

Validation (State Coastal Policy) Act Submissions received

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351	Andrew Witheford	BirdLife Australia
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354	Donald Hay	
355	Axel von Krusenstierna	
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372	Peter McGlone	Tasmanian Conservation Trust Inc
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375	Fiona McMullen	Australian Institute of Architects
376	Deleeze Chetcuti	Kingborough Council
377	Rebecca Howarth	Environment Tasmania
378	Bridge De Lange	
379	Michelle Granger	
380	Jane Davis	
381	Dean Ockerby	
382	Jack McCullum	
383	anonymous	
384	Robyn Worth	
385	Graeme Beech	
386	Billie Hicks	
387	Jennie Churchill	

From: Row Ward <
Sent: Thursday, 1 August 2024 11:48 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,
Row Ward

From: [Margaret Beasley](#)
To: [State Planning Office Shared Mailbox](#)
Cc:

Subject: Coastal planning changes: no to the Validation (State Coastal policy) Bill
Date: Thursday, 1 August 2024 11:44:31 AM

Dear State planners,

I am writing because I live on the coast in SE Tasmania, and I strongly object to any fast tracking of changes that effect our pristine coastline.

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 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. 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,

From: [Andrew Witheford](#)
To: [State Planning Office Shared Mailbox](#)
Subject: BirdLife Australia: Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 11:10:27 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[240801 BirdLife Submission Tasmanian Coastal Policy Bill.pdf](#)

You don't often get email from andrew.witheford@birdlife.org.au. [Learn why this is important](#)

Please find attached BirdLife Australia's submission on the *Validation (State Coastal Policy) Bill 2024*.

Kind regards,

Andrew Witheford (he/him)
Government Relations Manager



Working on Ngunnawal/Ngambri Country



www.birdlife.org.au

BirdLife Australia acknowledges the Traditional Owners of the Country on which we live, work and learn and we pay our respects to Elders past and present. We recognise and are grateful for the immense contribution of Indigenous people to the knowledge and conservation of Australia's birds.

Validation (State Coastal Policy) Bill 2024

Date: 1 August, 2024

BirdLife Australia welcomes the opportunity to provide feedback to the proposed changes to the *Validation (State Coastal Policy) Bill 2024*.

Tasmania's coast is unique and largely untouched due to the State Coastal Policy, which has protected it for close to 30 years. This has been a huge asset to the state and its wildlife. In states with less robust protections, species like the Fairy Tern (in Victoria and South Australia) and Hooded Plover (in Victoria and New South Wales) are listed at higher threat levels than their Tasmanian counterparts. Furthermore it is home to two of the world's fully migratory parrots, the Critically-Endangered Orange-bellied and Swift Parrots which breed in Tasmania's forests in the summer and fly across Bass Strait to spend winter on the mainland. With wild populations of the former less than one hundred, and the latter counted in mere hundreds, human intervention is urgently required to stop their decline towards extinction. Tasmania's coast also includes extremely valuable habitat for migratory shorebirds, including around Boullanger Bay and Robbins Passage.

While BirdLife recognises the imperative of moving promptly to a decarbonised energy economy, the rapid transition to renewable energy must not come at the expense of a thorough and systematic approach to project planning and development. Projects must be rejected where they pose a significant, unacceptable risk to native species and ecological communities.

We remain deeply concerned that the proposal to retrospectively amend the *Tasmanian State Coastal Policy 1996*, where the main impetus is to enable a major wind farm project on Robbins Island to proceed, will profoundly impact the way our coasts are managed and protected in the whole of Tasmania. The EPA supreme court appeal of the approval of the Robbins Island wind project was lodged because construction of infrastructure through sensitive dunes would represent a breach of the *Tasmanian State Coastal Policy 1996*. In addition, this proposed wind farm is located on the annual migration route of both Swift and Orange-bellied Parrots and is adjacent to Tasmania's largest wetland that provides habitat for thousands of EPBC-listed migratory birds. The collision and displacement risks to these species from the wind farm are high.

Seeking to circumvent an approval process and an active legal case by retrospectively changing the *Tasmanian State Coastal Policy* to accommodate a proponent's proposal, is a serious abuse of the Parliament's powers. It would be a backward step for transparency and good governance in Tasmania and could see vast areas of the coast opened up for private development creating further community dissatisfaction.

The proposed legislation also potentially provides a retrospective approval for all coastal developments statewide since 2009. Legislating for such a broad approval will undermine previous assessments and permits issued, and potentially lead to unintended legal consequences.

BirdLife Australia is calling on the Tasmanian Government to:

- 1. Abandon its commitment to the *Validation (State Coastal Policy) Bill***
- 2. Ensure any proposed changes to the *Tasmanian State Coastal Policy* follow the existing robust legislated eight-week public consultation process (with opportunity for public hearings) to ensure community feedback has been received and considered.**
- 3. Note that the Robbins Island wind farm is yet to gain approval from the Australian Government.**
- 4. Publicly release its evidence on the need for the draft legislation to change the *State Coastal Policy*.**

BirdLife Australia is an independent grassroots charity, with over 360,000 supporters throughout Australia. We have been the voice for Australia's birds for over a century, protecting native birds and their habitats with on-ground projects and advocacy, informed by rigorous science and sound academic partnerships.

From: Ian May <@>
Sent: Thursday, 1 August 2024 4:14 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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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.

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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,
Ian May

From: [Claire Bookless](#)
To: [State Planning Office Shared Mailbox](#)
Cc: [Rachel Walmsley](#)
Subject: EDO's submission in response to the Draft Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 3:57:49 PM
Attachments: [240801 - EDO Submission on the draft Validation \(State Coastal Policy\) Bill 2024 \(Tasmania\).pdf](#)

Dear State Planning Office,

Please find **attached** EDO's submission in response to the Draft Validation (State Coastal Policy) Bill 2024.

Feel free to get in contact if you would like to further discuss our submission or our concerns regarding the Bill.

Kind regards,

Claire



Claire Bookless — Managing Lawyer -
lutruwita/Tasmania
(Mon, Tue, Wed, Thu)
Highfield House, 1/114 Bathurst St
nivaluna/Hobart TAS 7000

I use she/her pronouns.

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This email and any attachments are confidential. If you are not the intended recipient you must not disseminate, distribute or copy it. If you have received this email by mistake please notify us immediately at info@edo.org.au and delete this email.

EDO recognises the traditional owners and custodians of the land, seas and rivers of Australia. We pay our respects to Aboriginal and Torres Strait Islander elders past and present, and aspire to learn from traditional knowledge and customs so that, together, we can protect our environment and cultural heritage through law.



Environmental
Defenders Office

Submission in response to the Draft Validation (State Coastal Policy) Bill 2024 (lutruwita/Tasmania)

1 August 2024

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

www.edo.org.au

Submitted to:

State Planning Office
Department of Premier and Cabinet
By email: stateplanning@dpac.tas.gov.au

For further information on this submission, please contact:

Claire Bookless
Managing Lawyer – lutruwita/Tasmania

Acknowledgement of Country

The EDO recognises and pays respect to the First Nations peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past, present and emerging, and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations cultural heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

EDO recognises self-determination as a person's right to freely determine their own political status and freely pursue their economic, social and cultural development. EDO respects all First Nations' right to be self-determined, which extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the land.

Executive Summary

Environmental Defenders Office (**EDO**) welcomes the opportunity to provide the following brief submission in response to the Draft Validation (State Coastal Policy) Bill 2024 (the **Bill**). In preparing this submission, EDO has had regard to the Department of Premier and Cabinet (**DPAC**) webpage which provides a short overview of the Bill (extracted in **Appendix 1** of this submission), however, we note that no other detailed explanatory materials concerning the Bill have been published.

In providing policy principles and outcomes for the management of State waters and all land to a distance of one kilometre inland from the high-water mark, the State Coastal Policy 1996 (**SCP**) is an important component of lutruwita/Tasmania's Resource Management and Planning System. Relevantly to the Bill and this submission, the SCP provides for the following outcomes to be achieved concerning Coastal Hazards:

1.4. COASTAL HAZARDS

1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.

1.4.2. Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.

...

EDO recognises that the practical implementation of the SCP has not been without issue. For example, previous judicial criticism of the drafting of the SCP resulted in the need for the *State Coastal Policy Validation Act 2003*.¹ In EDO's submission responding to a draft replacement coastal policy (which was not ultimately implemented), EDO highlighted the need for greater clarity and direction in such policies to prevent these problems from recurring.²

Notwithstanding this history, on its webpage concerning the Bill, DPAC suggests that previous amendments to the SCP during its 30-year life were introduced to "improve its operation". However, EDO understands that amendments to Outcome 1.4.2 of the SCP in 2009 which overturned a previous complete ban on development on actively mobile landforms are now the subject of apparent contention and are the focus of the Bill. In our view, this highlights the problems with a piecemeal approach to amending such important policies.

In addition to providing a brief and, as EDO argues in our submission below, inadequate justification for the Bill, the DPAC webpage states:

¹ See *Richard G. Bejah Insurance & Financial Services Pty Ltd v Manning & Ors* [2002] TASSC 35, *Cameron & Anor v Resource Planning and Development Commission* [2006] TASSC 66. See also Blow CJ's comments in *St. Helen's Landcare and Coastcare Group Inc v Break O'Day Council & Anor* [2007] TASSC 15.

² See https://www.edo.org.au/wp-content/uploads/2019/12/100621_Draft_State_Coastal_Policy2008.pdf

...the SCP 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.

Given the real and looming impacts of sea-level rise, coastal inundation and flooding arising from climate change,³ EDO rejects any suggestion that the SCP needs further amendment to potentially weaken the level of protection of lutruwita/Tasmania's vulnerable coastlines and communities. Rather, what lutruwita/Tasmania actually requires is a much stronger State Coastal Policy that identifies objectives to protect and conserve our coasts and clear, enforceable strategies to achieve these objectives.

Unfortunately, the Bill in no way seeks to clarify or strengthen the SCP, and for this reason, **EDO does not support it**. In this submission, EDO raises the following concerns about the Bill:

1. **The need for the Bill has not been established**
2. **The Bill may have unintended negative consequences for lutruwita/Tasmania's coasts and communities**
3. **The drafting of the Bill creates uncertainty**

We understand that, notwithstanding the widespread community opposition to the Bill, the Government is likely to seek to proceed with the Bill. To ensure any debate about the Bill and its likely impacts is fully informed, we provide a summary of our recommendations concerning the Bill below.

Summary of Recommendations

Recommendation 1: The Bill should be delayed so that it can be tabled and considered in light of relevant information, including the Tasmanian Government's legal advice, any relevant Supreme Court decision(s), the proposed related changes to the SCP, the Statewide Climate Change Risk Assessment and State of the Environment Report.

Recommendation 2: Further information concerning the legal liability for harms arising from developments on actively mobile landforms should be released before the Bill is tabled in Parliament.

Recommendation 3: The drafting of the validations in clause 4 of the Bill should be tightened to ensure that the scope of the Bill is limited to validating only the target developments.

³ IPCC, 2023: Summary for Policymakers. In: Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, H. Lee and J. Romero (eds.)]. IPCC, Geneva, Switzerland, pp. 1-34, doi: 10.59327/IPCC/AR6-9789291691647.001

1. The need for the Bill has not been established.

The need for the Bill has not been clearly articulated or established in materials published by the Tasmanian Government.

The DPAC webpage asserts that the recent Tasmanian Civil and Administrative Tribunal (**TasCAT**) decision concerning the proposed Robbins Island wind farm “raised questions around the manner in which the SCP has been previously applied in relation to Outcome 1.4.2 of the SCP.”

In a media release dated 6 June 2024, the Hon Nick Duigan, Minister for Parks and Environment, said:

“...the Government received advice in March regarding the application of the Tasmanian State Coastal Policy. This advice is different to the way that the Policy had been applied to developments in coastal areas since being introduced. This could potentially impact on the use of all coastal infrastructure, including community infrastructure such as jetties and boat ramps.”

The same media release went on to state that the advice received by the Government “...also led to the Environmental Protection Authority joining an appeal against Robbins Island windfarm in March 2024, which has been approved by the Council, with the decision upheld by the [TasCAT].”

Neither the DPAC webpage nor the Minister has specifically outlined the questions raised by the Robbins Island windfarm appeal or provided the legal advice the Tasmanian Government received about the application of the SCP to coastal developments which gives rise to the need for the Bill.

While the DPAC webpage suggests that “there are numerous developments” on actively mobile landforms, such as jetties, boat ramps, bridges and golf courses, there is no information about how many of these developments are subject to any legal uncertainty and might require the “validation” proposed under the Bill. In the absence of such information, it is difficult to understand whether, and if so why, the Bill is necessary.

Previous amendments to the SCP appear to have caused the issues that the Government now proposes to address through the Bill. EDO considers that before the Bill can be properly understood and interrogated by the community and Parliament, at a minimum the legal advice concerning the interpretation of Outcomes 1.4.1 and 1.4.2 of the SCP and a list of the developments likely to be “validated” by the Bill should be publicly released.

EDO is further concerned that in the rush to pass the Bill, the full scope of the Government’s intentions concerning changes to the SCP has not been made clear. We understand the Tasmanian Government seeks to pass this Bill quickly to proactively address some of the grounds raised in appeals to the Supreme Court relating to the permit granted to the Robbins Island wind farm. Given the amendments in the Bill are unlikely to fully resolve the appeals, EDO questions the need for this legislation to be rushed through without the full picture of reforms to the SCP being presented both to the community and the Parliament.

In EDO's view, before the Bill is tabled, it would be much better for the community and the Parliament to have the benefit of:

- the advice provided to the Government concerning the operation of Outcomes 1.4.1 and 1.4.2 of the SCP;
- the list of the developments likely to be “validated” by the Bill;
- the Supreme Court’s decision on the Robbins Island wind farm appeals;
- an outline of any other proposed changes to the drafting of the SCP and the process by which those proposed changes will be considered and made;
- lutruwita/Tasmania’s Statewide Climate Change Risk Assessment which we understand is due “mid-2024”;⁴ and
- lutruwita/Tasmania’s State of Environment report which is due to be presented to the Minister on 30 August 2024.

EDO considers this information will help ensure that the debate about the Bill is fully informed.

Recommendation 1: The Bill should be delayed so that it can be tabled and considered in light of relevant information, including the Tasmanian Government’s legal advice, any relevant Supreme Court decision(s), the proposed related changes to the SCP, the Statewide Climate Change Risk Assessment and State of the Environment Report Court decision(s), the proposed related changes to the SCP, the Statewide Climate Change Risk Assessment and State of the Environment Report.

2. The Bill may have unintended negative consequences for lutruwita/Tasmania’s coasts and communities.

The Bill purports to validate planning permits granted for coastal developments on “actively mobile landforms” since 25 February 2009. As outlined above, it is unclear how many developments may be captured by this Bill. Given that the Government’s legal advice has not been released, it is also unclear whether the “traditional” interpretation of the relevant provisions of the SCP has resulted in inadequate assessments of the impacts and likely consequences of these developments on coastal environments and communities.

EDO is concerned that the proposed validation of permits under the Bill may endorse permits for developments on actively mobile landforms that were never properly assessed by planning authorities or implemented by developers. This may have unintended negative consequences for lutruwita/Tasmania’s coasts and communities, potentially exposing them to harm or impacts from developments that should never have been built. A correlated issue is that, where developments have been built on these actively mobile landforms and result in some harm or loss to life, property or the environment, it is unclear who will be held liable for the remediation or mitigation of those harms.⁵ Will it be the councils that erroneously approved the permits for the

⁴ See https://www.recfit.tas.gov.au/what_is_recfit/climate_change/adapting/risk_assessment, and *Climate Change (State Actions) Act 2008*, s 5B(1).

⁵ For more on the legal risks associated with decision-making regarding coastal developments see: Bell-James, J., Baker-Jones, M., and Barton E., 2017: Legal risk. A guide to legal decision making in the face of

developments? The developers? Or will the Tasmanian Government ultimately pick up the tab for those losses given that, through the Bill, it proposes to “validate” the permits? These are not matters addressed by the Bill or the supporting materials but in our view warrant further exploration and explanation before the Bill comes before the Parliament.

Recommendation 2: Further information concerning the legal liability for harms arising from developments on actively mobile landforms should be released before the Bill is tabled in Parliament.

3. The drafting of the Bill creates uncertainty.

Finally, EDO considers the proposed validations in clause 4 of the Bill to be unclear, giving rise to further uncertainty.

Read as a whole, clause 4 of the Bill provides a seemingly contradictory list of provisions. For example, on one hand in subclause (1), we are told that all permitted developments on actively mobile landforms during the validation period are consistent with Outcome 1.4.1. But then, in subclause (2) we are told that Outcome 1.4.2 is taken to have never applied to these developments. This is curious, as it is only Outcome 1.4.2 that makes compliance with Outcome 1.4.1 a necessity under the SCP.

Clause 4 (4) of the Bill provides:

Any act or thing done or omitted or required to be done or omitted in pursuance of, in reliance on, or arising from, the issuing, or purported issuing, of a LUPA [Act] permit during the validation period is taken to have been validly done or omitted or required to have been done or omitted.

Taken alone, this subclause far exceeds the types of developments on actively mobile landforms that are supposedly the subject of this Bill, rather, it captures *all* LUPA Act permits issued since 25 February 2009. While subclause (5) does seek to limit the scope of subclause (4), as it is currently drafted, this subclause only applies “for the avoidance of doubt”, which may or may not mean subclause (4) is limited by subclause (5).

The phrase “for the avoidance of doubt” is also used in subclause (3) of the Bill, and again does anything but eradicate doubt given the preceding subclauses.

The drafting of clause 4 requires substantial tightening to make clear the limited scope of the validations provided under the Bill. For example, this might include adding the phrase “subject to (5)” at the beginning of subclause (4) and removing the phrase “for the avoidance of any doubt”

climate change for coastal decision makers. CoastAdapt Information Manual 6, 2nd edn, National Climate Change Adaptation Research Facility, Gold Coast; and Hughes, L., Dean, A., and Koegel, M., 2021. Neighbourhood Issue: Climate Costs and Risks to Councils. Climate Council of Australia Limited, accessed at https://www.climatecouncil.org.au/wp-content/uploads/2021/09/Report-Councils-on-the-Frontline_V5-FA_Low_Res_Single_Pages.pdf

from subclause (5), and removing the unnecessary contradiction and duplications between subclauses (1), (2) and (3).

Recommendation 3: Tighten the drafting of the validations in clause 4 to ensure that the scope of the Bill is limited to the target developments.

*Thank you for the opportunity to make this submission.
Please do not hesitate to contact our office should you have further enquiries.*

Appendix 1 – Department of Premier and Cabinet webpage on the Bill⁶

The *Validation (State Coastal Policy) Bill 2024* has been released for consultation and is [available here](#). Submissions on the draft Bill can be forwarded to stateplanning@dpac.tas.gov.au by 5pm on **Thursday, 1 August 2024**.

The State Coastal Policy 1996 (SCP) is a critically important part of the State's Resource Management and Planning System (RMPS) and has served the State well in protecting the coast and providing for sustainable development. Introduced almost 30 years ago the SCP has been amended twice to improve its operation.

In recent months the way that the SCP has been applied with respect to development on actively mobile landforms has come under question. The recent approval of the Robbins Island windfarm (more specifically the wharf required for the construction of the windfarm) by the Tasmanian Civil and Administrative Tribunal (TasCAT) has raised questions around the manner in which the SCP has been previously applied in relation to Outcome 1.4.2 of the SCP. That Outcome prohibits all development on actively mobile land unless it is for a purpose provided for under Outcome 1.4.1 (which relates to the protection of land, property and human life).

The location of the wharf and wharf infrastructure on Robbins Island was considered and approved by the Circular Head Council and the Tasmanian Civil and Administrative Tribunal.

The ongoing concerns with the operation of the current SCP is compounded by there being no definitive description of an actively mobile landform or any accepted map of their location. Tasmania has numerous developments that might be on actively mobile landforms which provide access, recreation, and help conserve areas of fragile environment. These range from boardwalks through the dunes, fencing, lookouts, boat launching facilities, bridges, jetties, and even golf courses.

The SCP Outcome 1.4.2 also required identification of areas where there is significant risk from coastal processes and hazards such as flooding, storms, erosion, landslip, sea level rise and other changes. With the introduction of the Tasmanian Planning Scheme across the State, there are now statewide mapping of these hazards and detailed planning scheme provisions for assessment of development in these areas. Furthermore, the new Tasmanian Planning Policies provide a second more detailed set of policies to guide future land use in the coastal zone.

The draft Bill seeks to validate previous permits issued under the Land Use Planning and Approvals Act 1993 (LUPA) from 25 February 2009 until the date of the commencement of the proposed legislation. It also ensures that no action can be taken against individuals or organisations that have acted in line with permits issued under LUPA.

Now that management measures have been put in place through the Tasmanian Planning Scheme, the Government also considers that the SCP should be changed to include more contemporary

⁶ Accessed at https://www.dpac.tas.gov.au/divisions/policy/state_policies/validation-state-coastal-policy-act-2024 on 21 July 2024.

planning controls for actively mobile land on our coasts. A separate position paper will be released in coming weeks outlining the proposed changes.

From: [Donald Hay](#)
To: [State Planning Office Shared Mailbox](#)
Cc:

Subject: Submission to State Coastal Policy Amendment
Date: Thursday, 1 August 2024 3:50:15 PM

Dear Reader,

I am concerned about the proposed changes that are being rushed through parliament, that will affect the outcome of the forthcoming supreme court challenge to Robbins Island Wind Farm.

The politicians appear to mostly be covering up the real reason for the change to the Coastal Policy, which appears to be to get the Robbins Island Wind farm built. I have heard some of the politicians state the changes to policy are required immediately, to protect the coastal structures such as jetties, wharves, golf courses etc.

There is currently no news stories about removing these facilities due to non compliance to the Coastal policy.

It would appear that the State Minister for Energy and Renewables, and Parks & Environment is in conclusion with the Robbins Island wind Farm Proponent, Acen.

I suggest that the minister for Parks & Environment should resign, as he is obviously taking more advice from ACEN than for the State Government Advisers, eg the EPA. He has conflicting portfolios, how is he to decide whether to protect a dune system like Back Bank on Robbins Island when he is also supposed to push for renewable energy?

It is also showing the politicians that are pushing for this disastrous proposal are either incompetent or corrupt.

Please do not use excuses to protect a poorly thought out proposal for a wind farm. By all means change the coastal policy through the usual channels, with proper consultation in place.

I have been discussing the Robbins Island Wind Farm with people all over our beautiful state, most people are in favour of renewable energy, including wind farms. I do believe that most people are against the Robbins Island Wind farm due to its poorly thought out location. Some of the politicians have been stating that the time period, some say 7 years, some 20 years is too long for the planning process. It would seem

that this is due to the poor location of the wind farm.

Maybe if the wind farm was in a reasonable location, say somewhere like whaleback ridge it would be built by now. All the ongoing hype and changing the goal posts for the Robbins Island Project is just turning people off the thought of having any wind farms in Tasmania. Please stop interfering with the process, and let the court make the correct decision on the project.

Regards,
Donald

Donald Hay

From: [Axel von Krusenstierna](#)
To: [State Planning Office Shared Mailbox](#)
Cc:

Subject: Scrap the Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 3:46:00 PM

I oppose the proposed changes to the *State Coastal Policy* and call on the State Government to stop its attempt to amend the *Tasmanian State Coastal Policy*, ensuring there is no impact to the ongoing Robbins Island Supreme Court case.

- In my opinion the Tasmanian Government has failed to demonstrate the need for the Validation (State Coastal Policy) Bill 2024. Evidence must be provided by the Government for the need for the draft legislation to change the *State Coastal Policy*. If the Government considers that the *State Coastal Policy* needs to be revised it should be done through an integrated review of the whole policy.
- 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.
- I 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*.

Axel von Krusenstierna

From: [Carolyn Emms](#)
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 3:45:57 PM

To whom it may concern,

We 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. 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.

Tasmania's coastlines harbor a rich array of biodiversity including the threatened Wedge Tailed Eagle and disease-free Tasmanian Devils. The conservation of such precious habitat should be of the utmost priority to the Tasmanian

government. As well as providing critical habitat to wildlife, it is apparent there is no social license for the Robbins Island wind farm and as such it should now be rejected.

Sincerely,

Carolyn Emms and the team of Rainforest Reserves Australia

From: Jan Mckenzie
Sent: Thursday, 1 August 2024 3:43 PM
To: State Planning Office Shared Mailbox
Cc: Dean Winter; Janie Finlay; Shane Broad; Rockliff, Jeremy; Ellis, Felix; Nick Duigan
Subject: No to Wind Turbines on Robins Island

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,
Jan Mckenzie

From: [Wendy Nicholls](#)
To: [State Planning Office Shared Mailbox](#)
Subject: Save our Coasts – Pls Scrap the Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 3:38:44 PM

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. 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.**

I strongly believe this is a huge step backwards in maintaining a beautiful environment for our state. To expose the whole of our Tasmanian coastline to unscrupulous development can create so much damage in the long term to obtain short term gains exposes those promoting this course of action as suspicious. I have not heard any argument that satisfies the question of why the Robins Island project has become focused as the ONLY solution for maintaining sustainable renewable power when there are so many alternatives available. The passageway between Robins Island and mainland Tasmania is unique and supports a varied and valuable range of fauna and flora and once destroyed, it will never be able to be restored to its original state. We Tasmanians need to start putting environment

before perceived profit. To change legislation regarding coastal policy is opening up a Pandora's box and ramification of this possible decision could have long term impacts for private land owners plus the community as a whole with access to foreshore.

I am not a NIMBY because my daily view of the world is the collection of windmills presently located at Woolnorth. An unexpected upshot of this debate is that it has led to me learning that maybe windfarms are not really an answer as I originally thought.

Yours sincerely,

Wendy Dobson,

From: [Maria Riedl](#)
To: [State Planning Office Shared Mailbox](#)
Cc:

Subject: I request that everyone saves our coasts by rejecting this policy – Please please please Scrap the Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 10:21:00 AM

Please let me know you received my request to scrap the Validation (State Coastal Policy) Bill 2024, thank you.

This rushed, dodgy, Draft Validation (State Coastal Policy) Act 2024 (with very serious flaws, including how it is being rushed thru) has as its sole intent to give retrospective, blanket approval for ALL coastal development statewide since 2009!!!

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.

It is apparent that this government intends to fast-track these proposed changes via parliament, circumventing the standard legislated public consultation process!

Our lifestyle is based around our incredible coastlines which we have an obligation to protect. It appears there are many corporations, owned by multi-nationals that are looking at these coastlines and seeing dollar signs. Should these changes go ahead it would be an unacceptable backward step for transparency and good governance in Tasmania locking up our coast for private development!

I am asking all members of both houses to vote to leave the *Tasmanian Coastal Policy* as it is! These proposed changes demonstrate the government's reckless arrogance and contempt for the public and the parliament, and in my view it is purposefully set out to guarantee the approval of the wharf required to construct the proposed Robbins Island wind farm!!! It is a smoke screen, claiming a need to validate an ever growing list of structures, NOT as minister says.

The construction of a 510m jetty for the Robbins Island wind farm clearly and unequivocally undermines the Supreme Court appeal against the development!

The Tasmanian way of life is NOT being threatened by the present Coastal Policy which in reality PROTECTS our Tasmanian coasts that we love!

Tasmania is the stronghold for tens of thousands of shorebirds, and sites like Robbins Island which meets eight out of ten criteria to be DESIGNATED a RAMSAR WETLAND site for goodness sake!!!! It is time to declare Robbins Island as a Ramsar Wetland.

1. Please STOP this attempt to amend the *Tasmanian State Coastal Policy*!
2. Any proposed changes to this policy MUST follow existing, legislated public consultation processes.
3. The government has a responsibility to the Tasmanian community, to my community, to release arguments supporting the assertions they are using to ENSURE TRANSPARENCY in the proposal!
4. This is a rush job guys thought up to WEAKEN 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 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. 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 and thank you,

Maria IE Riedl B.S.Ed., M.Env.L., [M.Env.Gov](#)

'When we try to pick out anything by
itself, we find it hitched to everything
else in the Universe.' John Muir

From: [Jacinta Hill](#)
To: [State Planning Office Shared Mailbox](#)
Cc:

Subject: Why were you elected? SAVE OUR PROTECTED COASTS! - Pls Scrap the Validation (State Coastal Policy) Bill 2024 - an UNDEMOCRATIC ABUSE OF POWER
Date: Thursday, 1 August 2024 10:48:46 AM

You were elected to represent the voices of Tasmanian's. This proposed legislation, yet again threatens our coastline, our democracy, provides no evidence for its case, is being RUSHED through and proposes NO community consultation? Again, why were you elected? Is this who you are?

Tasmania's coast is unique and largely unspoilt, thanks to the *State Coastal Policy*, which has protected it for almost 30 years. The Tasmanian people respect FAIR AND Equitable planning for lutriwita/Tasmania. Communities have a right to retain their voices and the State Government should let the Supreme Court decide the validity of the wind farm approval and should not attempt to amend the Coastal Policy while the court case is underway.

It's an undeniable smokescreen for forcing changes to the Tasmanian State Coastal Policy to stop the Supreme Court case and ensure the approval of the controversial wind farm. All projects MUST continue to be assessed under the existing Tasmanian State Coastal Policy. The proposed legislation is terrible abuse of the Parliament's powers. Let the Supreme Court decide the validity of the wind farm approval.

If there are genuine concerns about the Tasmanian State Coastal Policy, then PLEASE follow an informed consultative process, not push through retrospective legislation.

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

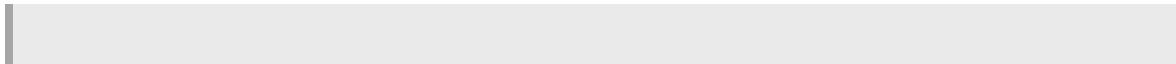
scrutiny.

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. 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, Jacinta Hill

From: [Stephanie Cahalan](#)
To:
Cc:

Subject: Re. Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 4:16:12 PM
Attachments: [image.png](#)



To whom it may concern,

The Aboriginal Land Council of Tasmania (ALCT) opposes the *Validation (State Coastal Policy) Bill 2024* and calls on the Tasmanian State Government to scrap the proposed changes.

The Council considers the proposed legislation to be an effort to retrospectively approve the construction of the controversial Robbins Island wind farm despite advice it contravenes Tasmanian State Coastal Policy.

Known by Palawa as Pilitika, Robbins Island is a highly significant Aboriginal cultural landscape. It has been a living and meeting place for tens of thousands of years and a staging point for Robinson's fateful so-called friendly mission.

The Robbins Island wind farm proposal is a highly contested development because it is located in the very worst possible place for preserving and honouring the history and heritage of the Palawa community. The proposal has been subject to much community outrage and is currently before the Tasmanian Supreme Court on appeal.

Rather than listen to the concerns of their constituents and the Tasmanian Aboriginal community, the Tasmanian Government is prioritising the interests of big business by seeking to legislate retrospective approval for a destructive industrial development on a highly significant Aboriginal cultural landscape.

While the Government claims there is coastal infrastructure requiring retrospective approval through these amendments, not one example – outside of the Robbins

Island wind farm – has been offered to the public. These amendments are for the purpose of paving the way for an internationally-owned development and no other reason that has been offered to the public.

The Tasmanian State Coastal Policy currently prevents any development which would impact on mobile sand dune system. The Tasmanian Aboriginal community have a special interest in coastal dune systems because it is widely known that such dune systems often contain Aboriginal burial sites and other significant Aboriginal heritage values.

In its current form, the Tasmanian State Coastal Policy offered a last line of defence against unnecessary impact on Aboriginal cultural heritage, where the Government owns that the state's Aboriginal heritage protection legislation is lacking.

Robbins Island is brimming with significant Aboriginal Cultural heritage, but it also home to many endangered native birds and animals which hold special significance and meaning within Tasmanian Aboriginal culture.

The Robbins Island wind farm proposal is highly likely to have an irreparable impact on a significant and sensitive area of coast. This proposed change is an attempt to retrospectively approve it via special-legislation and then change the policy for good. This is policy-making by stealth and is not for the benefit of the Tasmanian community, and to the severe detriment of the Tasmanian Palawa community.

This criticism comes following repeated pleas from the Tasmanian Aboriginal community to amend and strengthen Tasmania's Aboriginal heritage protection legislation, which has been under review for the last two decades. This move would undermine what little ancillary protection is afforded to Aboriginal heritage through the Tasmanian Coastal Policy.

Yours sincerely,

Rebecca Digney

Manager
Aboriginal Land Council of Tasmania (ALCT)



From: [Patricia May](#)
To: [State Planning Office Shared Mailbox](#)
Subject: State Coastal Policy validation act submission
Date: Thursday, 1 August 2024 4:18:04 PM

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
Patricia May

Sent from my Galaxy

From: [Daniel Marr](#)
To: [State Planning Office Shared Mailbox](#)
Subject: Draft Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 4:22:09 PM
Attachments: [image001.png](#)

Thank you for the opportunity to provide comment on the draft *Validation (State Coastal Policy) Bill 2024*.

The City of Clarence has over 190km of coastline including the Derwent Estuary, Storm Bay, Frederick Henry Bay and Pittwater, with numerous coastal settlements established and ongoing development pressure within the coastal zone.

Nevertheless, City Planning of Clarence City Council is in support of the draft bill on the basis that it endeavours to validate permits issued in good faith for development on actively mobile landforms since 25 February 2009.

Clarence City Council is not supportive, however, if the outcome of this draft bill provides an opportunity to validate an activity that has been done illegally without a permit, or not in accordance with exemptions either within an applicable planning scheme or alternative legislation (see below).

Historically, the Clarence Planning Scheme 2007 (CPS), which was in force in 2009, required assessment and determination of applications within the coastal zone to consider the provisions of the State Coastal Policy. Subsequent to this, the adoption of the Clarence Interim Planning Scheme 2015 (CIPS) and the current Tasmanian Planning Scheme-Clarence (TPS-C) were assessed against the outcomes of the State Coastal Policy and deemed consistent by the Tasmanian Planning Commission. It is taken that, a permit issued under, or an exemption categorised as compliant with, the current planning scheme is taken as being consistent with the outcomes of the State Coastal Policy. All these planning schemes contain/ed exemptions which rely on the interpretation of the State Coastal Policy. As an example, see the qualification clause 4.0.3 under the State Planning Provisions, which reads:

4.0.3 Excluding the exemption for emergency works at 4.3.1, in the coastal zone, no development listed in Tables 4.2 - 4.6 is exempt from this planning scheme if it is to be undertaken on actively mobile landforms as referred to in clause 1.4 of the Tasmanian State Coastal Policy 1996. Any development on actively mobile landforms in the coastal zone must comply with the requirements of the Coastal Erosion Hazard Code.

However, the similar clause 5.1.3 of the CIPS read:

5.1.3 Excluding the exemption for emergency works at 5.3.1, in the coastal zone, no development listed in Table 5.1 – 5.6 is exempt from this planning scheme if it is to be undertaken on actively mobile landforms as referred to in clause 1.4 of the Tasmanian State Coastal Policy 1996. Development must not be located on actively mobile landforms in the coastal zone, unless for engineering or remediation works to protect land, property and human life in accordance with clause 1.4.1 and 1.4.2 in the State Coastal Policy 1996.

It is noted that the paper by Dr Chris Sharples calls into question the ability to confine terminology to dunal system, given the erosion and deposition processes that apply to all

landforms. This paper can be access via Bill Cromer's website - [The problem of the use of ambiguous terms in Tasmanian coastal planning policy documents for defining appropriate coastal development zones](#).

With no definitive description of what constitutes an actively mobile landform or any accepted map of their location, the draft Bill raises the question of how would such development be treated that was erroneously exempted from requiring a planning permit because of the lack of clarity about terminology. While development listed within the TPS-C exemptions are generally minor in nature, the exemptions do pertain to the upgrade of roads and related infrastructure, the provision of stormwater infrastructure, and the clearing or modification of vegetation. Dependant on scale, these activities may have substantial adverse and irreversible impacts on actively mobile landforms. In addition, works exempted from the operation of the planning scheme, through legislative provisions, such as dam works, electricity and service infrastructure and works associated with water or hydro districts, may be similarly impacted.

In conclusion, it is our opinion that the draft Bill should be expended to encompass other permitting frameworks under the planning scheme or other legislation, in the same vein as a permit issued under LUPAA.

Regards



Daniel Marr

Head of City Planning | Clarence City Council

a 38 Bligh Street | PO Box 96 Rosny Park TAS 7018

Clarence City Council pays respect to all First Peoples, including the Mumirimina (mu mee ree mee nah) People of the Oyster Bay Nation whose unceded lands, skies, and waterways we are privileged to conduct our business on. We pay respect to, and value the deep knowledge of Elders past and present, and we acknowledge the survival and deep spiritual connection of the Tasmanian Aboriginal People to their Country, a connection which has endured since the beginning of time. Our work reflects our ongoing commitment to truth-telling and respectful understanding.

CONFIDENTIALITY NOTICE AND DISCLAIMER The information in this transmission may be confidential and/or protected by legal professional privilege and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received this transmission in error, please immediately delete it and contact Council by telephone or email to inform us of the error. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Bill Cameron <
Sent: Thursday, 1 August 2024 4:22 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,
Bill Cameron

From: [Berry Dunston](#)
Cc:

Subject: State Coastal Policy Bill 2024
Date: Thursday, 1 August 2024 4:23:36 PM

My concern in relation to the proposed changes to State Coastal Policy, specifically relate to issues such as the mud flats around Robbins Island and the potential for a negative impact on the birds, which fly into this area annually, may have if the building of a wind farm goes ahead.

I therefore oppose the proposed changes to the State Coastal Policy and call on the State Government to cease its current intention to amend the Tasmanian State Coastal Policy, and in particular to ensure there is no impact to the ongoing Robbins Island Supreme Court case.

My concern is that the Tasmanian Government has failed to demonstrate the need for the Validation (State Coastal Policy) Bill 2024. Evidence must be provided by the Government for the need for the draft legislation to change the Tasmanian State Coastal Policy.

If the Government considers that the State Coastal Policy needs to be revised this needs to be demonstrated by initially undertaking an integrated review of the policy as a whole.

I find the apparent pace at which the proposal to make changes to the State Coastal Policy is going, suggests the Sate Government is wanting to reduce input which would be gained through public consultation.

Berenice Dunston

From: [Michael Galvin](#)
To:

Subject: Robbins Island submission
Date: Thursday, 1 August 2024 4:28:24 PM

Dear Sir or Madam

Climate capitalism is the major threat to remaining biodiversity areas and pristine environments in Australia. Intercontinental supergrids using places like batteries exploiting their resources and charging market price for energy. Please protect Robbins Island for the endangered species, and important bird area for migratory birds.

There is a failure of the planning and assessment process. An Environmental Impact Assessment should be objective and unbiased, contain the whole body of information, present a range of options including a do nothing option, and have a comprehensive community consultation package to help decide on the development. Too often community consultation resorts to public information sessions the lowest form of community consultation.

Please protect our great Island from climate capitalism and the climate industrial complex.

Kind regards,

Michael Galvin.
Environmental engineer.

From: Lauren Coc <
Sent: Thursday, 1 August 2024 4:35 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.

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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,
Lauren Coc

From: Yvette Brown
Sent: Thursday, 1 August 2024 4:39 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,
Yvette Brown

From: [Esther Nunn](#)
To: [State Planning Office Shared Mailbox](#)
Cc:

Subject: Please scrap the Validation Bill 2024-Save our coasts from reckless fast tracking
Date: Thursday, 1 August 2024 4:40:38 PM

To those who hold the power to create positive change that will benefit us now, for future generations and on behalf of the natural environment who has no voice and is at the mercy of human beings,

On learning of the Tasmanian government's bid to fast track changes to Tasmania's Coastal Policy, I am shocked and disgusted that the government seems to care so little about the importance of protecting our magnificent coastline. The State Coastal Policy has done so much to protect our coastlines from inappropriate developments, and uphold natural beauty. This fast tracking new legislation is a potential disaster for what we value most- our natural world, and specifically, our wild, beautiful coastlines.

I chose to live on Flinders Island to be surrounded by magnificent coastlines, and I want to do everything I can to protect it for future generations; and for its own sake.

The natural world needs our help to keep it safe from human exploitation. Please do everything you can in your power to join the thousands of Tasmanians who are calling on you to scrap the Validation (State Coastal Policy) Bill 2024.

Furthermore, I stand in line with PMAT, in opposition to 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. 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.**

If you can, also personalise your submission by writing why Lutruwita/Tasmania's coastlines matter to you and your way of life.

Personalising your message creates a powerful impact with Parliamentarians.

Yours sincerely,

Esther Nunn

From: [Evie Simpson](#)
To: [State Planning Office Shared Mailbox](#)
Subject: Submission to Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 4:42:04 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[Australia Institute Submission to Validation \(Coastal Policy\) Bill 2024.pdf](#)



Good afternoon,

Please find a submission on behalf of the Australia Institute attached.

Kind regards,

Evie Simpson
Researcher
The Australia Institute Tasmania

TAI with tagline blue	
	

Submission to Validation (State Coastal Policy) Bill 2024

The Tasmanian Government's draft legislation to fast track changes to the State Coastal Policy through Tasmanian Parliament ignores legislated process and due diligence. The proposed changes have the potential to weaken the State Coastal Policy, erode protection to the natural and cultural values of Tasmania's coast, and undermine statewide strategic planning.

Evie Simpson
August 2024

INTRODUCTION

Australia's coasts are globally important – as biodiversity hotspots, carbon sinks and migratory species refuges – yet climate change, coastal development and invasive species are causing increasing and cumulative pressure on these fragile environments. The 2021 national State of the Environment Report found the condition of beaches and shorelines throughout Australia to be poor, and that “all are deteriorating due to sea level rise and local factors related to human use of the coast.”¹

Tasmania's coasts remain relatively pristine² in comparison with those of mainland Australia, but this status is threatened by an increasing coastal population, commercial development, and the expansion of on- and near-shore industries including intensive

¹ Clark et al (2021) *Australia: State of the Environment – Coasts*,
<https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-coasts.pdf>

² Noting that the Tasmanian Government has not produced a state-specific State of the Environment Report since 2009, despite a legislative requirement to do so every five years. See
<https://australiainstitute.org.au/report/get-your-skates-on-tasmanias-next-state-of-the-environment-report/>

finfish aquaculture.³ While it is nearly 30 years old, the *Tasmanian State Coastal Policy 1996* (the SCP) has played an important role in maintaining the health and integrity of Tasmania's coastal environment despite these pressures. Critically, it has allowed Tasmania's ecologically significant dune systems to remain relatively intact by prohibiting unnecessary development on mobile dune systems,⁴ a provision that will be of increasing importance as climate driven sea level rise continues to affect Tasmania's coastal areas.

On 17 July 2024, the *Validation (State Coastal Policy) Bill 2024* (the "Bill") was released for public consultation by the Minister for Energy and Minister for Parks and the Environment, the Hon Nick Duigan, with the intention to "remove uncertainties around coastal infrastructure".⁵ The Bill seeks to retrospectively disallow clause 1.4.2. of the SCP (which prevents development on actively mobile landforms unless it serves to protect "land, property and human life"⁶) if the development was "issued, or purportedly issued," with a permit under the *Land Use Planning and Approvals Act 1993* (Tas) ("LUPA permit")⁷. It seeks to "validate" (retrospectively approve) all developments on actively mobile landforms between 2009 and when the Bill commences, including for developments which have not yet commenced but have been issued a permit during that timeframe.

In retrospectively approving all developments which may be found on mobile landforms, in contradiction to the provisions of the SCP, the Tasmanian Government's Bill has the potential to alter a key purpose of State Coastal Policy, and the way coasts and coastal hazards are managed, fundamentally undermining strategic planning in Tasmania.

³ Clark et al (2021) *Australia: State of the Environment – Coasts*, p 112,
<https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-coasts.pdf>

⁴ *Tasmanian State Coastal Policy 1996*, clause 1.4.2.

⁵ Duigan (2024) *Draft Coastal Policy Released*,
https://www.premier.tas.gov.au/site_resources_2015/additional_releases/draft-coastal-policy-released

⁶ *Tasmanian State Coastal Policy 1996*, clause 1.4.2.,
https://www.dpac.tas.gov.au/__data/assets/pdf_file/0010/11521/State_Coastal_Policy_1996.pdf

⁷ *Validation (State Coastal Policy) Bill 2024* s 4(2),
https://www.dpac.tas.gov.au/__data/assets/pdf_file/0037/366679/Validation-State-Coastal-Policy-Bill-2024.pdf

RUSHED AND RETROSPECTIVE: KEY ISSUES WITH THE VALIDATION BILL

Implications of draft amendments

The Government's draft Bill is seeking to amend clause 1.4.2. of the SCP to validate structures constructed in the coastal zone since 2009, including developments which have not yet commenced but have received, or purportedly received, LUPA permits between 2009 and the commencement of the Act.⁸ Clause 1.4.2. specifically prohibits development on mobile landforms *unless* it is to protect land, property or human life.⁹ Development for any other reason on areas that are ecologically significant, structurally unstable and particularly vulnerable to climate-driven sea level rise and storm surges does not align with the SCP's core principles of protecting natural and cultural values, and sustainable use and development of the coast.¹⁰

Amending clause 1.4.2.'s prohibition of unnecessary development on actively mobile landforms has the potential to cause unexpected outcomes, such as development approvals for marina/canal estates in unsuitable areas, and pave the way for coastal subdivisions and other infrastructure and development throughout Tasmania's coastal areas.¹¹ Furthermore, the Tasmanian Government is yet to provide an example of existing coastal infrastructure that could be at risk because of the way the coastal policy is interpreted, and has refused requests to release the legal advice it received.¹²

Any amendment of clause 1.4.2 of the Tasmanian State Coastal Policy 1996 has the potential to undermine strategic planning in Tasmania by reducing protection to fragile dune ecosystems and increasing the vulnerability of Tasmania's coastal infrastructure.

⁸ *Validation (State Coastal Policy) Bill 2024* s 4(2), https://www.dpac.tas.gov.au/__data/assets/pdf_file/0037/366679/Validation-State-Coastal-Policy-Bill-2024.pdf

⁹ *Tasmanian State Coastal Policy 1996*, clause 1.4.1. and 1.4.2. https://www.dpac.tas.gov.au/__data/assets/pdf_file/0010/11521/State_Coastal_Policy_1996.pdf

¹⁰ *Tasmanian State Coastal Policy 1996*, principles, p 5. https://www.dpac.tas.gov.au/__data/assets/pdf_file/0010/11521/State_Coastal_Policy_1996.pdf

¹¹ Planning Matters Alliance Tasmania (2024) *Background Report: Proposed changes to the Tasmanian State Coastal Policy 1996 and the proposed Robbins Island wind farm*, <https://planningmatterstas.org.au/wp-content/uploads/2024/07/PMAT-Background-Report-Robbins-Island-and-State-Coastal-Policy-V1.3.pdf>

¹² *Ibid*, p 1.

Recommendation: The Tasmanian Parliament does not approve the retrospective amendment to the SCP to approve all developments that may be prohibited by clause 1.4.2. of the SCP.

State Policies

The SCP is one of three State Policies created under the *State Policies and Projects Act 1993* (Tas). State Policies are an important and powerful component of Tasmania's planning system, and have a robust, legislated process by which any significant amendments must be made. This includes an eight-week consultation process conducted by the independent Tasmanian Planning Commission and provides for the opportunity for public hearings. Furthermore, any changes to a State Policy must be approved by both houses of Tasmanian Parliament. The current two-week consultation period circumvents the rigorous process for amending State Policies, and is a clear attempt to rush the changes through Parliament without due process.

Recommendation: Any proposed changes to the Tasmanian State Coastal Policy must follow the existing, legislated public consultation process, be conducted by the independent Tasmanian Planning Commission, and provide the opportunity for public hearings.

Any changes to the SCP should occur together

The State Government is proposing to make two rounds of changes to the SCP, to be dealt with in separate Bills and separate Parliamentary debates. The Tasmanian Government has indicated that further changes to the SCP are likely to commence shortly, stating that “the Government also considers that the SCP 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”¹³.

The current Bill aims to validate developments while the future Bill is expected to create a new assessment and approval processes, presumably for development on landforms regulated by clauses 1.4.1. and 1.4.2. The Parliament – and the Tasmanian public – should be able to consider a complete picture of forthcoming amendments to a State Policy, so it can properly comprehend the consequences of such changes, and make informed submissions to the consultative process.

¹³ Department of Premier and Cabinet (2024) Validation (State Coastal Policy) Act 2024, https://www.dpac.tas.gov.au/divisions/policy/state_policies/validation-state-coastal-policy-act-2024

Recommendation: If two amendments are to be made to the SCP, the Parliament and the Tasmanian public should be given the opportunity to consider them simultaneously.

ROBBINS ISLAND WINDFARM

There is a public perception that Tasmanian Government is seeking to retrospectively change the SCP to ostensibly facilitate infrastructure for the proposed Robbins Island wind farm by amending the SCP to impact a current Supreme Court appeal against the validity of the proposed development.

The proposed Robbins Island wind farm development has been approved by the Tasmanian Civil and Administrative Appeals Tribunal, despite a range of concerns over the development's potential impact on endangered and migratory birds, as well as other natural and cultural values of the island. The approval is currently being appealed in the Supreme Court by the community group Circular Head Coastal Awareness Network. In March 2024, the Tasmanian Environmental Protection Authority commenced a proceeding in the Supreme Court to correct its error in not applying clause 1.4.2 of the SCP to a key component of the development proposal: a 500m long wharf to be constructed across mobile frontal dunes on the east coast of Robbins Island.

The explanation on the Department of Premier and Cabinet's website of the justification for the proposed changes state:

The recent approval of the Robbins Island windfarm (more specifically the wharf required for the construction of the windfarm) by the Tasmanian Civil and Administrative Tribunal (TasCAT) has raised questions around the manner in which the SCP has been previously applied in relation to Outcome 1.4.2 of the SCP.¹⁴

Further to this, Minister Duigan's media statement issued with the release of draft legislation states:

The interpretation of the Policy could potentially impact on existing coastal infrastructure, including boardwalks through the dunes, fencing, lookouts, boat

¹⁴ Department of Premier and Cabinet (2024) Validation (State Coastal Policy) Act 2024, https://www.dpac.tas.gov.au/divisions/policy/state_policies/validation-state-coastal-policy-act-2024

launching facilities, bridges, and jetties...It has also impacted on the approval given to the Robbins Island windfarm which needs clarification.¹⁵

Despite requests from Planning Matters Alliance Tasmania (PMAT), the Australian Coastal Society, and the Tasmanian Conservation Trust, the Tasmanian Government has declined to release the legal reasons or advice supporting Minister Duigan's assertions.¹⁶ Furthermore, the Tasmanian Government is yet to provide an example of existing coastal infrastructure that may be implicated. PMAT contends:

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.

If the Bill is enacted, it has the potential to significantly interfere with the current Supreme Court appeal. Furthermore, the Robbins Island wind farm is yet to gain approval from the Australian Government, so the invalidity of the 500m wharf under the SCP is not the primary roadblock to the development proceeding.

Recommendation: The Tasmanian Government ceases its attempt to fast track amendments to the Tasmanian SCP to ensure there is no impact to the ongoing Robbins Island Supreme Court case.

CONCLUSION AND RECOMMENDATIONS

The proposed retrospective amendment to clause 1.4.2 of the Tasmanian State Coastal Policy 1996 has the potential to undermine strategic planning in Tasmania by reducing protection to fragile dune ecosystems and increasing the vulnerability of Tasmania's coastal infrastructure.

The Australia Institute Tasmania recommends:

1. The Tasmanian Parliament does not approve the retrospective amendment to the SCP to approve all developments that may be prohibited by clause 1.4.2. of the SCP.

¹⁵ Duigan (2024) *Draft Coastal Policy released*,
https://www.premier.tas.gov.au/site_resources_2015/additional_releases/draft-coastal-policy-released

¹⁶ Planning Matters Alliance Tasmania (2024) *Background Report: Proposed changes to the Tasmanian State Coastal Policy 1996 and the proposed Robbins Island wind farm*,
<https://planningmatterstas.org.au/wp-content/uploads/2024/07/PMAT-Background-Report-Robbins-Island-and-State-Coastal-Policy-V1.3.pdf>

2. Any proposed changes to the Tasmanian State Coastal Policy must follow the existing, legislated public consultation process, be conducted by the independent Tasmanian Planning Commission, and provide the opportunity for public hearings.
3. If two amendments are to be made to the SCP, the Parliament and the Tasmanian public should be given the opportunity to consider them simultaneously.
4. The Tasmanian Government ceases its attempt to fast track amendments to the Tasmanian SCP to ensure there is no impact to the ongoing Robbins Island Supreme Court case.

From: [Sharon Moore](#)
To: [State Planning Office Shared Mailbox](#)
Subject: Draft Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 4:50:34 PM

Draft Validation (State Coastal Policy) Bill 2024

The government should not proceed with this bill.

It is clearly an attempt by the government to stymie the Robbins Island Supreme Court case. It should be clear to the government by now that Tasmanians have had enough of this sort of undemocratic behaviour by government.

The government has not demonstrated the need for such legislation, which would side-step the well established, legislated procedures in the State Policies and Projects Act for amending state policies.

If there are legitimate concerns with the State Coastal Policy, the government should task the Tasmanian Planning Commission with reviewing it, a process which provides for adequate public consultation, unlike this current rushed process.

Like other Tasmanians, I cherish our coasts. The State Coastal Policy was made with the best interests of the coastal environment and its enjoyment by Tasmanians in mind. It, and the judicial process, should not be interfered with at the passing whim of government.

Yours sincerely

Sharon Moore

From: [Peter McGlone](#)
To: [State Planning Office Shared Mailbox](#)
Subject: Submission from TCT
Date: Thursday, 1 August 2024 4:58:56 PM
Attachments: [Coastal policy validaiton bill _submisison_ 1 August 2024.pdf](#)

Please find attached a submission from the TCT on the Submission to the Draft Validation (State Coastal Policy) Bill 2024.

Peter McGlone

Tasmanian Conservation Trust Inc



Tasmanian Conservation Trust inc

1 August 2024

Email: stateplanning@dpac.tas.gov.au

Submission to the Draft Validation (State Coastal Policy) Bill 2024

The TCT is opposed to the Draft Validation (State Coastal Policy) Bill 2024 and recommends that the state government abandons the legislation and does not bring it or any similar version of it to parliament.

As included in a media release issued on 11 June 2024 by Tasmanian Conservation Trust, Planning Matters Alliance Tasmania and the Australian Coastal Society, I repeat our 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 have a responsibility to the Tasmanian community to release the legal arguments (if not the legal advice) supporting these assertions to ensure transparency in the proposal.

I have read the draft bill, Minister Duigan's media releases (6 May 2024 and 16 July 2024), a statement on the DPAC website where submissions are requested (see link below) and some of the parliamentary Hansard covering debates on the proposed validation legislation.

https://www.dpac.tas.gov.au/divisions/policy/state_policies/validation-state-coastal-policy-act-2024

In all these documents the government has repeatedly failed to provide its legal reasons for proposing the validation legislation. The government's argument is to simply assert that a problem exists with previous approvals and that validation is required without providing reasons for why this should be believed.

Legislation must not be tabled in parliament if the government has not provided valid and convincing reasons for it. Without legal advice to inform it, the parliament would be justified in concluding that it cannot know if the purported problems with the Tasmanian State Coastal Policy (TSCP) are valid, and the validation bill addresses them. Similarly, the parliament would be justified in concluding, as we have, that claims of a broader purpose for the validation bill - in terms of validating permits for recreational infrastructure such as

jetties and boat launching ramps, that are important for to "support Tasmania's way of life" - are in fact a smokescreen to obscure the real reason. The parliament may find that the legislation is solely for the purpose of validating the permit for the Robbins Island wind farm (more specifically the wharf required for construction of the windfarm) and to ensure the current approval is not threatened by the ongoing legal cases before the Supreme Court of Tasmania.

Failure to provide reasons for needing to validate coastal infrastructure which is valued by the community could be seen to be a ploy to avoid this smokescreen being detected.

The statement on the DPAC website (posted on or about 16 July 2024) is perhaps the most expansive statement of reasons:

In recent months the way that the SCP has been applied with respect to development on actively mobile landforms has come under question. The recent approval of the Robbins Island windfarm (more specifically the wharf required for the construction of the windfarm) by the Tasmanian Civil and Administrative Tribunal (TasCAT) has raised questions around the manner in which the SCP has been previously applied in relation to Outcome 1.4.2 of the SCP. That Outcome prohibits all development on actively mobile land unless it is for a purpose provided for under Outcome 1.4.1 (which relates to the protection of land, property and human life).

The Minister's media release of 16 July 2024 (issued along with the draft bill) states that:

The Tasmanian Government has released draft legislation for consultation to remove uncertainties around coastal infrastructure.

Minister for Parks and Environment, Nick Duigan, said the changes follow advice in March regarding the application of the Tasmanian State Coastal Policy.

"The interpretation of the Policy could potentially impact on existing coastal infrastructure, including boardwalks through the dunes, fencing, lookouts, boat launching facilities, bridges, and jetties," Minister Duigan said.

"It has also impacted on the approval given to the Robbins Island windfarm which needs clarification."

The draft Bill seeks to validate previous permits issued for coastal infrastructure under the Land Use Planning and Approvals Act 1993 (LUPAA) from 25 February 2009 until the date of the commencement of the proposed legislation.

It also ensures that no action can be taken against individuals or organisations that have acted in line with permits issued under LUPAA.

The draft legislation is available at https://www.dpac.tas.gov.au/divisions/policy/state_policies/validation-state-coastal-policy-act-2024

Submissions on the draft Bill can be forwarded to stateplanning@dpac.tas.gov.au by 5pm on Thursday 1, August 2024.

In these statements the government has just asserted that the TSCP prohibits development on actively mobile landforms and that planning approvals issued for developments on actively mobile landforms (including the Robbins Island wind farm) may be invalid and could create legal liability and lead to court challenges. The government has specifically identified the Robbins Island wind farm proposed as being one of the approvals that is put into doubt and requires validation of its planning permit.

These statements do not provide any legal reasons or evidence for believing the claims regarding the application of the TSCP and the need for validation legislation.

With the statement on the DPAC website, the key wording is that "the way that the SCP has been applied" "has come under question" and that "The recent approval of the Robbins Island windfarm" "has raised questions around the manner in which the SCP has been previously applied". To provide reasons for the validation legislation the government would need to explain what the questions are that are referred to and provide a legal analysis of why this leads to the concern that permits may be invalid.

In fact, these statements do not refer to legal advice that may have been considered by government in coming to these conclusions and do not identify any person or persons who may have been involved in providing advice. The statements only refer to the SCP coming under "question" by unidentified person/s. The advice may have been from a person who was not a lawyer and even outside of government.

In a similar fashion, the Minister's media releases issued on the 6 May 2024 and 16 July 2024, both refer to receipt of "advice in March regarding the application of the Tasmania policy". Why does the minister not confirm where the advice came from and whether it was from a legal authority such as the solicitor general?

In the state parliament on 11 June 2024 the minister was less than emphatic in answering a question about who provided the state government with advice about changing the TSCP, stating "I think it was the solicitor general".

It is inappropriate for the state government to be proposing legislation that could validate the permit for the Robbins Island wind farm while it is subject to review in the Supreme Court. While the constitution does not seem to prohibit such a move it is likely to prejudice the Circular Head Community Awareness Network Inc which initiated the appeal to the Supreme Court. The validation legislation may weaken the network's case and potentially render the case unwinnable.

The state government may also be legislating to get an outcome that could be delivered by the Supreme Court but which will have other far reaching implications. By including the Robbins Island wind farm planning permit in the scope of the validation legislation the state government is second guessing the Supreme Court because the case is ongoing and may result in the permit being found to be valid.

The EPA has stated publicly that it believes that it erred in law by requesting the wind farm proponent assess the Robbins Island wind farm proposal against the TSCP but then giving its approval without that assessment being provided and considered.

Allowing the current court cases to proceed will enable the court to determine if the EPA did in fact err in law and potentially if the TSCP has been contravened. The court may determine that the windfarm has a valid planning permit and therefore that there is no need for it to be validated via the draft bill. If the court finds that the permit is not valid and that the proposed wharf is potentially contrary to the TSCP then its decision and reasons for it will provide the state government with a clear basis for deciding what it does next in terms of the planning permit and the TSCP.

The Robbins Island wind farm proposal seems to be a separate and quite different case that the government should not be addressing with the validation bill. The court is the best authority to determine if the recently approved permit is valid or not.

Waiting for the court decisions does not seem to prejudice the proponent as they cannot proceed with the development until the court cases are concluded and until Australian Government approval is finalised.

It is surprising that the government has made such an emotional plea for the need to protect recreational infrastructure such as jetties and boat launching ramps while not being able to provide any examples of these and their locations. As stated, this looks like a convenient smokescreen to cover the true purpose of the validation bill. The government undermined this ploy themselves when the minister issued a media statement including a improbably long list of infrastructure supposedly at threat. Minister Duigan stated in a 16 July 2024 media release that: "The interpretation of the Policy could potentially impact on existing coastal infrastructure, including boardwalks through the dunes, fencing, lookouts, boat launching facilities, bridges, and jetties".

The minor amendment to the policy passed in February 2009 was specifically for undertaking management in actively mobile landforms including fencing and boardwalks which were to protect the coast environment.

The government has added to the apparent smokescreen by claiming on the DPAC website (posted in July 2024) "The ongoing concerns with the operation of the current SCP is compounded by there being no definitive description of an actively mobile landform or any accepted map of their location.". This is not a very convincing argument because actively mobile landforms are mapped as part of the coastal hazard overlays in the Statewide Planning Scheme.

If there are problems with the operation of the TSCP - whether this relates to delineating and mapping actively mobile landforms or addressing questions about the validity of planning permits for important community infrastructure – the existing process under the State Projects and Policies Act should be used. This act provides for the independent Tasmanian Planning Commission to undertake a review of a state policy through a process that provides all stakeholders with opportunities to provide their input.

Yours sincerely,

Peter McGlone
Chief Executive Officer
Tasmanian Conservation Trust

From: [Moirá Conley](#)
To:

Subject: Please Scrap the Validation Bill 2024 So we can save our Coasts
Date: Thursday, 1 August 2024 4:59:29 PM

As a lifelong resident of our beautiful state of Tasmania and someone who is passionate about a sustainable future for all

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 below 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**

Instead of 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

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*.

So far 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). I am skeptical.

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 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.

- 1. 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.**
- 2.
- 3. 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. proper scrutiny.**
- 4.
- 5. 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.

6.

7. 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.

I strongly urge you to reconsider your position on this legislation

Yours sincerely

Moira Conley

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

Subject: Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 4:59:36 PM

Dear Members,

I am strongly opposed to the proposed changes to the *State Coastal Policy*, and call on you to scrap the *Validation (State Coastal Policy) Bill 2024*.

I've lived in Tasmania all of my life, and growing up I spent a lot of time on Tasmania's east coast.

It saddens me to see how our coastal areas have changed (for the worst) through inappropriate development.

I worry about things like the increased presence of vehicles on our beaches, and other illegal activity that is not adequately policed.

If anything, coastal policy needs to be strengthened to protect our precious coast from further damage.

With climate change and rising sea levels, this is more important than ever.

I feel that this proposed change can only weaken protection of the coast.

It is not clear why this change is necessary - or, as I can only guess in the absence of more information, we are not being told the real reason for the change.

Vague statements referring to "Tasmania's way of life" tell us nothing useful!

The idea of retrospective approvals troubles me.

And again, the full reason for this has not been spelt out.

Claims of inadequate mapping of mobile landforms are simply incorrect.

In Tasmania we're fortunate to have an excellent resource in LISTmap, which includes many coastal layers.

It has not been made clear as to why this proposed change needs to be rushed through.

I call for the Parliament to use the existing legislated process to consider these changes, and allow more thorough public consultation.

Many thanks,
Vicki Campbell



From: [Fiona McMullen](#)
To: [State Planning Office Shared Mailbox](#)
Cc: [Jennifer Nichols](#)
Subject: Institute response to Draft Validation (State Coastal Policy) Bill 2024
Date: Thursday, 1 August 2024 4:59:59 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[20240801 - State Coastal Policy Bill 2024 FINAL.pdf](#)

To whom this concerns,

Please find attached the submission from the Australian Institute of Architects regarding the Draft Validation (State Coastal Policy) Bill 2024.

If you can confirm receipt of this submission, that would be appreciated.

Kind regards,

Fiona McMullen M.Arch, B.EnvDes
Major Projects & Professional Services Coordinator

Australian Institute of Architects

w: architecture.com.au



*We respectfully acknowledge the Traditional Custodians
of the lands on which we work and pay respect to their
Elders past and present.*





Australian
Institute of
Architects

TAS

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01 August 2024

State Planning Office
Department of Premier and Cabinet
Level 7/15 Murray Street
Hobart TAS 7000

By email to: stateplanning@dpac.tas.gov.au

Re: Draft Validation (State Coastal Policy) Bill 2024

To whom this concerns,

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) would like to thank you for the opportunity to provide feedback on the *Draft Validation (State Coastal Policy) Bill 2024* (the Bill). The Institute has identified some potential risks and has some questions regarding these changes in terms of clarity and the removal of ambiguity, as outlined below.

The first risk issue appears to sit in the interpretation of Outcome 1.4.1 of the State Coastal Policy 1996 which is:

1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.

The Institute questions what “managed” means in this context. The Institute also questions whether it is a carte blanche to not only undertake protection works but add other non-essential development to it.

Clause 1.4.2 then says:

Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.

The Institute suggests that the Bill should possibly have additional clauses that leave no doubt that the intent of Outcome 1.4.1 are only the minimal essential works required to protect land, property and human life (e.g. geo-textile sand containers, walls, revetments etc) and no additional works (e.g. restaurant, accommodation on top). The Institute

questions whether this would include the means to access a windfarm – i.e. the wharf and wharf infrastructure on Robbins Island.

The second risk issue is the use of the term “purportedly issued” in the amending legislation. The Institute questions whether there is a risk that some development proponents will claim that permits were issued (“purportedly issued”) when there has been no permit issued, and therefore use the “validation period” to justify erecting, maintaining or majorly refurbishing structures consistent with a permit purportedly issued during that period. If the permit was issued but had lapsed – before any works had commenced – should a permit be given effect simply because it was originally issued during the validation period? The Institute questions whether the Bill should provide clarity about lapsed permits.

A third risk issue is the question of permits issued before the validation period. The Institute questions whether this means that asset owners or controllers of assets on areas described in Outcome 1.4.1 or 1.4.2 will be required to remove these structures where permits were issued before the validation period.

A fourth risk issue is the interpretation around actively mobile landscapes. This is raised in a paper by Chris Sharples¹. The Institute questions whether the separate position paper to be released in the coming weeks, outlining the proposed changes to include more contemporary planning controls for actively mobile land on Tasmanian coasts, might address the definitions and interpretation issues that Chris Sharples identifies.

Thank you for the opportunity to provide feedback on the amendments. Please contact us if you would like to discuss any of the points raised further.

Kind regards,

Daniel Lane

President, Tasmanian Chapter
Australian Institute of Architects

Jennifer Nichols

Executive Director, Tasmanian Chapter
Australian Institute of Architects

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with over 14,000 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design. To learn more about the Institute, log on to www.architecture.com.au.

¹

https://williamccromer.com/content/uploads/2015/03/SharplesOpinion_CoastalDuneTerminology_PolicyImplications_v3_May2012.pdf

From: [Deleeze Chetcuti](#)
To: [State Planning Office Shared Mailbox](#)
Subject: Kingborough Council Submission - State Coastal Policy
Date: Thursday, 1 August 2024 5:01:05 PM
Attachments: [image001.jpg](#)
[KC submission Validation \(State Coastal Policy\) Bill 2024.pdf](#)

Good afternoon

Please see attached Kingborough Councils submission in relation to the proposed amendments to the State Coastal Policy

Kind regards

Deleeze Chetcuti | Director Environment, Development and Community | Kingborough Council



Kingborough Council acknowledges and pays respect to the Tasmanian Aboriginal Community as the traditional owners and continuing custodians of this land and acknowledge Elders – past, present, and emerging.

Please consider the environment before printing this email. This email and any attachments is strictly confidential and should be read only by those persons to whom it is addressed and its content is not intended for use by any other persons. If you are not the intended recipient you must not use, copy or distribute it. If you have received this message in error, please destroy and delete the message along with any attachments from your computer and notify us immediately.

Date: 1 August 2024

Our Ref: 2.20

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

Email: stateplanning@dpac.tas.gov.au

Submission Validation (State Coastal Policy) Bill 2024

Thank you for the opportunity to make a submission on the *Validation (State Coastal Policy) Bill 2024*. Council provides the following points for your consideration:

- As a coastal council, the State Coastal Policy is an important statutory document used by Kingborough to regulate and manage coastal works and development. As a result, we would value meaningful engagement on its operation, review and planned amendments. Council is disappointed with the limited timeframe for consideration and engagement on the current *Validation (State Coastal Policy) Bill 2024*.
- Council would welcome a broad review of the State Coastal Policy in light of the transition to a Tasmanian Planning Scheme and State Planning Provisions and the changing pressures facing coastal development and ecosystems from the impacts of Climate Change. We are interested in improved clarification of the meaning of a range of terms including, actively mobile landforms and a gap analysis against TPS codes relating to coastal areas.
- It would have been beneficial if additional supporting information was made available to assist in the engagement process.
- The current proposal to retrospectively validate permit approvals under LUPA from 25 February 2009 through to the passing of the draft Validation Bill is understood but the extent of the issue not been articulated which would have been useful context in terms of the intent of the proposed amendment.
- We would like to clarify that the Validation Bill will only apply retrospectively to works and use that has a valid LUPA permit and not to works that have occurred illegally during this period or future works which have not obtained a LUPA permit in the Validation Period, with these works still subject to LUPA and the Policy.

- To prevent this issue reoccurring in the future, it will be important to determine why it occurred and whether it is a result of the policy being too onerous, unclear or for other reasons and to provide recommendations to address the cause.
- Council looks forward to the release of a position paper on further proposed changes to the Policy, however it is important that the scope of this review is broad, does not assume changes to the Policy on the basis of the temporary Validation Bill, and the engagement process is robust with both local government and our community.

Thank you again for the opportunity to make a submission.

Yours sincerely

Deleeze Chetcuti
DIRECTOR ENVIRONMENT, DEVELOPMENT AND COMMUNITY
KINGBOROUGH COUNCIL

From: [Rebecca Howarth](#)
To: [State Planning Office Shared Mailbox](#)
Subject: Submission
Date: Thursday, 1 August 2024 5:04:06 PM
Attachments: [Submission - Validation Policy - Environment Tasmania.pdf](#)

Hello,
Please find attached our submission to the Validation Bill 2024.

Warm regards
Rebecca

Marine Campaigner
Environment Tasmania



I respectfully acknowledge that I am living and working both on Parradarrame Country and Muwinina Country. I pay my respect to their elders, past, present and emerging and admire the ongoing work they do in caring for both Country and Sea Country.



31st July 2024

Submission by email: StatePlanning@dpac.tas.gov.au

Submission re Validation (State Coastal Policy) Bill 2024

Environment Tasmania works with the Tasmanian community to caring for what is some of the most spectacular and unique wildlife, forests and oceans on earth. As a non-governmental, non-partisan and totally independent organisation, we bring together environment groups and community members to find solutions to Tasmania's environmental pressures.

We welcome the opportunity to write a submission in response to the Validation (State Coastal Policy) Bill 2024.

While consultation is welcome, 14 days is too short a period of time for meaningful consultation with the Tasmanian community, and is 6 weeks shorter than the standard period of consultation for amending a State Policy which is 8 weeks of consultation. In fact the Tasmanian government seeks to circumvent the legislated standard process for a significant amendment to a State Policy which involves rigorous scrutiny and 8-weeks of public consultation through the Tasmanian Planning Commission.

Environment Tasmania calls for the Tasmanian State Government to scrap the retrospective Validation (State Coastal Policy) Bill and commit to not interfering with the pulitika/Robbins Island Supreme Court case and to release its reasons regarding the status of existing coastal structures.

Environment Tasmania has the following 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. 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.

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

Tasmania's way of life revolves around enjoying the wild and natural environment across the state. Tasmanians enjoy the wild coastlines by fishing, walking, swimming, diving and boating. To open the door to private development by fast-tracking legislation and changes to the State Coastal Policy 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 with further weakening of the State Coastal Policy imminent, 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.

Environment Tasmania urges 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.

Author: Rebecca Howarth
Senior Marine Campaigner
Environment Tasmania

From: Bridge De Lange
Sent: Thursday, 1 August 2024 5:07 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.

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Yours sincerely,

Yours sincerely,
Bridge De Lange

From: Michelle Granger
Sent: Thursday, 1 August 2024 5:22 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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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.

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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,
Michelle Granger

From: Jane Davis
Sent: Thursday, 1 August 2024 5:25 PM
To:

Subject: Save Our Coasts- please Scrap the Validation (State Coastal Policy)

Tasmania's coast is one of the island's 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 the proposal.

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 it perceives 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

I plead with you not damage the natural heritage of our states coast. Scrap the proposed changes to the State Coastal Policy.

Yours sincerely,

Jane Davis

From: Dean Ockerby
Sent: Thursday, 1 August 2024 5:38 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.

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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,
Dean Ockerby

From: Jack McCullum
Sent: Thursday, 1 August 2024 5:38 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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Yours sincerely,

Yours sincerely,
Jack McCullum

From: Robyn Worth <
Sent: Thursday, 1 August 2024 6:27 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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Yours sincerely,

Yours sincerely,
Robyn Worth

From: [Graeme Beech](#)
To: [State Planning Office Shared Mailbox](#)
Cc:
Subject: State Coastal Policy Submission
Date: Thursday, 1 August 2024 6:42:36 PM

Hello

I am a resident of the northeast coast of Tasmania and I oppose the proposed changes to the State Coastal Policy and call on you to scrap the *Validation (State Coastal Policy) Bill 2024*.

I live on the east coast and I have noted levels of inappropriate development in coastal areas increase as a result of the weakening of planning laws or lack of application and appropriate interpretation of the State Coastal Policy. I expect this occurs in order to prioritise development over the protection and conservation of the coast's natural and scenic landscape values. Tasmania is going down a pathway of strangling the goose that laid the golden egg. Politicians need to be aware the intent of pro-development/mass tourism lobby is often personal gain.

I do not accept the validity of the argument 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.

It is also claimed that there is insufficient data/mapping available that identifies vulnerable coastal landforms. 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).

I can only conclude the primary purpose of the legislation is to ensure the approval of the Robbins Island Wind Farm and perhaps other prospective developments that involve a need to develop on 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. 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.

Given the growing development pressure in the Tasmanian coastal zone due to population growth and unsustainable tourism levels, the State Coastal Policy should be reviewed to ensure that the natural and scenic values of our unique and precious coastline are protected, maintained and where necessary restored. We should not let development result in losing our natural environment and the Tasmanian nature point of difference for residents and tourists. A cared-for and respected environment is critical to our health and the future economic aspirations of following generations.

Yours sincerely

Graeme Beech

From: Billie Hicks
Sent: Thursday, 1 August 2024 6:58 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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Yours sincerely,

Yours sincerely,
Billie Hicks

From: [Jennie Churchill](#)
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 7:08:05 PM

To Whom it May Concern

Please find below my reasons for opposing the proposed, very concerning changes to the State Coastal Policy. While the reasons below are critically important, I am also providing this submission because I live on the East Coast of Tasmania. I walk the beaches nearby almost daily. I count the shore birds for Birdlife Tasmania. These are incredible species, almost all demonstrating frightening decline in populations, and many that migrate thousands and thousands of kilometres north to Siberia and beyond to breed. Tasmanian coastlines are the safe, productive places they return to - to rest, recuperate and fatten up before heading north to breed the following year. Birds like the Far Eastern Curlew, the Bar-tailed Godwit and tiny Red-necked Stint - their stories and journeys are remarkable and we are so fortunate they call Tasmania home for half the year.

Our coastlines are precious. The State Coastal Policy has protected our shores for 30 years. It has been instrumental in ensuring tourists who come to Tasmania can still find pristine and untouched nature - not just in forests and mountains, but all along our coastlines. If tourism is a focus of this government, then it must protect the reasons people come here.

I urge all Parliamentarians to please consider these proposed changes in light of their potential environmental damage. It is the responsibility of all of us to protect what we have, now and into the future.

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 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. 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.**

Kind regards

Jennie Churchill
