS on coastal area issues.



intended to be a replacement for SCP 96 or that there are plans to enforce it as another statutory instrument within the planning system.

Although the introduction in the draft TCPS provides a description of the document's role in establishing the CPPF, this does not seem to have provided sufficient clarification for some stakeholders. Specifically the draft TCPS states,

*The first step in this process is the development of a Government policy position for the coast. This document presents the draft Tasmanian Coastal Policy Statement, which articulates key policy principles and goals for consideration by stakeholders and the general community. It also outlines an approach to defining the coast and high level roles and responsibilities of different levels of government and private parties. The development of the Policy Statement is the focus of Phase I of the project.*

This confusion was also evident from comments made by some stakeholders regarding the language used in the draft TCPS, for example:

- some stakeholder stated that the language used in the TCPS is too prescriptive for an aspirational document (e.g. Direction 4.3 notes that '*...new development in close proximity to the foreshore will provide for and maintain public access to foreshores*' and there were concerns that this is too prescriptive for a high level document and does not allow for small scale developments); while
- other stakeholders thought that it was not prescriptive enough for a statutory instrument (e.g. one stakeholder noted that the TCPS should be more prescriptive and provide greater clarity to decision makers regarding what can or cannot be done in certain areas).

It is considered important that the draft TCPS be amended to clarify its intent and the role of the document in the development of the CPPF. This will reduce confusion and potentially increase support for the CPPF process.

#### **Recommendation**

It is recommended that the draft TCPS be amended to clarify the intent and role of the TCPS in the development of the CPPF.

### **2.4.3 Refocus TCPS on planning and managing activities in the coastal area**

It was noted during the feedback sessions that the draft TCPS seems to be based on the concept of 'planning and managing the coast'. For instance the description of the fourth guiding principle states that:

*Planning and management of the coast will be integrated across levels of government and sectors to ensure consistency in planning and decision making, and involve key stakeholders and the general community. Responsibility for managing the coast is shared between the community, industry and other key stakeholders and different levels of government. There needs to be broad involvement and collaboration with key stakeholders and the community on planning and management of the coast to ensure that decisions made take into account community values.*





Stakeholders indicated that trying to ‘manage the coast’ is an unrealistic goal as it suggests that the aim of the TCPS is to manage the physical nature of the coast itself (e.g. beaches, dunes, cliffs, etc).

Instead, it was suggested that the TCPS should refer to ‘planning and managing activities and land use in the coastal area’ as this is a more achievable objective.

#### **Recommendation**

It is recommended that references to ‘planning and managing the coast’ in the draft TCPS be changed to ‘planning and managing activities and land use in the coastal area’.

#### **2.4.4 Clarify how the CPPF will focus on issues that are specific to the coastal area**

A key theme that arose from the council and business and industry feedback sessions was a concern that the CPPF should not result in the creation of additional controls<sup>4</sup> and processes<sup>5</sup> to plan and manage the coastal area that duplicate existing controls and processes that currently regulate both coastal and non-coastal areas<sup>6</sup>.

For instance, coastal and non-coastal planning and land use issues are currently regulated by the *Land Use Planning and Approvals Act 1993* (LUPAA) and local government planning schemes. Stakeholders were concerned that the draft TCPS and the CPPF it informs may result in new land planning and use controls being introduced just to regulate the coastal area in addition to those existing mechanisms, rather than adjusting those mechanisms to achieve goals and outcomes that are desired due to issues specific to the coastal area.

These concerns appeared to be influenced by the fact that the draft TCPS includes reference to a range of issues that are not unique to the coast (e.g. Aboriginal issues, heritage issues, land use issues, etc). In relation to some of these issues the draft TCPS appears to indicate that it is not intended to ‘...replace or over-ride the provisions of ...’ those existing legislative regimes (for example, the legal and regulatory regime for the preservation and management of Aboriginal and historic heritage), but is silent on the intention in relation to other regimes – for example LUPAA.

It is considered that these stakeholder concerns could be addressed by refining the draft TCPS to clarify the broad approach that will be taken in developing the CPPF. This would allow stakeholders to understand how the draft TCPS vision might be implemented through the CPPF. That is, the CPPF may seek to change the nature of the decisions made due to the need to take into account issues specific to the coastal area, but generally will not replace or duplicate the frameworks in which those decisions are made.

#### **Recommendation**

It is recommended that consideration be given to refining the draft TCPS to clarify that the CPPF will, where possible, use, amend or link existing legislative controls for the regulation of the coastal area (both landward and seaward sides of the high water mark).

<sup>4</sup> For example - legislation, policies, processes, schemes, etc.

<sup>5</sup> For example - governance, administrative, etc.

<sup>6</sup> This concern was raised in regards to controls and processes from all levels of government (e.g. Commonwealth, State or local).



## 2.4.5 Clarify whether there is a hierarchy of goals and directions in the TCPS

The introduction of the 'Goals and policy directions' section on page 10 of the TCPS states that,

*'There is no hierarchy implied by the goals and policy directions and they should be read in conjunction with each other'.*

Despite this statement, a number of stakeholders expressed concern that the document would be read as if the goals were presented in priority order, with Goal 1 taking precedence over the other goals.

Particular concerns were raised that a potential hierarchy of goals and directions would impact upon the implementation phase of the CPPF and then filter through to planning decisions. For example, if the development goal (currently Goal 1) is listed before the environmental goal (currently Goal 2), then this can be used as the basis of an argument claiming that the CPPF prioritised development above the environment.

Notwithstanding the above quoted statement in the draft TCPS, it does appear to anticipate situations where the goals and directions may be used with a flexible hierarchy. For example, on page 16, as part of a description of how the goals and directions may interact with the coastal typology for the planning and management of the coast, the TCPS states,

*'...the directions outlined in the Policy Statement will apply regardless of the particular area of coast concerned – however the level of emphasis may vary'.*

Furthermore, it is clear that a number of stakeholders do consider that there should be a hierarchy of goals.

It is conceivable that as a result of the current consultation activities there may be some consideration of applying some hierarchical order between the goals and their directions. Accordingly, it is considered that it would be helpful to clarify in the final TCPS the extent to which this will occur under the CPPF.

### **Recommendation**

It is recommended that the final TCPS clarify the extent to which there is a hierarchical order between the goals and their directions.

## 2.5 Defining the Coastal Area

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### 2.5.1 Clarify the values of the coastal area

A number of stakeholders noted that while the draft TCPS refers to a range of coastal area values, it does not provide sufficient details regarding:

- exactly what the values entail; and
- the priority that the values may have in different areas of the coast as identified by the proposed coastal typology (see Section 2.5.5).

For example, the following references to values are contained in the draft TCPS without further explanation:

- the vision statement in the draft TCPS notes that it aims to conserve the coast's 'diverse and distinctive natural and cultural values';
- the fourth guiding principle notes that the management of the coast will 'ensure that decisions made take into account community values'; and

- Direction 1.6 under Goal 1 refers to the ‘natural and aesthetic values of the coast’.

An example of the potential problems caused by the lack of explanation regarding these values is the level of confusion evident amongst stakeholders regarding whether specific issues were covered by these values or not. For instance, even though the draft TCPS notes a number of times that there will be consideration of natural values, there were still a number of concerns raised by stakeholders questioning whether the TCPS addresses coastal flora and fauna issues.

It is considered that the draft TCPS can be strengthened by:

- including a clear statement of the different values associated with the coastal area and the different priorities that these values can have across the coastal typology categories; and
- ensuring that the definition of these values are consistent with wider current land use controls (e.g. legislation, policies, processes, etc), while also taking into account issues that may be unique to the coastal area.

#### **Recommendation**

It is recommended that consideration be given to including a clear statement in the draft TCPS that describes in greater detail the different values associated with the coastal area that are to be covered by the CPPF.

### **2.5.2 Support for pursuing a flexible definition of the spatial area covered by the draft TCPS**

The majority of stakeholders consulted expressed support for a flexible definition<sup>7</sup> of the coast as outlined on pages 15-16 of the draft TCPS. They also agreed that further work needs to be done on this definition – which is a task already identified in the draft TCPS. Specific issues raised included:

- The approach to defining the coast should be described earlier in the draft TCPS to assist in developing an understanding of the impact of proposed goals and directions.
- Further work is required to clarify the ‘features, processes and values’ of the coast that the flexible definition of the coast will be based on.
- The definition of the coast needs to ensure that it considers both the landward and seaward aspects of the coast.
- Careful consideration must be given to how the definition will interact with the planning process, for instance:
  - It is important that the definition of the coast helps to improve certainty for stakeholders in the planning process. To provide this certainty, stakeholders considered that it was critical that the definition of the coastal zone be mapped (see Section 2.5.4).
  - Questions were raised regarding how the definition of the coast will impact on existing settlements or developments (e.g. situations where an existing development is on land reclassified as coastal by a new definition and thereby facing quite different land use rules)?

<sup>7</sup> The flexible definition is based on the idea of identifying the coastal area by the presence of natural features, processes and values that are specific to the coast.



It is considered important that the further work for developing a flexible definition of the coast address these issues to ensure the definition can be implemented effectively.

#### **Recommendation**

It is recommended that the flexible definition of the coast proposed by the draft TCPS be pursued, taking into account the issues raised by stakeholders during these feedback sessions.

### **2.5.3 Support for the use of a coastal typology**

Stakeholders strongly supported further investigation of the potential for the use of a typology in the management of coastal issues.

Stakeholders agreed that further work needs to be done to refine the typology contained in the draft TCPS to ensure it is workable within the broader legislative framework for managing activities in the coastal area. Specific issues raised were:

- The typology should be described earlier in the draft TCPS to ensure that there is common understanding of the concept and how it is to be deployed in the management of activities in the coastal area.
- The proposed typology categories presented in the draft TCPS are based on current land use. Stakeholders made a range of suggestions on how the typology categories could be expanded or refined, for instance:
  - They could indicate the desired future use of a coastal area.
  - They could be based on values (e.g. Aboriginal, cultural, heritage, etc).
  - They could be based on natural features (e.g. sandy, cliff, rocky, etc).
- Information needs to be provided regarding how the typology categories would be used to manage activities within the coastal area, for instance:
  - Each typology category should be based on a clear definition that minimises problems regarding determining the boundary between typological areas.
  - Rules need to be developed that outline how the priorities for the control of activities in the coastal area could differ between the typology categories.
  - Transitional arrangements would need to be developed to manage the transition from current arrangements to any proposed new typology system.
- Consideration needs to be given as to whether changes to the typology for an area might change over time and, if so, what is the trigger for that process. For example:
  - As development and infrastructure grows in a coastal area designated as modified, can the typology be changed to developed?
  - What is the impact of approving an intensive development activity in a coastal area designated natural coast? Does it change the typology to modified?

Another question that was identified during the feedback sessions was how the typology concept should be deployed. That is, should the typology category boundaries be perpendicular to the coast or could they also be parallel to the foreshore (see Section 2.5.4)?

Additionally, discussions with DPAC indicate that there is the potential for further investigations to be conducted regarding whether the typology will be used to categorise the seaward, as well as the landward side of the high water mark (see Section 2.5.4).

It is clear that the typology concept will need considerable further work to clarify what typology categories should be used and how the typology concept should be deployed within the CPPF.

**Recommendation**

It is recommended that the flexible definition of the coast proposed by the draft TCPS be pursued, taking into account the issues raised by stakeholders during these feedback sessions.

**2.5.4 Mapping the coastal boundary and typology categories**

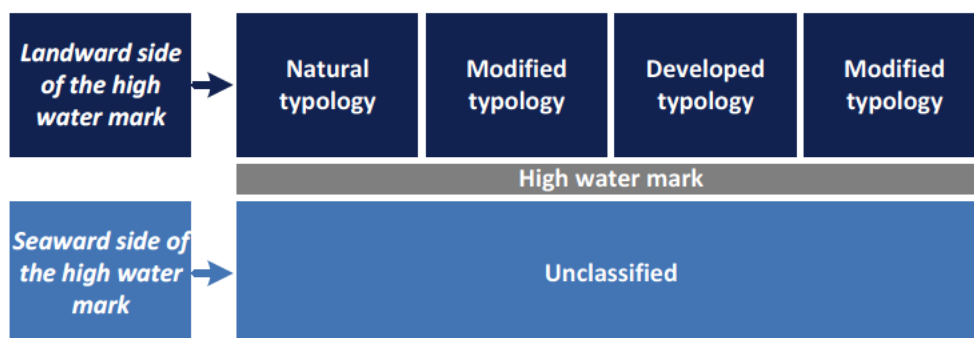
Stakeholders indicated that for the flexible definition of the coast and the coastal typology approach to be implemented successfully there needs to be appropriate mapping of the coastal area and the typological areas during the implementation phase of the CPPF. A number of stakeholders noted that such mapping is necessary to avoid the problems experienced with the definition of the coast that was contained in the original version of the SCP 96. The SCP 96 used a flexible definition of the coast similar to the one in the draft TCPS and in 2003 the Supreme Court found that the SCP 96 was invalid<sup>8</sup> due to its coastal definition being too imprecise.

This resulted in the Tasmanian Government having to introduce the *State Coastal Policy Validation Act 2003* to retrospectively validate the SCP 96 through the provision of a simpler definition of the coast based on a default distance inland from the foreshore.

Stakeholders noted that they consider that the mapping of the coastal boundary and typology categories is essential in helping to improve certainty for the planning process. For example, a number of stakeholders were concerned that the definition process for the coastal area might result in multiple boundaries relating to different features, processes and values of the coastal area. Their view was that it is preferable for the definition of the coast to have a single boundary line, with a priority hierarchy being used to balance considerations relating to goals or values.

Stakeholders also raised a number of issues relating to the mapping of typology categories. For instance, it appeared that stakeholders generally assumed that the typology categories would only be mapped perpendicular to the coast on the landward side of the high water mark (see Figure 2).

**Figure 2 Perpendicular mapping of typology categories**



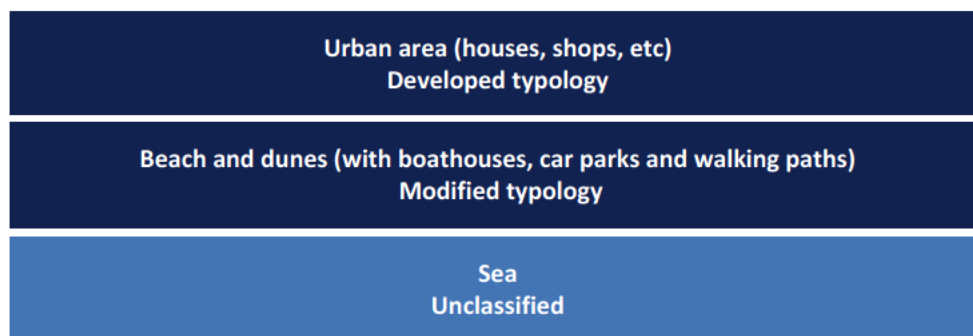
<sup>8</sup> 'Draft State Coastal Policy – Background Paper', Tasmanian Department of Premier and Cabinet, August 2009, p.1, [http://www.planning.tas.gov.au/data/assets/pdf\\_file/0020/152372/SCP\\_Background\\_Paper.pdf](http://www.planning.tas.gov.au/data/assets/pdf_file/0020/152372/SCP_Background_Paper.pdf)



A key concern raised by a number of stakeholders regarding this approach was how small could an area be that is mapped to a typology category?

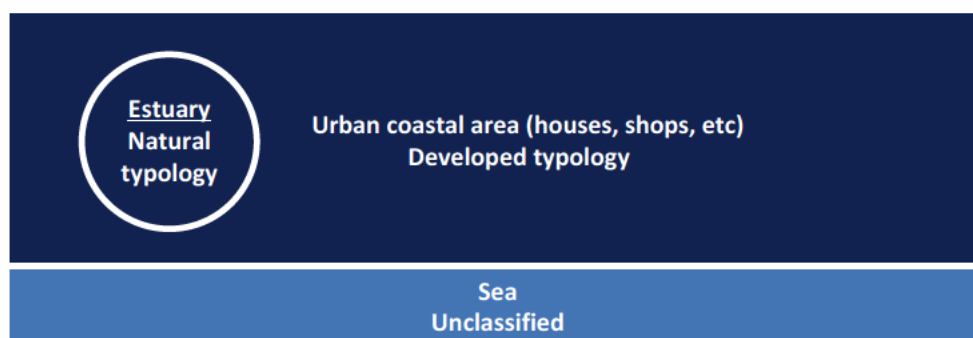
Discussion at the feedback sessions raised other potential methods to map the typology categories. For instance, the typology categories could be mapped parallel to each other along the coast. Under that approach a beachfront might be termed modified, whereas the urban area behind the beachfront might be considered developed (see Figure 3).

Figure 3 Parallel mapping of typological categories



Another issued that was raised regarding the mapping of the typology categories was the idea of a typology existing as an “enclave” within another typology. For example, a natural typology (e.g. an estuary that supports a range of natural flora and fauna) might exist in the middle of a developed or modified typology (see Figure 4).

Figure 4 Typological ‘enclaves’



In the above examples the seaward side of the high water mark has not been provided a typology category. Stakeholders raised a number of issues that they felt should be considered regarding the seaward side of the high water mark and the typology, specifically:

- how the seaward side of the high water mark might be categorised (e.g. will it primarily be considered as ‘natural’); and
- the impact that categorising the seaward side of the high water mark could have upon the development and use (e.g. aquaculture, etc) of this area.

Stakeholder feedback suggests that the mapping of the coastal area boundary and typology areas is an important part of developing the CPPF and providing certainty for the planning process. However, it is recognised that such mapping would take time to implement, hence the implementation arrangements should provide explicit recognition of the timeframes involved so that stakeholders have a clear understanding of the process involved.

Stakeholders seemed to accept that the existing default coastal area boundary under SCP 96 would apply until replaced by any new arrangements under the CPPF.

#### **Recommendation**

It is recommended that the coastal boundary and typology categories be clearly mapped to improve certainty for stakeholders.

### **2.5.5 Clarify the interaction between coastal values, the definition of the coast, the goals and directions for the coastal area and coastal typology categories**

If the recommendation in Section 2.5.1 is accepted, there is an opportunity for the draft TCPS to clearly set out how the anticipated interaction between:

- the coastal values detailed in the TCPS;
- the typology categories applied to the coastal area; and
- the goals and directions for the coastal area.

Specifically, various priorities can be assigned to coastal values according to the typologies and the goals and directions to assist with the appropriate management of multiple uses and activities within the coastal area.

Discussions with DPAC officers indicate that this generally matches the intended direction for the CPPF.

#### **Recommendation**

It is recommended that the draft TCPS clarifies how the values, typologies, goals and directions will integrate to assist with the appropriate planning and management of multiple uses and activities within the coastal area.

### **2.5.6 Clarify how the draft TCPS relates to the seaward side of the high water mark**

Concern was raised that the key focus of the draft TCPS is on the control of activities on the landward side of the high water mark, with little discussion of how it would impact on activities on the seaward side.

For instance, seafood and aquaculture industry stakeholders were particularly concerned that the CPPF could involve the marine development approvals process that currently exists under the *Marine Farm Planning Act 1995* being integrated with the current land use approvals process. Aquaculture industry stakeholders were strongly of the view that the current Act and its processes are satisfactory and indicated that they did not support such a change.



Other stakeholders were concerned that the lack of reference to aquaculture in the draft TCPS meant that it would be treated differently to other industries and called for greater consistency in the references to industry in the draft TCPS.

It is considered important to clarify in the draft TCPS how the CPPF will apply to aquaculture activities and other activities on the seaward side of the high watermark.

#### **Recommendation**

It is recommended that the draft TCPS clarify how the CPPF would apply to aquaculture activities and other activities on the seaward side of the high watermark.

## **2.6 Dealing with the Impacts of Coastal Processes and Hazards**

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The majority of stakeholders agreed that the major coastal issue that the TCPS needs to address is how to deal with the impacts of coastal processes and hazards (either on the landward or seaward side of the coastal area), especially as these issues are exacerbated over time by climate change and the predicted rise in sea level.

One of the primary issues raised by stakeholders was how the draft TCPS should explicitly address the approach that individuals and communities should take to managing their response to coastal processes (i.e. decisions regarding defending, adapting or retreating). Particular concerns raised were:

- The draft TCPS is unclear what is meant by appropriate adaptation. An example of an adaptation issue is:
  - Developers can potentially adapt to sea level rise by elevating buildings, but this adaptation is unlikely to be appropriate or successful in coastal areas subject to widespread inundation due to sea level rise because, although the development itself may be elevated, there will still be related issues regarding associated infrastructure (e.g. roads, power, etc).
- Stakeholders provided a range of statements regarding how the TCPS should address 'defend' options such as engineered solutions, for instance:
  - Some stakeholders stated that Goal 3 should definitively state that engineered solutions are a non-preferred option (the explanatory text to the Goal currently states that, '*...in most cases, engineering solutions are a non-preferred option*').
  - Other stakeholders saw the preference against engineered solutions as too restrictive, indicating that the TCPS needs to recognise that engineered solutions are a necessary management tool for the future of coastal areas in response to coastal processes hazards and sea level rise.
  - Some stakeholders pointed out that the choice to use engineered solutions, particularly by public authorities, should be based on cost/benefit decisions regarding the solution, together with an assessment of its environmental impact.
  - A number of stakeholders indicated that it is important, where engineered solutions are implemented, that the bodies (private or public) that implement them should be liable for their ongoing maintenance.
  - One stakeholder noted that the TCPS should recognise the fact that engineered solutions are already part of coastal management (e.g. breakwaters in port areas) as a response to a range of issues, not just sea level rise.



- Stakeholders noted that appropriate data collection, planning and mapping of the likely impact that coastal processes and hazards will have on the coastal area is vital to guiding decisions on development activities in the coastal area, especially given the potential impact of predicted sea level rise<sup>9</sup>.

Stakeholders contributed a range of comments on issues that they considered the draft TCPS should explicitly recognise, including:

- that the potential impact of coastal hazards is not sufficiently understood (especially in vulnerable areas), will increase in frequency and that the changes will likely be irreversible;
- that the issues of coastal processes, hazards and predicted sea level rise not be referred to as 'potential risks of the coastal area', but as 'expected events that need to be planned for';
- that the impacts on existing private property from coastal processes and hazards should be considered to be the liability of the owner;
- that existing uses of the coastal area should be re-evaluated in light of the locale and the risks involved;
- the role that vegetation can play in protecting the coastal area from the impact of coastal processes and hazards; and
- the community expectation (e.g. Clarence City Council foreshore areas) that communities should be protected from coastal processes and hazards.

One stakeholder also noted that they felt that the language used in the TCPS should be amended so that the issues involved are more easily understood by the public (e.g. referring to climate change and sea level rise, instead of coastal processes and hazards). However, it is noted that the draft TCPS clearly defines the terms coastal processes and coastal hazards.

Further, climate change and sea level rise are broader phenomena that influence coastal processes and impact on current coastal hazards and potentially create new coastal hazards – hence they are not replacement terms. The connection between coastal processes/hazards and climate change/associated sea level rise is set out on page 5 of the draft TCPS.

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<sup>9</sup> It should be noted that a number of stakeholders were aware of the project being undertaken by the Office of Security and Emergency Management (DPAC) to develop principles, a guide and hazard reports in relation to *Mitigating Natural Hazards through Land Use Planning*, including coastal inundation and erosion. These stakeholders noted the importance of alignment between the 'Natural Hazards' project and the TCPS, and the importance of the coastal specific aspect of the 'Natural Hazards' project being made available as soon as possible.



From the feedback, it is clear that stakeholders feel that there should be further consideration given to how the draft TCPS and, hence, the CPPF, deals with the desired responses to coastal processes and hazards.

#### **Recommendation**

It is recommended that consideration be given to:

- clarifying in the draft TCPS the expectations for the how the community and individuals should respond to coastal processes and hazards (e.g. defend, adapt, retreat issues); and
- ensuring that the CPPF appropriately incorporates projects concentrating on data collection, planning and mapping of the likely impact that coastal processes and hazards (including predicted sea level rise) will have on the coastal area.

## **2.7 Planning and Managing the Coastal Area**

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### **2.7.1 Improving certainty in the coastal area planning process**

A common theme across all stakeholder feedback sessions was the expectation that the TCPS should aim to develop a CPPF that improves certainty in planning processes regarding activities undertaken in the coastal area.

Business and industry stakeholders seek certainty because they consider that clear planning parameters will encourage development by improving the ability of developers to assess whether or not a development application is likely to be approved before entering into a potentially costly planning approvals process.

Council stakeholders seek certainty to improve approvals process outcomes. This certainty will also help to encourage development and provide clear parameters for the types of activities allowed in certain areas.

The land management and environmental group stakeholders also want certainty in the planning and approvals process so that it is clear whether certain types of activities are, or are not, allowed in certain coastal areas.

It is clear that, as different stakeholder have different perspectives on what is required to provide certainty, the process of developing a CPPF that can be used to determine 'what will be allowed and where' will involve balancing a range of competing interests.

A range of recommendations in this Report are aimed at clarifying or further developing the draft TCPS, which in turn will address the certainty issue. Consultation on the implementation arrangements for the CPPF will help determine how stakeholders consider that the CPPF will impact on certainty in planning processes regarding activities undertaken in the coastal area (See Section 2.4.1).

#### **Recommendation**

It is recommended that consideration be given to further consultation with a broad range of stakeholders to assess their views on the likely impact of the CPPF on certainty in planning processes regarding activities undertaken in the coastal area<sup>10</sup>.

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<sup>10</sup> This consultation could be linked with the actions recommended in Section 2.4.1.



## 2.7.2 Mitigating the liability of Councils for decisions regarding coastal development

Local government stakeholders expressed concern about the fact that the draft TCPS does not deal with the issue of the liability experienced by councils stemming from planning and land use decisions in coastal locations.

Concerns about this issue are based on the fact that where local government makes decisions to approve proposed developments in the coastal zone, it currently has a degree of legal liability for impacts from coastal processes or hazards, which are exacerbated by issues such as predicted sea level rise. This liability is exacerbated by the fact that there is currently no legal mechanism in Tasmania to allow private owners to accept clear responsibility for a range of risks to their developments related to the impacts of coastal processes and hazards. Hence, councils are left being liable for these risks. This results in a considerable disincentive for councils to approve planning and land use decisions in coastal areas.

Stakeholders also noted that this issue is potentially going to worsen as coastal processes, hazards, storm surge events and other related phenomenon are exacerbated by the predicted rise in sea level, especially since there are currently no consistent benchmarks or mapping available to assist local government in determining the potential extent of these problems in their coastal area (see Section 2.6).

This situation adversely impacts on local government's consideration of development and land use proposals in the coastal area, which in turn has a negative impact upon the economic growth and investment, as well as the ongoing growth of communities and services, in these areas.

One stakeholder noted that in NSW, if planning authorities have followed sound science and decision making processes, they are provided with a general indemnity regarding such risks.

It was clear that local government stakeholders considered that efforts to limit council liability for properly considered planning decisions in coastal areas is important to improve certainty in the planning process and potentially stimulate development and growth in coastal areas.

### Recommendation

It is recommended that consideration be given to including ensuring that the CPPF mitigates the issue of local government liability related to planning and land use decisions made in good faith on development and land use proposals in coastal areas.

## 2.7.3 Requirements of 'best evidence' and the risk based assessment process

A number of stakeholders stated that the requirement in the draft TCPS for risk based assessments to be based on best evidence (data) is potentially problematic for a range of reasons. For instance, the draft TCPS does not provide any guidance on the approach to be taken where there is a lack of evidence.

Specific comments provided by stakeholders were:

- Access to existing data is often restricted.
- It can be expensive to collect new data or maintain existing data.
- In some circumstances there is simply no data to base decisions on.
- What processes will be used to evaluate potentially contradictory data?

It is understood that there are existing initiatives that can provide baseline data for a range of Tasmania's coastal areas (see Section 2.6).



Access to appropriate data is important for risk based decision making, but it is clear that such data is not always available or can be costly to collect. This acts as an impediment to consistent planning and management decisions and has the potential to stymie the growth and sustainable development of coastal areas.

Accordingly, it is suggested that the TCPS and CPPF should reference initiatives currently underway to collate and make publicly available relevant data and the intended approach of the CPPF in instances where data is limited or not available. The draft TCPS and the CPPF should also consider what further initiatives might be needed to improve the availability of and access to public data relevant to the coastal area.

The issue of whose role it is to collect and provide access to this data is further explored in Section 3.6).

#### **Recommendation**

It is recommended that the draft TCPS and CPPF should:

- reference initiatives currently underway to collate and make publicly available relevant data;
- clarify the intended approach of the CPPF in instances where data is limited or not available; and
- consider what further initiative might be needed to improve the availability of and access to relevant public data relevant to the coastal area.

#### **2.7.4 Providing equitable access to the coastal area**

Although stakeholders agreed that public access to the coastal area is an important issue which will be of particular concern to the wider community, a number of concerns were raised with Goal 4 - *To ensure the coast is accessible and available for recreational use by the public*. Specifically concerns were raised that:

- the draft TCPS seems to suggest the provision of unfettered access to the coastal area. Stakeholders felt that there is insufficient recognition in the draft TCPS that there is a range of reasons why access to some sections of the coast should be limited (e.g. for private property, security, safety, environmental or cultural reasons, etc);
- the draft TCPS does not clarify of what 'access' means (i.e. is access being able to see, drive into, walk into, swim into, etc?);
- this goal could impact upon private property rights, for instance:
  - Will this goal imply that access requirements should be only be applied to future developments, or to existing ones as well?
  - Will this requirement be placed on small scale private land owners (e.g. residential houses) or just large developments (e.g. subdivisions)?
  - There are significant liability issues for private landowners if they are forced to provide public access to the coastal area through their land.
  - Who will fund the provision of public access through existing private land if owners are required to provide public access to the coastal area that did not previously exist?



- current planning instruments do not provide sufficient tools to ensure public access to the coastal area through private developments in all situations.
  - Stakeholders noted that access to the coastal area through subdivisions can be achieved through ‘public open space’ rules, but this cannot be used on strata titles.

There was also a suggestion from one stakeholder that Direction 4.5 –under Goal 4 should be amended to read ‘*Public access to and along the coast is required to be provided where it does not conflict with conservation of significant or vulnerable natural, cultural and historic values*’. This stakeholder noted that this would help to encourage further action from authorities regarding access to the coast.

It should be noted that while the wording of Goal 4 could be taken to imply unfettered access to the coastal area, the description of the goal and its directions provide a number of instances where access to the coastal area may be limited. However, given stakeholder feedback regarding this section of the draft TCPS it is considered that the goal could be revised to clarify how the CPPF will approach access issues.

#### **Recommendation**

It is recommended that Goal 4 - *To ensure the coast is accessible and available for recreational use by the public*, its description and associated directions be revised to clarify how the CPPF will approach access issues such as:

- the provision of reasonable access to public land in the coastal area (e.g. dunes, beach, water, etc), while taking into account situations where this access should be limited (e.g. for private property, security, safety, environmental or cultural reasons, etc); and
- how these ‘right of access to the coastal area’ provisions will impact upon existing private property rights.



## 3 Additional Issues Concerning the Draft TCPS

This section contains additional issues identified by stakeholders during the draft TCPS feedback sessions. It does not seek to restate issues that have already been covered in Section 2 of this report.

These additional issues are presented according to the sections of the draft TCPS to which they relate. Due to the diverse and often competing nature of many of the comments provided by stakeholders it is not possible to attempt to provide firm recommendations regarding these issues. Instead, it is suggested that the draft TCPS should be revised in light of the issues detailed in this section and those received by DPAC through their other feedback processes. Nevertheless, where possible specific recommendations have been made on the issues that are raised in this section.

### Recommendation

It is recommended that each section of the draft TCPS be revised in light of the comments received from stakeholders and outlined in Section 3.

### 3.1 Vision

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The vision for Tasmania's coast contained in the draft TCPS is,

*Tasmania's coast is planned and managed to ensure its sustainable use and development to achieve important economic and social benefits for current and future generations, while conserving its diverse and distinctive natural and cultural values.*

Stakeholders were generally supportive of the draft TCPS' vision statement, but also provided a range of suggestions, such as:

- A number of stakeholders noted that the current vision statement should not contain references to process and seems more like an action statement rather than a vision of what is trying to be achieved.
- One stakeholder noted the dangers of trying to condense a range of complicated issues into a single statement and asked whether the draft TCPS needs a vision statement, as the whole document itself is an aspirational document.

Suggested changes to the vision statement were:

- It should have an aspirational, future orientated focus (e.g. the coast is being managed for future generations to appreciate).
- It should detail what is special about the coast and why it needs to be managed by a specific coastal policy (e.g. values, habitat, processes, etc).

One stakeholder suggested a revised vision statement:

- 'The Tasmanian coast is an important environmental and economic resource which has associated social benefits for current and future generations. Its diverse and distinctive natural assets, cultural and economic values and its sustainable use and development will be planned and managed in accordance with legislative and community expectations'.

It is considered that the comments provided by stakeholders indicate that there is potential to review the vision statement contained in the draft TCPS to remove references to process and concentrate on desired outcomes for the use of the coast now and into the future.

## 3.2 Guiding Principles

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Stakeholders mostly indicated their broad support for the guiding principles. However, there were also a number of suggestions regarding how the guiding principles could be revised and proposals for additional guiding principles to be added.

### 3.2.1 Guiding Principle 1 - Balanced, evidence and risk-based decision making, including application of the precautionary principle

The inclusion of the precautionary principle in the draft TCPS gave rise to a number of diverse comments, for instance:

- There was support from a range of stakeholders for the inclusion of the precautionary principle in the draft TCPS, particularly from environmental stakeholders who felt that the inclusion of the principle at a high level in the TCPS is a positive, especially given the fact that it is not included in the objectives of the Resource Management and Planning System (RMPS)<sup>11</sup>.
- On the other hand, a number of business and industry stakeholders commented that the precautionary principle should not have been included in the draft TCPS as its current application in land use decisions can often result in unnecessary barriers to development proposals arising from vexatious objections and appeals to planning applications.
- Other business and industry stakeholders did not object to the inclusion of the precautionary principle in the draft TCPS, but felt that the TCPS should clarify how the principle will be applied so that it does not cause these barriers to development proposals in coastal areas.
- One stakeholder noted that although the definition of the precautionary principle in the draft TCPS is identical to the one in the SCP 96, the draft TCPS is missing the additional components that are attached to the definition in the SCP 96. Specifically,
  - *In the application of the precautionary principle, public and private decisions should be guided by:*
    - *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and*
    - *an assessment of the risk-weighted consequences of various options.'*
- One stakeholder suggested that the precautionary principle could be a guiding principle in its own right.

As currently formulated the draft TCPS potentially extends the application of the precautionary principle further than its current application under the SCP 96. Specifically, the SCP 96 uses the precautionary principle as a '*Coastal Uses and Development*' outcome, whereas the draft TCPS includes it as an overarching guiding principle for all decisions on activities in the coastal area. In other words, the SCP 96 limits the use of the precautionary principle to development decisions under LUPAA, where the draft TCPS appears to allow it to be applied to all decisions-making activities covered by the TCPS.

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<sup>11</sup> It should be noted that the RMPS does currently apply the precautionary principle, via the SCP 96, to land use decisions in the coastal area.

It is beyond the scope of this report to reconcile the divergent stakeholder opinion regarding the precautionary principle and its potential application under the CPPF. Rather, it is suggested that the inclusion and application of the precautionary principle in the draft TCPS be reviewed in light of the comments provided by stakeholders, with particular consideration given to whether:

- the definition of the precautionary principle should include the additional components attached to the definition contained in the SCP 96; and
- the intended reach of the precautionary principle (i.e. the types of decisions that will need to consider applying this principle) in the draft TCPS is intended to go beyond development decisions made under LUPAA.

A further issue raised by some stakeholders was that the TCPS should clarify what types of risks will be evaluated by its 'risk based decision making' process (i.e. environmental risk, business risk, etc) and how these risks will be evaluated. This suggestion would provide more guidance on the expectations of the 'risk based decision making' process and hence should be given further consideration.

Finally, some stakeholders raised potential problems with the requirement in the draft TCPS for decisions to be based on best evidence. This issue is covered earlier in Section 2.7.3.

#### **Recommendation**

It is recommended that the inclusion and application of the precautionary principle in the draft TCPS be reviewed in light of the comments provided by stakeholders, with particular consideration given to:

- whether the definition of the precautionary principle should include the additional components attached to the definition contained in the SCP 96;
- whether the intended reach of the precautionary principle (i.e. the types of decisions that will need to consider applying this principle) in the draft TCPS is intended to go beyond development decisions made under LUPAA; and
- providing further detail in the draft TCPS regarding the types of risks that should be encompassed by the requirement in Guiding Principle 1 for 'risk based decision making'.

### **3.2.2 Guiding Principle 2 - Minimal regulation, where necessary**

There was a deal of confusion regarding what was intended by 'minimal regulation'. Comments included:

- Will a minimal regulation requirement provide sufficient protection for high risk areas of the coast?
- Some stakeholders suggested that this principle would be better reworded to encompass:
  - Efficient regulation.
  - Consistent regulation.
  - Harmonisation of regulation.
  - Appropriate regulation.





- One stakeholder stated that additional regulation, as long as it is well designed and provides clarity, is not necessarily prohibitive to encouraging development.

It is considered that this principle should be reviewed with the aim of clarifying its intent.

#### **Recommendation**

It is recommended that Guiding Principle 2 be reviewed with the aim of clarifying its intent.

### **3.2.3 Guiding Principle 3 - Equity of access and opportunity**

Stakeholders did not provide any specific comments regarding this guiding principle.

### **3.2.4 Guiding Principle 4 - Collaborative planning and management**

Stakeholders did not provide any specific comments regarding this guiding principle.

### **3.2.5 Proposed new guiding principles**

The following new guiding principle was suggested during the feedback sessions as a means of tempering Goal 4 which relates to access:

- The draft TCPS will not seek to expunge existing property rights without adequate compensation.

It is considered that the potential for the inclusion of this additional guiding principle should be further examined.

It must also be noted that although other guiding principles were proposed by some stakeholders, they were not considered to be 'guiding principles' in their own right. These stakeholder comments have been included in other relevant sections of this report.

#### **Recommendation**

It is recommended that the potential be considered for the inclusion of a further guiding principle in the draft TCPS that indicates that existing property rights will not be expunged without adequate compensation.

## **3.3 Goals and Directions**

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The majority of stakeholders indicated their overall support for the general scope of the goals and directions. Nevertheless, a range of issues raised by stakeholders during the feedback sessions are detailed in this section.

**Please note** that the directions listed in the draft TCPS under each goal are only detailed in this section if stakeholders provided specific comments about them. Please see [Attachment A](#) for a full list of the goals and their related directions.

### **3.3.1 General comments about the draft TCPS' goals**

The following general comments were made about the goals contained in the draft TCPS:

- There should be further consideration in the draft TCPS of how the goals will interact with the typologies (see Section 2.5.5 for more detail).
- The draft TCPS should clarify how the goals and directions interact with each other (e.g. do the different goals only interact with the directions underneath them?).

- The draft TCPS should provide appropriate mechanisms to resolve tensions between its goals.
- The goals in the draft TCPS currently read as if the plan is to adapt the environment to use. It was proposed that the goals should, instead, be rewritten to clarify that use will be adapted to the environment.

It is considered that the above comments raise issues that can be usefully considered in revising the goals and their directions in the draft TCPS.

### **3.3.2 Goal 1 - To facilitate the sustainable development of the coast to maximise the economic and social benefits, while protecting the environment**

The following issues were raised broadly regarding Goal 1 and its directions:

- The directions under Goal 1 should be amended to provide directions regarding appropriate approaches to brownfield (i.e. placing new development on sites that have been developed before) and greenfield (i.e. placing new development on sites that have not been developed before) development issues.
- Goal 1 and its related directions note that the environmental values of the coast will be considered during the planning process, but should also mention cultural values and visual significance.
- During the business and industry feedback sessions, some stakeholders suggested that Goal 1 seems to require that the environment should remain pristine, regardless of development considerations. Those stakeholders considered this to be an unrealistic expectation as development will, by its very nature, have an impact upon the surrounding environment. To overcome this, it was suggested that Goal 1 should be amended to:
  - not require the maintenance of a pristine environment at all times as this will have an unreasonably negative impact upon the potential for development; and
  - note that developments will have some level of impact upon the surrounding environment, but that this level of impact is not outside of community expectations for the management of the coastal area.

In contrast, comments made during the other feedback sessions did not support this perception. Rather, several stakeholders commented that Goal 1 was too ‘pro-development’ as it appeared to imply that development should be facilitated where possible.

- Some stakeholders called for the draft TCPS to treat industry sectors consistently. These stakeholders stated that it currently seems to single out some industry sectors, while not mentioning others at all.

The following comments were provided regarding the directions under Goal 1:

- Instead of organising the directions under Goal 1 by industry sector, they could be organised by the different levels or the type of impact they could potentially have upon the coast.
- Concerns were also expressed that the type of language used in the draft TCPS create a hierarchy of preferences for certain activities to be regulated more stringently than others. For instance, Directions 1.6 – 1.11 under Goal 1 use a variety of language to describe the approach to be taken to different activities (e.g. minimise, avoid, mitigate, etc), giving the impression that some activities should be controlled more stringently than others.



- The following statement was provided about Direction 1.3 – *Commercial and residential development on the coast will be strategically planned at the regional level to promote compact and contained settlements to avoid further linear development along the coast and support the efficient provision and use of infrastructure and services:*
  - A number of stakeholders felt that there should be further consideration given to existing linear infrastructure (e.g. power lines, pipe lines, roads, etc) in the draft TCPS of and consideration of how the CPPF should deal with the development of these types of infrastructure in the coastal area.
- The following statement was provided about Direction 1.5 – *Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes on the coast, will complement the landscape of the natural environment.*
  - The requirement to ‘complement’ the landscape and natural environment is not realistic, rather this direction should state that it ‘will not compromise’.
- The following statements were provided about Direction 1.5 – *Canal estate developments will not be permitted:*
  - Some stakeholders indicated that any decision to prohibit canal estates should be evidence based.
  - Other stakeholders were supportive of the inclusion of this policy direction.
  - The draft TCPS should recognise that there is already an existing urban canal estate in Lauderdale and address how this area will be managed.
- The following statements were provided about Direction 1.10 – *Sustainable farming activities will be encouraged on agricultural land on the coast and in coastal catchments in order to minimise problems with agricultural run-off.*
  - The draft TCPS should provide a definition of what is meant by sustainable farming activities.
  - The draft TCPS should clarify that there are different types of farming (e.g. livestock, crop farming, forestry, etc) and consider their potential impacts accordingly.
- The following statement was provided about Direction 1.13 – *Where possible, protection of visual amenity and retreat pathways for natural ecosystems will be prioritised when planning new coastal roads and major expansion of existing coastal roads:*
  - The draft TCPS should specify that the visual amenity issue needs to be considered for all coastal developments, not just roads.
- The following statement was provided about Direction 1.14 - *The multiple use of port areas will be encouraged, but priority will be given to efficient and safe port operations. Cultural, historic, natural and aesthetic values will be protected and enhanced where possible in port areas:*
  - This direction should be broadened to cover navigable waterways, not just ports.

The above comments are diverse and, in some instances, in conflict with each other. Nevertheless, it is considered that the Goal 1 and its associated directions should be revised in light of the above issues raised by stakeholders.



### 3.3.3 Goal 2 - To conserve and enhance the coast's significant natural and Aboriginal and historic heritage values

The following issues were raised broadly regarding Goal 2 of the draft TCPS:

- The term 'enhance' needs to be reconsidered, as some people consider that it is not realistic to undertake activities to enhance natural values. Instead this goal should be confined to 'conserving' natural values.
- The draft TCPS should not rely too heavily on existing regulatory instruments for definitions and to decide what should be protected or not. Doing so risks being limited by existing structures and it should be recognised that the coast is an evolving habitat that potentially will undergo a lot of change in the near future.
- This goal tries to consider too many values simultaneously, instead the different values (e.g. Aboriginal, natural, cultural, heritage, etc) should be considered separately by different goals.
- 'Significant' should be removed from this goal as it narrows the interpretation of this goal by implying a value based judgement about which sites may, or may not be addressed by the process. If not removed, it should be clearly defined.
- Goal 2 should be broadened to recognise the values of built structures other than just historical ones.

The following comments were provided regarding the directions under Goal 2:

- The following statements were provided about Direction 2.2 – *The coast will be planned and managed to maintain the aesthetic value of the natural environment*.
  - Further clarity is required regarding what is meant by this direction (e.g. has a development failed to maintain the aesthetic value of the landscape simply by being there?).
  - The draft TCPS should review the use of the word 'maintain' in this direction as it suggests that the aesthetic value of an area cannot be changed, which precludes development.
- The following statement was provided about Direction 2.5 – *Aboriginal heritage on the coast will be identified, conserved, and managed in collaboration with the Tasmanian Aboriginal community*.
  - This direction should refer to Aboriginal communities, not the Aboriginal community, as there are multiple aboriginal communities in Tasmania.

It is considered that the Goal 2 and its associated directions should be refined in light of the above issues raised by stakeholders.

### 3.3.4 Goal 3 - To manage risk from coastal processes and present and future coastal hazards, to enable coastal processes and existing activities to continue, and permit new activities to occur

The majority of the issues raised by stakeholders regarding coastal processes and hazards are dealt with in Section 2.6.

The following issues were raised regarding the wording of Goal 3:

- The term 'manage risk' in this goal should be clarified to ensure there is a common understanding of how the draft TCPS plans to address this issue.



- It was suggested that Goal 3 could be reworded to read ‘To take account of/consider natural coastal processes and likely future changes in management of existing activities and planning for future activities’.

The following comments were provided regarding specific directions under Goal 3:

- The following statement was provided about Direction 3.1 – *New development on the coast should take into account the risk posed by coastal processes and coastal hazards to minimise the impacts of and any consequent need for protection works or future adaptation*:
  - This direction should state ‘assess the risk’, not ‘take into account’.
- The following statement was provided about Direction 3.2 – *Existing settlements and natural values vulnerable to coastal hazards should be identified and assessed, adaptation pathways developed, and, where feasible, management plans implemented*:
  - This direction should be amended to include explicit reference to the fact that management plans must be developed and implemented.

It is suggested that consideration should be given to refining Goal 3 and its associated directions in light of the above issues raised by stakeholders.

### **3.3.5 Goal 4 - To ensure the coast is accessible and available for recreational use by the public**

The issues raised by stakeholders regarding the substance of Goal 4 are dealt with in Section 2.7.4.

The following comments were provided regarding the directions under Goal 4:

- The following statements were provided about Direction 4.5 – *The future development of camping grounds on public land on the coast will be sensitively designed and located to support access, while minimising negative impacts on natural, aesthetic and significant cultural values*:
  - This direction should recognise that caravan parks and other similar developments potentially have the same level of impact as camping grounds.
  - This direction should also recognise the potential impact of camping grounds on private land.
- The following statement was provided about Direction 4.7 – *Access by Tasmanian Aboriginal people to coastal sites of cultural and historic heritage significance will be facilitated by planning and management decisions where possible*:
  - This direction should state that all Tasmanian’s should have an equal right to access the coast, instead of advantaging a specific group of people.

It is considered that the relevant directions under Goal 4 should be revised in light of the above issues raised by stakeholders.

## **3.4 Where Does the Policy Statement Apply (Definition of the Coast)?**

Section 2.5.2 contains the comments provided by stakeholders regarding the definition of the coast contained in the draft TCPS.



### 3.5 The Different Types of Coast (Coastal Typologies)

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Section 2.5.3 contains the comments provided by stakeholders regarding the coastal typology contained in the draft TCPS.

### 3.6 Roles and Responsibilities

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A number of issues were raised regarding the roles and responsibilities detailed in the draft TCPS, specifically:

- Stakeholders pointed out that there is no information provided in the draft TCPS regarding who will provide (i.e. Commonwealth Government, State Government, local government) leadership of the management of the coastal area.
  - Some stakeholders noted that presently there is a lot of ‘cross purpose management’ of coastal activities. It was felt that a cohesive leadership plan could help to address this issue.
  - Some stakeholders indicated that, given its capacity, the State Government should take this leadership role.
- A number of stakeholders noted that the draft TCPS delegates a lot of responsibility to local government and raised significant concerns that there is insufficient capacity at the local government level manage all of the issues involved. For instance, the draft TCPS notes that local government will:

*‘...Make science and other information available to the community to support the achievement of the goals and policy directions articulated in this Policy Statement and transparency in decision making’.*

Local government stakeholders indicated that councils have no capacity to fulfil this role as they are not a source of science information. They noted that they could facilitate access to such information, but not collect it.

- Stakeholders pointed out that there were a number of groups that are not mentioned in the draft TCPS that should be incorporated, specifically:
  - Aboriginal community groups and bodies.
  - Relevant community Groups and Non-Government Organisations (NGOs).
  - Developers.
  - Industry.
  - Natural Resource Management (NRMs) bodies.
  - State bodies and authorities
  - Science, research and data sources (Universities, Maritime Colleges, private consultants, NGOs, etc).



It is considered that the points raised above are all valid and require consideration in the finalisation of the draft TCPS. In particular, the credibility and potential success of the CPPF rests heavily on whether the level of expectation that falls on local government and other stakeholders is matched by the resources available to them to fulfil their roles and responsibilities. Accordingly, in finalising the draft TCPS, consideration should be given as to whether the various stakeholders identified are likely to have the resources to carry out their identified roles and responsibilities.

#### **Recommendation**

It is recommended that the roles and responsibilities section of the draft TCPS be reviewed to consider:

- leadership roles on coastal policy matters;
- the inclusion of additional groups in the 'Roles and responsibilities' section of the TCPS; and
- whether the roles and responsibilities assigned to the various stakeholders are likely to be commensurate with the capacity and resources they have available to them.

### **3.7 Other Issues**

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#### **3.7.1 Provide a more extensive glossary in the draft TCPS**

A number of concerns were raised that the draft TCPS uses a large number of terms that are not defined or explained in the document and that this creates the potential for misinterpretations and problems during the implementation of the CPPF. For instance,

- Goal 2 uses the terms '*enhance*', '*natural*' and '*significant*' without providing definitions of these words.
- Direction 1.10 refers to '*sustainable farming practices*' without defining this term.
- Direction 2.1 refers to '*major ecosystems*' with no explanation of what designates a major ecosystem.

It is suggested that the provision of an expanded glossary in the draft TCPS would reduce the chance for confusion regarding the document.

#### **Recommendation**

It is recommended that consideration be given to expanding the glossary in the draft TCPS to include definitions of any words that could be considered ambiguous.

## **Attachment A**

Table 3 contains the four goals and the related directions contained in the draft TCPS.

**Table 3** TCPS goals and directions

<b>Goal 1 - To facilitate the sustainable development of the coast to maximise the economic and social benefits, while protecting the environment</b>	
1.1	Use and development on the coast will be planned to avoid or mitigate adverse impacts on areas of high natural significance, including sites of geoconservation significance and the habitat of threatened species.
1.2	Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes on the coast, will complement the landscape of the natural environment.
1.3	Commercial and residential development on the coast will be strategically planned at the regional level to promote compact and contained settlements to avoid further linear development along the coast and support the efficient provision and use of infrastructure and services.
1.4	Commercial and residential development will incorporate appropriate setbacks and access to the coast to maintain public amenity.
1.5	Canal estate developments will not be permitted.
1.6	Tourism development opportunities on the coast will be facilitated through strategic planning, and supported in areas where there is environmental capacity, and where adverse impacts on the natural and aesthetic values of the coast are avoided or mitigated.
1.7	New industrial developments should be located, planned and managed to avoid or minimise risks to the environmental and aesthetic values of the coast, with priority given to coastal dependent industry.
1.8	Mining and exploration activities within the coastal zone should be planned and managed to minimise risks to the environment and aesthetic values of the coast.
1.9	Opportunities for sustainable growth of the aquaculture industry will be identified and strategically planned to minimise risks to the coast.
1.10	Sustainable farming activities will be encouraged on agricultural land on the coast and in coastal catchments in order to minimise problems with agricultural run-off.
1.11	New renewable energy developments that require a coastal location will be strategically planned to minimise impacts on natural and aesthetic values, where possible.
1.12	Significant scenic coastal transport routes and associated facilities will be planned and managed to maximise efficiency and safety for all road users, and to ensure recreational values and amenity are protected and enhanced where possible.
1.13	Where possible, protection of visual amenity and retreat pathways for natural ecosystems will be prioritised when planning new coastal roads and major expansion of existing coastal roads.
1.14	The multiple use of port areas will be encouraged, but priority will be given to efficient and safe port operations. Cultural, historic, natural and aesthetic values will be protected and enhanced





where possible in port areas.

- 1.15 Infrastructure to access the coast, such as boat ramps and jetties, will be located to protect the shoreline from private ownership and alienation that precludes public access, and where possible, will cluster around existing facilities.

### **Goal 2 – To conserve and enhance the coast’s significant natural and Aboriginal and historic heritage values**

- 2.1 The coast will be planned and managed to conserve geodiversity, the diversity of plant and animal species and ensure the sustainability of major ecosystems and ecological and geomorphological processes, particularly in vulnerable areas.
- 2.2 The coast will be planned and managed to maintain the aesthetic value of the natural environment.
- 2.3 A risk-based approach will be taken to coastal conservation, underpinned by an evidence based threat assessment process.
- 2.4 Coastal water quality will be managed to maintain coastal natural and marine ecosystems and support other values and uses such as recreation, fishing and aquaculture in designated areas, including managing the impacts of catchments on coastal water quality.
- 2.5 Aboriginal heritage on the coast will be identified, conserved, and managed in collaboration with the Tasmanian Aboriginal community.
- 2.6 Places of historic cultural heritage significance will be identified, assessed and conserved in consultation with the Tasmanian community.

### **Goal 3 – To manage risk from coastal processes and present and future coastal hazards, to enable coastal processes and existing activities to continue, and permit new activities to occur**

- 3.1 New development on the coast should take into account the risk posed by coastal processes and coastal hazards to minimise the impacts of and any consequent need for protection works or future adaptation.
- 3.2 Existing settlements and natural values vulnerable to coastal hazards should be identified and assessed, adaptation pathways developed, and, where feasible, management plans implemented.
- 3.3 Where a management plan identifies the need for protection works, these works will be designed, located and managed to minimise the impact on coastal processes and values and the ongoing requirement for maintenance.
- 3.4 Planning and management of the coast will provide for coastal processes to continue to shape the coast and for the natural retreat of vulnerable ecosystems as a result of future coastal hazards, where there is an acceptable impact on social and economic objectives.
- 3.5 The implications of other hazards, including riverine flooding, landslide and bushfires will be considered in planning and management of the coast.



#### Goal 4 – To ensure the coast is accessible and available for recreational use by the public

- 4.1 Public access to and along the coast will be maintained and enhanced where it does not conflict with conservation of significant or vulnerable natural, cultural and historic values.
- 4.2 In areas identified as vulnerable, public access to and along coastal public land will be appropriately controlled and managed, and may be prohibited.
- 4.3 Subject to 4.1, new development in close proximity to the foreshore will provide for and maintain public access to foreshores.
- 4.4 Public facilities will be maintained and enhanced at appropriate locations to facilitate equitable and safe access to, and enjoyment of, the coast.
- 4.5 The future development of camping grounds on public land on the coast will be sensitively designed and located to support access, while minimising negative impacts on natural, aesthetic and significant cultural values.
- 4.6 Recreational opportunities will be identified through strategic planning and located in appropriate locations where they do not adversely affect vulnerable ecosystems and land forms, Aboriginal and historic heritage values, or in designated areas where such effects can be avoided or mitigated.
- 4.7 Access by Tasmanian Aboriginal people to coastal sites of cultural and historic heritage significance will be facilitated by planning and management decisions where possible.



## Attachment B

Table 4 contains a list of the project team members, facilitators and stakeholders that attended the TCPS feedback sessions.

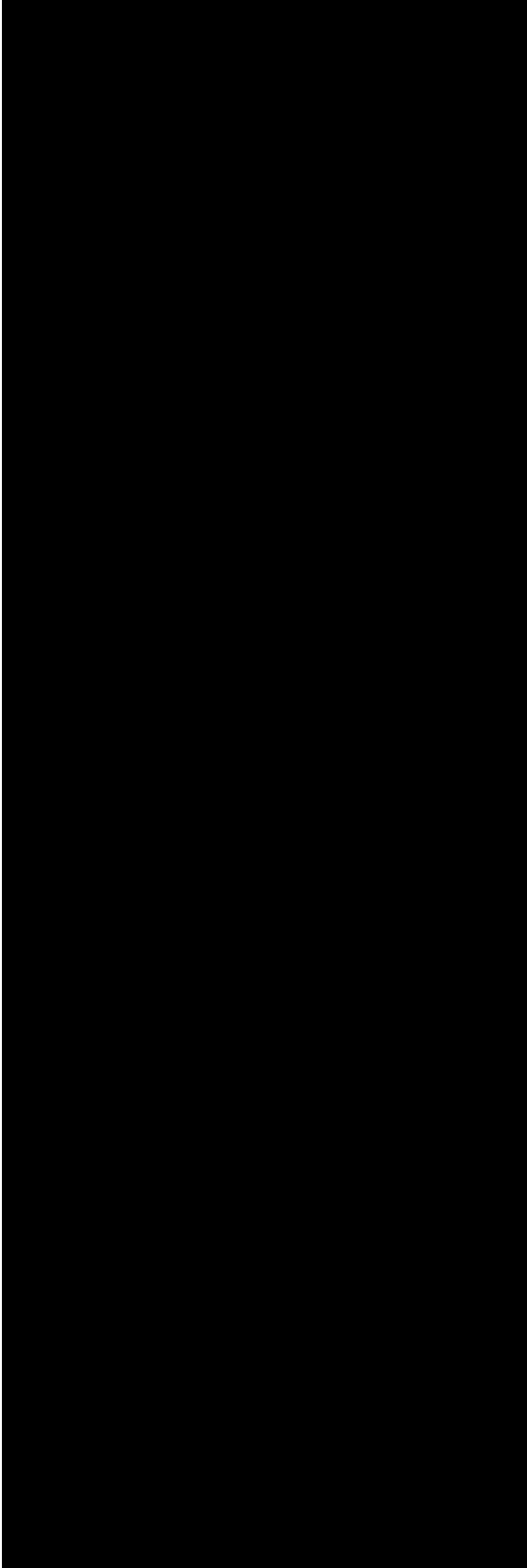
**Table 4** List of Stakeholders that attended the feedback sessions

Name	Organisation	Sector	Session
<b>Project Team</b>			
[REDACTED]	[REDACTED]	NA	26 July 2013
[REDACTED]	[REDACTED]	NA	All
[REDACTED]	[REDACTED]	NA	All
<b>Facilitators</b>			
[REDACTED]	[REDACTED]	NA	All
[REDACTED]	[REDACTED]	NA	All
<b>Attendees</b>			
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013
[REDACTED]	[REDACTED]	Southern Land Managers and Environmental Groups	26 July 2013



Name	Organisation	Sector	Session
		Environmental Groups	
		Northern Land Managers and Environmental Groups	6 August 2013
		Northern Land Managers and Environmental Groups	6 August 2013
		Northern Land Managers and Environmental Groups	6 August 2013
		Northern Councils	6 August 2013
		Northern Councils	6 August 2013
		Northern Councils	6 August 2013
		Northern Councils	6 August 2013
		Northern Councils	6 August 2013
		Northern Councils	6 August 2013
		North West Councils	7 August 2013
		North West Councils	7 August 2013
		North West Councils	7 August 2013
		North West Councils	7 August 2013
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		North West Councils	7 August 2013
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		North West Councils	7 August 2013
		North West Councils	7 August 2013
		North West Councils	7 August 2013



Name	Organisation	Sector	Session
		Southern Councils	13 August 2013
		Southern Councils	13 August 2013
		Southern Councils	13 August 2013
		Southern Councils	13 August 2013
		Southern Councils	13 August 2013
		Southern Councils	13 August 2013
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		Southern Councils	13 August 2013
		Southern Councils	13 August 2013
		Southern Councils	13 August 2013
		Southern Councils	13 August 2013
		Business and Industry	16 August 2013
		Business and Industry	16 August 2013
		Business and Industry	16 August 2013
		Business and Industry	16 August 2013
		Business and Industry	16 August 2013
		Business and Industry	16 August 2013
Business and Industry	16 August 2013		
Business and Industry	16 August 2013		
Business and Industry	16 August 2013		



Name	Organisation	Sector	Session
		Business and Industry	16 August 2013
		Business and Industry	16 August 2013



## Attachment C

Table 5 – Table 10 contain records of the issues raised at the TCPS feedback sessions.

Table 5 Record of 26 July 2013 feedback session with Southern land managers, environmental groups and research institutions

### Key Issues – Individual Comments<sup>12</sup>

The following issues were raised in response to the facilitator's request for attendees to provide a summary of their key issues about the draft TCPS:

- Overall, the TCPS is a good starting point for regulating Tasmania's coastline (general agreement). There are a number of positive aspects to the TCPS, such as:
  - inclusion of the work done by past reviews of the SCP 1996;
  - the use of the precautionary principle;
  - equity of access; and
  - definition of the coast using geomorphology.
- However, there are also a number of definitional issues that need to be addressed.
- How the TCPS will integrate with existing statutory instruments needs to be examined before the implementation stage.
- It is crucial to make sure that the TCPS is accepted and can be implemented successfully at the local government level.
- There is practically no mention of the protection of the marine environment (water quality, marine habitat, etc) in the TCPS. It is important for the impact of all coastal developments on relevant marine life to be considered.
- The TCPS should give greater consideration to the use of risk based approaches for identifying coastal areas that are at risk from certain types of activities.
- Concerns that Phase 1 of the TCPS should give greater consideration to the implementation issues that will be addressed as part of the Phase 2. There is a danger that Phase 1 will miss considering crucial issues if there isn't enough awareness of the implementation

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<sup>12</sup> Please note that comments relating to specific topics have been listed under those headings below.

challenges that will be faced in Phase 2.

- The presentation of the goals and policy directions in the TCPS needs to be considered carefully. Even though they are designed to be read in conjunction, it will be common for people to tier them based on presentation. Therefore the presentation of these goals needs to be considered carefully to ensure that all goals are treated equally.
- Future frameworks for the regulation of the Tasmanian coastline need to be more prescriptive and provide greater clarity to decision makers regarding what can or cannot be done in certain areas.
- The TCPS needs to contain:
  - stronger protection for coastal values;
  - explicit reference regarding the roles of NGOs;
  - explicit statements regarding who has responsibility for the protection of the coast; and
  - the language contained in the TCPS needs to be stronger to ensure the protection of the coast.
- Concerns regarding the requirement for decisions to be based on evidence, specifically:
  - Whose evidence?
  - Which evidence?
- The TCPS needs to contain methods to address data interpretation issues and the integrity of the evidence assessment process.
- The TCPS needs to consider what methods decision makers should use in situations where there is no data to inform a decision.

## Vision and Guiding Principles – Group Discussion

### Vision

The following issues were raised regarding the vision statement in the TCPS:

- The drafting of this vision needs to be very carefully considered as it is likely that it will be used as a model for other instruments that regulate the use of the coast.
- It needs to be more prescriptive, it is currently too nebulous.
- The emphasis of the vision is wrong – the priority of the goals in the vision should be reversed (i.e. conserve values, while



managing/allowing sustainable use and development).

- Use and definition of the word ‘sustainable’ can be tricky. For instance it can be used in many contexts that aren’t environmental (e.g. politically sustainable).
- Sustainable use and development takes it outside the boundaries of the RMPS, which only provides a definition of sustainable development.
- It focuses too heavily on the process, instead of desired outcomes.
- Contains superfluous words – planned and managed is implied by sustainable development.

#### Guiding Principles

- The precautionary principle referred to in Guiding Principle 1 of the TCPS needs to be clearly defined, it is currently open to interpretation.
- The reference to the precautionary principle in Guiding Principle 1 should state ‘where there may be threat of a risk’ rather than ‘where there are risks’. If it refers to ‘where there are risks’, it implies some analysis needs to have been undertaken first.
- Concerns were raised regarding whether Guiding Principle 2 – ‘Minimal regulation, where necessary’ is going to provide sufficient protection for vulnerable areas of the coastline. Further comments indicated that this principle should be reworded to refer to efficient or consistent regulation, or harmonisation of regulation.
- The introduction of a new Guiding Principle was suggested that notes that the coast is a place that has particular values (e.g. living habitat, cultural values, etc).
- At a high level the principles are OK, it is when they are applied that issues occur.

### Goals and Directions – Break-out Session

#### **Goal 1**

Goal 1 – To facilitate the sustainable development of the coast to maximise the economic and social benefits, while protecting the environment

- The ordering of the goals is biased towards development. As a hierarchy of goals is unavoidable, Goal 1 should be dedicated to the protection of the coast. It should also address providing certainty to development through the provision of detailed information regarding approved use, sensitivities, processes, etc.
- Concerns about how environmental, cultural and development requirements will be balanced.
- Need to clarify what the Policy Statement is trying to do (i.e. achieve the triple bottom line).

	<ul style="list-style-type: none"> <li>• Coastal typologies should be linked to Goal 1 to increase certainty for developers. This could be done by feeding the typologies through the zoning and planning schemes. This will require the cooperation of local government and other government agencies to develop and implement.</li> <li>• In the wording of the goal itself - replace the word 'facilitate' with 'enable' or 'providing for'.</li> <li>• The goal should mention cultural, as well as environmental values (or potentially have different goals for cultural and environmental issues).</li> <li>• Glossary needs to explain any terms in the TCPS that are value based (e.g. specific terms in the grey box explanation of Goal 1 mentioned were - attributes, necessary, carefully, environmental, 'carefully planned and managed', etc).</li> <li>• 'Carefully planned and managed' term could also be used as part of Guiding Principle 4.</li> <li>• Concerns were raised that aquaculture is treated differently in the TCPS compared to other uses for the coast. Specifically, that the risks to the coast from the aquaculture industry need to be defined in the TCPS and controls on aquaculture need to be consistent with those placed on other industries.</li> <li>• Insufficient discussion in the TCPS of renewable energy projects. Renewable energy projects (wind, water) need to be considered as part of the TCPS.</li> <li>• Instead of organising the sections under Goal 1 purely by industry sector (e.g. commercial, residential, industrial, etc), they could be organised by potential level of impact upon the coast. The problem is that currently some industries are singled out, while others are not mentioned.</li> <li>• This goal refers to identifying areas for development, but the Policy Statement does not refer to identifying areas for conservation.</li> </ul>
	<p><u>Direction – General</u></p> <p>No comment.</p>
	<p><u>Direction 2 – Commercial and Residential Development</u></p> <p>No comment.</p>
	<p><u>Direction – Industrial, Tourism and Other Developments</u></p>

	<ul style="list-style-type: none"> <li>• Different level of industries with different level of impacts</li> <li>• Why is there a difference in language between the requirements of 1.8 and 1.9 (mining and aquaculture)?</li> <li>• Need a matrix of clearly defined risk / impacts – water quality, marine navigation, visual amenity.</li> </ul> <p><u>Direction – Transport and infrastructure</u></p> <ul style="list-style-type: none"> <li>• This section focuses on roads – this should be broadened to refer to linear infrastructure (e.g. pipelines). This section could be renamed ‘Transport and linear infrastructure’ and refocused appropriately.</li> <li>• Questions regarding whether Section 1.12 is relevant?</li> <li>• The following comments were provided regarding Section 1.14: <ul style="list-style-type: none"> <li>– The second sentence of this section could be incorporated into the Goal statement.</li> <li>– The TCPS needs to consider navigable waterways, not just ports.</li> </ul> </li> </ul>
<b>Goal 2</b>	<p><u>Goal 2 – To conserve and enhance the coast’s significant natural and Aboriginal and historic heritage values</u></p> <ul style="list-style-type: none"> <li>• This Goal should be listed as Goal 1.</li> <li>• There are tensions between goal 1 and goal 2.</li> <li>• Need to provide methods to resolve conflicts between Aboriginal and European heritage issues (i.e. resolving conflicts between Directions 2.5 and 2.6).</li> <li>• Further definitions are required of terms such as: <ul style="list-style-type: none"> <li>– enhance</li> <li>– natural</li> <li>– significant</li> </ul> </li> <li>• The term ‘natural’ is too imprecise.</li> <li>• Who are the proposed decision making agencies for this Goal?</li> <li>• Text in grey box is out of sync with the Goal.</li> </ul>

- The following two points were raised regarding text:
  - ‘established’ Aboriginal; and
  - legislation is an evolving environment.
- Focus of decisions should be on value, not on legal status.
- TCPS could include definitions of vulnerable areas, such as those contained in the *Forest Practices Act 1985*.
- What does ‘enhance’ natural values mean?
  - Original comment - This is an unrealistic goal and efforts need to be towards protecting what we have instead of trying to ‘enhance’.
  - Additional comment – Land care groups play a role in ‘enhancing’ the natural environment.
- Two diverging opinions were offered regarding further references to existing decision processes, specifically:
  - TCPS should contain reference to existing decision making frameworks (e.g. who currently assesses aesthetic values or the decision making parameters contained in the *Threatened Species Protection Act 1995*). Some of these types of references are currently in the TCPS, but others need to be listed; or
  - A broad, not as specific approach that allows adaptive decision making under the TCPS is better because there are some areas of the environment (e.g. geo-conservation or aboriginal values and traditional practices) that aren’t well protected under current legislation.
- Concerns were raised regarding relying on definitions listed in current Acts. This could potentially limit the TCPS to only trying to protect species or habitats/areas that are listed in current Acts.

Directions – Natural Values

- Direction 2.1:
  - Why distinguish between major and minor ecosystems?
  - Who decides?
- Who is responsible for the risk based assessment process mentioned in Section 2.3?
- Clarity is required regarding the following terms used in Section 2.4:

	<ul style="list-style-type: none"> <li>- coastal</li> <li>- marine</li> <li>- estuaries</li> <li>- water quality</li> </ul> <p><u>Directions – Aboriginal and Historic Cultural Heritage</u></p> <ul style="list-style-type: none"> <li>• Reference in Section 2.5 should refer to Aboriginal communities, not Aboriginal community (this should be checked throughout the document).</li> <li>• It was queried why 2.5 and 2.6 are different (i.e. identifying, conserving and managing).</li> <li>• Section 2.6 – The term ‘managed’ is missing from this description.</li> </ul>
<b>Goal 3</b>	<p><u>Goal – To manage risk from coastal processes and present and future coastal hazards, to enable coastal processes and existing activities to continue, and permit new activities to occur</u></p> <ul style="list-style-type: none"> <li>• This Goal’s wording is ambiguous, specifically: <ul style="list-style-type: none"> <li>- What does ‘manage risk’ mean?</li> </ul> </li> <li>• The goal’s wording and the description are inconsistent.</li> <li>• This Goal should not imply the future use of major protective, engineered infrastructure. It was noted that in engineering protection is the least preferred option.</li> <li>• Doubts regarding whether ‘all current use’ should be maintained (current uses may not be sustainable now, therefore should not be maintained). The goal of maintaining existing activity is inconsistent with managed retreat.</li> <li>• Place for assessing current use in a systematic manner.</li> <li>• Needs to incorporate the concept of adaptive management of coast.</li> <li>• Directions listed under this Goal are generally good.</li> <li>• This Goal also needs to consider: <ul style="list-style-type: none"> <li>- introducing limited liability processes in order to provide protection to developers wanting to instigate work on the</li> </ul> </li> </ul>

	<p>coast; and</p> <ul style="list-style-type: none"> <li>- ensure that appropriate legislation is in place to support this.</li> <li>• Note that achieving this Goal in tandem with others listed could require a large injection of funds.</li> </ul> <p><u>Direction</u></p> <p>These directions seem pretty good, but require funding by government. It should be noted that in some jurisdictions (QLD?) the coast is considered to be a local government issue by the relevant State Government.</p>
<p><b>Goal 4</b></p>	<p><u>Goal – To ensure the coast is accessible and available for recreational use by the public</u></p> <ul style="list-style-type: none"> <li>• This section ensures public access without detailing potential reasons why access should be reasonably denied, specifically: <ul style="list-style-type: none"> <li>- reserving an area due to its research values (e.g. unique fossils, nesting sites, etc); or</li> <li>- to protect coastal areas that have specific values.</li> </ul> </li> <li>• What is the definition of coast in the context of this Goal?</li> <li>• Clarity required regarding what ‘access’ means? How does this concept relate to existing property rights?</li> <li>• There needs to be recognition that prevention of access may be warranted on basis of Aboriginal or cultural value issues.</li> <li>• There is inconsistent wording under this Goal, specifically: <ul style="list-style-type: none"> <li>- cultural and historic; versus</li> <li>- Aboriginal and historic heritage.</li> </ul> </li> <li>• Need to balance historical use with appropriate use.</li> <li>• Need a caveat on ‘ensuring access’ – goal needs to be amended to clarify that public access is expected unless it could result in significant adverse impact or there is a need to protect environmental and cultural values.</li> <li>• Consideration needs to be given to how to balance public and private rights.</li> <li>• Text in the grey box uses the word ‘prevention’ in relation to limitations on access. This is too prescriptive and does</li> </ul>

	<p>not fit in with the Goal.</p> <ul style="list-style-type: none"> <li>• There is no reference to habitat in this Goal. It needs to note that the coastal habitat needs to be conserved and that the coast is a living habitat, not a resource to be exploited. Goal could possibly be re-worded to 'to ensure the coastal habitat is available for recreational use'.</li> <li>• Second last sentence in grey box starts setting parameters for the implementation phase and is overly prescriptive.</li> <li>• This Goal does not consider cultural values sufficiently.</li> <li>• This section needs to provide a definition of 'habitat'.</li> </ul>
	<p><u>Direction</u></p> <ul style="list-style-type: none"> <li>• The reference to 'where possible' in Section 4.7 is redundant.</li> </ul>
<b>Policy Application, Roles and Responsibilities – Group Discussion</b>	
<p><b>Definition of 'Coast'</b></p>	<p>Overall attendees seemed fairly satisfied with the suggested directions for the definition of 'coast' detailed in the TCPS, with the following additional comments:</p> <ul style="list-style-type: none"> <li>• The definition of the coast should be dealt with earlier in the document.</li> <li>• It is important that the TCPS settle upon an agreed definition. But it also must be recognised that it will be a difficult task to reach common agreement on a definition.</li> <li>• Who will get to determine the definition of 'coast'? It is important to be aware of vested interests in the making of this decision.</li> <li>• Full consideration to both the land and sea aspects of the coast need to be considered in the definition.</li> <li>• The coast should be defined as a living habitat that needs to be cared for.</li> <li>• More work needs to be done to include different types of coast (e.g. dunes, etc) in the definition.</li> <li>• The coast is more than just the physical land (e.g. flora, fauna, etc).</li> <li>• Definition of 'coast' needs to be linked to LUPAA and marine resources.</li> <li>• The coast needs to be considered as a three dimensional issue (i.e. land, above the sea and below the sea).</li> </ul>

	<p>Some diverging opinions were provided regarding the best way to determine what the coast is, specifically:</p> <ul style="list-style-type: none"> <li>• One attendee felt: <ul style="list-style-type: none"> <li>– that it is important to consider terrestrial pathways; and</li> <li>– geomorphological issues should be the main consideration, not generic measurements.</li> </ul> </li> <li>• Another attendee noted: <ul style="list-style-type: none"> <li>– that the physical approach is the ideal way to define the coast;</li> <li>– but that even with this approach there are still issues with catchments, etc;</li> <li>– that geomorphology is one issue to be considered, but there are also many others; and</li> <li>– this is an issue that would need to be explored further.</li> </ul> </li> </ul>
<p><b>Coastal Typology</b></p>	<p>The following issues were raised regarding the typology of the coast detailed in the TCPS:</p> <ul style="list-style-type: none"> <li>• General agreement that there was merit in the approach – but it needed more work.</li> <li>• It was suggested the typologies need different names and there should be more types of coast.</li> <li>• Additional work needs to be conducted on the typologies and further explanation provided. For instance the current typologies do not take into account cultural or Aboriginal values (i.e. an area may still have cultural or Aboriginal value, even if it no longer has environmental value).</li> <li>• The typologies need to be based upon tighter definitions to ensure their usefulness.</li> <li>• In addition to the typologies there also needs to be a risk based decision making process that can identify and protect high risk areas of the coast.</li> </ul>
<p><b>Roles and Responsibilities</b></p>	<p>The following comments were provided regarding the Roles and Responsibilities listed in the TCPS:</p> <ul style="list-style-type: none"> <li>• The following types of organisations need to be recognised in the TCPS: <ul style="list-style-type: none"> <li>– NGOs</li> <li>– NRMs (they are increasingly delivering programs).</li> <li>– Science, research and data sources (Private consultants, NGOs and Universities)</li> </ul> </li> </ul>



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|  | <ul style="list-style-type: none"><li>• It was also noted that the TCPS should recognise the fact that local government does not have to enforce Commonwealth or State legislation unless it is explicitly required to.</li><li>• Local government does not see 'science' as their role, this is more a role of NRMs.</li><li>• There are alternative sources to collecting science beyond state government (e.g. Universities, NGOs etc).</li></ul> |
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### Implementation Issues – Group Discussion

The following comments were provided regarding the implementation stage of the TCPS:

- The TCPS consultation process is positive and bodes well for a successful implementation.
- The principle of adaptive management needs to be clearly part of the TCPS.
- The implementation stage will need appropriate review/improvement processes.
- To assist in the review of the implementation of the TCPS it was suggested that a trial implementation stage could be held in targeted areas.
- Ongoing consultation during the implementation stage would be positive.
- The TCPS should provide for proactive work to be conducted on vulnerable areas to ensure that any specific requirements for development in these areas are easily available to developers.
- It was noted that DPIPWE is currently implementing a program that will provide the public with information on vulnerable areas.
- The TCPS needs to have flexible policy and policy settings.
- There needs to be proactive identification of significant natural areas.

Table 6 Record of 6 August 2013 feedback session with Northern land managers, environmental groups and research institutions

### Key Issues – Individual Comments<sup>13</sup>

The following issues were raised in response to the facilitator's request for attendees to provide a summary of their key issues about the draft TCPS:

- The similarities between the title and content of the TCPS and the SCP 1996 lead to confusion. The TCPS needs to contain a clear statement regarding the different purposes of the documents to ensure readers understand the TCPS.
- The TCPS contains a number of good ideas, but seems fairly similar to the SCP 1996. More work needs to be done on the TCPS to ensure that half measures that did not work are not repeated.
- The language used in the TCPS:
  - needs to be stronger in relation to what can be done in the coastal zone;
  - contains too many statements that use 'where possible' language;
  - needs to be clearer and tighter.
- Other Australian jurisdictions are also reviewing their coastal policies and, in many cases, are more advanced in this process. The creation of the TCPS should take their work into account.
- It is difficult to comprehend the TCPS without greater detail regarding what will occur in Phase 2 of the TCPS process.
- There are problems caused in the TCPS by too many issues being lumped together under common headings.
- Emma Williams noted that NRM North has consulted with other Tasmanian NRM's and will be submitting written submission regarding the TCPS.
- It is good to see that some of the issues that were raised in the previous review of the SCP 1996 have been included in the TCPS (e.g. climate change, precautionary principle, canals, etc).
- If the role of the TCPS is to be a framing document for the implementation stage, the language in the TCPS is not prescriptive enough. As the TCPS will directly impact upon the creation of legislation and have legal ramifications the language contained in it needs to be stronger.  
If the TCPS is simply an aspirational document, this needs to be clearly stated at the outset and the document as a whole needs to aim

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<sup>13</sup> Please note that comments relating to specific topics have been listed under those headings below.

higher.

- The following are some examples in the TCPS where language needs to be stronger:
  - clear statements regarding whether mining developments should or must pay attention to the TCPS; and
  - clear statements regarding requirements for sustainable farming activities.
- Overall, there are many positive aspects to the TCPS and the consultation process itself is a good sign. However, more information needs to be provided regarding Phase 2 before the TCPS process as a whole can be trusted.
- There needs to be appropriate processes (e.g. risk analysis, appropriate study and analysis, etc) in place before any engineering projects take place on the coast.
- The TCPS needs to recognise the fact that any artificial changes made to the coast will definitely impact upon the coastal environment as a whole.

#### Definition of 'Coast'

The following issues were raised regarding the definition of the coast contained in the TCPS:

- The TCPS needs to be aware that certain terms already have existing definitions. For instance, page 15 of the TCPS refers to State Waters. Existing legislation already defines what is considered to be State Waters. These types of references in the TCPS need to be clear whether they are referring to existing definitions or are based on different ones.
- The potential use of an adaptive definition of the coast is a positive. This type of definition allows the different ways of categorising the coast to be taken into account.
- It is important to have a coastal policy that recognises:
  - the changing nature of the coast;
  - the impact of coastal processes; and
  - takes into account predictive information of what the coast will look like in response to climate change processes.
- Broad support for the definitional theories presented in the TCPS at this stage. However, there needs to be further work.
- The TCPS needs to take into account that if it introduces a new definition of the coast which do not match other definitions used in Australia (such as at the Commonwealth level), that this may impact upon the potential of certain bodies to access funding.

- The proposed definition of the coast in the TCPS needs to take into account the following issues:
  - How the definition of the coast will work if there are no natural features that obviously indicate the boundary of the coast? Should a generic distance be included in the definition? The generic distance could be adaptable to the specific situation.
  - Although the suggested definition on the TCPS talks about the use of natural features to determine what is considered to be the coast, it does not detail the types of criteria that will determine what should be included as part of the coast.
  - The TCPS needs to be aware that DPIPWE is using vegetation, geomorphology, species refugia data as part of a project concentrating on sea level rise and coastal species.

## Coastal Typology

The following issues were raised regarding the typology of the coast detailed in the TCPS:

- Broadly supportive of the typologies, but further information needs to be supplied regarding the implementation of the typologies.
- The typologies currently presented in the TCPS are based on 'current use'. This isn't the ideal typology. Additional typologies could be added to the TCPS, such as:
  - natural attributes of the coast in question (e.g. sand, rocks, cliffs, etc);
  - how populated the coast is;
  - how modified the coast is; and/or
  - what type of coast.
- The TCPS does not clearly state how the typologies will interact with Phase 2.
- If the coast is going to be mapped according to typologies the TCPS needs to clarify the scale of the mapping (i.e. how small an area can be individually mapped to a typology).
- The TCPS needs to provide further detail regarding the decision criteria for the typologies (e.g. how will developed coast be defined?).
- It was noted that there are some concerns that there are loop holes in the current developments processes that allow golf courses to be approved in locations where other large developments would not normally be allowed under the reasoning that a golf course is a recreational facility. The TCPS needs to recognise the impact that golf courses can have on the land around them, especially due to the fact that they often involve the building of hotels, shops, holiday apartments and other supporting infrastructure.
  - The typologies need to take this sort of issue into account. For instance, if a golf course is approved for development in a section of

coast that is classified as natural, does this move its typology to modified (thereby allowing further development)?

- Typologies should take into account what has been done in the past, rather than changing to suit these activities. Just because one development was approved, doesn't mean further ones should be.
- It needs to be clarified that much of the coast is already protected through existing legislative instruments (e.g. national parks, world heritage, etc).
  - Should the sections of the coast classified as natural be automatically provided with the same level of protection as provided to these other areas?
- Introducing a new typology to classify the coast risks interfering with existing land typologies provided by other legislation. How will the TCPS typologies interact with existing structures?
  - Why introduce a new typology?
  - Will this cause further confusion for councils/developers?
- Providing typologies is only one part of the process.
  - What are we going to do with the typologies?
  - Does this mean that certain areas will be defined as high risk where development cannot be approved?

## Vision and Guiding Principles – Group Discussion

### Vision

The following issues were raised regarding the vision statement in the TCPS:

- There was overall agreement that the vision statement says what needs to be said. However – we don't plan and manage the coast, we plan and manage human interaction with the coast. The natural habitat manages itself, we can only manage how we interact with it.
- The vision should state more clearly the economic and social benefits that could be derived from the coast, while also taking into account the fact that activities on the coast inherently involve a lot of risk and appropriate management plans need to be put into place.

### Guiding Principles

The following issues were raised regarding the guiding principles in the TCPS:

- Broadly happy with the principles – especially the addition of the precautionary principle and the need for minimal regulation. However there were some concerns expressed regarding the minimal regulation principle as well. Specifically that this principle shouldn't impact

upon those areas that require strong regulation to provide sufficient control

- Concerns regarding the idea of evidence based decision making.
  - How much evidence is actually available to inform decision making?
- The TCPS needs to clarify who will be making the decisions (e.g. State Government, local government, tribunals, etc) and what evidence they will base their decision on.
- The TCPS needs to make data collection a higher priority to ensure that decision making bodies can access the information required to make evidence based decisions. This needs to be considered as part of Stage 2.
- The precautionary principle should be presented as its own guiding principle.
- The TCPS should make it clear that there will be parts of the coast that are ‘no go’ zones for development.
- How will the typologies interact with the guiding principles?
- The needs to be clearer description in the TCPS of how the risk based decision making process will work.
  - It is not sufficient simply to state that you will use the evidence.
  - How will the evidence be used?
  - What criteria will be used to evaluate the evidence?
  - Who will make the final decision?
  - The TCPS should develop a risk assessment tool that can identify risks and rank them accordingly.

## Goals and Directions<sup>14</sup>

### Goal 1

Goal 1 – To facilitate the sustainable development of the coast to maximise the economic and social benefits, while protecting the environment

The following comments were made regarding Goal 1 of the TCPS:

- The language used in the goals needs to be reviewed.

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<sup>14</sup> Please note that Emma Williams and Kathy Noble both noted that they will be providing written submissions detailing their responses to the goals.

	<ul style="list-style-type: none"> <li>• The TCPS should provide further detail regarding how the typologies will interact with the goals.</li> <li>• Stage 2 of the TCPS also needs to contain best management practice statements, etc (e.g. the sustainable farming practices statement in the TCPS doesn't really say anything at this point).</li> <li>• There should be further consultation regarding the refinement of certain concepts (e.g. sustainable farming practices).</li> </ul> <p><u>Directions - General</u> No comment.</p> <p><u>Directions – Commercial and Residential Development</u> No comment.</p> <p><u>Direction 3 – Industrial, Tourism and Other Developments</u> The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Direction 1.10 is overly aspirational. <ul style="list-style-type: none"> <li>– What exactly is meant by farming? There are different types of farming.</li> <li>– Agricultural runoff is not the only farming activity that will impact upon the coast. For instance there is no mention of forestry practices in the TCPS</li> <li>– What about runoff from the aquaculture industry?</li> </ul> </li> </ul> <p><u>Direction 4 - Transport and infrastructure</u> The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Direction 1.15: <ul style="list-style-type: none"> <li>– It is important that future infrastructure follows these types of rules.</li> <li>– It is important to use existing public facilities if close, rather than approving new private ones.</li> </ul> </li> </ul>
<b>Goal 2</b>	<p><u>Goal 2 – To conserve and enhance the coast's significant natural and Aboriginal and historic heritage values</u> The following comments were made regarding Goal 2 of the TCPS:</p>

	<ul style="list-style-type: none"> <li>• There needs to be further clarification in the TCPS regarding how Goal 1 will interact with Goal 2.</li> <li>• The TCPS needs to supply a mapping system to base decisions on. Without one, each decisions maker would have to come up with their own system, which would result in inconsistency.</li> </ul> <p><u>Direction 1 – Natural Values</u></p> <p>The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• It is not clear what types of coast are being referred to in directions 2.1 and 2.2. <ul style="list-style-type: none"> <li>– How will the typologies interact with these directions?</li> <li>– These directions should refer to ‘planning’ coastal development – you cannot plan the coast.</li> <li>– How will the aesthetic value of an area be assessed? It’s a good idea, but what will underpin its application?</li> </ul> </li> <li>• It is not clear what evidence will be used under Direction 2.3.</li> </ul> <p><u>Directions – Aboriginal and Historic Cultural Heritage</u></p> <p>No comment.</p>
<b>Goal 3</b>	<p><u>Goal – To manage risk from coastal processes and present and future coastal hazards, to enable coastal processes and existing activities to continue, and permit new activities to occur</u></p> <p>The following comments were made regarding Goal 3 of the TCPS:</p> <ul style="list-style-type: none"> <li>• The terminology ‘acceptable impact’ is dangerous. Needs a definition and criteria to judge it on. Further detail on this issue will be provided in the NRM North written submission.</li> </ul> <p><u>Direction</u></p> <p>No comment.</p>
<b>Goal 4</b>	<p><u>Goal – To ensure the coast is accessible and available for recreational use by the public</u></p> <p>The following comments were made regarding Goal 4 of the TCPS:</p> <ul style="list-style-type: none"> <li>• All of the directions under this goal are very important and it is good to see that they have been included in the TCPS.</li> </ul>



	<ul style="list-style-type: none"> <li>• Public access and interaction with the environment are very important issues for the TCPS to consider.</li> <li>• Does this goal leave too much room for the approval of large scale developments such as golf courses? <ul style="list-style-type: none"> <li>– One stakeholder noted that they believe that golf courses are much more damaging to the surrounding environment than their ‘recreational use’ category suggests. It is important that there are not any loop holes that these types of developments can sneak through without proper consideration of their potential impact.</li> </ul> </li> </ul> <p><u>Direction</u></p> <p>The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Direction 4.3 needs to be better worded to clarify that new developments ‘in close proximity’ to the coast are being discouraged. <ul style="list-style-type: none"> <li>– Could also remove the close proximity part of the statement – still has same effect</li> </ul> </li> <li>• It needs to be clear in Direction 4.6 that 4WD activities are a big problem and have a negative impact upon the coast.</li> <li>• Why are camping grounds targeted specifically over other types of developments in Direction 4.5? <ul style="list-style-type: none"> <li>– Should this also consider caravan parks?</li> <li>– One stakeholder noted that camping grounds do have their own specific issues. For instance, they are often seen as a lower type of development, even though they still have significant impact on the surrounding environment.</li> <li>– This direction should also: <ul style="list-style-type: none"> <li>▪ consider current camping grounds and their impact upon the coast; and</li> <li>▪ refer to public and private land.</li> </ul> </li> </ul> </li> </ul>
<b>Policy Application, Roles and Responsibilities – Group Discussion</b>	
<b>Roles and Responsibilities</b>	<p>The following comments were provided regarding the roles and responsibilities detailed in the TCPS:</p> <ul style="list-style-type: none"> <li>• Missing roles and responsibilities are: <ul style="list-style-type: none"> <li>– Data and research provision.</li> </ul> </li> </ul>

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|  | <ul style="list-style-type: none"><li>- Universities.</li><li>- Tasmanian Planning Commission.</li><li>- Maritime College.</li></ul> |
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### Implementation Issues – Group Discussion

It is important to ensure that sufficient resources are dedicated to this task to ensure that the TCPS is appropriately implemented.

### Key Issues – Individual Comments<sup>15</sup>

The following issues were raised in response to the facilitator's request for attendees to provide a summary of their key issues about the draft TCPS:

- The general direction of the TCPS is good. There seems to be over all support from council staff. However some key issues that need to be addressed are canals and state developments.
- There is an ongoing question of how to manage Aboriginal land rights. There are not any specific rules for allowing Aboriginal communities to manage traditional land in relation to how their activities interact with the planning schemes. If Aboriginal rights are recognised at a high level in a document like the TCPS, this could give them rights that would not exist under current planning schemes.
  - There needs to be further consideration given by the DPC to how the TCPS, planning schemes and Aboriginal traditional practices will interact. This research needs to be done in consultation with local government to ensure that practicalities are taking into account .
  - How will the TCPS deal with/prioritise areas that have multiple values (e.g. Aboriginal, cultural, heritage, environmental, etc).
- The TCPS contains a lot of high level statements that are good for setting general direction, but many councils are currently working in a vacuum of no information for setting levels of attainability.
  - This statement was tempered by the recognition of the good work DPAC is currently delivering regarding coastal hazards and municipal planning. However, it was indicated that some of the motherhood statements conflict with the work being undertaken on coastal hazards by DPAC.
- The TCPS' language is inconsistent. Some motherhood statements are ok to set the path, but other statements are directorial (JO).
- Need to ensure the TCPS process does not hold up the DPAC work on coastal hazards – planning authorities need the thresholds and criteria for planning and development 'go and no-go' areas ASAP.
- Between the TCPS and the final project there needs to be a clear understanding of the rules for decision making regarding the coast and planning issues.
- The language used in the TCPS needs to be stronger so there is less room for misinterpretation.

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<sup>15</sup> Please note that comments relating to specific topics have been listed under those headings below.

- It is important that the TCPS makes it clearly state that defensive engineering works are a last resort and that it considers the community costs involved in such work.
- The TCPS needs to contain a definition of 'acceptable risk'.
- The goals and directions in the TCPS seem like they should be part of Phase 2.
- There is no mention in the TCPS of planning schemes.
- The TCPS:
  - needs to be prescriptive regarding what planning schemes can do around the coast;
  - should inform planning schemes and how they operate;
  - should not be trying to police development; and
  - should take a step back and manage planning schemes, and allow the schemes to manage development.
- Developers don't want to spend lots of money on a project, only to have their application refused. There is too much uncertain science that discourages developers from undertaking projects.
- The TCPS is too similar to the previous review of the SCP 96, which was based on incorrect assumptions (e.g. everything on the coast must be managed and developed).
- The TCPS contains too many references to the fact that the public should be able to access the coast all of the time.
- If the TCPS is meant to be a high level policy statement it misses the mark.
- There are internal contradictions in the TCPS, especially in respects to its high level aims.
- The TCPS contains too many requirements for local government and there is no budget at the local government level to fund these activities. Without appropriate resourcing, the processes cannot be followed properly, which will discourage development.
- There are data/science/information issues in relation to unacceptable risk. Big developers can pay for better science than local government, which allows them to steamroll the system.
- George Town Council and the Tamar Region NRM created a Coastal Reserve Management Plan in 2005 (<http://georgetown.tas.gov.au/coastal-reserve-management-plan>). This document needs to be considered as part of the TCPS process.
- The TCPS is overly prescriptive. There are dangers of contradiction with existing policies/legislation. The TCPS process needs to ensure that all the different pieces of legislation are working together.

- The TCPS needs a more extensive glossary that contains adequate and usable definitions. These definitions need to be consistent with other similar documents.
- The Policy Directions seem to be a draft of what you would achieve in stage 2.

### Definition of 'Coast'

The following issues were raised regarding the definition of the coast contained in the TCPS:

- Concrete mapping of the coast needs to be provided for the definition to be legal.
- The TCPS needs to provide definite criteria that can be tested by planning authorities before implementation.
- A definition of the coast needs to be clear, flexible and take into account coastal retreat, erosion, etc issues (e.g. it will need program monitoring).
- Clear definitions allow planning authorities to tell the public straight away whether or not certain activities/developments are permitted.
- The use of 'catchments' in planning schemes create problems.
- There are potential issues with the TCPS and how it will apply to existing developments.
- One stakeholder noted the good work currently being done by a different DPAC project regarding acceptable level of risk and planning/development.
- Once the State Government mandates certain activities as having a low level of risk it will allow local government to approve developments without liability. This will allow local government to concentrate on more complicated applications.
- Any new program that comes out of the TCPS should be monitored by the State Government to ensure continued effectiveness.
- Using a generic distance for the definition of the coast can be good as it provides certainty.
- There will be situations where developments already exist in areas that the TCPS will be cause to be classified as not acceptable for further development. Can these decisions be justified when there are existing developments in those areas?
- Strategies regarding acceptable levels of risk and development need to be developed at the State Government level for implementation by local government.
- Private property rights - If you own a certain amount of land that is not designated as high risk, you should have the right to develop it. There are potential issues with this right and the use of generic distance in the definition of the coast.

## Coastal Typology

The following issues were raised regarding the typology of the coast detailed in the TCPS:

- The typologies are one of the advantages of the TCPS.
- Typologies need to be mapped to be effective.
- The parameters of the typology need to be made clear.
- Small towns should be included in the modified typology.
- There are opportunities for the TCPS to draw upon zoning work that already exists.
- There needs to be a local consultation process conducted by the State Government that maps the Tasmanian coast by typology.
- The coastal typologies concept is useful because:
  - different types of coast require different types of management;
  - this will allow the creation of specific policies to manage specific types of coast;
  - this will allow a hierarchy of policies to be created to manage different types of coast; and
  - this will allow the creation and amendment of policy schemes.

## Vision and Guiding Principles – Group Discussion

### Vision

The following issues were raised regarding the vision statement in the TCPS:

- The TCPS contains similar flaws to the SCP 1996, such as:
  - The vision suggests that all of the coast will be planned, managed, used, developed. This is not realistic as much of the coast exists without human interaction.
- The vision should be an aspirational statement (e.g. the coast is there for future generations to appreciate).
- Take references to process out of the vision.

- Suggestions that the priority order of the vision should be swapped, for instance:
  - Any proposed use and development of the coast should be planned and managed.
  - The vision should also make it clear that there are sections of the coast that should remain untouched.
  - There is no need to plan and manage all of the coast.
  - Vision could state that these aims are for those sections of the coast that have been targeted for use/development.
- It is impossible to conserve the coast and promote sustainable development at the same time – these two actions are opposites.
- Conservation should be considered as a use in its own right.
- TCPS should state that – the use and development of the coast should be planned and managed for a range of uses expected by the community.
- The TCPS needs to recognise that any decisions regarding the coast are based on the values considered important at a set point in time. These values will change.
- Suggestion that the ‘planned and managed’ references should be removed from the vision.
- A suggested vision is:
  - The Tasmanian coast is an important environmental and economic resource which has associated social benefits for current and future generations. Its diverse and distinctive natural assets, cultural and economic values and its sustainable use and development will be planned and managed in accordance with legislative and community expectations.
- It is important to note that the community can be very protective of the coast and the use of public land.
- It is important to remember the public/private land divide when considering coastal issues.
- It is difficult for planning authorities to make decisions regarding different types of coast and the values they may have.
- The TCPS could provide detail of the different values the coast can hold, which can then be used to shape goals and actions.
- The TCPS needs to recognise the diverse values of the coast, and acknowledge that they may conflict.
- The word ‘conserve’ can be too narrow.

#### Guiding Principles

The following issues were raised regarding the guiding principles in the TCPS:

- The principles can be taken in negative terms (i.e. the principles could be used negatively).
- The TCPS principles are very similar to the objectives in LUPAA or the RMPS.
  - They seem to be aimed at telling local government what to do and how to do it – do we need another document that does this?
  - As the RMPS provides overarching objectives, the TCPS should not try to redo this work.
- The precautionary principle is not prominent enough in LUPAA or the RMPS, this is an area that the TCPS improves on.
- Concern regarding the resourcing costs of evidence requirements/collection.
- There should be guiding principle in the TCPS regarding private property rights.

## Goals and Directions

### Goal 1

Goal 1 – To facilitate the sustainable development of the coast to maximise the economic and social benefits, while protecting the environment

The following comments were made regarding Goal 1 of the TCPS:

- The TCPS goals should be reordered as follows - 3/2/4/1
- Many people will read the goals as if they have a hierarchy, even if the TCPS states they should not be.
- Goal 1 should provide some sort of ordering to the typologies.
- The policy actions should be directly connected to specific typologies where possible. This will reduce concern amongst the public that the TCPS will be making generalised changes across the entire coast.
  - For example, the requirements for the coast around Launceston are very different from that of a natural wilderness area.
- Should the TCPS contain references to areas of the coast that are too valuable to develop? Too high risk to develop?
  - If so, the TCPS will need to provide definitions of risk levels.
- The TCPS should not be too prescriptive. This will potentially cause a negative public reaction to the TCPS process.
- Are there any areas that the TCPS considers 'untouched wilderness'?



	<ul style="list-style-type: none"> <li>• The TCPS currently reads as a coastal development statements, not a coastal management statement. This needs to be modified.</li> <li>• Typologies + risk thresholds provide planners more certainty.</li> <li>• The typologies in the TCPS should be used as the basis to formulate the goals and directions. <ul style="list-style-type: none"> <li>- The natural hazards work being conducted by DPAC will help to inform this process.</li> </ul> </li> <li>• Could use a natural environment framework to cover these issues.</li> <li>• The TCPS should be a broad state policy that sets high level goals and direction for planning schemes, with the schemes themselves providing the specific rules.</li> </ul> <p><u>Directions - General</u> No comment.</p> <p><u>Directions – Commercial and Residential Development</u> No comment.</p> <p><u>Directions – Industrial, Tourism and Other Developments</u> No comment.</p> <p><u>Directions - Transport and infrastructure</u> No comment.</p>
<b>Goal 2</b>	<p><u>Goal 2 – To conserve and enhance the coast’s significant natural and Aboriginal and historic heritage values</u></p> <p>The following comments were made regarding Goal 2 of the TCPS:</p> <ul style="list-style-type: none"> <li>• The different values listed in this goal (i.e. natural, historic, Aboriginal) need to be dealt with in different goals. This will allow them to be considered separately.</li> <li>• There are potential problems with Aboriginal values being listed separately from cultural values – how are they different?</li> </ul>

	<ul style="list-style-type: none"> <li>• How will the TCPS handle areas of the coast that contain multiple values? This could cause issues if not addressed.</li> <li>• Natural values need to be addressed separately from structures or cultural values.</li> <li>• There should be different methods for addressing Aboriginal values in an area that is developed, compared to an undeveloped one. <ul style="list-style-type: none"> <li>- For instance, disturbing a midden in an established suburban zone, as compared with a natural wilderness zone.</li> </ul> </li> </ul>
	<p><u>Directions – Natural Values</u></p> <p>No comment.</p>
	<p><u>Directions – Aboriginal and Historic Cultural Heritage</u></p> <p>No comment.</p>
<p><b>Goal 3</b></p>	<p><u>Goal – To manage risk from coastal processes and present and future coastal hazards, to enable coastal processes and existing activities to continue, and permit new activities to occur</u></p> <p>The following comments were made regarding Goal 3 of the TCPS:</p> <ul style="list-style-type: none"> <li>• The coastal hazards description should be removed from the TCPS and replaced with direct references to the impact of climate change. This will allow the public to more easily understand the issues involved.</li> <li>• There will be issues with existing owners wanting to protect their developments from coastal processes.</li> <li>• There needs to be clear language in the TCPS that states that if your property is going to be affected by coastal processes local government is not responsible for trying to stop it.</li> <li>• Subdivision decisions were originally the responsibility of the State Government, therefore the State Government has a role to play in future planning processes regarding coastal processes in these areas.</li> <li>• The TCPS needs to clearly state that that engineered solutions are considered to be a definite non-preferred option.</li> <li>• There should be cost-benefit analysis of any engineering works designed to modify coastal processes.</li> <li>• Note that the Tasmanian Climate Change Office (TCCO) in the DPC has done some good work that provides information for communities to decide whether they will protect or retreat (e.g. community self-determination) in the face of coastal processes and that the TCPS should consider this work (i.e. it is a good model to use).</li> </ul>

	<ul style="list-style-type: none"> <li>• Notes that the advantage of the coastal hazards DPAC work is that it is clear that private owners bear private risk. <ul style="list-style-type: none"> <li>– Should the TCPS process be closer to the work being done on coastal hazards?</li> </ul> </li> <li>• It is unclear in the TCPS which part of the goal should be adhered to. <ul style="list-style-type: none"> <li>– Is it the goal itself? Or the description in the grey box?</li> </ul> </li> <li>• This goal is confused. <ul style="list-style-type: none"> <li>– Coastal hazards and continuing activities will not be able to continue together.</li> <li>– Goals need to provide a clear priority.</li> <li>– Goals need to be reviewed to make it clear what the priorities are.</li> </ul> </li> </ul>
	<p><u>Directions</u></p> <p>No comment.</p>
<p><b>Goal 4</b></p>	<p><u>Goal – To ensure the coast is accessible and available for recreational use by the public</u></p> <p>The following comments were made regarding Goal 4 of the TCPS:</p> <ul style="list-style-type: none"> <li>• There is not much planning authorities can do about access through private land.</li> <li>• This goal is important for guiding parks and wildlife with their management of coastal areas.</li> <li>• Access to the coast can be achieved as part of a subdivision under the idea of ‘public open space’.</li> <li>• It is important that public access to the coast is maintained.</li> <li>• The TCPS should make it clear that the coast is crown land.</li> <li>• The TCPS does not contain sufficient consideration of private land. <ul style="list-style-type: none"> <li>– If the further consideration of private ownership values are not placed in the TCPS it could cause significant issues.</li> </ul> </li> <li>• The TCPS needs to be consistent with current policy that allows public access rights to be pushed through with private development rights.</li> </ul>

	<p><u>Directions</u></p> <p>The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Some of the directions in this section clash with the hazard work being undertaken by DPAC.</li> <li>• Direction 4.1 is a good example of the type of statement that should be delivered by the TCPS. It is a high level statement that provides direction to planning schemes, whereas Direction 4.3 is more suited to a lower level document that provides options to the creation of planning schemes.</li> <li>• Direction 4.3 is too prescriptive for this type of document. <ul style="list-style-type: none"> <li>– It does not allow for small scale development.</li> <li>– Could this direction only be placed upon certain types of development?</li> <li>– Direction 4.1 covers this issue sufficiently.</li> <li>– It needs to be recognised that there are differences between situations where the beach can be accessed along the coast, rather than situations where the coast cannot be reached, unless it is through private property.</li> </ul> </li> <li>• Direction 4.5: <ul style="list-style-type: none"> <li>– Public camping grounds can have a significant impact upon private land.</li> <li>– It is not just camping grounds that can have a negative impact, other developments need to be considered as well.</li> <li>– There are similarities between camping grounds and caravan parks regarding their impact upon the coast.</li> </ul> </li> </ul>
<b>Policy Application, Roles and Responsibilities – Group Discussion</b>	
<b>Roles and Responsibilities</b>	<p>The following comments were provided regarding the roles and responsibilities detailed in the TCPS:</p> <ul style="list-style-type: none"> <li>• It needs to be clearly legislated that risks from coastal hazards to private property are the responsibility of private owners, not of local government. Without this protection the courts will continue to view local government as having liability.</li> <li>• Currently the courts judge planning issues by the criterion of ‘would a like planning authority have made the same decision’?</li> </ul>

- There is currently no legal way for developers to accept liability.
- The roles and responsibilities outlined in the TCPS for local government are fairly extensive. It needs to be clear that the TCPS is a State Government policy, not a local government one. There are too many roles and responsibilities given to local government.
- For instance, collecting science/information should not be a local government responsibility. Local government is happy to facilitate the provision of the information to the public, but should be required to collect it.
- Municipal management plans are too expensive for councils to introduce and not required for the daily operations of smaller councils. If the State Government wants local government to use such measures it needs to assist with development and resourcing.
- The State Government needs to make it clear that, due to coastal processes, developing on the coast is now too high risk to undertake.
- Development in coastal areas should be viewed as high risk, the same as building on an active land slip area.
- This will need further legislation to enforce.
- State Government could allow these types of development, provided there is an agreed retreat plan, including the removal of all infrastructure.
- A state wide framework would allow local government to makes decision with certainty regarding coastal issues.
- At the moment local government has to make decisions within the framework of 'like authorities' and whether they would make the same decision.
- The following issues were raised regarding coastal retreat:
  - Main issue that needs to be considered is the potential rate at which a retreat may have to be managed.
  - The current framework does not have any ability to deal with the retreat issue.
  - State Government could introduce a policy of retreat. This would allow local government to manage the issue without the associated liability issues that exist currently.
  - The TCPS needs to build these types of considerations in.
- Even if these issues were all dealt with, the TCPS needs to consider the fact that approving a development in a high risk area is against the principle of sustainable development.

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|  | <ul style="list-style-type: none"><li>• The TCPS needs to be aware of the fact that the community tends to think that it is local planning schemes that control everything. The TCPS needs to make jurisdictional responsibilities and roles absolutely clear. Suggestions that:<ul style="list-style-type: none"><li>- this section of the TCPS be moved further forward in the document; and/or</li><li>- the relevant roles and responsibilities are listed at the beginning of each section of the TCPS.</li></ul></li></ul> |
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### Implementation Issues – Group Discussion

The following implementation issues were raised:

- The public needs to be consulted regarding the definition of the coast and typologies.
- The use of a generic distance rule in the definition of the coast should be scrapped because the coast is often not parallel to the sea. If it is used, it should only be an interim measure.
- Local government should be consulted directly regarding the mapping of what is considered to be the coast.
- The typologies should detail distance suggestions for mapping what is considered to be the coast.

Table 8 Record of 7 August 2013 feedback session with North West council stakeholders

### Key Issues – Individual Comments<sup>16</sup>

The following issues were raised in response to the facilitator's request for attendees to provide a summary of their key issues about the draft TCPS:

- Overall support for the direction of the TCPS. Although the document is still very broad at this stage.
- Broad support for the TCPS, but concerns regarding the implementation stage.
- Broad support.
- Roles and responsibilities need to be well thought out.
- The following issues need to be considered:
  - infrastructure;
  - roles and responsibilities; and
  - retreat issues and implications.
- As an overall vision statement the TCPS is fairly comprehensive. However, it does cover some areas that are contradictory.
- There are risks that some of the language and statements contained in the TCPS will create imbalances in the implementation stage through misinterpretation.
- The TCPS contains some of the same short comings that were in the SCP 96.
- The use of similar headings on the two documents has caused a lot of confusion.
- What is the point of the TCPS? Where does it sit in the regulatory framework? What is the status of the TCPS? Is it consistent with the SCP 1996?
- The implementation of the TCPS is the main concern. The SCP 96 was too hard to implement.
- There needs to be careful consideration with how the TCPS will interact with existing frameworks.

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<sup>16</sup> Please note that comments relating to specific topics have been listed under those headings below.

- Has enough time for implementation been allocated?
- The statements in the TCPS need to be clear and have defined criteria around them.
- The SCP 96 was too ambiguous and easily misinterpreted.
- The typologies contained in the TCPS are a positive. However the modified coast typology could be easily misinterpreted.
- Overall the TCPS is a good document as it stands and the definition of the coast and typologies are good. However there are some controversial issues in it, specifically:
  - community expectations;
  - impact upon local government and development decisions related to the coast;
  - Aboriginal rights; and
  - climate change issues.
- The implementation of the TCPS is the primary concern.
- The SCP 96 was not effective at the planning level.
- There is potential for goals to be directly linked to specific typologies. This would allow policies to be targeted at specific types of coast.
- The TCPS needs to create a clear premise for why we need a specific land use management document for the coast, as opposed to the land generally. Why does the coast need special consideration?
  - This document needs to refer to the specific habitats, systems, values, challenges, etc that are unique to the coast.
  - It needs to detail the dynamic nature of the coast.
  - The importance of the coastal zone and its processes needs to be the focus of the document.
  - This would allow you to manage developments on the coast with these types of issue in mind.
- The TCPS needs to be conscious of the fact that:
  - the coast has to be managed for multiple uses; and
  - that the issues facing developments on the coast are greater due to the fact that it is an adaptable environment that is easily changeable.



- The TCPS needs to:
  - contain more detailed references to natural processes;
  - consider engineering issues/requirements and how they relate to the coast.
- The TCPS seems to contain something for everyone. However, there are also a number of concerns:
  - Implementation could be problematic.
  - Who is reading/interpreting the TCPS?
  - Who will implement the TCPS?
- The SCP 96 is too ambiguous.
- The regulation of the coast needs to be done via effective regulation which provides greater direction to local government (SH).
- How will local government manage equity?
- Greater surety needs to be provided to local government via the TCPS process.
- It is important that the TCPS helps provide certainty regarding development decisions.
- The goals contained in the TCPS are very similar to other land use documents, just with the word 'coast' inserted.
- The following issues were raised about the need for a coastal policy:
  - Greater concentration needs to be given to what makes the coast unique?
  - What is it about the coast that means it requires a separate policy?
  - Other land use documents concentrate upon the use of the land as a resource. The coast is not a resource, it is a space.
  - The TCPS needs to identify what problems exist with the coast that require a specific policy to solve.
  - There are agriculture and water use Acts because there are specific problems with these areas to be addressed. Are there similar issues with the coast?
- Cultural and view shed issues are issues for all land, not just the coast. Are there specific reasons why we need a policy for the coast?
  - Perhaps it is the processes that are unique to the coast.
- The TCPS should address marine reserves. There are mentions in the TCPS of terrestrial areas that should be reserved, the same

statements should exist for marine areas as well.

## Definition of 'Coast'

The following issues were raised regarding the definition of the coast contained in the TCPS:

- A usable definition of the coast is very important.
- The definition of the coast needs to refer to 'use', rather than distance. It needs to be defined by function, rather than spatially.
- The adaptive definition proposed in the TCPS is the same as the one that was originally proposed in the SCP 96. This definition was over turned by the Supreme Court as being too imprecise. That is why the generic distance definition is currently used.
- One stakeholder noted:
  - that they agree with a more adaptive definition that takes into account the specific circumstances of the coast;
  - that this means that the coast could potentially follow a river upstream and that this seems appropriate; and
  - that this would mean the definitions of the coast in planning schemes would have to change.
- The TCPS needs to be conscious that using features and values to define what is considered to be the coast means that one piece of coast may have multiple boundary lines depending on what features or values are being measured at the time.
- The TCPS runs the risk of providing definitions that other documents may then try to rely on. Trying to define the coast at a high level is dangerous because high level definitions tend to be simplistic and can be easily taken advantage of. Instead there should be definitions that are used in specific situations, types of coast, etc. The definition of the coast would then be multilayered affair that would avoid the use of generalisations and provide processes appropriate to particular types of coast/situations.
- Any definition:
  - should be adaptive to the situation and consider the coastal processes/situations specific to the area;
  - should be easily understood;
  - shouldn't be overly restrictive too development; and
  - should provide sufficient protection to the processes and values of the coast.
- The definition in the TCPS seems to reflect the variable values of the coast. As long as this definition is backed up by more details then it seems to be appropriate.

## Coastal Typology

The following issues were raised regarding the typology of the coast detailed in the TCPS:

- The typologies in the TCPS need to be clearer and more definitive.
- Can typologies be changed over time?
  - Can a piece of coast defined as natural be changed to modified if developments are placed on it?
- Will the TCPS contain a map of areas and their coastal typology? Or are the typologies descriptors that are meant to be used in planning documents?
  - If the typologies are meant to be descriptions there are potential issues in the TCPS because there is no allowance for a transition processes between the current arrangements and any future processes put in place by the TCPS.
  - Problems with descriptors are often caused by interpretational issues regarding whether specific areas are part of one description or another (e.g. is a house on a bush block modified or natural?).
- There needs to be an assessment tool provided to judge areas and their typologies.
- The change of typologies should be judged by the extent of the proposed change, for instance:
  - Will the development cause extensive change to the coastal area?
  - Will the proposed development fit into the existing typology?
- It needs to be remembered that just because a section of the coast has been developed, it does not stop being coast. There still needs to be appropriate consideration given to proposed new developments in developed coastal areas.
- A potential danger of the typology structure is the creation of artificial categories that could be placed on sections of the coast which aren't suited to the rules related to that typology.
- Typologies are potentially useful for describing sections of the coast, but may not be useful for managing it. A more adaptive approach is required.
- What is the role of the typologies?
  - Are the typologies meant to describe the coast as it is now? Or what it is desired to be in the future?
- The facilitator noted that the discussion suggested that one option could be that sections of the coast have multiple typologies (e.g. a

typology line in from the coast and a typology line along the coast).

- There are potential issues with the natural coast typology blocking low impact activities (e.g. placing warning signs, etc).
- Typologies could have important planning considerations. For instance, the interaction between planning considerations and the more complex obligations that can be associated with developments.
  - It needs to be recognised that modifying the coast is a very complicated process. By placing a development on the coast you create a whole range of issues that have to be dealt with (e.g. waste, water, sewerage, coastal processes, etc) that you would not have had to deal with otherwise.
  - The TCPS should consider the types of conditions that could be placed on developments in coastal locations.
- Typologies could be very useful for placing conditions on certain types of coast, instead of having blanket tools that try to cover the whole coast.
- The coast is a problematic three dimensional area that all three tiers of government have responsibility for. It needs to be remembered that only a small part of the activities related to the coast are controlled via planning schemes.
  - It needs to be remembered that quite often impacts that are felt within State Waters, originated from outside State Waters.

## Vision and Guiding Principles – Group Discussion

### Vision

The following issues were raised regarding the vision statement in the TCPS:

- The current vision does not work.
  - It doesn't describe the coast and a vision for its future.
- Does the TCPS need a vision? The document itself seems to be a vision for the future of the coast, therefore does not need a vision statement at the front.
  - It is overly complicated to try and condense the TCPS into a single statement.
- The vision statement does not just need to be about why the coast is special, it could detail the types of things you can do with it. How it can be used as a resource.
- The vision statement is the best place to detail why the coast is special and why it needs a policy of its own to manage it.

- It needs to detail the types of unique coastal processes it is trying to manage.
- It needs to detail that it is managing what happens in the coastal area, rather than just detailing that the coast should be planned, managed, used wisely, etc.
- It needs to state that the coast is alive and that either you fit your uses into what currently happens, or you have to put appropriate processes into place to manage the changes you activities will cause to the coast. The risks involved in manual management of the coast need to be properly considered.
- The management of natural processes needs to be considered properly.
- The current vision is an action statement, not a long term dream/goal.
  - Potential vision statements are:
    - The coast should be used, protected and developed.
    - Use of the coast is managed.
- The vision is currently a statement of intent, and it should not be.

### Guiding Principles

The following issues were raised regarding the guiding principles in the TCPS:

- In many ways the vision and the principles are just restating what is already contained in the RMPS.
- The principles seem to be all about development, not protecting the coast from development.
- Natural values certainly need to be recognised, but the coastal processes are paramount. You cannot deal with the coast without having these issues at the fore front of the decision making process.
- It is vital to recognise the magnitude of the impact of coastal processes.

### Goals and Directions – Break-out Session

#### **Goal 1**

Goal 1 – To facilitate the sustainable development of the coast to maximise the economic and social benefits, while protecting the environment

The following comments were made regarding Goal 1 of the TCPS:

- What is the priority of this goal?

	<ul style="list-style-type: none"> <li>- The environment should have more priority; or</li> <li>- the environment should be the priority all of the time.</li> <li>• The reference to canal estates seems to be a prescriptive, political statement.</li> <li>• Some industries left out.</li> <li>• Some uses not covered (e.g. kelp collecting/harvesting).</li> <li>• How will it interact with other regulatory regimes?</li> <li>• Categories are too specific. Need to be broader.</li> <li>• The directions are too specific. Many of these issues are covered in planning schemes.</li> </ul> <p><u>Directions - General</u> No comment.</p> <p><u>Directions – Commercial and Residential Development</u> The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Direction 1.3 – Will regions be mapped? <ul style="list-style-type: none"> <li>- How will this process be strategically planned?</li> <li>- Regional Land Use Strategies (RLUS) don't go into this level of detail.</li> </ul> </li> </ul> <p><u>Directions – Industrial, Tourism and Other Developments</u> No comment.</p> <p><u>Directions - Transport and infrastructure</u> No comment.</p>
<b>Goal 2</b>	<p><u>Goal 2 – To conserve and enhance the coast's significant natural and Aboriginal and historic heritage values</u> The following comments were made regarding Goal 2 of the TCPS:</p>

	<ul style="list-style-type: none"> <li>• These issues are covered by other legislation.</li> <li>• What is the purpose of the TCPS? <ul style="list-style-type: none"> <li>– Answer - To recognise natural/Aboriginal values of the coast.</li> </ul> </li> <li>• Remove the word ‘significant’. <ul style="list-style-type: none"> <li>– It implies a judgement about the significance (i.e. it is a value based judgement). It also narrows the implementation options available.</li> </ul> </li> <li>• Remove the word ‘enhance’. <ul style="list-style-type: none"> <li>– It implies that you can improve the coast, which may not be possible or appropriate.</li> <li>– At the very least it shouldn’t be used alone. It can be appropriate to maintain the current level of value, rather than trying to enhance it.</li> </ul> </li> <li>• Should include landscape values (e.g. natural and engineered).</li> <li>• The TCPS must be careful that its language doesn’t become too subjective.</li> </ul>
	<p><u>Directions – Natural Values</u></p> <p>No comment.</p>
	<p><u>Directions – Aboriginal and Historic Cultural Heritage</u></p> <p>No comment.</p>
<p><b>Goal 3</b></p>	<p><u>Goal – To manage risk from coastal processes and present and future coastal hazards, to enable coastal processes and existing activities to continue, and permit new activities to occur</u></p> <p>The following comments were made regarding Goal 3 of the TCPS:</p> <ul style="list-style-type: none"> <li>• Goal is too soft, especially regarding risk from coastal processes. <ul style="list-style-type: none"> <li>– TCPS needs to recognise that coastal events will increase in frequency.</li> <li>– The language used to discuss the impacts of climate change needs to be stronger/more explicit.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• The TCPS needs to recognise that the change wrought by coastal processes will be permanent.</li> <li>• Existing use of the land needs to be taken into account.</li> <li>• TCPS needs to be aware that liability issues affect these types of decisions.</li> <li>• There needs to be room for governance systems to be adaptable.</li> <li>• It needs to be clear that coastal process issues are a personal responsibility.</li> <li>• Rewrite the TCPS so that it does not refer to ‘risks and hazards’, but instead refers to coastal processes as normal and expected events that need to be planned for. <ul style="list-style-type: none"> <li>– This will help create a culture where it is expected that people will take responsibility for their property as issues affect them.</li> </ul> </li> <li>• The current goal heading allows too much room for existing activities to continue.</li> <li>• Third and fourth paragraphs in the grey box description are contradictory.</li> <li>• The TCPS needs to remove the idea that what people currently have they can keep (which makes it a management of risk). Instead coastal change is an expected process the will effect coastal areas.</li> <li>• There needs to be sufficient information, legislation, changes to current limited liability structures to support implementation of new processes/ideas.</li> <li>• Proposed rewording of Goal 3: <ul style="list-style-type: none"> <li>– To take account of/consider natural coastal processes and likely future changes in management of existing activities and planning for future activities.</li> </ul> </li> <li>• All of the goals could be rewritten because they suggest that we should be adapting the environment to use, rather than the other way round.</li> </ul>
	<p><u>Directions</u> No comment.</p>
<p><b>Goal 4</b></p>	<p><u>Goal – To ensure the coast is accessible and available for recreational use by the public</u> The following comments were made regarding Goal 4 of the TCPS:</p>



- Definition of access needs to be clarified.
- It needs to be clear that it is appropriate access that is required.
- Access is required for other uses apart from recreational.
- Remove the word 'ensure', this is an unrealistic expectation.
- There needs to be consideration of the impact of the type of recreation.
- Control(s).
- Principle of open access needs to be balanced with other values. This could be used to craft a better goal.
- How does this goal interact with private property rights?
- What about circumstances where public access is no longer desired/required?
- It is good planning process to channel public access to some areas, while closing access to vulnerable areas.
- Allowing the public access to the coast will degrade the natural environment. This needs to be considered as part of this process.
- The TCPS needs to recognise that there are large areas of the Australian coast that can't be accessed for a variety of legitimate reasons (e.g. military, security, specific development, etc).
- Goal needs a clear primary intent, because people will often read the first bit and then skip to what they need.
- Public access issues regarding private land and Aboriginal land.
- Access can be defined in different ways (i.e. seeing into, walking into, access from the sea, etc).
- TCPS needs to consider the impact on the natural habitat (e.g. dunes, etc) of access to the coast from private properties.
  - If every owner has private access it can have a very heavy impact upon the coast.
- This goal does not actually seem to necessitate access to the whole of the coast, but it can be read this way.
- Restrictions on access need to be clearly stated as part of the goal.
- These goals could be read as if they allow development with cursory recognition of environmental and other needs,

which will be popular with the public and developers.

- Some of the changes suggested in this session may be viewed by sections of the public as 'green hysteria'. The TCPS needs to be carefully balanced and concentrate on clever management for pragmatic reasons. It needs to be made clear that it is advantageous to owners and the public to carefully manage the coast and its processes. This will hopefully garner greater support.
- It needs to be made clear to the public that the coast is a tricky, dynamic area that can't be easily controlled. It needs to be clear that if you aren't willing to take the risks/do the work you should stay clear of the coastal area.
- The TCPS needs to be aware that some areas of the coast are going to experience greater issues and be trickier to manage than others. High risk areas should be managed very carefully.
- There are issues with private ownership to the high water mark.
  - This rule can potentially curtail developments such as coastal walk ways because they cannot encroach on land above the high water mark.
- Why do you need a specific coastal policy when many of the issues covered in the TCPS are already the focus of other legislation?
  - The TCPS should only deal with issues unique to the coast itself.
  - Although there was some agreement for this in the group, another attendee noted that this should be tempered by the fact that some of the public will not read this as a standalone document and that it needs to detail the wider context.

#### Directions

The following comments were provided regarding this section of the TCPS:

- Direction 4.1
  - This should not state 'maintained and enhanced', rather it should say 'provided'.
  - Instead of 'will', it should say 'required'. This will provide more opportunity for action on this issue.
- Direction 4.2 – What is vulnerable?
- Direction 4.7 – Why are Aboriginal access rights greater than the rest of the public's? All access rights should be

	<p>considered on an equal footing.</p> <ul style="list-style-type: none"> <li>- Why are Aboriginal issues considered in the TCPS when there is already specific legislation for dealing with these issues?</li> <li>- All public should have access to coastal sites of significance. Principle is reasonable as long as it applies to all public.</li> </ul>
<b>Policy Application, Roles and Responsibilities – Group Discussion</b>	
<b>Roles and Responsibilities</b>	<p>The following comments were provided regarding the roles and responsibilities detailed in the TCPS:</p> <ul style="list-style-type: none"> <li>• Seems like a big list for local government.</li> <li>• Aboriginal authorities have some responsibility as well through NRMs.</li> <li>• Community groups.</li> <li>• NGOs.</li> <li>• Why does the TCPS list a number of responsibilities that are generic across land use issues, rather than just concentrating on those that are unique to the coast?</li> </ul>
<b>Implementation Issues – Group Discussion</b>	
<p>The following implementation issues were raised:</p> <ul style="list-style-type: none"> <li>• It is premature to discuss the implementation of action that may follow from policy.</li> <li>• It needs to be recognised that there are already arrangements to deliver on some of the directions mentioned in TCPS (e.g. heritage protection, biodiversity, etc). <ul style="list-style-type: none"> <li>- These areas should be considered so that the TCPS does not duplicate existing processes.</li> </ul> </li> <li>• The TCPS needs to provide a definite direction to lead the implementation process.</li> <li>• The biggest failing of the SCP 96 was the implementation stage. It generally said the right things, but was ambiguous and did not provide sufficient support to local government to ensure implementation. <ul style="list-style-type: none"> <li>- The TCPS needs to recognise that heavy responsibility falls on local government in relation to this issue and that while Stage</li> </ul> </li> </ul>	

Government can set the direction, it also needs to provide sufficient support for its implementation.

– For instance, the provision of the information required to construct appropriate land use policies.

- More support and information is starting to be supplied to local government regarding climate change and other issues. This is a positive.
- The implementation and resourcing of the TCPS needs to be realistic or the process will fail. This issue needs to be considered hand-in-hand with the goals, directions, etc contained in the TCPS.
- Information about the coast and the impacts of coastal processes is an extremely important next step. Educating and engaging with the public is very important in this process.
- How will the State Government/local government map the coast? What criteria will be used in this process? What constitutes the coast? What are the political impacts of these decisions?

Table 9 Record of 13 August 2013 feedback session with Southern council stakeholders

### Key Issues – Individual Comments<sup>17</sup>

The following issues were raised in response to the facilitator's request for attendees to provide a summary of their key issues about the draft TCPS:

- The Local Government Association (LGA) was involved in the initial work done on the draft TCPS and is interested to see local government's reaction to the document.
- The TCPS is a good first step in replacing the SCP 96. However, much will rely on the implementation stage.
- The SCP 96 is not a satisfactory planning instrument. However, it should be noted that it is useful when formulating planning schemes.
- Does well developed urban coast need its own coastal policy? Or are these issues sufficiently covered in existing planning policies?
- The TCPS needs to take into account current instruments regarding land use and any current reviews. There is a danger that the TCPS, RLUS and planning processes may not be taking each other into account sufficiently.
  - Please note that the RLUS has gone to the public consultation phase. Some core components of this strategy have not yet been finalised, including coastal hazard issues.
  - Not sure that local government needs more, potentially contradictory documents to guide planning decisions.
- The key issues are:
  - Implementation stage.
  - Balance of goals and directions.
  - Typologies.
- The TCPS needs to be dovetailed with the regional planning process.
- Broad support for the TCPS, but the devil will be in the detail.
- Will be particularly interested in local government reaction to Goal 3.
- Overall the TCPS seems reasonable. However some key issues are:

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<sup>17</sup> Please note that comments relating to specific topics have been listed under those headings below.

- How will the TCPS link with other planning instruments?
- How will the TCPS improve relationships across land use and planning agencies?
- The integration with existing policies and review processes must be considered carefully (e.g. the review of the *Aboriginal Lands Act 1995*?).
- The current policy framework is pitched too high and does not contain enough detail of what is expected at the day-to-day level.
- Phase 1 of the TCPS notes that there are an array of issues that will not be considered until Phase 2. There is insufficient information provided at this stage to agree to the TCPS.
  - Some of the goals in Phase 1 are too nebulous.
- Local government legal liability/indemnity needs to be addressed by the TCPS.
- TCPS needs to provide further detail regarding defend/adapt/retreat issues.
- More weight needs to be given in the TCPS regarding existing settlements. Currently the TCPS seems to treat them as a lesser importance to environmental outcomes and natural assets.
- Suggestion – Each Council could suggest which areas of the coast the TCPS could apply to. This would avoid unwanted outcomes.
- The TCPS needs to consider how it will implemented legally. The SCP 96 did not work well in this respect.
- Local government will be reluctant to embrace the TCPS when there are still so many unknowns about it.
- The SCP 96 can be useful, but is a very blunt instrument.
- The definition of the typologies in the TCPS is a critical issue.
- Is the TCPS actually making fundamental changes to the current system? If not, why are we having the review?
  - It seems like the SCP 96 is trying to a theory of everything. Does it need to be? Does the coastal policy try to do too much?
- The TCPS needs to consider how it will interact with the planning process, this is where the SCP 96 did not work.
- There have been too many attempts to cost shift towards local government by the SCP 96 and other similar instruments.
- How will the TCPS treat existing linear development?
- Coastal access – there are areas of the coast that cannot be accessed for good reason (e.g. industry, etc). The TCPS needs to recognise this.

- The TCPS and existing policy needs to be reviewed to ensure that they mesh with each other and are not contradictory. The TCPS could be used as an instrument to reconcile any contradictory areas of the existing structure.
- It is important that the TCPS properly addresses the issue of coastal hazards.
- The guiding principles/goals/directions in the TCPS need to be reviewed to make sure that they complement each other.
- One of the issues mentioned in the TCPS is the need for decisions to be evidenced based, but many of the directions in the TCPS do not seem to require this.
- The language used in the industrial/tourism section of the TCPS does not seem to be consistent. There are references to minimise/mitigate/avoid in this section, which seem to build a hierarchy of priorities that suggest some values/uses/etc are more important than others. Are these statements based on evidence?
- The TCPS needs to recognise that there is already an existing urban canal estate in Lauderdale and detail ways in which this will be managed<sup>18</sup>.
- The TCPS needs to clarify what it is trying to encourage, rather than stating what currently is. On the whole, codes struggle to do this well. There needs to be some other policy that encourages this consideration of the future.
  - Suggestion - This could be achieved at the regional level.
  - Response - No, it needs to be statutory. Principles that you want to be endorse need to be stated up front and the community consulted.
- Currently there are blunt prohibitions against developments in dunes. There following issues need to be addressed:
  - Dunes need to properly defined.
  - The rights of existing developments need to be considered. Current rules make it hard/impossible to conduct normal upkeep activities in these areas.
- There is no 'why' statement in the TCPS. It should contain a clear statement of why there is a need to regulate.
  - This discussion has already been covered in the 'Footprints in the Sand' discussion paper form the early 90s.

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<sup>18</sup> <http://www.ccc.tas.gov.au/page.aspx?u=1630>.

## Definition of 'Coast'

The following issues were raised regarding the definition of the coast contained in the TCPS:

- The SCP 96 uses a biophysical definition of the coast that captures too much land when used in urban areas (e.g. defining the coast by the watershed). This is especially true because there are already existing controls on issues such as water quality.
- Defining the coast can be dangerous. Previous attempts have had undesired outcomes for suburban areas.
- Not supportive of the idea of an arbitrary landward boundary for the coast. More adaptive definitions should be used.
- The use of a flexible definition makes sense, but the typologies need to contain more guidance. It needs to be clear that the typologies are not based on limitless choice, rather they are based on a set of predefined options which are adaptive to the types of coast in question.
- The 1km definition of the coast was brought in by the courts when the biophysical one fell over. How will the 1km definition mesh with different types of coast?
- Can the definition of the coast also consider the potential impact from use of the coast as well (e.g. having a waste water outlet near an estuary will have a direct negative impact)?
- Mapping the coast with predefined criteria will provide certainty for planning decisions and the like. The mapping process will probably fall to local government to carry out.
- Do we actually need a specific coastal policy? Or can these goals be achieved through existing instruments?
  - We shouldn't get too hung up on definitional issues since there are already existing instruments that take care of these types of issues (i.e. The TCPS shouldn't create a requirement to draw lines all over the coast for the sake of it, there needs to be specific reason why the additional mapping is required).
  - It could be that any additional mapping is done within existing instruments.
- The TCPS needs to recognise that the coast is the coast, regardless of what lines are drawn on a map. There need to particular concentration in the TCPS to coastal hazards, etc.
  - Just because a section of the coast has been developed, does not remove the fact that it will have to deal with coastal processes, just that these issues may be handled differently.
  - Any mapping done as part of the TCPS should not ear mark any section of the coast as not being 'coast'.



- The TCPS seems to try and offer protection to modified sections of the coast because it has been developed. It needs to be recognised that it is not always going to be possible to protect or adapt, sometimes retreat will be the only viable option.
- Local government is the ideal organisation to conduct mapping of the coast because it already has a lot of knowledge in this area. The TCPS simply needs to provide overarching direction for the process.
- There is a definite need for a coastal policy because of hazard issues and for the development of coastal region policies at the local government level.
- The mapping of the coast is already happening in many areas. This has been done using lines on a map and through descriptions.

### Coastal Typology

The following issues were raised regarding the typology of the coast detailed in the TCPS:

- The coast is very diverse. To properly represent this diversity the typologies need to include subsets that are useful for a statutory purpose and day-to-day planning purposes.
- There are other ways of ordering the typology (e.g. by values of the coast).
- The coast needs to be organised using multiple, complementary typologies.
  - TCPS also needs to detail how they interact with each other. The different weights placed on different typologies.
- Alternatively the TCPS could detail the values of the coast and how the typologies will interact with these values.
- The TCPS is not clear enough regarding developed coast.
- The TCPS needs to take into account different types of coast and detail the types of behaviour allowed in different parts of the coast (i.e. urban coast should be treated differently from natural coast).
  - This is an extremely important issue for local government and planning decisions.
- Does well developed urban coast need its own coastal policy? Or are these issues sufficiently covered in existing planning policies?
- The typology approach is a definite improvement, it provides the chance for the management of the coast to be more adaptive.
- The typologies should be presented further forward in the TCPS.

### Vision and Guiding Principles – Group Discussion

## Vision

The following issues were raised regarding the vision statement in the TCPS:

- The vision statement in the TCPS is so generalised that it could easily apply to all land, not just the coast. There is nothing in it that seems to stand out as being unique to the coast.
  - It simply restates statements used about sustainable development and adds the word 'coast'.
- The vision should be something that attracts the general community towards the TCPS.
  - Opposing view - Current vision is fine, after all the TCPS is a document for bureaucrats.
- The diversity of the coast should be addressed up front in the vision.
- The different values of the coast need to be recognised.
- The different dangers/pressures facing the coast need to be recognised.
  - This could be used as a basis for why there is a need for a coastal policy (maybe not in the vision itself, but in support of it).
  - Explicit mention of coastal hazards/processes.
- There should be further recognition of climate change and long range planning (i.e. up to 2100, 2200?).
- The current vision needs to be turned upside down – the reason why a coastal policy is needed should be presented first, then supported by discussion of planning issues.
- Should the objectives of the RMPS be updated to include coastal issues, rather than creating a whole new policy just for the coast?

## Guiding Principles

The following issues were raised regarding the guiding principles in the TCPS:

- The guiding principles in the TCPS may be overly complex.
- It needs to be recognised that the precautionary principle and a goal of minimal regulation oppose each other. You cannot achieve both. There needs to be a balance between these two objectives.
  - This is because the precautionary principle states that a sufficient safety margin needs to be created via regulation.
- The requirement for minimal regulation does not seem to suit a document that is an overarching umbrella document for government.

- Suggestions:
  - Use ‘appropriate’ or ‘efficient’ legislation instead of ‘minimal’.
- Additional principle suggestion – Working with developed communities to assist in decisions/actions regarding defend/adapt/retreat issues.
- Did the guiding principle come before the creation of the TCPS? Were they used in the creation of this document? Are they consistent with the rest of the TCPS?
- Using ‘short hand’ guiding principles of this sort can lead to misinterpretations and confusion.

### Goals and Directions – Break-out Session

#### Goal 1

Goal 1 – To facilitate the sustainable development of the coast to maximise the economic and social benefits, while protecting the environment

The following comments were made regarding Goal 1 of the TCPS:

- The TCPS needs to recognise existing settlements and detail appropriate planning/management responses for these areas/issues.
  - For instance, will there be the possibility of applying for sea walls under merit? Or are they prohibited?
- TCPS needs to recognise that some responses to coastal processes may result in a compromise of existing environmental values.
- Greater direction needs to be provided by the State Government regarding development greenfield versus brownfield issues.
- The TCPS needs to recognise that different areas will require different responses.
  - Current planning generally just prohibits certain activities. The TCPS needs to be more adaptive to different areas and their needs.
- The TCPS needs to be careful using language such as ‘prohibited’. It is very difficult for local government to be appropriately adaptive if certain activities receive outright bans at a high level (e.g. banning canal estates when there is already an existing canal estate in Lauderdale).
- Visual impact and transport – should the visual impact principle apply to all development?

	<ul style="list-style-type: none"> <li>• There needs to be use of consistent language in the directions under this goal (i.e. currently some directions mitigate while other prohibit).</li> <li>• There is no evidence provided to back up the direction banning of canal estates.</li> <li>• There is no mention of noise or social impacts as potential issues under this goal.</li> <li>• The risks and impacts detailed under this goal and its associated directions should be linked to the typologies.</li> </ul>
	<p><u>Directions - General</u></p> <p>The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Direction 1.1 – There is no mention of visual significance or cultural values.</li> <li>• Direction 1.2 – To ‘complement’ is hard. Use the phrase ‘not compromise’ instead.</li> </ul>
	<p><u>Directions – Commercial and Residential Development</u></p> <p>The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Directions 1.6 – 1.11 – There is an implied hierarchy in this section caused by use of language, specifically: <ul style="list-style-type: none"> <li>- minimise</li> <li>- avoid</li> <li>- mitigate</li> <li>- minimise problem</li> </ul> </li> </ul>
	<p><u>Directions – Industrial, Tourism and Other Developments</u></p> <p>No comment.</p>
	<p><u>Directions - Transport and infrastructure</u></p> <p>The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Directions 1.12/1.13</li> </ul>

	<ul style="list-style-type: none"> <li>- These two principles cover similar issues, but have a different emphasis.</li> <li>• Direction 1.15: <ul style="list-style-type: none"> <li>- This direction also needs to take into account sensible planning issues.</li> <li>- Should this direction be listed under Goal 4 instead?</li> </ul> </li> </ul>
<b>Goal 2</b>	<p><u>Goal 2 – To conserve and enhance the coast’s significant natural and Aboriginal and historic heritage values</u></p> <p>The following comments were made regarding Goal 2 of the TCPS:</p> <ul style="list-style-type: none"> <li>• This seems to be the only goal about values.</li> <li>• Conserve versus enhance – the TCPS has to be careful not to over promise and under deliver. <ul style="list-style-type: none"> <li>- This language could be amended.</li> <li>- It needs to be recognised that there will be potentially negative impacts that will occur as a result of coastal processes, etc.</li> </ul> </li> <li>• Enhancement can occur from the work done by land care activities/groups, etc.</li> <li>• Does each goal only relate to the directions underneath it? Or are the goals and directions meant to intermix with each other? <ul style="list-style-type: none"> <li>- TCPS needs to ensure that there is consistency amongst its goal and directions.</li> </ul> </li> <li>• Why does this goal only concentrate on Aboriginal and historic values? <ul style="list-style-type: none"> <li>- The TCPS needs to consider all possible values of the coast.</li> <li>- How will the TCPS reconcile competing values on the coast?</li> </ul> </li> <li>• How will the coast’s values be identified, balanced and prioritised?</li> </ul> <p><u>Directions – Natural Values</u></p> <p>The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Direction 2.4 – How will this direction interact with the objectives in the state coastal water policy?</li> </ul>

	<p><u>Directions – Aboriginal and Historic Cultural Heritage</u></p> <p>No comment.</p>
<p><b>Goal 3</b></p>	<p><u>Goal – To manage risk from coastal processes and present and future coastal hazards, to enable coastal processes and existing activities to continue, and permit new activities to occur</u></p> <p>The following comments were made regarding Goal 3 of the TCPS:</p> <ul style="list-style-type: none"> <li>• The wording of this goal suggests that these risks can be managed. This may not be realistic. <ul style="list-style-type: none"> <li>– At this point we don't fully understand what these risks may be long term.</li> <li>– We certainly don't understand all coastal processes and their potential impact, especially in regards to vulnerable areas.</li> </ul> </li> <li>• This goal is too embedded in the status quo. It need to recognise that: <ul style="list-style-type: none"> <li>– the coast will change in ways we don't even understand; and</li> <li>– that this change will occur according to a timeline we don't understand.</li> </ul> </li> <li>• This goal needs to recognise that the way we have traditionally used the coast will change through the necessity of dealing with coastal processes.</li> <li>• This goal needs to clarify that in order for continuing and new activities to be approved they need to be appropriate to the area/future risks involved.</li> <li>• The grey box section of this goal needs to refer to sea level rise and geomorphology.</li> <li>• There needs to be consistently firmer language in this section (e.g. use 'must' instead of 'should' in Direction 3.2).</li> <li>• The TCPS does not provide sufficient consideration regarding seabirds. They seem to be collateral damage at the moment. <ul style="list-style-type: none"> <li>– It also needs to be recognised that there may be little that can actually be done regarding this issue.</li> </ul> </li> <li>• There is insufficient consideration of the impact of coastal processes on the water side of the coast. <ul style="list-style-type: none"> <li>– Is there enough information to understand the potential consequences for this area?</li> </ul> </li> </ul>

- The TCPS seems to be trying to be something for everyone and comes across as non-committal as a result.
- Should the TCPS explicitly state that there will be areas that are too environmentally high risk to have any development approved?
- This goal needs to provide a clear direction that cannot be misinterpreted.
- There is no mention of protecting vegetation (which will provide additional protection against coastal processes).
- Provide a definition of 'vulnerable ecosystem'.

Directions

The following comments were provided regarding this section of the TCPS:

- Direction 3.1:
  - This direction starts with 'new development', it should be looking at the appropriateness of the development.
  - This direction should 'assess the risk' instead of 'take into account'.
- Direction 3.3:
  - This direction seems to be written to allow coastal processes to continue.
  - Why is there nothing in goal 3 that talks about protecting coastal communities?
  - The Clarence community will expect to see references in this document to protecting existing communities.
  - The TCPS needs to clearly state what the options for existing settlements are.
  - TCPS needs to provide more information regarding coastal processes and engineered works.
- Direction 3.4:
  - This direction's intent is not clear.
  - Coastal processes are not well enough understood at this point to say this.
- Direction 3.5 – Status quo is not the goal. The TCPS should be forward looking (i.e. what can and should be protected realistically?).

**Goal 4**Goal – To ensure the coast is accessible and available for recreational use by the public

The following comments were made regarding Goal 4 of the TCPS:

- There needs to be explicit recognition that achieving this goal in every instance is not possible in light of the other 3 goals.
- The TCPS needs to be adaptive to reflect community/coastal changes.
- It will not be possible at all times to ‘ensure’ the coast is accessible, especially as it changes over time.
- The fundamental issue to consider is, ‘public open space’ can only be achieved via a subdivision. This cannot be enforced via a strata title.
  - This means that depending on the nature of the development local government has no ability to modify the development to ensure public access.
  - TCPS needs to consider this issue.
- There are large amounts of privatised coast. The TCPS need to consider existing land use rights.
- Accessibility to the coast is a high priority issue for the community.
- There needs to be extensive public education and planning consideration regarding access issues.
  - This is particularly important because of climate change and coastal process issues and their potential impact upon where the coastal boundary is.
- The TCPS needs to give consideration to appropriate recreational activities on the coast and whether existing activities can continue (e.g. cars, dogs, 4wd bikes, etc).
- Multiple uses need to be considered/weighted (e.g. cultural, environmental, recreational, etc). Also issues regarding private versus public land need to be considered.
  - It also needs to be recognised that these values will change over time due to coastal processes.
- Appropriate consideration needs to be given to the impact from coastal processes on existing settlements.
- If the coastal reserve is eroded completely, does that remove the crown land? Is there any further government responsibility?
  - Please note that there are different rules for this depending on whether the coast has been impacted upon by a



	<p>storm surge event or from gradual erosion.</p> <ul style="list-style-type: none"> <li>- The TCPS needs to consider the existing rules.</li> <li>• There will be large issues with coastal protection work and their potential impact upon surrounding land.</li> <li>• There is potential for protective works to destroy some of the values that attract the community to the coast.</li> <li>• The statutory tools that will control the coast are likely to be reactive in nature, but the TCPS needs to be forward thinking and adaptive.</li> </ul>
	<p><u>Directions</u></p> <p>No comment.</p>
<b>Policy Application, Roles and Responsibilities – Group Discussion</b>	
<p><b>Roles and Responsibilities</b></p>	<p>The following comments were provided regarding the roles and responsibilities detailed in the TCPS:</p> <ul style="list-style-type: none"> <li>• Roles and responsibilities – there is too much weight given to local government.</li> <li>• It needs to be recognised that there is a lot of coastal/crown land that is managed by the State Government. Therefore State Government should be allocated more responsibility under the TCPS.</li> <li>• There is nothing in the TCPS regarding leadership regarding coastal issues. Who will lead these efforts? Who is accountable?</li> <li>• The goals in the TCPS need to be compared to those that were in the SCP 96.</li> <li>• The SCP 96 talks about shared roles and responsibilities. The TCPS needs to do this as well.</li> <li>• Organisations such as TasWater need to be considered in the TCPS.</li> <li>• Industry should be listed as a standalone category. There will be very different management processes for industry.</li> <li>• There needs to be explicit mention of leadership in the TCPS. <ul style="list-style-type: none"> <li>- Commonwealth/State Government/local government.</li> </ul> </li> <li>• The TCPS needs to explore how coastal issues will be treated by insurers and the legal fraternity.</li> </ul>

- There needs to be leadership regarding who will negotiate with these sectors regarding issues such as liability.
- Local government will make sound decisions based on the best advice. But if things go wrong with developments, it needs to be clear what local government's exposure is.
  - For instance, in NSW if planning authorities have followed sound science and decision making in their processes there are provided with a general indemnity.
  - This does not currently exist in Tasmania.
  - While this issue exists local government will be cautious regarding planning decisions.
- There too much responsibility given to local government under the TCPS. Should remove the word 'municipal' from the development plan section to make it the responsibility of all levels of government.
- It needs to be recognised that currently it is local government that does all the work, while Commonwealth and State Government sit back and set the rules.
- Community groups need to be recognised in the TCPS.

### Implementation Issues – Group Discussion

The following implementation issues were raised:

- A critical question is whether there is appropriate resourcing being provided for the implementation stage of the TCPS.
- There have been too many reviews of the coastal issue, it is time for some action to be taken.

Table 10 Record of 16 August 2013 feedback session with business and industry stakeholders

### Key Issues – Individual Comments<sup>19</sup>

The following issues were raised in response to the facilitator's request for attendees to provide a summary of their key issues about the draft TCPS:

- Concern that:
  - This consultation with industry has come much too late in the TCPS process.
  - The TCPS process is overly long and complicated – will there be any action soon?
  - Having the individual feedback sessions only attended by individuals with similar ideas will skew the results (i.e. there is no chance for opposing ideas to bounce off each other and come to sensible conclusions).
- Is it appropriate for a high level document like the TCPS to make statements such as the one banning canal estates?
  - Concern that the Minister had already stated publicly that canal estates will be banned. Why make that sort of statement at this stage of the process?
- The inclusion of the precautionary principle in the TCPS is very concerning.
  - The 'do nothing' brigade will love this as it allows them to try and block development proposals.
  - Until the current appeal system is done away with certain members of the public can continue to block developments with vexatious appeals.
  - Vexatious appeals add unreasonable costs to the planning process.
  - People that want to appeal should have to pay for the privilege. After all, developers have to pay for their part of the development process.
- Overall the TCPS seems good, but the devil will be in the detail (e.g. requirement for minimal regulation – what does this mean?).
- Opposing view – The planning process itself is not at fault. We have a democratic and legal system that allows appeals and it is an important part of the planning process.

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<sup>19</sup> Please note that comments relating to specific topics have been listed under those headings below.

- In fact, the TCPS is allowing for processes like this.
- Response – Clarification that there is nothing wrong with those who have legitimate reasons for appealing. It is the deliberately vexatious appeals that add unreasonable costs to the system.
- Although many planning issues are not specific to the coast, public water ways are considered to be particularly valuable land, so these types of issues are raised to a higher level of importance as a result.
- The Environmental Defenders Office<sup>20</sup> helped create different planning approval processes for land and marine last year and there is concern that the TCPS is going to override this process by placing marine planning issues under the LUPAA process.
  - This is a major concern because:
    - a lot of work has already been done regarding the marine approvals process; and
    - there is no need for the marine planning process to suffer from the same vexatious ‘right of appeal’ problems that are experienced by the land use planning process.
  - Aquaculture industry is perfectly happy working with the separate land use and marine use planning processes, this does not need to be changed.
  - There is no need to try and introduce uniform laws for all coastal issues.
- There needs to be sufficient consideration in the TCPS of the impact of land activities on surrounding water (e.g. oyster activities are done in estuaries, which can be easily impacted by activities on the land).
- The word aquaculture is used a general term in the TCPS. It needs to be recognised that there are large differences and needs between the various types of aquaculture.
- There is considerable existing infrastructure currently in the water that does not seem to be considered by the TCPS.
- Aquaculture infrastructure often exists in and out of the water, these issues do not seem to be well considered in the TCPS.
- The TCPS needs to make sure it appropriately addresses coastal process issues and provides advice regarding whether communities/individuals should defend/adapt/retreat.
  - Worried that there has been an overly large concentration on communities adapting to coastal processes. It should be understood that retreat is an option that may have to be taken.

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<sup>20</sup> <http://www.edo.org.au/edotas/>.

- Will people automatically lose their land? Or will they be allowed to defend their land?
- It must be recognised that there are insurance/mortgage issues to consider.
- Main concerns are impacts upon existing infrastructure and developments from coastal processes.
- The TCPS needs to address issues regarding urban /density sprawl in coastal areas. It is important to ensure that the TCPS is part of the overall planning process, not just a policy in isolation.
  - The current system is good because it allows for equitable decisions.
  - We must be aware that our aging population may well result in increased population migration towards the coast.
- Additional comment – A migrating population does not necessarily result in greater urban density, the new residents could be filling gaps in the existing urban area.
  - If you do not increase density, then it results in price rises.
- It is possible that the issues with SCP 96 are causing some of the concern that industry is expressing in this session towards the TCPS.
- The primary issues with the SCP 96 were with the implementation stage. Many planning schemes have not adopted it because of the failures in the document. TCPS needs to learn from these problems.
- The TCPS also needs to appropriately consider the types of issues that may be experienced by the coast in the future from issues such as climate change or we will all be back here repeating this process within 20 years.
- The TCPS needs to ensure that it recognises reasonable use of the coast. It is currently too protectionist in its language.
- Having proper policies and processes in place allow reasonable outcomes to happen. This will be a positive for industry and all other groups as well.
- Although the idea of evidenced based decision making is sound, there are large information gaps in these areas and the collection of new evidence can be very expensive.
  - The TCPS needs to refer to suitable, valid evidence and set out evidence requirements.
  - There seems to be an implicit suggestion that having the evidence will automatically allow you to make a decision. This is not true.
- Apart from one statement regarding canal estates the TCPS contains very little information regarding priorities. This means that the TCPS is too loose and will scare industry.
  - It needs to contain some fairly clear criteria for decision making, some definite 'yes/no' situations. Otherwise everything will end up

being contested, which increases the cost of the approval process. This discourages development.

- The private sector desires certainty. Especially if this means that it cannot be challenged by frivolous or vexatious appeals.
- This could be addressed in the implementation stage of the TCPS.
- Each goal in the TCPS is worthy in its own right, but currently they do not coexist well.
  - The TCPS needs to provide guidance to how these tensions will be resolved.
  - There needs to be more information provided regarding how these types of issues will be addressed in stage 2 of the TCPS.
- The Tasmanian Farmers and Graziers Association (TFGA) agrees that there is a need for a state coastal policy, but the language in the TCPS is not useful.
  - Currently the language is too wishy washy. How will it translate to practical application?
- There is no need for another layer of planning. There are too many councils/planning schemes/etc to deal with as it is, especially considering the size of Tasmania's population.
- How will the TCPS interact with the current planning processes?
- The use of the precautionary principle is scientific laziness. If you are unable to prove something you should not be able to fall back on the precautionary principle as a defence.
- The TCPS currently has a clear emphasis that private land owners will bear the costs of community expectations. This is wrong, if the community wants to apply new standards, then it should pay for their implementation.
- TCPS contains too many motherhood statements.
- The Premier recently made a commitment that there would be a moratorium on any further regulation to be introduced – how does the TCPS sit with this promise?
  - State Government needs to recognise that there is too much infrastructure in Tasmania for the size of our population (e.g. public schools in regional areas as an example).
- The vision seems to be quite good. However the triple bottom line seems to disappear after that.
- There is too much of an environmental focus to the TCPS.
  - Development issues fall behind environmental issue over and over again in the TCPS. This needs to be better balanced.

- There are some similarities between the challenges faced on both sides of the high water mark.
- Definitions are lacking in the TCPS (e.g. coastal catchments, etc).
- TCPS needs to recognise that aesthetic values are different for different people.

### Definition of 'Coast'

The following issues were raised regarding the definition of the coast contained in the TCPS:

- The definition of the coast needs to take into account the complete range of different locations and activities involved.
  - There are multiple different ways to measure what is the coast. Does this mean there will be multiple coastal lines on the map?
  - The danger from having multiple ways of defining the coast is that it could dramatically increase the area that is considered to be the coast.
  - Using 'fuzzy' lines to indicate the coast will create problems.
- The various policies in this area need to be linked together to ensure that they work cohesively.
  - There is a danger that a wide definition of the coast will take too much land that is already managed by existing land use policies.
  - If there is a land based policy that adequately deals with coastal issues, we do not need a new coastal policy.
- TCPS should keep the definition of the coast small and allow land use policies to deal with land based activities and their effect on the coast.
  - The TCPS should only deal with specific coastal issues.
- The TCPS refers to aesthetic values as if they're universal to the coast. It needs to recognise that different sections of the coast will have different values.
- Certainty is the corner stone of business and the adaptive definition is not certain. Business needs to know exactly where the coast is.
- Coastal lines need to be stated and easy for all to see and understand.
- Need to know more about Phase 2 – many of these comments are about actions that will occur under Phase 2 of the TCPS.

### Coastal Typology

The following issues were raised regarding the typology of the coast detailed in the TCPS:

- The typology in the TCPS is based on current use. It needs to be recognised that there are potentially other typologies that can be used:
  - Values
  - Natural attributes
- How will the TCPS deal with areas that have multiple values (e.g. sandy coast that has aquaculture and industry)?
- Although large areas of the Tasmanian coastline could be considered natural, trying to identify areas that will be classified as modified could be hard.
- How small an area can be mapped to a typology?
- The TCPS needs to recognise that the coast acts as a buffer between the sea and the land.
- The TCPS needs to provide further detail regarding how the typologies will be assigned to the coast.
  - How will decisions be made regarding what is modified coast, etc?
  - There needs to be certainty in these decisions and how these typologies will interact with development.
- There is a lot of crown land that was classified as wilderness simply because the State Government did not know what to do with it.
  - Will this automatically be locked up as natural coast?
  - Does this mean it cannot be developed?
- The broad typology approach has some merit. However, the TCPS needs to consider situations where there may be natural assets that should be protected in the middle of a developed section of coast.
  - One way of handling this would be to place 'use' rules on top of the typologies (e.g. developed coast – favours development as long as it does not have overly adverse consequences for X, etc).
- The typologies should be directly mapped – this will help to provide clarity.
- The typologies could have negative consequences (e.g. aquaculture wants to operate in natural areas of the coast to remove itself from being effected by urban pollution, but these areas will probably face restricted development rules).
  - There should be an additional typology that earmarks certain natural areas that can be used for development.



- The TCPS needs to recognise the economic advantage of the natural coast, not just lock it up for nobody to use.
- Agricultural areas shouldn't be classified as rural/residential as this creates unrealistic expectations in the public. Should be classified as agricultural/industrial instead.

## Vision and Guiding Principles – Group Discussion

### Vision

The following issues were raised regarding the vision statement in the TCPS:

- Vision in the TCPS is good, maybe a little weak, but overall good.
  - It is the guiding principles, etc that cause issues. Industry does not want any more regulation.
- Minimal regulation – there should never be a regulation unless you can identify exactly why you are imposing a regulation (i.e. you have identified an issue that needs to be solved).
  - The TCPS does not currently contain an explanation for why there needs to be regulation of the coast.
- Equity of access is unrealistic. This could be modified to 'minimal level of access'.
- Equity in planning is critical.
- The TCPS needs to recognise that the community understands and accepts the fact that there will be some level of development involved with marine farming. The coastal planning process needs to take this into account.
- The TCPS needs to recognise that dealing with the coast is a matter of probabilities. Technically you cannot put anything beyond reasonable doubt and this shouldn't be used to stymie the planning process. There needs to be defined bench marks.
- The TCPS is too weighted towards the environment at this point.

### Guiding Principles

The following issues were raised regarding the guiding principles in the TCPS:

- The precautionary principle should be removed from these statements.
  - Opposing comment – It doesn't have to be, as long as it is used sensibly.
  - Additional comments:

- Experience shows that generally the precautionary principle is used negatively. Evidence requirements become biased and there can be legal ramifications for developers/business.
- The typology needs to be clear that certain types of activities are allowed in certain areas.
- TCPS needs to be aware that the precautionary principle can have different ramifications in civil, compared to criminal courts.
- Can the TCPS only apply the precautionary principle to certain issues?
- The TCPS needs to clarify what is considered to be an acceptable level of risk.
  - What types of risks?
- A risk based assessment process will automatically take into account the precautionary principle. The TCPS doesn't need to specifically mention the precautionary principle while it requires a risk based assessment process.
- The TCPS needs to be aware that there are multiple different types of risk that can be examined under the risk based assessment process (e.g. business risk, environmental risk, etc).
- If industry wants the precautionary principle removed from the TCPS it will face a fight. Instead it should present the idea of having it restrained instead. This could be more achievable.
- The precautionary principle shouldn't apply to property or assets.
- The second guiding principle should be removed and incorporated into the fourth one.
- What is meant be minimal regulation?
  - It needs to be recognised that good guidelines can actually act as an encouragement to development because it creates certainty. Although regulation does not always follow this path.
- Equity of access requirement will create issue for private land owners.

### Goals and Directions – Break-out Session

#### Goal 1

Goal 1 – To facilitate the sustainable development of the coast to maximise the economic and social benefits, while protecting the environment

The following comments were made regarding Goal 1 of the TCPS:

- The TCPS needs to recognise that allowing certain activities means that there will not be a pristine environment, but

	<p>that this shouldn't stop development.</p> <ul style="list-style-type: none"> <li>- There should be no requirements in the TCPS for a completely pristine environment.</li> <li>• Regarding the idea of minimising the risk to the coast – The TCPS needs to clarify what the values of the coast are and what the threats to those values are. <ul style="list-style-type: none"> <li>- Preferably the TCPS would provide clear statements of what is, what might be and what is not acceptable activities on the coast or specific areas of the coast.</li> </ul> </li> </ul> <p><u>Directions - General</u> No comment.</p> <p><u>Directions – Commercial and Residential Development</u> No comment.</p> <p><u>Directions – Industrial, Tourism and Other Developments</u> The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Direction 1.10: <ul style="list-style-type: none"> <li>- What is the definition of sustainable farming activities?</li> <li>- Who provides this definition?</li> </ul> </li> </ul> <p><u>Directions - Transport and infrastructure</u> No comment.</p>
<b>Goal 2</b>	<p><u>Goal 2 – To conserve and enhance the coast's significant natural and Aboriginal and historic heritage values</u> The following comments were made regarding Goal 2 of the TCPS:</p> <ul style="list-style-type: none"> <li>• How do you fulfil this goal in some areas? <ul style="list-style-type: none"> <li>- For instance – In Marrawah access to some areas of the coast have been cut off in favour Aboriginal rights.</li> <li>- Will all Aboriginal areas be cut off in a similar way?</li> </ul> </li> </ul>

- There needs to be a mechanism for solving potential tensions between the goals in the TCPS.
- TCPS needs to provide a definition of 'significant'.
  - What pushes an area into the significant category?
  - What level of evidence needs to be supplied?
  - Who makes the decision?
  - What if there are competing values?

Directions – Natural Values

The following comments were provided regarding this section of the TCPS:

- Direction 2.1 - Comparing 2.1 to direction 1.1:
  - 1.1 is much more honed.
  - 2.1 should be reviewed to read along the lines of 1.1.
- Direction 2.2 – This language is overly prescriptive.
  - What does this statement actually mean?
  - Have you failed to maintain the aesthetic values simply because you developed?
  - Maintains means 'stays the same'. This precludes development.
  - TCPS must be careful that language does not become overly prescriptive.
- Direction 2.3 - This is closer to the type of statements that should be used in the goals.
- Direction 2.4 – This goal could be supported.
- TCPS should define aesthetic values.
  - Is there any difference between protecting aesthetic values on the coast to anywhere else?
  - Does the TCPS need to refer to aesthetic values at all?
  - Aesthetic values can include engineered structures as well as natural assets.

	<ul style="list-style-type: none"> <li>• Developments that take into account aesthetic values should be allowed for a variety of purposes. <ul style="list-style-type: none"> <li>– The language used in the TCPS needs to allow room for balancing values.</li> </ul> </li> <li>• Under the risk based assessment process – will the potential use outweigh the protection of aesthetic values?</li> </ul>
<b>Goal 3</b>	<p><u>Goal – To manage risk from coastal processes and present and future coastal hazards, to enable coastal processes and existing activities to continue, and permit new activities to occur</u></p> <p>The following comments were made regarding Goal 3 of the TCPS:</p> <ul style="list-style-type: none"> <li>• The language used in the grey box under this goal is problematic regarding engineered works being considered as a non-preferred option. <ul style="list-style-type: none"> <li>– What exactly is being referred to here?</li> <li>– This statement needs to be clear and recognise the fact that there are existing situations, beyond climate change, that require engineered solutions to address them.</li> </ul> </li> <li>• To facilitate development maybe the TCPS should link consideration of coastal hazards to Goal 1. <ul style="list-style-type: none"> <li>– There needs to be direct recognition of the tension between Goals 1 and 3.</li> </ul> </li> <li>• Private owners need to manage the risk and pay for any engineered solutions regarding their land and coastal processes.</li> </ul>
	<p><u>Directions</u></p> <p>The following comments were provided regarding this section of the TCPS:</p> <ul style="list-style-type: none"> <li>• Direction 3.1: <ul style="list-style-type: none"> <li>– The objective of this direction is wrong. It should be to maximise the value, while taking into account the fact that you may need to protect it. <ul style="list-style-type: none"> <li>▪ TCPS needs to recognise that engineered solutions will be used and explore issues surrounding cost/benefit analysis of these types of decisions.</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- The first part of the sentence should be removed.</li> <li>• Direction 3.2: <ul style="list-style-type: none"> <li>- TCPS should clarify that it will be a requirement to develop and implement management plans.</li> <li>- Assess by who?</li> <li>- Process needs to be devised and implemented.</li> </ul> </li> </ul>
<b>Goal 4</b>	<p><u>Goal – To ensure the coast is accessible and available for recreational use by the public</u></p> <p>The following comments were made regarding Goal 4 of the TCPS:</p> <ul style="list-style-type: none"> <li>• What does this mean for natural values?</li> <li>• It needs to be clarified what access means? <ul style="list-style-type: none"> <li>- On foot? By car? Individual access? Group access?</li> </ul> </li> <li>• The language used in the directions is wrong. It seems to be predicated on an outcome.</li> <li>• The TCPS seems to assume that this goal and its directions are achievable. This may not be the case.</li> </ul> <p><u>Directions</u></p> <p>No comment.</p>
<b>Policy Application, Roles and Responsibilities – Group Discussion</b>	
<b>Roles and Responsibilities</b>	<p>The following comments were provided regarding the roles and responsibilities detailed in the TCPS:</p> <ul style="list-style-type: none"> <li>• The TCPS needs to provide a plan detailing how the different government agencies will coordinate on the implementation of the TCPS. <ul style="list-style-type: none"> <li>- Currently there is too much cross purpose management of the coast by different agencies.</li> <li>- Coordination and harmonisation of efforts needs to be organised.</li> </ul> </li> <li>• TCPS needs to consider how to organise joint efforts between private parties. <ul style="list-style-type: none"> <li>- Many actions will need a coordinated response (e.g. you can't just build a seawall for your section of the coast,</li> </ul> </li> </ul>

private owners will need to work with their neighbours).

- There needs to be leadership provided to coordinate community responses.
- Who will take responsibility for this process?
- TCPS needs to consider issues such as cost, maintenance, risk, etc.
- There needs to be a framework to support the consideration of these issues.
- TCPS needs to adjust the roles and responsibilities ascribed to private land owners. This places another unwanted layer of regulation on them.
  - There needs to be a more collaborative approach with private landowners or there will be a lot of opposition from them.
  - If community wants this type of access it has to be willing to compensate land owners for any required changes.
  - TCPS needs to engage land holders if it wants to achieve its aims.
  - Expectation for owners goes beyond what should be contained in a policy statement.
- TCPS needs to ensure that there is sufficient synergy between the different policies, legislation, etc that are involved in this area.
- There are liability issues to consider if private land owners are forced to provide public access to the coast through their land.
- Language in the TCPS is too paternalistic.
- There needs to be clear differentiation in the TCPS between existing developments and new developments.
- There are some concerns that developers do not need to be consistent with the TCPS as it stands.
- The TCPS does not detail risks. How can owners be consistent with the TCPS if it does not detail risks?
- The language in the TCPS needs to be reviewed.

### Implementation Issues – Group Discussion

The following implementation issues were raised:

- There needs to be further consultation regarding the implementation stage.