

## Validation (State Coastal Policy) Act Submissions received

Submission No.	Name	Organisation
310	Stephenie Cahalan	
311	Louise Brooker	
312	Cassandra Wright	
313	Tom Davidson	
314	Michael Comfort	
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316	Chris Glenn	
317	Todd Dudley	North East Bioregional Network
318	missed number	
319	Jaime Spies	
320	Alison Collier	
321	Austen Graham	
322	Al Cole	TasWater
323	Andrew Ricketts	
324	Elizabeth Shannon	
325	Nicholas Sawyer	Tasmanian National Parks Association Inc
326	Lesley Crowden	
327	Jill Hickie	Taroona Community Association
328	Marina Campbell	
329	Donald Hay	Circular Head Coastal Awareness Network
330	Steve Pilkington	
331	Martyn Summers & Susan Wallace	
332	Gwen Egg	
333	Marisol Miró Quesada	
334	Dr James (Jim) Russell	
335	Andrew Farrugia	
336	Rob Crosthwaite	
337	Mary Mulvaney	
338	Gary Whisson	
339	Helen Tait	
340	Margaret Taylor	
341	Rebecca Roberts	
342	Greg Cameron	
343	Sophie Underwood	Planning Matters Alliance Tasmania
344	Jocelyn Thomas	
345	Rohan Grant	
346	Greg Pullen	
347	Robin Thomas	
348	Todd Walsh	

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**From:** Stephenie Cahalan <  
**Sent:** Wednesday, 31 July 2024 9:54 PM  
**To:** State Planning Office Shared Mailbox  
**Cc:**

**Subject:** Submission - Validation (State Coastal Policy) Bill 2024

Thank you for the opportunity to comment on the *Validation (State Coastal Policy) Bill 2024* which I strongly oppose. This rushed legislation to retrospectively rubber-stamp every development that may be questioned because it is constructed on a mobile landform is exceedingly poor process on every count. This is made worse by the failure by the Government to release any legal reason or justification for the action.

The fact that previous developments were not adequately assessed is a very unfortunate oversight, but an opportunity has arisen to re-examine these developments and identify measures to ensure they comply with the necessary legislation. This process could avert safety problems with bad environmental and human consequences for the future.

I am alarmed at the speed with which this legislation has been introduced and the curtailing of the public consultation period which is unacceptable and dubious. The Tasmanian public needs to be given the opportunity to have more faith in a regulatory processes, but this rushed attempt at making changes smacks of a panicked response to sloppy oversight which undermines confidence in planning agencies. As island-dwellers, we Tasmanians have strong relationships with the coasts that surround us and it is deeply disrespectful to not allow sufficient time for more people to consider the information and contribute their views. Commencing this truncated process during the school holidays when so many people have less capacity to engage while they care for their children seems just plain sneaky.

I am seriously concerned that this legislation is being pushed through at the same time that the highly contested Robbins Island wind farm is before the Tasmanian Supreme Court on appeal by the Environment Protection Authority, because of its potential non-compliance with the State Coastal Policy.

Robbins Island is a highly significant Aboriginal cultural landscape which the wind farm will threaten. As the Aboriginal heritage protection legislation is woefully inadequate, the State Coastal Policy is a useful backstop. However, this legislation appears to enable the wind farm and ride rough-shod over the wishes of many in the community, including the Palawa, and shows a level of disrespect which is completely at odds with the spirit of reconciliation to which the Government is supposedly committed. It would not meet with the Closing the Gap target 15 which aspires to enable the community 'to maintain a distinctive cultural, spiritual, physical and economic relationship with their land and waters'.

Your sincerely,

Stephenie Cahalan

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**From:** Louise Brooker  
**Sent:** Wednesday, 31 July 2024 10:01 PM  
**To:** State Planning Office Shared Mailbox  
**Subject:** Fast tracking changes to Coastal Policy.

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I am writing to express my opinion about the proposal to fast track changes to the State Coastal Policy and to ask you to consider the options very carefully before you vote on the matter. Fast tracking the proposed changes will have a serious impact on the credibility of the Government. I see no justification for rushing through proposed changes to the State Coastal Policy. The way these changes are being made, with two separate bills, suggests deceit and trickery and certainly erodes our trust.

If changes to the Coastal Policy are intended, they must follow the legislated eight week consultation process, so that opinion can be sought with the public being given opportunities to respond to the proposed Bill. It is quite obvious to all that this proposed Bill is about pushing through the wind farm at Robbins Island. That is a serious mistake.

Many of our widely acclaimed Natural Scientists have expressed the facts about the immense ecological value of Robbins Island and Boulanger Bay and the huge impact that getting a wind farm built there would have on the area. Don't just imagine the wind farm **being** there, imagine whether it could be constructed without causing havoc for the environment. It can't!! Short term goals should not be allowed to have such a huge impact on the most important wetlands in Tasmania. YES, **THE** most important wetlands !!

Other things that have not been taken into account about this project are the importance of these cultural grounds to first nations people and the negating of the work done by volunteers in ridding the area of rice grass.

Please scrap the Validation Bill and focus efforts on protecting this prime wetland.

Louise Brooker,

Bridport, Tasmania.



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**From:** cass Wright >  
**Sent:** Wednesday, 31 July 2024 10:06 PM  
**To:** State Planning Office Shared Mailbox  
**Cc:**

**Subject:** Save our coasts. Scrap the proposed changes to the Tasmanian Coastal Policy

I oppose the proposed changes to the *State Coastal Policy*, and call on you to scrap the *Validation (State Coastal Policy) Bill 2024* due to the following nine issues and concerns:

1. The State Government immediately stops its attempt to amend the Tasmanian *State Coastal Policy*, **ensuring there is no impact to the ongoing Robbins Island Supreme Court case.**
2. **Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.**
3. If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to **release the legal reasons** (if not the legal advice) supporting these assertions to ensure transparency in the proposal.

4. **Note the Robbins Island wind farm is yet to gain approval from the Australian Government.** Thus, there is no immediate need to rush through the proposed changes to the *State Coastal Policy*.
5. **The Tasmanian Government has yet to demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the *State Coastal Policy*.** The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). **No such evidence has been provided and thus we remain skeptical of the Tasmanian Government's justification for the proposed changes to the *State Coastal Policy*.**
6. **Any proposed changes to the *State Coastal Policy* must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released.** The State Government is proposing to make two lots of changes to the *State Coastal Policy* – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.
7. **We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least allow further (but limited) community consultation/engagement.** This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.
8. **The draft legislation (the [Validation \(State Coastal Policy\) Bill 2024](#)) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that '*validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act*' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.

9. **The State Government's claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania. **See page 17 of the Background Report for further details on the mapping issue and contradictory statement by the State Government.**

Sincerely,  
Cassandra Wright

**From:** Tom Davidson  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**

**Subject:** Save our Coasts – Pls Scrap the Validation (State Coastal Policy) Bill 2024  
**Date:** Wednesday, 31 July 2024 10:08:33 PM

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I oppose the proposed changes to the *State Coastal Policy*, and call on you to scrap the *Validation (State Coastal Policy) Bill 2024* due to the following nine issues and concerns:

☒☒☒ The State Government immediately stops its attempt to amend the Tasmanian *State Coastal Policy*, **ensuring there is no impact to the ongoing Robbins Island Supreme Court case.**

☒☒☒ **Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.**

☒☒☒ If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to **release the legal reasons** (if not the legal advice) supporting these assertions to ensure transparency in the proposal.

☒☒☒ **Note the Robbins Island wind farm is yet to gain approval from the Australian Government.** Thus, there is no immediate need to rush through the proposed changes to the *State Coastal Policy*.

☒☒☒ **The Tasmanian Government has yet to demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the *State Coastal Policy*.** The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). **No such evidence has been provided and thus we remain**

**skeptical of the Tasmanian Government's justification for the proposed changes to the *State Coastal Policy*.**

☒☒☒ **Any proposed changes to the *State Coastal Policy* must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released.** The State Government is proposing to make two lots of changes to the *State Coastal Policy* – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.

☒☒☒ **We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least allow further (but limited) community consultation/engagement.** This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.

☒☒☒ **The draft legislation (the [Validation \(State Coastal Policy\) Bill 2024](#)) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that 'validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.

☒☒☒ **The State Government's claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania. **See page 17 of the Background Report for further details on the mapping issue and contradictory statement by the State Government.**

**Our vast and unique coastlines are a world asset. They need protection not development.**

**Your sincerely,**

**Tom Davidson**

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**From:** mike Comfort  
**Sent:** Wednesday, 31 July 2024 10:10 PM  
**To:** State Planning Office Shared Mailbox  
**Cc:**

**Subject:** Save our Coasts – Pls Scrap the Validation (State Coastal Policy) Bill 2024

I oppose the proposed changes to the *State Coastal Policy*, and call on you to scrap the *Validation (State Coastal Policy) Bill 2024* due to following nine issues and concerns.

Tasmania's coast is one of the islands greatest assets and as such requires strong protection and full transparency on decisions affecting the coast. The State Coastal Policy has been addressing this for many years and I fear the government's current proposal will not offer the same level of protection or allow for public review of important decisions that will impact the coast for generations to come. Like many Tasmanians, I enjoy and value our coast and am concerned that the government's bill will have adverse outcomes for the Coasts protection.

1. The State Government immediately stops its attempts to amend the Tasmanian State Coastal Policy ensuring there is no impact to the ongoing Robbins Island Supreme Court case.
2. **Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.**
3. If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to **release the legal reasons** (if not the legal advice) supporting these assertions to ensure transparency in the proposal.
4. **Note the Robbins Island wind farm is yet to gain approval from the Australian Government.** Thus, there is no immediate need to rush through the proposed changes to the *State Coastal Policy*.

5. **The Tasmanian Government has yet to demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the *State Coastal Policy*.** The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). **No such evidence has been provided and thus we remain skeptical of the Tasmanian Government's justification for the proposed changes to the *State Coastal Policy*.**
6. **Any proposed changes to the *State Coastal Policy* must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released.** The State Government is proposing to make two lots of changes to the *State Coastal Policy* – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.
7. **We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least allow further (but limited) community consultation/engagement.** This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.
8. **The draft legislation (the [Validation \(State Coastal Policy\) Bill 2024](#)) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that '*validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act*' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.
9. **The State Government's claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania. **See page 17 of the Background Report for further details on the mapping issue and contradictory statement by the State Government.**

Yours sincerely,

Michael Comfort

STEP 5 – Please send your email 😊 ASAP.

STEP 6 – Share this with family, friends and your community.

**Facebook**

**Email**

**WANT TO KNOW MORE?**

**1. Download PMAT Submission Guide**

Download a copy of PMAT's Submission Guide: Say no to fast-tracking changes to our State Coastal Policy

[Download guide here](#)

**2. Draft Validation State Coastal Policy Bill 2024**

**3. Read our Work-to-Date on this Issue**

**4. Tas Coastal Policy Public Meetings**

**Related News & Media**



**MEDIA RELEASE**

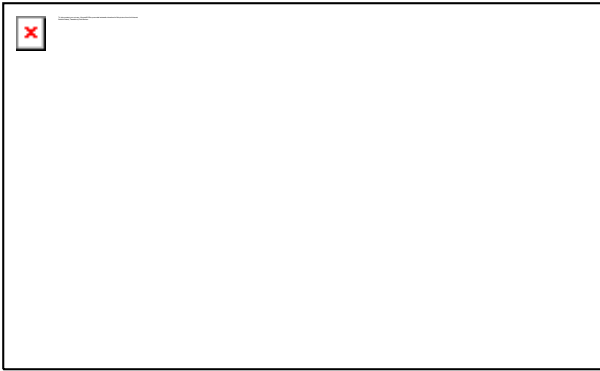
[Background Report & Joint Media Releases: Scrap proposed legislation to weaken State Coastal Policy](#)

PMAT, and other Tasmanian conservation organisations, are calling on the State Government to halt plans to retrospectively amend the Tasmanian State Coastal Policy, commit to

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19 July 2024





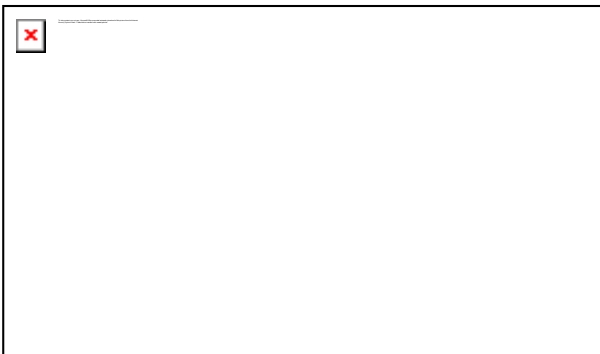
#### MEDIA RELEASE

### [Joint Media Release: State Government must scrap its proposed legislation to weaken the Tasmanian Coastal Policy](#)

Tasmanian conservation organisations repeat their call for the State Government to scrap their retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not

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18 July 2024



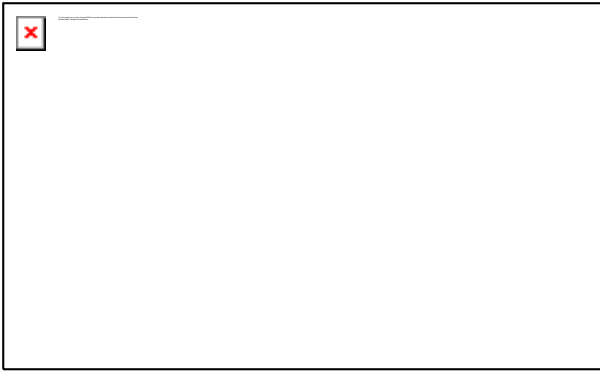
#### OPINION PIECE

### [Mercury Opinion Piece: “Cease bids to interfere with coastal policies”](#)

“If there are genuine concerns about the state’s coastal policy, then let’s follow an informed consultative process, not rush through retrospective legislation with minimal opportunities

[READ MORE »](#)

11 July 2024



MEDIA RELEASE

[Join](#)

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Images with thanks to Rob Blakers, Eric J Woehler and Jennie Churchill.

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**From:** Robin Badcock  
**Sent:** Wednesday, 31 July 2024 10:46 PM  
**To:** State Planning Office Shared Mailbox  
**Cc:**

**Subject:** State coastal policy Bill 2024

To whom it may concern

I am not in favour of the proposed changes to the *State Coastal Policy* and call on you to **scrap the *Validation (State Coastal Policy) Bill 2024*** due to the below issues and concerns.

1. The State Government immediately stops its attempt to amend the *Tasmanian State Coastal Policy*, **ensuring there is no impact to the ongoing Robbins Island Supreme Court case.**
2. **Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.**
3. If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to **release the legal reasons** (if not the legal advice) supporting these assertions to ensure transparency in the proposal.
4. **Note the Robbins Island wind farm is yet to gain approval from the Australian Government.** Thus, there is no immediate need to rush through the proposed changes to the *State Coastal Policy*.

5. **The Tasmanian Government has failed demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the *State Coastal Policy*.** The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). **No such evidence has been provided and thus we remain skeptical of the Tasmanian Government's justification for the proposed changes to the *State Coastal Policy*.**
6. **Any proposed changes to the State Coastal Policy must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released.** The State Government is proposing to make two lots of changes to the State Coastal Policy – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.
7. **We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least allow further (but limited) community consultation/engagement.** This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.
8. **The draft legislation (*the [Validation \(State Coastal Policy\) Bill 2024](#)*) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that 'validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.
9. **The State Government's claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania.

Robin Badcock

4154 Meander Valley Road

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**From:** Chris Glenn  
**Sent:** Wednesday, 31 July 2024 11:32 PM  
**To:** State Planning Office Shared Mailbox  
**Subject:** Validation (State Coastal Policy) Bill 2024 - my serious concerns.

Dear Sir/Madame,

I am writing to express my serious concerns with the way in which the state government is trying to amend the **State Coastal Policy**. There are a number of reasons why I oppose the tabling of this draft legislation in the method being proposed.

Firstly, the State Government is proposing to make two lots of changes to the *State Coastal Policy* – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments such as jetties but the government has yet to demonstrate the need for this legislation. Evidence must be provided for the need for the draft legislation. The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties but no evidence has been provided. The content and ramifications of the second bill is yet to be revealed and is not necessarily separate and disconnected from the outcomes provided by the changes proposed in the first Bill. This is not a transparent process! **Any proposed changes to the *State Coastal Policy* must be dealt with by the Tasmanian Parliament in one package and not by two separate Bills being tabled at different times.**

Further aggravating my concerns is that the proper, legislated process that would normally be required in these instances (which justifiably requires an eight-week public consultation process, with opportunity for public hearings conducted by the Tasmanian Planning Commission) is not being respected by the state government. **There is no immediate need to rush through the proposed changes to the *State Coastal Policy*.** Actions such as this smell of subterfuge and they raise suspicion and distrust of politics and politicians in the community. Your role is to represent and defend the interests of the Tasmanian community in the face of competing interests. The most basic way of doing this is by ensuring that matters such as this follow due-process and are properly scrutinised. I ask that you please vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least allow further (but limited) community consultation/engagement.

Yours sincerely,

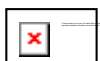
Chris Glenn

School Teacher

Resident of Blackmans Bay, Tasmania

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Chris Glenn



Virus-free [www.avg.com](http://www.avg.com)

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**From:** Todd Dudley NE Bioregional Network <>  
**Sent:** Thursday, 1 August 2024 9:49 AM  
**To:** State Planning Office Shared Mailbox  
**Cc:**

**Subject:** Re: Validation State Coastal Policy 2024

To: State Planning

Further to our previous representation on the State Coastal Policy Validation Act.  
Please find below legislation from the LUPA Act which demonstrates that contrary to the Governments (and Labor Party) claims "existing uses" that have been approved and implemented are not subject to retrospective challenge.

# Land Use Planning and Approvals Act 1993

Version current from 17 May 2023 to date (accessed 31 July 2024 at 14:56)

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## 12. Existing uses and developments

(1) Subject to [subsections \(5\)](#) , [\(6\)](#) and [\(7\)](#) , nothing in a provision of a planning scheme, or of the Tasmanian Planning Scheme, in relation to a municipal area is to be taken (including by virtue of requiring a permit to be obtained) to –

(a) prevent the continuance of the use, of any land, in the municipal area, upon which buildings or works are not erected, for the purposes for which the land was being lawfully used immediately before the provision came into effect; or

(b) prevent –

(i) the use, of any building in the municipal area that was erected before that provision came into effect in relation to the municipal area, for any purpose for which the building was lawfully being used immediately before the provision came into effect in relation to the municipal area; or

(ii) the maintenance or repair of such a building; or

(c) prevent the use, of any works constructed in the municipal area before the provision came into effect in relation to the municipal area, for any purpose for which the works were being lawfully used immediately before the provision came into effect in relation to the municipal area; or

(d) prevent the use of any building, or works, in the municipal area, for any purpose for which it or they were being lawfully erected, or carried out, immediately before the provision came into effect in relation to the municipal area; or

(e) require the removal or alteration of any lawfully constructed buildings, or works, in the municipal area.

(2) Nothing in a provision of a planning scheme, or the Tasmanian Planning Scheme, in relation to a municipal area is to be taken to prevent a development, in the municipal area –

(a) that is a development in relation to which a permit, or a major project permit, is in force; and

(b) that is a development that was not completed before the provision came into effect in relation to the municipal area –

from being completed within 3 years of that provision coming into effect in relation to the municipal area or any lesser or greater period specified in respect of the completion of that development under the terms of the permit or another permit or to prevent the use of the land on which the development is carried out for any use that is authorised by the permit.

(3) Nothing in a provision of a planning scheme, or the Tasmanian Planning Scheme, in relation to a municipal area is to be taken to prevent a development, in the municipal area –

(a) that is a development –

(i) that was, before the commencement of the provision, a development in relation to which a permit under this Act was not required; and

(ii) in relation to which a permit, or a certificate of likely compliance, under the [Building Act 2016](#) is in force; and

(iii) that was not completed before the provision came into effect in relation to the municipal area; or

(b) that is a development that was lawfully commenced but was not completed before the provision came into effect in relation to the municipal area –

from being completed within 3 years of that provision coming into effect in relation to the municipal area or to prevent the use of the land for the purposes for which the development was carried out.

(4) Nothing in a provision of a planning scheme, or the Tasmanian Planning Scheme, in relation to a municipal area is to be taken to prevent (including by virtue of requiring a permit to be obtained) the reconstruction of a building, or restoration of works, that is or are destroyed or damaged and was or were integral and subservient to a lawfully established existing use, whether or not the use conforms to the provision, if –

(a) the destruction or damage was not caused intentionally by the owner of that building or those works; and

(b) the building or works was or were lawfully established before the provision came into effect in relation to the municipal area –

or to prevent the use of the reconstructed building or works for the purposes for which they were reconstructed or restored.

(5) [Subsections \(1\)](#) , [\(2\)](#) , [\(3\)](#) and [\(4\)](#) do not apply to, or in relation to, a use of land –

(a) that has stopped for a continuous period of 2 years; or

(b) that has stopped for 2 or more periods which together total 2 years in any period of 3 years; or

(c) that is seasonal in nature, if the use does not take place for 2 years in succession.

(6) [Subsection \(1\)](#) does not apply to the extension or transfer from one part of a parcel of land to another of a use previously confined to the first-mentioned part of that parcel of land.

(7) [Subsections \(1\)](#) , [\(2\)](#) , [\(3\)](#) and [\(4\)](#) do not apply to, or in relation to, a use, of any land, building or work, that is substantially intensified.

Todd Dudley  
President  
**North East Bioregional Network**

On Tuesday, 30 July 2024 at 11:33:34 am AEST, NE Bioregional Network <wrote:



We wish to comment on the above.

Our organisation has a long record of advocating for the protection, management and restoration of the east coast of Tasmania. Over the past 20 years there has been a steady and ongoing weakening of planning laws including the State Coastal Policy in order to prioritise development over conservation of the coasts natural and scenic values.

The State Govt is now using the excuse of seeking to validate previously approved works in the coastal zone located on potentially mobile landforms to justify changing and further weakening the State Coastal Policy. In addition it is claimed that there is insufficient data/mapping available that identifies vulnerable coastal land forms. This reasoning is not accepted as "existing uses" are exempt from retrospective review under LUPA/Planning Schemes and adequate mapping such as that found on The List is available (ie Coastal Vulnerability Layer).. As such the conclusion must be made that the primary purpose of the legislation is to ensure the approval of the Robbins Island Wind Farm and perhaps other prospective developments which involve a need to develop mobile coastal landforms.

Any changes to the State Coastal Policy need to go through the normal due processes rather than fast tracked for the benefit of particular development interests..

A review of the State Coastal Policy has been attempted and failed on numerous occasions. Given the increased development pressure on the coastal zone due to population growth and connected mass tourism the State Coastal Policy should be reviewed to strengthen its provisions to ensure that the natural and scenic values of our unique and precious coastline are protected, maintained and where possible restored for the long term.

Todd Dudley  
President  
**North East Bioregional Network**

---

**From:** Jaime Spies  
**Sent:** Thursday, 1 August 2024 9:04 AM  
**To:** State Planning Office Shared Mailbox  
**Cc:** Dean Winter; Janie Finlay; Shane Broad; Rockliff, Jeremy; Ellis, Felix; Nick Duigan  
**Subject:** Validation (State Coastal Policy) Act 2024 Submission

I write this submission with the greatest respect for Tasmania's incredible natural coastline and call for the State Government to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its legal reasons regarding the status of existing coastal structures.

These proposed amendments to the current State Coastal Policy present a great threat to Tasmania's way of life. The State Coastal Policy needs to be strengthened not weakened, for example with regards to preservation of areas of significant Aboriginal cultural heritage.

To me, Tasmania's way of life revolves around enjoying the serene and natural environment across the state. As Tasmanians, we enjoy the wild coastlines by fishing, walking, swimming, diving, boating, and simply enjoying the wild beauty they offer. To open the door to private development along the coast completely undermines the values of the Tasmanian people.

Not only this but the draft legislation will weaken the ongoing Supreme Court case that is challenging the approval of the unwanted pulitika/Robbins Island wind farm. The entire argument for why this legislation is needed rests on unreleased advice which the government claim raises legal problems with the Coastal Policy regarding developments on actively mobile landforms.

The proposed changes to the Tasmanian State Coastal Policy would open the door to private and commercial developments, as well as infrastructure such as marinas and wharves, to be built on already vulnerable and moving dune systems that are threatened by erosion, rising sea levels and increasingly severe weather storms. The government is acting without regard to the dangers our state faces from climate change or the fact that these shorelines offer crucial habitat for many endangered shorebirds. Not only that, but Tasmanians may face losing access to the coasts that they love and enjoy using. The very coasts that underpin our lifestyle and Tasmanian way of life.

Any proposed changes to the Tasmanian State Coastal Policy must follow the existing, legislated public consultation process, not be fast-tracked through parliament with a bill and only 14 days of consultation. The consultation period is woefully inadequate and does not reflect the time needed to genuinely inform and consult with the wider community and stakeholders on such a significant change. The standard State Policy Amendment Process is a minimum of 8 weeks public consultation, after a report is prepared by the Tasmanian Planning Commission, followed by hearings. This standard process must be adhered to.

In his media release dated 6th June 2024, Minister Duigan stated "This Government will always support Tasmania's way of life and provide confidence in our planning laws for coastal infrastructure." The proposed changes in the Validation (State Coastal Policy) Act 2024 will in fact do the exact opposite.

In my submission I urge the Tasmanian government to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its legal reasons regarding the status of existing coastal structures.

Yours sincerely,

Yours sincerely,  
Jaime Spies

**From:** [alison collier](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**

**Subject:** Save our Coasts – Pls Scrap the Validation (State Coastal Policy) Bill 2024  
**Date:** Thursday, 1 August 2024 9:02:29 AM

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I oppose the proposed changes to the *State Coastal Policy*, and call on you to scrap the *Validation (State Coastal Policy) Bill 2024* due to the following nine issues and concerns:

1. The State Government immediately stops its attempt to amend the Tasmanian *State Coastal Policy*, **ensuring there is no impact to the ongoing Robbins Island Supreme Court case.**
2. **Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.**
3. If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to **release the legal reasons** (if not the legal advice) supporting these assertions to ensure transparency in the proposal.
4. **Note the Robbins Island wind farm is yet to gain approval from the Australian Government.** Thus, there is no immediate need to rush through the proposed changes to the *State Coastal Policy*.
5. **The Tasmanian Government has yet to demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the *State Coastal Policy*.** The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and

wharves). **No such evidence has been provided and thus we remain skeptical of the Tasmanian Government's justification for the proposed changes to the *State Coastal Policy*.**

6. **Any proposed changes to the *State Coastal Policy* must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released.** The State Government is proposing to make two lots of changes to the *State Coastal Policy* – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.
7. **We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least allow further (but limited) community consultation/engagement.** This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.
8. **The draft legislation (the [Validation \(State Coastal Policy\) Bill 2024](#)) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that '*validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act*' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.
9. **The State Government's claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania. **See page 17 of the Background Report for further details on the mapping issue and contradictory statement by the State Government.**

Yours Sincerely  
Alison Collier

Sent from my iPhone

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**From:** Lightwood Larder <  
**Sent:** Thursday, 1 August 2024 8:54 AM  
**To:** State Planning Office Shared Mailbox  
**Cc:** Dean Winter; Janie Finlay; Shane Broad; Rockliff, Jeremy; Ellis, Felix; Nick Duigan  
**Subject:** Validation (State Coastal Policy) Act 2024 Submission

I write this submission with the greatest respect for Tasmania's incredible natural coastline and call for the State Government to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its legal reasons regarding the status of existing coastal structures.

These proposed amendments to the current State Coastal Policy present a great threat to Tasmania's way of life. The State Coastal Policy needs to be strengthened not weakened, for example with regards to preservation of areas of significant Aboriginal cultural heritage.

To me, Tasmania's way of life revolves around enjoying the serene and natural environment across the state. As Tasmanians, we enjoy the wild coastlines by fishing, walking, swimming, diving, boating, and simply enjoying the wild beauty they offer. To open the door to private development along the coast completely undermines the values of the Tasmanian people.

Not only this but the draft legislation will weaken the ongoing Supreme Court case that is challenging the approval of the unwanted pulitika/Robbins Island wind farm. The entire argument for why this legislation is needed rests on unreleased advice which the government claim raises legal problems with the Coastal Policy regarding developments on actively mobile landforms.

The proposed changes to the Tasmanian State Coastal Policy would open the door to private and commercial developments, as well as infrastructure such as marinas and wharves, to be built on already vulnerable and moving dune systems that are threatened by erosion, rising sea levels and increasingly severe weather storms. The government is acting without regard to the dangers our state faces from climate change or the fact that these shorelines offer crucial habitat for many endangered shorebirds. Not only that, but Tasmanians may face losing access to the coasts that they love and enjoy using. The very coasts that underpin our lifestyle and Tasmanian way of life.

Any proposed changes to the Tasmanian State Coastal Policy must follow the existing, legislated public consultation process, not be fast-tracked through parliament with a bill and only 14 days of consultation. The consultation period is woefully inadequate and does not reflect the time needed to genuinely inform and consult with the wider community and stakeholders on such a significant change. The standard State Policy Amendment Process is a minimum of 8 weeks public consultation, after a report is prepared by the Tasmanian Planning Commission, followed by hearings. This standard process must be adhered to.

In his media release dated 6th June 2024, Minister Duigan stated "This Government will always support Tasmania's way of life and provide confidence in our planning laws for coastal infrastructure." The proposed changes in the Validation (State Coastal Policy) Act 2024 will in fact do the exact opposite.

In my submission I urge the Tasmanian government to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its legal reasons regarding the status of existing coastal structures.

Yours sincerely,

Yours sincerely,  
Austen Graham

**From:** [TasWater Development Mailbox](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** TasWater Advice TWSI 2024/00488-HCC, RE: Have your say - Draft Validation (State Coastal Policy) Bill 2024  
**Date:** Thursday, 1 August 2024 8:52:16 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[15 MURRAY ST, HOBART Validation-State-Coastal-Policy-Bill-2024.pdf SI 202400488-HCC.PDF](#)

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Hi,


TasWater has no comments or feedback on the Draft Validation.

If you have any queries, please contact me,

**AI Cole**

Senior Assessment Officer



 [AI.Cole@taswater.com.au](mailto:AI.Cole@taswater.com.au)

 [+61439605108](tel:+61439605108)

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**From:** State Planning Office Shared Mailbox <StatePlanning@dpac.tas.gov.au>  
**Sent:** Thursday, July 18, 2024 3:35 PM  
**Subject:** Have your say - Draft Validation (State Coastal Policy) Bill 2024

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender.

The State Government has prepared and released for consultation the draft *Validation (State Coastal Policy) Bill 2024* (the draft Bill) in response to issues identified with the application of the State Coastal Policy 1996, specifically development on 'actively mobile landforms'. The State Planning Office is coordinating the submissions on the draft Bill.

Recent planning decisions have brought into question the way the State Coastal Policy has been applied. The draft Bill seeks to validate existing planning permits which may offend the State Coastal Policy in relation to development on 'actively mobile landforms' to avoid legal challenge and any doubt concerning the validity of those permits.

You are invited to provide comment on the draft Bill by **5pm on Thursday, 1 August**. A copy of the draft Bill, including background information and details of the consultation period, can be found on the Department of Premier and Cabinet's website: [Department of Premier and Cabinet - Validation \(State Coastal Policy\) Act 2024 \(dpac.tas.gov.au\)](https://dpac.tas.gov.au/Premier-and-Cabinet-Validation-State-Coastal-Policy-Act-2024)


Amendments are also being considered to the State Coastal Policy to include a more contemporary policy setting for managing development on actively mobile landforms. A separate position paper will be released for comment in the coming weeks on the proposed changes.

State Planning Office  
Department of Premier and Cabinet  
Level 7 / 15 Murray Street, Hobart TAS 7000 | GPO Box 123, Hobart TAS 7001  
(p) 1300 703 977

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

[www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au) | [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)



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**From:** [Andrew Ricketts](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:** [jeremy.rockliff](#)  
**Subject:** Submission on Validation (State Coastal Policy) Act 2024  
**Date:** Thursday, 1 August 2024 8:20:26 AM  
**Importance:** High

---

State Planning Section of DPAC.

Dear Sir or Madam,

This is a submission to firmly and strongly object to the whole of the VALIDATION (STATE COASTAL POLICY) BILL 2024. This bill should be withdrawn. Perhaps before it is withdrawn it should be re-named the State Coastal Policy Weaselling Bill.

Pathetic enabling legislation such as this is always a pile of shit.

Indeed my criticism of weaselling strongly applies to land use planning in Tasmania. The process generally has no integrity, but instead is reduced to a miserable collection of little rules.

Further, such legislation as this should never be retrospective. That is an absolute disgrace.

Only in the land of the thylacine killers would the Premier of our State attempt such miserable inadequate legislation, which has the sole intent to diminish the natural environment and enable more and more development on the coast of Tasmania. Of itself that is a disgrace.

One must be mindful that Tasmania is comprised of 335 islands and so this legislation would have far-reaching impacts.

The legislation should be scrapped. If it is not scrapped a hearing should be held.

Robbins Island should be protected. I cannot see why places which include significant natural values have to be developed, it is an immensely stupid approach.

Industrial Wind farms should only be built in an un-contentious place which do not disadvantage nature. It is obvious that Robbins Island is contentious.

The Liberal Government has been attempting to dismantle the Resource Management Planning System of Tasmania (RMPS) especially the State Policies and Projects Act, which I believe it hates in some sort of pathological manner. I believe they don't understand it, can barely read it, don't respect it and cannot work out a way to just simply get rid of it.

I do not consider that this legislation meets the the purposes of the Schedule 1 Objectives of the RMPS legislation. When you start basing planning schemes, policies and all the other junk that goes with it on a proper and fair interpretation of the schedule 1 objectives, you might start to make progress towards a genuine ecological the sustainable future for Tasmania.



Indeed it is immensely obvious that the developers rot the planning system all the time. this is known but ignored. This sort of problem should be the focus of the government.

Instead of weakening the State Coastal Policy, it should be investigating ways of strengthening it and it should only be using the established process and not introducing crap bills such as this one.

If the government considers that a review of the State coastal policy is required then it sure would proceed in the normal fashion, bearing in mind that the process was weakened by weaselling bureaucrats anyway.

The disgraceful situation of land use planning in Tasmania deserves criticism. This is just the latest episode in the shambles which is land use planning in Tasmania.

I have been making diligent, responsible and detailed submissions over land use planning in Tasmania since 1989.

I have absolutely no confidence a government which merely wants open slather. In that time things have only gone backwards, and the RMPS has never been operated properly. Jeremy, please put the VALIDATION (STATE COASTAL POLICY) BILL 2024 in the bin.

--

Sincerely  
Andrew Ricketts

**From:** [elizabeth.shannon S](mailto:elizabeth.shannon@tas.gov.au)  
**To:** [tate Planning Office Shared Mailbox](#)  
**Subject:** Submission on Validation (State Coastal Policy) Act 2024  
**Date:** Thursday, 1 August 2024 7:58:17 AM

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I am concerned that the proposed changes to the State Coastal Policy 1996 could potentially open up the Tasmanian coastline to private development by removing a clause that prohibits development on mobile coastlines.

Tasmania is the stronghold for tens of thousands of shorebirds, and sites like Robbins Island Passage meet eight out of the ten criteria to be designated a Ramsar site. To open up the coast to private development will threaten the habitats these shorebirds rely on.

I request that:

- The State Government immediately stops its attempt to amend the Tasmanian State Coastal Policy, ensuring there is no impact to the Robbins Island Supreme Court case.
- Any proposed changes to the Tasmanian State Coastal Policy must follow the existing, legislated public consultation process.
- If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they should release the legal arguments and advice supporting these assertions to ensure transparency in the proposal.

Sincerely

Elizabeth

Elizabeth Shannon

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**From:** [president@tnpa.org.au](mailto:president@tnpa.org.au)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** TNPA comments on draft Validation (State Coastal Policy) Bill 2024  
**Date:** Thursday, 1 August 2024 6:55:06 AM  
**Attachments:** [756cfcb4.png](#)  
[TNPA representation re Validation \(State Coastal Policy\) Bill 2024.pdf](#)

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Please find attached the Tasmanian National Parks Association's comments on the draft Validation (State Coastal Policy) Bill 2024.

--

Nicholas Sawyer

President

Tasmanian National Parks Association Inc



GPO Box 2188, Hobart Tasmania 7001

Web: [tnpa.org.au](http://tnpa.org.au)

*The TNPA acknowledges the First Nation peoples of lutruwita (Tasmania) and their enduring connection to country. We pay our respects to their elders past and present. We also acknowledge that their land was taken, and sovereignty was not ceded.*



1 August 2024

## **Draft Validation (State Coastal Policy) Bill 2024**

The Tasmanian National Parks Association (TNPA) is a non-profit, non-government organisation which provides an independent voice on issues that affect Tasmania's national parks and other conservation reserves and public lands that can or should be managed for their conservation values. These can include undeveloped coastal land statewide. The TNPA's membership reflects a range of interests in relation to such lands, including considerable expertise in the management of natural and cultural values.

The TNPA believes that the State Government should not introduce a Bill like the draft Validation (State Coastal Policy) Bill 2024 (or a more general Bill including provisions like those in the draft Bill). Doing so would amount to legislative interference with judicial proceedings (relating to development on Robbins Island), contrary to the well-recognised constitutional principle of separation of powers.

The State Government has not demonstrated the need for the draft Bill. If, as the State Government has asserted, the legality of existing structures such as jetties and wharves is in doubt, the Government owes it to the Tasmanian community to release the legal reasons or advice supporting this assertion, to ensure transparency. The TNPA understands that the Minister for Energy and Renewables and Minister for Parks and Environment Nick Duigan was asked in Parliament to provide a list of structures that had legal uncertainties (such as jetties and wharves) and that no such evidence has been provided. Therefore the TNPA is sceptical of the Government's justification for the draft Bill.

The TNPA notes that, in seeking comment on the draft Bill, the State Government has said (at [https://www.dpac.tas.gov.au/divisions/policy/state\\_policies/validation-state-coastal-policy-act-2024](https://www.dpac.tas.gov.au/divisions/policy/state_policies/validation-state-coastal-policy-act-2024)):

"the Government also considers that the [State Coastal Policy] should be changed to include more contemporary planning controls for actively mobile land on our coasts. A separate position paper will be released in coming weeks outlining the proposed changes."

The TNPA believes that any such change should be made through the processes provided in Part 2 of the *State Policies and Projects Act 1993* for a significant change to a State Policy (which provides for 8 weeks' public consultation), and not by separate legislation.

---

**From:** Lesley Crowden <c  
**Sent:** Thursday, 1 August 2024 12:25 AM  
**To:** State Planning Office Shared Mailbox  
**Cc:** Dean Winter; Janie Finlay; Shane Broad; Rockliff, Jeremy; Ellis, Felix; Nick Duigan  
**Subject:** Validation (State Coastal Policy) Act 2024 Submission

I write this submission to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy.

That our state government is working so hard towards a foreign owned energy future that you would retrospectively change legislation, deliberately increasing the negative impacts that Tasmania is to bear, is an insult to the builders of our hydro.

This will be your legacy. This is the tipping point where acting like elected representatives working in Tasmania's best interest has become elected representatives working for corporate lobbyists at the expense of Tasmanians deliberately.

Tasmanians deserve better.

Lesley Crowden  
Tasmania, 7315, Australia

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**From:** [Secretary TCA](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** Objection to changes to the State Coastal Policy - Taroona Community Association  
**Date:** Thursday, 1 August 2024 12:21:14 AM

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Dear Madam/Sir

I am writing on behalf of the Taroona Community Association to object to the Validation (State Coastal Policy) Bill 2024 which has been released for a very limited and insufficient public consultation period between 16 July – 1 August 2024

Taroona is located on the shores of the Derwent Estuary, part of our precious Tasmanian coastline that is greatly treasured by our local community. The Taroona Community Association strongly opposes the Tasmanian Government's attempt to retrospectively amend legal frameworks that have been established to protect our coasts

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

Tasmanian coastlines are precious, providing internationally recognised habitat for migrating birds, rare coastal vegetation such as sand dunes, and salt marshes, protecting coastal landforms, Aboriginal heritage. They also provide important protection from increased coastal erosion as oceans rise and extreme weather events increase with the impacts of climate change.

The proposed changes will profoundly weaken the State Coastal Policy and the way our coasts are managed and protected in Tasmania.

Our objection is based on the following detailed grounds:

1. The legislation will retrospectively allow for the approval of a 500m wharf on Robbins Island despite non-compliance with Tasmania's State Coastal Policy, one of only three Tasmanian state policies. This directly interferes with the Robbins Land Supreme Court case.
2. The magnitude of the changes to the State Coastal Policy that have been advertised, has far reaching consequences. The process that is underway overrides the legislated parliamentary process. It must be required to go through the standard existing robust legislated eight-week public consultation process for review of State policies.
3. There have been no reasons provided to justify the amendment of the State Coastal Policy, just an assertion that the legality of certain structures in the coastal zone is in doubt. Evidence must be provided to allow the community and parliament to adequately comment on and review the proposal.
4. Incrementally reviewing the State Coastal Policy by making two lots of changes that will be dealt with two separate Bills lacks transparency, is confusing and prevents proper integrated review of an important policy. It must be dealt with by the Parliament as one package at the same time.
5. The draft legislation will provide for retrospective approval for all coastal developments throughout Tasmania since 2009. This undermines parliamentary process, previous assessments, approvals and permits issued. Developments

without a permit are also approved taking away legal recourse.

In addition, I note that this submission is being sent to all elected members. I ask that they require that the draft legislation be referred to committee for detailed review before it progresses any further.

Yours sincerely

~~~~~

**Jill Hickie**

Secretary, Taroona Community Association

~~~~~

**From:** [Marina Campbell](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**

**Subject:** Save our Coasts - Say NO to fast tracking changes to weaken State Coastal Policy  
**Date:** Thursday, 1 August 2024 3:30:03 PM

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To all State Parliamentarians

Like many Tasmanians I place great importance on our beautiful coast and coastal environment and urge each State Parliamentarian to consider the nine issues and concerns as detailed below prior to making a decision that may drastically change the integrity of the existing *State Coastal Policy*:

1. The State Government immediately stops its attempt to amend the *Tasmanian State Coastal Policy*, **ensuring there is no impact to the ongoing Robbins Island Supreme Court case.**
2. **Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.**
3. If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to **release the legal reasons** (if not the legal advice) supporting these assertions to ensure transparency in the proposal.
4. **Note the Robbins Island wind farm is yet to gain approval from the Australian Government.** Thus, there is no immediate need to rush through the proposed changes to the *State Coastal Policy*.
5. **The Tasmanian Government has yet to demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the *State***



***Coastal Policy.*** The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). **No such evidence has been provided and thus we remain skeptical of the Tasmanian Government's justification for the proposed changes to the *State Coastal Policy*.**

6. **Any proposed changes to the State Coastal Policy must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released.** The State Government is proposing to make two lots of changes to the State Coastal Policy – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.
7. **We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least allow further (but limited) community consultation/engagement.** This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.
8. **The draft legislation (*the [Validation \(State Coastal Policy\) Bill 2024](#)*) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that 'validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.
9. **The State Government's claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania. **See page 17 of the Background Report for further details on the mapping issue and contradictory statement by the State Government.**

**From:** Donald Hay  
**To:**  
**Cc:**

**Subject:** Submission to State Coastal Policy Amendment  
**Date:** Thursday, 1 August 2024 3:21:44 PM

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Dear Politician,

Circular Head Coastal Awareness Network is a group of concerned residents opposed to the Robbins Island Wind Farm. We have been labelled a group of 6 noisy nimby's by ACEN, but in truth we are a large group of concerned citizens, opposing the mass destruction of the Robbins Island area, which will affect the Ramsar Proposed wetlands. The group is very diverse, and is evident by its support base, for example over 1200 petitions were submitted in response to the Bridge / Causeway proposal. These were discarded, as the powers that be stated they were not correctly submitted. The Facebook page we run to keep members and interested parties up to date has been viewed 2592 times in the last 28 days. We are obviously bigger than the 6 nimby's as stated by ACEN.

The Circular Head Coastal Awareness Network condemns the Rockliff Governments plans to ram through an amendment to the State Coastal Policy. It is obvious that this move is to free the Robbins island Windfarm from any scrutiny regarding its effect on Coastal Dunes. The Coastal Policy was put in place to protect the coastal environment, any amendments should be carefully considered to maintain that protection.

It seems it is the government's intent is to block the Supreme Court of Tasmania from hearing legitimate challenges to the Robbins Island Project. The Circular Head Coastal Awareness Network has opposed this project from the outset On Environmental, Social, and Economic grounds. We had early meetings with Roger Jaensch, as minister for Planning, and with then Minister for Energy, Guy Barnett. They both advised us to trust the process and we have. We have persisted with meagre resources along the correct legal path. We now find the government wants to change the goal posts to free big business to build a windfarm in the most highly regarded environment site in Tasmania. We ask all Politicians to consider why the government are persisting with the destroying the extraordinary wetlands and bird habitat of Robbins Island. When they have, for so long, ignored the Whale Back Ridge project. The environmental damage is far lower than Robbins Island, it will produce 3 times the power, is close

to existing transmission corridors and positive social benefit.

Regards,

Donald

Donald Hay

Treasurer Circular Head Coastal Awareness Network

**From:** Steve Pilkington  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**

**Subject:** Submission to State Coastal Policy Amendment  
**Date:** Thursday, 1 August 2024 3:11:54 PM

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It is my Submission that any changes to the state coastal policy be carefully considered and that changes do not increase a risk to coastal dunes or adjacent waters and wetlands.

It may be that the act requires adjustment to improve it. However it is clear that there has been no issue with any development other than Robbins Island and rushed changes that are retrospective to avoid any court case raising legitimate issues are not correct practice.

My Concern is that the jetty should have been modelled and assessed on its effect on the nearby environment and it wasn't. Despite being highlighted in several submissions to the development application.

Regards,  
Steve Pilkington

**From:** [Martyn Summers](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** Submission re Validation (State Coastal Policy) Bill 2024  
**Date:** Thursday, 1 August 2024 3:03:02 PM  
**Attachments:** [Wallace - Summers Submission.docx](#)

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Please find attached out submission on the ***Validation (State Coastal Policy) Bill 2024***

--

Regards

Martyn Summers

email:  
Skype:  
phone:

1 August 2024

State Planning Office Submission by email only: StatePlanning@dpac.tas.gov.au

### **Submission re *Validation (State Coastal Policy) Bill 2024***

This submission was prepared by both Susan Wallace and Martyn Summers. We are both residents of Tasmania and active environmental advocates committed to the best evidence-based environmental policy outcomes in Tasmania. We have worked in the fields of policy advocacy and development and public communications. Martyn has also worked as a State Government Regulator, and environmental consultant.

We believe any action by the Government of Tasmania to amend legislation or policy documents such as the State Coastal Policy while matters are before the courts is an extremely dangerous and fraught action. Further, we believe that the best societal outcomes are achieved by comprehensive and genuine public consultation. Development projects should be prepared knowing full well that State Government Environment Policies are respected and set clear guidelines for developments.

**We strongly encourage all State Parliamentarians of both Houses to reject the *Validation (State Coastal Policy) Bill 2024*.**

### **Environmental Management Issues**

We have closely considered the Government's proposed legislative pathway for enabling the construction of a contentious jetty on Robbins Island. We note that this proposed development is also currently subject to a Supreme Court case due to the EPA failing to take the *State Coastal Policy 1996* (the Policy) into account in its assessment of the proposal.

We note that the failure of the EPA to consider the *State Coastal Policy 1996* (the Policy) is a serious oversight. However, any competent Environmental consult preparing a DPEMP for a project such as the Robbins Island wind farm should have included effective management actions that address ALL aspects of the Policy. This should have been done whether the EPA directed them to or not. This is clearly a failure of both the EPA and the Developer together with their consultants.

In particular, the State Government of Tasmania, through the LIST [Land Information System Tasmania] has provide useful data about sensitive coastal areas. Developers, and their consultants, failing to use this information have to bear the responsibility of this oversight.

### **Retrospective Legislation**

Any legislation that is retrospective in nature is dangerous.

In 2019, in the Monash University Law Review - Lorraine Finlay [BA (Hons) (UWA), LLB (Hons) (UWA), LLM (NYU), LLM (NUS). Law Lecturer, Murdoch University; Adjunct Senior Lecturer, University of Notre Dame, Sydney.] note the following:

*While Australian Parliaments clearly have the capacity to enact retrospective laws, there is a common law presumption against retrospective operation in the absence of clear statutory language. This approach is based upon traditional concepts of parliamentary sovereignty. It*

*reflects an understanding that there may be circumstances in which retrospectivity is warranted, and that in such cases the rule of law can be best protected by allowing Parliament to enact retrospective laws only where they have a clear understanding of what they are doing and with all of the scrutiny and safeguards that parliamentary processes are meant to provide.*

We would argue that the responsible Minister has NOT demonstrated a *clear understanding of what they are doing and with all of the scrutiny and safeguards that parliamentary processes are meant to provide.*

In fact, Minister Duigan has not provided any evidence data or information to support retrospective legislation. Further, the Robbins Island wind farm, bridge and wharf proposal has still has not gained approvals from the Australian Federal Government under the EPBC Act. Therefore, there is no immediate need to rush through the proposed changes to the *State Coastal Policy 1996* with the minimal opportunity for public consultation.

With the State Government determined to meet the specific requirements of a single developer, the Government is now introducing highly controversial legislation to modify the Policy to accommodate a development that is proscribed under the Policy. In the coastal zone, the Policy represents a major element of Tasmania's Resource Management and Planning System – as explicitly acknowledged by the Hon Minister Duigan in his public comments. Within the RMPS, the Government's current approach is an anathema to well considered, best practice coastal planning and management. Retrospective enabling legislation is an appalling abuse of process.

Since coming into effect in 1996 under the *State Policies and Projects Act 1993*, the Policy has provided a statutory guideline for Sustainable Development in the coastal zone around Tasmania. Within its provisions, it provides strong direction on development in soft sediment coastal areas that are high energy and potentially unstable. Structures such as jetties and wharves in such areas can have significant unforeseen impacts on the adjacent coastlines by interfering with wave and wind patterns, currents and littoral drift of sediments.

Should the Government enact any such legislation that diminishes the effect of the Policy, it follows that any detrimental environmental impacts will be the responsibility of the State Government and Tasmania tax payers for the costs of remediation.

We urge the State Government in the strongest possible terms, to immediately stop its attempt to retrospectively amend the Tasmanian *State Coastal Policy 1996*, and thus ensuring there is no impact to the ongoing Robbins Island Supreme Court case.

Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the Policy must follow the required robust public consultation process (with opportunity for public hearings) legislated under the *State Policies and Projects Act 1993* and conducted by the Tasmanian Planning Commission.

As part of its rationale for introducing a Bill to override the Policy, the State Government claims to have received advice that questions the legality of existing

structures such as jetties, wharves and minor coastal access works that have been allowed since 2009 (when an Act clarifying the relevant Outcome of the Policy came into law). The Government has so far typically refused to release to the Tasmanian community the legal reasons or advice on which they are basing their position. This refusal to release the claimed justification for the proposed changes reflects poorly on the Minister and the Tasmanian Government.

While we both actively support renewable energy projects, we believe developments such as the Robbins Island wind farm have to stand on their merits in the approvals process. If they fail to meet a reasonable regulatory approvals process then clearly the proposed development was poorly conceived. There are any number of sites around Tasmania where wind farms can be developed without such impacts.

Without releasing their legal advice or the justification for the proposed legislation, the Tasmanian Government has so far failed to demonstrate the need for this wide-ranging retrospective legislation to override the Policy. The Minister for Renewable Energy and Minister for Parks and Environment, the Hon Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures over which there were legal uncertainties (structures such as jetties and wharves). No such evidence has so far been provided, and we therefore remain highly sceptical of the Government's true reasons for the proposed changes to the Policy.

In fact, the State Government is proposing to make two tranches of changes to the *State Coastal Policy* – both changes to be addressed by separate Bills at different times. Only one draft Bill has been released to date. The Bill currently open for public comment aims to retrospectively validate previously approved developments, while the yet to be released Bill is expected to create new assessment and approval processes.

We would argue strongly that the *State Coastal Policy 1996* should be properly reviewed under the existing statutory mechanism as described in the *State Policies and Projects Act 1993*. Nonetheless, if the State Government continues on the path of introducing piece-meal legislation to change the Policy, we request that any proposed changes must be put before the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times.

This will enable full Parliamentary and public overview and scrutiny of all proposed changes, and elucidate insights into potential intended and unforeseen consequences that may arise. This step is critical as the Tasmanian Government clearly does not have the expertise and overall systems awareness to perceive these consequences. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve any changes – or not.

**In these circumstances, we strongly encourage our State Parliamentarians of both Houses to reject the *Validation (State Coastal Policy) Bill 2024*.**

If this does not happen, we believe that the draft legislation to change the *State Coastal Policy 1996* must be sent to Committee for further review and proper scrutiny. This would allow further community consultation/engagement. This is



especially critical if the State Government chooses not to follow the legislated review mechanism involving the TPC.

In conclusion, we request that the State Government:

- 1. Suspends its inappropriate eagerness to see the Robbins Island wind farm proposal proceed at any cost,**
- 2. Awaits the current ongoing assessment of the proposed Robbins Island wind farm by the Australian Government to be completed, and**
- 3. Commence a properly-resourced public conversation on the Tasmanian community's future vision for the coastal zone as a precursor to a full review of the *State Coastal Policy 1996* under the *State Policies and Projects Act 1993*.**

We look forward to your response.

Yours sincerely  
Martyn Summers

Susan Wallace

**From:** Gwen Egg  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**

**Subject:** Care for the coast - Scrap the Validation (State Coastal Policy) Bill 2024  
**Date:** Thursday, 1 August 2024 2:42:56 PM

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I have been involved in caring for the coast with my community for more than three decades. I have spent thousands of hours working on the coast, doing important work that successive Tasmanian governments have failed to fund, observing and learning about coastal geomorphology and coastal processes, engaging at every opportunity in processes to plan for sensible, sustainable development on our coast, and meeting the often onerous requirements expected of volunteers willing to work on public land.

I therefore oppose the proposed changes to the *State Coastal Policy* and call on you to **scrap the *Validation (State Coastal Policy) Bill 2024*** due to the below issues and concerns.

1. The State Government immediately stops its attempt to amend the *Tasmanian State Coastal Policy*, **ensuring there is no impact to the ongoing Robbins Island Supreme Court case.**
2. **Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.**

3. If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to **release the legal reasons** (if not the legal advice) supporting these assertions to ensure transparency in the proposal.
4. **Note the Robbins Island wind farm is yet to gain approval from the Australian Government.** Thus, there is no immediate need to rush through the proposed changes to the *State Coastal Policy*.
5. **The Tasmanian Government has failed to demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the *State Coastal Policy*.** The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). **No such evidence has been provided and thus we remain skeptical of the Tasmanian Government's justification for the proposed changes to the *State Coastal Policy*.**
6. **Any proposed changes to the State Coastal Policy must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released.** The State Government is proposing to make two lots of changes to the State Coastal Policy – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.
7. **We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least**

**allow further (but limited) community consultation/engagement.** This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.

8. **The draft legislation (*the [Validation \(State Coastal Policy\) Bill 2024](#)*) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that 'validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.
9. **The State Government's claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania. **See page 17 of the Background Report for further details on the mapping issue and contradictory statement by the State Government.**

Yours Sincerely,

Gwen Egg

Tasmania's Local Hero 2013 Australian of the Year Awards

**From:** [Marisol Miro Quesada Le Roux](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** Submission - Validation (State Coastal Policy) Act 2024  
**Date:** Thursday, 1 August 2024 2:38:42 PM  
**Attachments:** [240728 Consultation - Validation \(State Coastal Policy\) Bill 2024.pdf](#)

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Dear State Planning Consultation team,

Thank you for the opportunity to provide feedback on the Validation (State Coastal Policy) Act 2024.

Please find letter attached.

Please do not hesitate to get in touch if you wish to discuss this further.

Thanks again.

Marisol Miró Quesada

[marisol.com.au](http://marisol.com.au)

28<sup>th</sup> of July 2024

State Planning  
Department of Premier and Cabinet  
GPO Box 123, HOBART, TASMANIA 7001  
Phone: 1300 135 513. stateplanning@dpac.tas.gov.au

Dear State Planning team,

VALIDATION (STATE COASTAL POLICY) ACT 2024 - Submission

*Disclaimer: This submission does not necessarily represent Sorell Council's views. It represents my views as a Sorell Council Councillor and a Tasmanian registered building designer.*

Thank you for the opportunity to provide a submission to the Validation (State Coastal Policy) Act 2024. With your permission I would like to state that I am not in support of the changes proposed nor am I in support of the way this process is being handled.

And with your permission again, I would like to continue by asking you a question:

*Would you be against strengthening the state's coastal policy framework to achieve a vision of zero coastal risks both in wild coastal zones and in coastal human settlements by 2026?*

So far what you've told us is that, although our current coastal policy framework model has worked in protecting our coasts against risks, it relies on strong sustainable strategies and principles that put a stop on coastal uses posing a risk. And, as a result, you feel we have fallen behind because we could be doing so much better if we, as a state, had legal framework conditions that would allow for coastal usage for economic benefit but with minimal consideration of the risks.

As a building designer and an elected representative from the Sorell Municipality that is directly on the coasts, so far what I've heard from residents and clients alike, is that their top priority is a high-quality country and coastal lifestyle in a consultative, safe, clean, healthy, peaceful, family friendly, community oriented, environmentally sustainable, and free of erosion living environment. This is continually expressed through council's community consultation, supported by the strategic plan, and the new social and environmental strategies that are currently being developed. The current proposal to changes to the state coastal policy without considering residents and all state municipalities' input in the decision-making process is in opposition to this vision.

A "zero coastal risks both in wild coastal zones and in coastal human settlements" vision will bring benefits beyond health and wellness for people and the coastal environment, it will bring financial benefits to individuals and businesses.

Would it be surprising to you to know that a "zero coastal risks both in wild coastal zones and in coastal human settlements" vision statewide is achievable in places like the European Union with these fundamental elements?

- The application of the *integration principle* to achieve a holistic approach in the decision-making process. To consider all aspects and consequences of coastal zones impacts is necessary to integrate at least these dimensions: between sectors, between levels of government, across the land-water interface, between disciplines, between states and municipalities (when water bodies are shared).
- The application of the *precautionary principle* and the development of a procedure for its application. This is the principle of avoiding possible environmental damage when the scientific evidence for acting is inconclusive, but the potential damage could be great.
- The creation of an action plan towards zero coastal risks to build a healthy and environmentally sustainable Tasmania for all and to better monitor, report, prevent and remedy coastal risks.

- The development of guidelines on how engagement, consultation, and feedback of people living, working, playing, studying in at risk coastal zone settlements will be incorporated, handled, and addressed.
- Managed in partnership between state and local governments for transparency, equity, and fairness.
- A people-centred value proposition comprising of a combination of health, wellbeing, cultural, and environmental values that look into the present and future of our generations.
- The adoptions of targets to address the problem of coastal zone risks and improve the health and well-being of our residents and coastal environments.
- The development of planning guidelines to shape development near coastal zones to prevent and eliminate impacts and risks in present and future development.
- To implement a wholistic approach that helps take action at different levels: community (strong and transparent avenues for reporting or complaining about risks), policy (enforcing or regulating visionary coastal zone protection standards), and advocacy to different organisations and levels of government.

I encourage you to investigate alternative coastal zone regulatory, monitoring, reporting, prevention, and remedy models that more efficiently deliver the elimination of coastal zone risks that is required in our Sorell Municipality and statewide to preserve our coastal environments and protect the vision our residents have.

Thanks for reading this letter. I look forward to having an opportunity to collaborate with you to make the Sorell municipal region and the state of Tasmania healthier and better. If you have any further enquiries regarding this matter, please do not hesitate to contact me.

Wishing you a good day.  
The very best regards,

Marisol Miró Quesada Le Roux  
*Sorell Councillor*  
*Building Designer*

P.S.: In case you're one of those people who just skip to the end of the letter (like I sometimes do), here's a summary. The non-consultative, non-holistic, process that the review of the state coastal policy is following could be so much better if we, as a state, had a stronger vision for zero coastal risks, a proven regulatory system, and an innovative legal and enforcement framework that protects cultural values and coastal zones. An evolved "holistic, integrated, precautionary-principled" framework that would protect coastal zones for all and that is based on the Tasmanian lifestyle model would transition our coastal regions from places that are under threat and people want to escape from to ones that people will come to have a peaceful and healthy life, work, play, and stay for generations.

PSS: And in case you are interested in the EU's integrated approach to coastal zone management here it is:  
[https://www.coastalwiki.org/wiki/The\\_Integrated\\_approach\\_to\\_Coastal\\_Zone\\_Management\\_\(ICZM\)](https://www.coastalwiki.org/wiki/The_Integrated_approach_to_Coastal_Zone_Management_(ICZM))

**From:** [James Russell](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:** [.](#)

**Subject:** Tasmanian voters deserve way better respect than shown by the Validation (State Coastal Policy) Bill 2024  
**Date:** Thursday, 1 August 2024 2:24:17 PM

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As a house-owner/resident in Blackmans Bay, as well as owner of a holiday shack on Tasman Peninsula, I am appalled by a Government which proposes this legislation. Tasmania's valued coasts are under increasing pressure and must be carefully managed.

Now retired, for quite a number of years during the 1990s and up to 2007, I was also a Lecturer in postgraduate Environmental Planning at the University of Tasmania.

Even if it were of sound intent and need, which I do not believe, the legislation aims to rush through major changes to a State Coastal Policy which was developed by exhaustive, democratic processes.

Such changes must go through equally democratic procedures and decision-making, such as the usual Tasmanian Planning Commission eight weeks public consultation opportunity with public hearings.

Sincerely, Dr James (Jim) Russell

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**From:** Andrew Farrugia <  
**Sent:** Thursday, 1 August 2024 2:07 PM  
**To:** State Planning Office Shared Mailbox  
**Cc:** Dean Winter; Janie Finlay; Shane Broad; Rockliff, Jeremy; Ellis, Felix; Nick Duigan  
**Subject:** Validation (State Coastal Policy) Act 2024 Submission

I write this submission with the greatest respect for Tasmania's incredible natural coastline and call for the State Government to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its legal reasons regarding the status of existing coastal structures.

These proposed amendments to the current State Coastal Policy present a great threat to Tasmania's way of life. The State Coastal Policy needs to be strengthened not weakened, for example with regards to preservation of areas of significant Aboriginal cultural heritage.

To me, Tasmania's way of life revolves around enjoying the serene and natural environment across the state. As Tasmanians, we enjoy the wild coastlines by fishing, walking, swimming, diving, boating, and simply enjoying the wild beauty they offer. To open the door to private development along the coast completely undermines the values of the Tasmanian people.

Not only this but the draft legislation will weaken the ongoing Supreme Court case that is challenging the approval of the unwanted pulitika/Robbins Island wind farm. The entire argument for why this legislation is needed rests on unreleased advice which the government claim raises legal problems with the Coastal Policy regarding developments on actively mobile landforms.

The proposed changes to the Tasmanian State Coastal Policy would open the door to private and commercial developments, as well as infrastructure such as marinas and wharves, to be built on already vulnerable and moving dune systems that are threatened by erosion, rising sea levels and increasingly severe weather storms. The government is acting without regard to the dangers our state faces from climate change or the fact that these shorelines offer crucial habitat for many endangered shorebirds. Not only that, but Tasmanians may face losing access to the coasts that they love and enjoy using. The very coasts that underpin our lifestyle and Tasmanian way of life.

Any proposed changes to the Tasmanian State Coastal Policy must follow the existing, legislated public consultation process, not be fast-tracked through parliament with a bill and only 14 days of consultation. The consultation period is woefully inadequate and does not reflect the time needed to genuinely inform and consult with the wider community and stakeholders on such a significant change. The standard State Policy Amendment Process is a minimum of 8 weeks public consultation, after a report is prepared by the Tasmanian Planning Commission, followed by hearings. This standard process must be adhered to.

In his media release dated 6th June 2024, Minister Duigan stated "This Government will always support Tasmania's way of life and provide confidence in our planning laws for coastal infrastructure." The proposed changes in the Validation (State Coastal Policy) Act 2024 will in fact do the exact opposite.

In my submission I urge the Tasmanian government to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its legal reasons regarding the status of existing coastal structures.

Yours sincerely,

Yours sincerely,  
Andrew Farrugia

**From:** [Rob Crosthwaite](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** Comments on the Validation (State Coastal Policy) Bill 2024  
**Date:** Thursday, 1 August 2024 2:06:37 PM  
**Attachments:** [Coastal Policy revamp.docx](#)

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Please find, attached, my submission of comments and recommendations on the proposed *Validation (State Coastal Policy) Bill 2024*

Rob Crosthwaite  
Email:  
Postal:  
Mobile:

The proposed changes to the Tasmanian Coastal Policy 1996 effectively remove the Tasmanian Government's long-standing undertaking to protect the coastal element of the Tasmanian natural environment from the damage that ensues from unrestrained development.

The Government's proposition presents us with the challenge of accepting the following highly contentious courses of action that pre-emptive intervention in the judicially based adjudication of challenges to the development approval process can be overridden by "changing the goalposts," introducing spurious, historically doubtful consequential possibilities, and acquiescence to self-serving interests.

Not least among those interests is the Government's preference for development, even in fragile natural environments, over protection of those fragilities. Aside from other considerations, the basis for this contest lies clear ideologically and contradictory understandings of development and of nature. It appears that this proposal ignores the consequential effects of "kicking [the urgency of environmental degradation] down the road" in spite of the costs on future generations.

The Tasmanian Coastal Policy became an element of the sustainable approach to development in 1996 as a State Policy, a creature of the *State Policies and Projects Act 1993*. which had the following objectives:

The objectives of the resource management and planning system of Tasmania are –

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.<sup>1</sup>

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<sup>1</sup> *SP&P Act 1993*, Sch 1

where sustainable development means

managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the *environment*.<sup>2</sup>

In the *Report on the Draft State Coastal Policy* in October 1995, the Sustainable Development Advisory Council noted comments stating that “parts of the State are not available or should not be available for development because of their unique character.”<sup>3</sup>

Precautionary principle:

The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated.<sup>4</sup>

With regard to industrial development in the coastal zone, the SDAC wrote:

Industrial works and specified port works, including, reclamation, dredging and dredge-spoil disposal will be subject to environmental impact assessments and where required by State legislation including the *Environmental Management and Pollution Control Act 1994*.<sup>5</sup>

Even with this reference to the *EMPCA 1994*, as a monitor of potential damage to a fragile environmental feature, and the capacity of nature to recover from development desecration (see below), the environmental opportunity cost of effecting such recovery overwhelms a precautionary approach.

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2 SP&PAct 1993, Sch 1

3 SDAC 1995, p. 16

4 SDAC 1995, p. 21

5 SDAC 1995, p. 23

## **The phenomenon of natural overcoming**

The natural power of nature to overcome whatever interferences in its processes humans impose upon it for their short term gains is well known; but that overcoming spans decades, and centuries, and millennia. Eunice Atkins catches the process:

You don't have to be of aboriginal descent to love the coast between Marrawah and the Pieman River. I am connected to this country, I love the sea, from the shore or on a boat. I can sit for hours just watching the waves roll in, from smooth as silk where the waves just softly run on the beach and peter out, to the fierce angry sea on a king tide smashing into anything in its path, grabbing at the dunes and pulling into itself wave after wave. To watch huge waves smash onto rocks along the coast and spray cascade tens of metres into the sky. I never tire of that view.<sup>6</sup>

What is not captured in Ms Atkins' recognition is that the future is at least partly captured by the present, and that the pathway is more often than not interrupted by the irreversibility of tipping point events that prevent the realisation of her vision of a perpetual recovering from the blunders of technological adventure.

The Minister's proposal to interfere in natural foreshore processes is such an adventure with unknown consequences beyond the short term, when adherence to the precautionary principle required by both the *Act* and the *Policy*.

## **The Tasmanian State Coastal Policy: from the beginning**

Judy Jackson, in calling for responses to the first attempted review of the TSCP, wrote:

The aim of the review is to work out how the State Coastal Policy 1996 can be improved to ensure that planning and management of Tasmania's coast reflects contemporary sustainable development practices. This will guarantee the natural beauty and ecological integrity of our superb coastal areas for future generations. The review will involve working with Councils and other stakeholders to develop planning tools to assist in interpretation and implementation of the new State Coastal Policy.<sup>7</sup>

In this paragraph Minister Jackson emphasised notions of "guarantee," "integrity," and "stakeholders," ideas and intentions as important in 2024 as they were when she scribed them two decades ago.

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6 Mrs Rylah, Member for Braddon, acknowledging Eunice Atkins' writing, one of the "Wise Women of the West" who tabled a petition to the Tasmanian Parliament. *Hansard*, House of Assembly, 6 August 2019, p. 96.

7 Jackson, Judy

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation ...<sup>8</sup>

In the *Policy*, s2.1.5 states:

The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.<sup>9</sup>

Since the proposal to eliminate the operation of s1.4.2 of the *Policy* in the period from 25 February 2009 to the “commencement of the Act,”<sup>10</sup> the Minister seems to be of the belief that through that period there had been no consequential damage to fragile foredunes, nor could there be, which is a clearly delusional conception of the impacts of developmental activities, intentional or otherwise, on fragile environments.

## The proposal

At first sight his proposition seeks to remove entirely S1.4.2 of *the Policy*. On a detailed examination though, “... a balanced and sensible to developments that benefit Tasmanians, while also protecting our coast lines and their environmental values ...”<sup>11</sup>

Since the Validation Act

The concept of certainty

Interference in the judicial process, contempt of court

The *SP&Pact 1993*, s15 provides for amendment to State Policies

From PMAT:

1. The draft legislation ([\*the Validation \(State Coastal Policy\) Bill 2024\*](#)) will **potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for

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<sup>8</sup> Department of Primary Industries, Water and Environment, 2006. *Review of the State Coastal Policy 1996 Response Paper: following public comment* p. 23.

<sup>9</sup> *Tasmanian State Coastal Policy 1996*, s2.1.5.

<sup>10</sup> *Validation (State Coastal Policy) Bill 2024*

<sup>11</sup> Duigan and Rockcliff 2024;

all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that '*validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act*' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.

2. **The State Government's claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania. **See page 17 of the Background Report for further details on the mapping issue and contradictory statement by the State Government.**

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**From:** Mary Mulvaney <o>  
**Sent:** Thursday, 1 August 2024 2:05 PM  
**To:** State Planning Office Shared Mailbox  
**Cc:** Dean Winter; Janie Finlay; Shane Broad; Rockliff, Jeremy; Ellis, Felix; Nick Duigan  
**Subject:** Validation (State Coastal Policy) Act 2024 Submission

I write this submission with the greatest respect for Tasmania's incredible natural coastline and call for the State Government to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its legal reasons regarding the status of existing coastal structures.

These proposed amendments to the current State Coastal Policy present a great threat to Tasmania's way of life. The State Coastal Policy needs to be strengthened not weakened, for example with regards to preservation of areas of significant Aboriginal cultural heritage.

To me, Tasmania's way of life revolves around enjoying the serene and natural environment across the state. As Tasmanians, we enjoy the wild coastlines by fishing, walking, swimming, diving, boating, and simply enjoying the wild beauty they offer. To open the door to private development along the coast completely undermines the values of the Tasmanian people.

Not only this but the draft legislation will weaken the ongoing Supreme Court case that is challenging the approval of the unwanted pulitika/Robbins Island wind farm. The entire argument for why this legislation is needed rests on unreleased advice which the government claim raises legal problems with the Coastal Policy regarding developments on actively mobile landforms.

The proposed changes to the Tasmanian State Coastal Policy would open the door to private and commercial developments, as well as infrastructure such as marinas and wharves, to be built on already vulnerable and moving dune systems that are threatened by erosion, rising sea levels and increasingly severe weather storms. The government is acting without regard to the dangers our state faces from climate change or the fact that these shorelines offer crucial habitat for many endangered shorebirds. Not only that, but Tasmanians may face losing access to the coasts that they love and enjoy using. The very coasts that underpin our lifestyle and Tasmanian way of life.

Any proposed changes to the Tasmanian State Coastal Policy must follow the existing, legislated public consultation process, not be fast-tracked through parliament with a bill and only 14 days of consultation. The consultation period is woefully inadequate and does not reflect the time needed to genuinely inform and consult with the wider community and stakeholders on such a significant change. The standard State Policy Amendment Process is a minimum of 8 weeks public consultation, after a report is prepared by the Tasmanian Planning Commission, followed by hearings. This standard process must be adhered to.

In his media release dated 6th June 2024, Minister Duigan stated "This Government will always support Tasmania's way of life and provide confidence in our planning laws for coastal infrastructure." The proposed changes in the Validation (State Coastal Policy) Act 2024 will in fact do the exact opposite.

In my submission I urge the Tasmanian government to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its legal reasons regarding the status of existing coastal structures.

Yours sincerely,

Yours sincerely,  
Mary Mulvaney



**From:** [Gary Whisson](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**

**Subject:** Protect our State Coastal Policy from fast-tracked changes made with a lack of transparency  
**Date:** Thursday, 1 August 2024 1:32:23 PM

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Dear State Planning Commission,

I support the concerns expressed by the Planning Matters Alliance Tasmania (PMAT) in relation to the Governments proposals to fast track changes to the State Coastal Policy.

I would like to make clear in the first instance that I support, the transition of energy generation in Tasmania and Australia to renewable energy sources, including wind energy. The concern relating to the proposed wind farm on Robbins Island is the choice of a location that has, and is surrounded by, areas of outstanding conservation significance.

The State Government should place a high priority on establishing an evidence-based and public process for considering appropriate regional locations/site specific characteristics for large scale new or updated renewable energy proposals (as some other states have done), rather than rely on ad-hoc development proposals.

The State Coastal Policy is a key statutory planning policy instrument that has been successful and effective for some 30 years in preventing inappropriate development in the Tasmanian Coastal Zone, with only minor changes to the original policy through this period.

Contrary to the statements by the Minister for Renewable Energy that the changes are necessary to support "Tasmania's way of life", the State Coastal Policy has been successfully protecting Tasmania's 'way of life' for 30 years. My concern is that weakening the current policy will actually threaten Tasmania's natural coastal environments that we currently enjoy, by allowing inappropriate private development.

It is particularly concerning to me that the Government appears to be seeking to fast-track changes to the State Coastal Policy to influence the current Robbins Island Wind Farm Supreme Court case, based on advice that it has received - but neither the source of the advice, nor the detail of the advice have been released.

If, (as PMAT argues), the State Government believes the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to release the legal

reasons supporting these assertions.

Moreover, it is concerning that the Government is restricting the capacity of the public to comment on its proposed legislative changes to the State Coastal Policy, both by limiting public comment period to two weeks rather than the existing legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission, and by separating the proposed changes into two parts. The second part of which, with details on the proposed changes to the legislation, will not be released until after comment on part-one has closed.

This lack of transparency and due process in relation to plans to amend a long-standing State Policy that has potentially wide implications for many Tasmanians is concerning and not helpful, particularly at a time when trust in Governments is very low and declining.

If, as appears to be the case, the undue haste is due to concerns that the State Coastal Policy may prevent approval of the proposed Robbins Island Wind Farm, through the current case before the Tasmanian Supreme Court, it should be noted that; a) the Supreme Court case is an appropriate means of testing the existing legislation; and b), the Wind Farm is yet to gain approval from the Australian Government under the EPBC Act.

It should also be recognised that, while the Tasmanian EPA has publicly acknowledged that it did not consider the State Coastal Policy in its assessment of the proposed wind farm, and that it should have done so. It none-the-less still recognised the threat that a wind farm in this location posed to the critical endangered Orange-bellied Parrot on its migratory path through Robbins Island, and proposed conditions that would have required the wind farm to shut down for some 5 months of the year to mitigate this impact. In proposing this lengthy annual shut-down, the EPA must have recognised that such a condition would have significant implications for the economic viability of the wind farm, and arguably should have recognised that the proposal in this sensitive location was likely to have unacceptable environmental impacts, and should not be approved.

It is a concern that Part 1 of the draft legislation currently out for public comment - the *Validation (State Coastal Policy) Bill 2024*, will potentially provide a retrospective, blanket approval for all coastal developments state-wide from 2009 up until such time as the proposed amendment receives Royal Assent. It is concerning that if passed this amendment could mean that anything built in the coastal zone (areas up to 1km inland from the coast) with or without a permit could be automatically approved, taking away any legal recourse.

It is also concerning that, whether intentional or not, this approach also puts time pressure on Parliamentary processes, such as referring the draft legislation to Committee for further review, and could potentially compromise the effective review of the two Bills, and ultimately any amendments to the legislation that is passed through this process.

While the focus of the proposed changes to the State Coastal Policy appears to relate to implications for approval of the proposed wharf on the sandy north-eastern coast of Robbins Island, it should be recognised that the State Coastal Policy potentially applies to any proposal that could have implications for the coast or coastal environments within 1km of the coast. As such, it could reasonably be argued that the arbitrary proposal to site wind turbines within 500m (with the tips of the turbine blades potentially as close as 400m) to coastal habitats that should arguably be recognised as a wetland of international conservation significance (satisfying a number of criteria for Ramsar Wetlands status) should have been considered through the lens of the State Coastal Policy. This would also appear to indicate, quite rightly, that the proposed bridge crossing Robbins Passage,

between Robbins Island and mainland Tasmania, should have been considered in the context of the State Coastal Policy.

Given the highly compromised political process that brought us to this current situation, I would strongly encourage and support State Parliamentarians voting to send any draft legislation to change the State Coastal Policy to Committee for further review. This would at least provide an opportunity for further (if limited) community consultation and engagement, and effective parliamentary review. This is particularly important given the potential for significant unintended legal consequences arising from the approach being adopted by Government.

Yours Sincerely

Gary Whisson

**From:** [Helen Tait](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** State Coastal Policy  
**Date:** Thursday, 1 August 2024 1:03:11 PM

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Comment Helen Tait  
Bourke St  
Launceston

I believe that it is the responsibility of the Councils to protect Tasmania's special qualities. Where the land meets the sea is almost a sacred space.

- 1. Island Tasmania's Coastline is a unique, and key to Tasmania's 'Signature' image. Thus it is critical to have a strong, and already proven, protection policy.**
- 2. Robust protection of Scenic, and Landscape Conservation values needs to be paramount,**
- 3. Measures for sustainable protection of natural habitat and vegetation communities (not least including wet-lands and salt-marshes) is critical**
- 4. Ensuring that the land which surrounds and buffers these natural eco-systems is also considered for ensuring the sustainability of the eco-services that they provide to humans.**

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

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

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

**From:** [Marg Nicol](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** submission re the Validation of State Coastal Policy Act 2024  
**Date:** Thursday, 1 August 2024 1:01:25 PM  
**Attachments:** [Submission regarding the Validation.docx](#)

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Please find my submission attached to this email.  
sincerely  
Margaret Taylor

## Submission regarding the *Validation (State Coastal Policy) Act 2024*

I am a resident of Hobart and have lived in Tasmania for 52 years.

I do not support the proposed changes to the State Coastal Policy. The 2022 report from TADRA<sup>1</sup> and the recently released Draft Tasmanian Planning Policies have revealed Climate Change and the resulting weather impacts are likely to have a major impact on our coastal areas so there are good reasons to reassess the State Coastal Policy but this proposal is not meeting those real needs of the Community.

The uncertainties around the Coastal Policy will not be rectified by this Bill which has been rushed through with little public consultation or provision of reasons it is needed.

Although the government tried to suggest it protected “existing coastal infrastructure, including boardwalks through the dunes, fencing, lookouts, boat launching facilities, bridges, and jetties,” it seems obvious that the real problem lay with “the approval given to the Robbins Island windfarm”.<sup>2</sup>

As the permit for the Robbins Island windfarm proposal has already been issued, this means that the Bill will likely remove any legal hurdle imposed by the Policy. I note the Robbins Island wind farm is yet to gain approval from the Australian Government. Thus, there is no immediate need to fast-track the proposed changes to the *State Coastal Policy*.

The state government must let the Supreme Court decide the validity of the wind farm approval and must not attempt to amend the coastal policy while the court case is underway. Changing the State Coastal Policy before the Supreme Court case has completed would clearly prejudice those involved.

Tasmanians have the coast today thanks entirely to the State Coastal Policy, which has prevented inappropriate construction around Tasmania’s coast for almost 30 years. Retrospective enabling legislation, as proposed by the Tasmanian government to alter one of the key planning policies in Tasmania is an abuse of Parliamentary process.

If the legality of existing structures such as jetties and wharves is in doubt, the government should have released the legal reasons (if not the legal advice) supporting these assertions to ensure transparency in the proposal.

The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). No such evidence has been provided. The community remains skeptical of the Tasmanian Government’s justification for the proposed changes to the *State Coastal Policy*.

The Bill is focused on the application of Outcome 1.4.1 and Outcome 1.4.2 in the Policy, but there are no amendments proposed to the Policy itself. The Department of Premier and Cabinet have noted that changes to the Policy are proposed and a separate position paper will be released to address this later this year. The State should follow an informed consultative process, not rush through retrospective legislation with minimal justification or opportunities for

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<sup>1</sup> <https://d2kpbjo3hey01t.cloudfront.net/uploads/2022/06/TADRA-condensed-full-report-FINAL-May-2022.pdf>

<sup>2</sup> Minister Duigan 16/7/2024

[https://www.premier.tas.gov.au/site\\_resources\\_2015/additional\\_releases/draft-coastal-policy-released](https://www.premier.tas.gov.au/site_resources_2015/additional_releases/draft-coastal-policy-released)

community consultation. Proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.

The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released. The State Government is proposing to make two lots of changes to the *State Coastal Policy* – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.

I support the following recommendations from PMAT to our State Parliamentarians:

1. We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal Policy* to Committee for further review. This would at least allow further (but limited) community consultation/engagement. This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.
2. The draft legislation (*the [Validation \(State Coastal Policy\) Bill 2024](#)*) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences. The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that '*validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act*' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.
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Sincerely  
Margaret Taylor

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**From:** Rebecca Roberts <o>  
**Sent:** Thursday, 1 August 2024 12:57 PM  
**To:** State Planning Office Shared Mailbox  
**Cc:** Dean Winter; Janie Finlay; Shane Broad; Rockliff, Jeremy; Ellis, Felix; Nick Duigan  
**Subject:** Validation (State Coastal Policy) Act 2024 Submission

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These proposed amendments to the current State Coastal Policy present a great threat to Tasmania's way of life. The State Coastal Policy needs to be strengthened not weakened, for example with regards to preservation of areas of significant Aboriginal cultural heritage.

To me, Tasmania's way of life revolves around enjoying the serene and natural environment across the state. As Tasmanians, we enjoy the wild coastlines by fishing, walking, swimming, diving, boating, and simply enjoying the wild beauty they offer. To open the door to private development along the coast completely undermines the values of the Tasmanian people.

Not only this but the draft legislation will weaken the ongoing Supreme Court case that is challenging the approval of the unwanted pulitika/Robbins Island wind farm. The entire argument for why this legislation is needed rests on unreleased advice which the government claim raises legal problems with the Coastal Policy regarding developments on actively mobile landforms.

The proposed changes to the Tasmanian State Coastal Policy would open the door to private and commercial developments, as well as infrastructure such as marinas and wharves, to be built on already vulnerable and moving dune systems that are threatened by erosion, rising sea levels and increasingly severe weather storms. The government is acting without regard to the dangers our state faces from climate change or the fact that these shorelines offer crucial habitat for many endangered shorebirds. Not only that, but Tasmanians may face losing access to the coasts that they love and enjoy using. The very coasts that underpin our lifestyle and Tasmanian way of life.

Any proposed changes to the Tasmanian State Coastal Policy must follow the existing, legislated public consultation process, not be fast-tracked through parliament with a bill and only 14 days of consultation. The consultation period is woefully inadequate and does not reflect the time needed to genuinely inform and consult with the wider community and stakeholders on such a significant change. The standard State Policy Amendment Process is a minimum of 8 weeks public consultation, after a report is prepared by the Tasmanian Planning Commission, followed by hearings. This standard process must be adhered to.

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Yours sincerely,

Yours sincerely,  
Rebecca Roberts



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**From:** Greg Cameron <co>  
**Sent:** Thursday, 1 August 2024 12:53 PM  
**To:** State Planning Office Shared Mailbox  
**Cc:** Dean Winter; Janie Finlay; Shane Broad; Rockliff, Jeremy; Ellis, Felix; Nick Duigan  
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Yours sincerely,

Yours sincerely,  
Greg Cameron

**From:** [Sophie Underwood](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** PMAT Submission: Scrap the Validation (State Coastal Policy) Bill 2024  
**Date:** Thursday, 1 August 2024 12:46:27 PM  
**Attachments:** [Outlook-zpdv1cyl.png](#)  
[PMAT Submission Validation \(State Coastal Policy\) Bill 2024.pdf](#)

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Dear State Planning Office,

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

The [Planning Matters Alliance Tasmania](#) (PMAT) thanks the Department of Premier and Cabinet for the opportunity to comment on the *Validation (State Coastal Policy) Bill 2024*.

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

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

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

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

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

**PMAT's attached submission**

PMAT's submission covers:

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

**Tasmanian Government *Public Submissions Policy***

In its [Public Submissions Policy](#) the Tasmanian Government's states that it is committed to 'providing opportunities for community involvement in the development of Government policy' and 'Notices calling for submissions are to specify, where possible, when submissions will be published. As a matter of policy, submissions should be published on department websites within a reasonable timeframe as determined by the department.'

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

We are happy for our submission to be made public.

Yours sincerely,

Sophie

**Sophie Underwood**

**State Director - PMAT (Planning Matters Alliance Tasmania)**

Mobile

Email

Donate to PMAT here [Subscribe to PMAT's News here](#)

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Convener - Freycinet Action Network

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***I acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina Pakana - Tasmania is Aboriginal land.***





#PlanningMatters  
[www.planningmatterstas.org.au](http://www.planningmatterstas.org.au)

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1 August 2024

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

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

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#PlanningMatters

[www.planningmatterstas.org.au](http://www.planningmatterstas.org.au)

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We are happy for our submission to be made public.

Yours sincerely,

Sophie

Sophie Underwood

State Director – Planning Matters Alliance Tasmania

E: [sophie\\_underwood@hotmail.com](mailto:sophie_underwood@hotmail.com)

M: 0407501999

[www.planningmatterstas.org.au](http://www.planningmatterstas.org.au)



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[www.planningmatterstas.org.au](http://www.planningmatterstas.org.au)

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## 1. WHAT IS PMAT

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

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

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

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

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

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

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

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



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## 2. KEY ISSUES AND CONCERNS

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

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



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



**From:** [Joss Thomas](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**

**Subject:** Tasmanian Coasts - Say NO to fast tracking changes to weaken State Coastal Policy  
**Date:** Thursday, 1 August 2024 12:46:23 PM

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I would like to make known that I, Jocelyn Thomas, oppose the proposed changes to the State Coastal Policy for the below stated reasons.

I would also like to ask why the legislated 8 week community involvement, stakeholder engagement & submission time has not been respected in this instance?

I would further like to ask the question; why have we not been provided with the legal reasons for the Government's claim that the existing Coastal Structures' legality is in doubt?

1. The State Government immediately stops its attempt to amend the *Tasmanian State Coastal Policy*, **ensuring there is no impact to the ongoing Robbins Island Supreme Court case.**
2. **Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the *State Coastal Policy* must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.**
3. If, as the State Government asserts, the legality of existing

structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to **release the legal reasons** (if not the legal advice) supporting these assertions to ensure transparency in the proposal.

4. **Note the Robbins Island wind farm is yet to gain approval from the Australian Government.** Thus, there is no immediate need to rush through the proposed changes to the *State Coastal Policy*.
5. **The Tasmanian Government has yet to demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the *State Coastal Policy*.** The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). **No such evidence has been provided and thus we remain skeptical of the Tasmanian Government's justification for the proposed changes to the *State Coastal Policy*.**
6. **Any proposed changes to the State Coastal Policy must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the *State Coastal Policy* as the second bill is yet to be released.** The State Government is proposing to make two lots of changes to the State Coastal Policy – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.
7. **We strongly encourage our State Parliamentarians to vote to send any draft legislation to change the *State Coastal***

**Policy to Committee for further review. This would at least allow further (but limited) community consultation/engagement.** This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.

8. **The draft legislation (*the [Validation \(State Coastal Policy\) Bill 2024](#)*) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences.** The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill [here](#) states that ‘validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act’ means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.
  
9. **The State Government’s claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available.** Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online infrastructure that helps the public find and use information about land and property in Tasmania. **See page 17 of the Background Report for further details on the mapping issue and contradictory statement by the State Government.**

Yours sincerely,  
Jocelyn Thomas

**From:** [Rohan Grant](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**

**Subject:** Please scrap the Validation (State Coastal Policy) Bill 2024  
**Date:** Thursday, 1 August 2024 12:35:47 PM

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I ask that you scrap the Validation (State Coastal Policy) Bill 2024.

I have previously written to you expressing my dismay and anger about the Tasmanian Liberal Government's determination to encourage and foster the theft of Tasmanian public lands and waterways. This proposed Bill is another example of that behaviour and is all the more perplexing when the immediate beneficiary is an overseas multinational. It seems the Ministers responsible for this travesty have entirely forgotten who they represent, whose interests it is they serve, whose lands and waterways they committed to protect when they took office.

I implore you to reject this Bill, and any and every attempt to weaken, degrade or abolish our current planning schemes.

If you require further information about why this proposed Bill should be rejected please see the points below.

Sincerely,

Rohan Grant.

I oppose the proposed changes to the State Coastal Policy and call on you to scrap the Validation (State Coastal Policy) Bill 2024 due to the following issues and concerns.

1/ The State Government immediately stops its attempt to amend the Tasmanian State Coastal Policy, ensuring there is no impact to the ongoing Robbins Island Supreme Court case.

2/ Rather than fast tracking the proposed changes through the Tasmanian Parliament, any proposed changes to the State Coastal Policy must follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) conducted by the Tasmanian Planning Commission.

3/ If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to release the legal reasons (if not the legal advice) supporting these assertions to ensure transparency in the proposal.

4/ Note the Robbins Island wind farm is yet to gain approval from the Australian Government (and is unlikely to do so because of the impact on numerous endangered and threatened species). Thus, there is no need, immediate or otherwise, to rush through the proposed changes to the State Coastal Policy.

5/ The Tasmanian Government has failed to demonstrate the need for this wide-ranging legislation. Evidence must be provided by the Government for the need for the draft legislation to change the State Coastal Policy. The Minister for Renewable Energy and Minister for Parks and Environment Nick Duigan was asked in the Tasmanian Parliament to provide a list of structures that had legal uncertainties (structures such as jetties and wharves). No such evidence has been provided and thus we remain skeptical of the Tasmanian Government's justification for the proposed changes to the State Coastal Policy.

6/ Any proposed changes to the State Coastal Policy must be dealt with by the Tasmanian Parliament in one package at the same time, and not by two separate Bills being tabled at different times. The Government's approach prevents an integrated review of the State Coastal Policy as the second bill is yet to be released. The State Government is proposing to make two lots of changes to the State Coastal Policy – both changes dealt with by separate Bills. The Bill currently out for public comment aims to validate previously approved developments while the yet to be released Bill is expected to create a new assessment and approval processes. The Parliament deserves to see a complete picture of the changes to this important State Policy so it can properly assess whether to approve the draft changes or not.

7/ I strongly encourage our State Parliamentarians to vote to send any draft legislation to change the State Coastal Policy to Committee for further review. This would at least allow further (but limited) community consultation/engagement. This is especially important as the State Government is choosing not to follow the existing, legislated eight week public consultation process conducted by the Tasmanian Planning Commission. With such an open-ended broad ranging Bill and so many unanswered questions it is critical that it go to committee for proper scrutiny.

8/ The draft legislation (the Validation (State Coastal Policy) Bill 2024) will potentially provide for a retrospective, blanket approval for all coastal developments statewide since 2009. Such a broad-brush approval undermines previous assessments and permits issued, potentially leading to unintended legal consequences. The Draft Bill provides a retrospective blanket approval for all developments in the coastal zone from 2009 to whenever the Act receives Royal Assent. Section 3 Interpretation of the draft Bill here states that 'validation period means the period commencing on 25 February 2009 and expiring on the commencement of this Act' means that anything built during this time, with or without a permit, is suddenly approved taking away any legal recourse.

9/ The State Government's claim that no mapping of mobile landforms have been conducted is incorrect, with coastal erosion and inundation mapped statewide and publicly available. Mobile landforms have been mapped for example since 2016 via the Coastal Inundation and Coastal Erosion Hazards Bands outlined on the [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). The LIST (Land Information System Tasmania) is a whole-of-government online

infrastructure that helps the public find and use information about land and property in Tasmania. See page 17 of the Background Report for further details on the mapping issue and contradictory statement by the State Government.

Please reject the Validation (State Coastal Policy) Bill 2024.

**From:** [Greg Pullen](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Subject:** Public submissions, SCP  
**Date:** Thursday, 1 August 2024 12:26:37 PM  
**Attachments:** [Submission re changes to SCP.docx](#)

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Please find attached my submission into changes proposed for the State Coastal Policy.

Regards  
Greg Pullen

## **VALIDATION (STATE COASTAL POLICY) BILL 2024**

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

Please accept my submission to the consultation process which addresses an “Act to validate certain actions taken under or in pursuance of the State Coastal Policy 1996”.

The State Liberal Government, through the Department of Premier and Cabinet, and with commentary provided by Minister for Parks and Environment Nick Duigan, claims that the State Coastal Policy (1996) is a 30-year piece of legislation that needs refreshing.

The Government views as cynical Tasmanians who see this as a political over-ride of the legal process, with changes being sought at the precise time that action brought in the Tasmanian Supreme Court has the potential to scuttle a 509 metre-long wharf on Robbins Island.

This piece of infrastructure is critical to the wind farm project, as transporting vastly-oversized turbine components by road is known to be a disruptive and logistical nightmare.

The EPA learned that it had failed to consider the impact of the wharf while assessing the project, and so found itself in the unusual (but necessary) position of joining the Circular Head Coastal Awareness Network in challenging an earlier TasCAT decision which gave the project the green light after it dismissed an appeal.

The State Coastal Policy 1996 (SCP) is a critically important part of the State’s Resource Management and Planning System (RMPS). Contending that the SCP had only been looked at and reviewed twice in the past 30 years, in a purely serendipitous moment, the Minister announced another urgent review was needed.

The Minister – in a short political career which saw his first ministerial responsibilities garnered in October last year – decided in May that the legality of existing jetties, wharves and other constructions extending from the coast into the water was in jeopardy, and only a change to the legislation could remove the peril.

Despite being asked inside and outside Parliament to identify at least one structure built since February 28, 2009 which was facing legal challenge, Minister Duigan has failed to produce a single example.

Serendipitous or duplicitous?

“This Government will always support Tasmania’s way of life and provide confidence in our planning laws for coastal infrastructure,” Minister Duigan stated.

However, his interpretation of “way of life” and “providing confidence” is blinkered.



His alacrity in seeking to prevent undue harm or concern should be viewed in the light of the Liberal Government's dismal failure to provide even one five-yearly update of the State of the Environment Report since 2009, despite legislative requirements under the State Policies and Projects Act (1993).

His concern for those Tasmanians using man-made structures which jut out into our coastal waters is laudable.

However, it seems the iconic Tasmanian Wedge-tailed Eagle is not a top priority, despite its endangered rating. The last comprehensive review of its Recovery Plan was carried out 19 years ago, with a hastily cobbled-together review in 2021 making no progress towards a comprehensive and scientific appraisal of population and distribution.

Is it mere coincidence that rigorous updating of environmental reports, which would bring timely scientific scrutiny to the explosion of turbine and transmission proposals now descending on our island, have been conveniently ignored, while a current impediment to such a project will be removed by Government before it can be tested in a court of law?

In another layer of opaqueness, there are two sections of SCP which are subject to change. Rather than deal with these together, the Government has released just part of the bill for public submissions, while a second piece of legislation dealing with the assessment and approvals process under SCP will be introduced separately. Doubtless the tick-box exercise dubbed "consultation" will be rolled out for a second time.

I have no doubt that the amendments to the SCP will be enacted. With the vocal support of the parliamentary State Labor Party, there is only a slim chance that this biased move can be stalled.

However, I am calling on the Parliament to send these matters to a Joint House Committee where appropriate investigation can reveal what, if any, revisions need to be made.

Greg Pullen

August 1, 2024

**From:** [Robin Thomas](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**

**Subject:** Save Tasmania's Coast - Say NO to fast-tracking illegitimate changes to our State Coastal Policy  
**Date:** Thursday, 1 August 2024 12:14:38 PM

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Regarding the Validation (State Coastal Policy) Bill 2024, herewith is my submission.

Proper community involvement/engagement/submission time of legislated 8 weeks for such a massive issue for our beautiful island is not being respected.

The fact that this whole issue is being dealt with by 2 separate proposed pieces of legislation when one of them is not even out to the public, is unwise, this especially considering it's SO consequential for our whole State's economy, to maintain its integrity of unique beauty, (ie for our tourism industry alone).

We need to be provided the legal reasons for the government's claim that existing coastal structures' legality is doubtful.

Considering Robbins Island windfarm has yet no Federal approval, this government's unneeded rush for Coastal Policy changes is conspicuous.

Thank you, Mrs R. Thomas,

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**From:** Todd Walsh  
**Sent:** Thursday, 1 August 2024 12:07 PM  
**To:** State Planning Office Shared Mailbox  
**Cc:** Dean Winter; Janie Finlay; Shane Broad; Rockliff, Jeremy; Ellis, Felix; Nick Duigan  
**Subject:** Validation (State Coastal Policy) Act 2024 Submission

I write this submission with little respect for the Tasmanian Government, that is prepared to continually shifts the goalposts to get what it wants. This whole process smacks of the Gunns Pulp Mill debacle and warrants the same scorn and scrutiny.

I believe this proposal has one major aim, and that is to weaken the Supreme Court Case that is currently underway. The entire argument for why this legislation is needed rests on unreleased advice which the government claim raises legal problems with the Coastal Policy regarding developments on actively mobile landforms.

Essentially the government is proposing changes to a Court Case it may lose, according to new advice it won't release, for a company and not Tasmanians. Maybe call in Donald Trump, just to finish the shoddy process once and for all.

Privatising Tasmania, should be up to Tasmanians. Perhaps the Government should undertake a referendum and ask Tasmanians, what they think of the constant underhanded tactics being used to slowly isolate the public from enjoying Tasmanian beauty.

In my submission I urge the Tasmanian government to scrap the retrospective legislation to amend the Tasmanian State Coastal Policy, commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its legal reasons regarding the status of existing coastal structures.

Yours sincerely.

Yours sincerely,  
Todd Walsh

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