

TASMANIAN PLANNING COMMISSION



**Draft amendment 01-25 to the
*State Coastal Policy 1996***

Report to the Minister under sections 11 & 15A
of the *State Policies and Projects Act 1993*

September 2026

Report on draft amendment 01-25 to the *State Coastal Policy 1996*

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Contents

Executive summary	1
Glossary	3
1.0 Introduction	1
1.1 This Report.....	1
1.2 Background	1
1.3 Commission role.....	2
1.4 Roles of the Minister and the Governor	3
2.0 Summary of draft amendment 01-25	3
3.0 Commission consideration of draft amendment 01-25.....	4
3.1 Delegation	4
3.2 Disclosure of interests and associations	4
3.3 Representations	4
3.4 Hearings and directions.....	5
4.0 Summary of issues raised in representations	5
4.1 Consultation and procedural issues	6
4.2 Legal risks and implementation	6
4.3 Need for draft amendment	7
4.4 Statutory/technical issues.....	9
4.5 Environmental impacts	16
4.6 Social and cultural issues	17
4.7 Support for draft amendment	18
5.0 Matters discussed at the hearing	19
5.1 Replacement of the existing prohibition.....	20
5.2 Risk-based assessment and tolerable risk	20
5.3 Public benefit and coastal location dependency.....	21
5.4 Environmental, geoconservation and cultural values	21
5.5 Mapping and implementation	22
5.6 Broader review of the Coastal Policy.....	22
6.0 Summary of responses to Commission directions	23
6.1 Direction 1- Policy intent and background	23
6.2 Direction 2 - Relationship with subordinate planning instruments	23
6.3 Direction 3 - Public benefit and coastal dependence.....	26
6.4 Direction 4 - Response to drafting changes raised by representations	29

6.5	Direction 5 - Definitions and interpretive matters.....	32
6.6	Direction 6 - Outcome 1.4.2 – drafting and scope	36
6.7	Direction 7 – Risk assessment and statewide consistency	39
6.8	Direction 8 - Geoconservation.....	40
6.9	Direction 9 - Alternative drafting	41
7.0	Consideration of representations and submissions.....	42
7.1	Need for draft amendment 01-25	43
7.2	Removal of reference to Actively Mobile Landforms	44
7.3	Outcome 1.4.1.....	44
7.4	Transition to risk-based framework	45
7.5	Tolerable risk, intended life and decision-making.....	47
7.6	Benefits the public and dependent on a particular location	50
7.7	Environmental, geoconservation and cultural values	53
7.8	Statewide consistency and implementation.....	55
8.0	Assessment against section 5(1) of State Policies and Projects Act 1993.....	57
8.1	Section 5(1)(a) - furthering Schedule 1 Objectives.....	57
8.2	Section 5(1)(c) - Statewide consistency and coordination.....	59
8.3	Section 5(1)(d) - Minimum necessary regulation	60
9.0	Technical matters relating to draft amendment 01-25.....	60
9.1	Consequential amendments to the Tasmanian Planning Scheme	60
9.2	Interpretation guidance.....	61
9.3	Hazard mapping	61
10.0	Conclusion	62
11.0	Commission recommendations.....	64
	Recommendation 1 – Draft amendment 01-25 with modifications	64
	Recommendation 2 – Implementation guidance and commencement.....	64
	Recommendation 3 – Consequential planning scheme amendments	66
	Recommendation 4 – Coastal hazard mapping	66
	Recommendation 5 – Comprehensive review of the Coastal Policy	67
	Recommendation 6 – State Coastal Advisory Committee.....	67
	Appendix A – Representations received during exhibition.....	69
	Appendix B – Exhibited draft amendment (Referred Amendment).....	76
	Appendix C – Modified draft amendment.....	77

Executive summary

On 6 June 2025, the Honourable Jeremy Rockliff, Premier and then Minister responsible for administering the [State Policies and Projects Act 1993](https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-065)¹ (SPPA) determined that draft amendment 01-25 to the Tasmanian [State Coastal Policy 1996](https://www.dpac.tas.gov.au/data/assets/pdf_file/0032/496616/State-Coastal-Policy.pdf)² (PDF, 106KB) (Coastal Policy) constituted a significant change to the Policy, and in accordance with section 15A(8) of the SPPA, directed the Tasmanian Planning Commission (the Commission) to prepare a report on the amendment.

Draft amendment 01-25 proposes changes to both Outcome 1.4.1 and 1.4.2 in the Coastal Policy, and to insert a new definition for tolerable risk. The Changes to Outcome 1.4.1 include the need for works to protect 'coastal values' along with land, property or human life, and to improve linkages with Outcome 1.4.2. The main changes relate to Outcome 1.4.2, which propose to replace the prohibition of use or development on *actively mobile landforms*, with a performance-based policy approach incorporating a risk-based assessment framework that allows use or development to be considered on land subject to *significant impacts* from natural coastal processes or hazards, provided it can demonstrate compliance with certain criteria.

In the State Planning Office (SPO) [Background Report, dated March 2025](https://www.planning.tas.gov.au/data/assets/pdf_file/0009/808965/Background-report-on-draft-amendment-01-2025-March-2025.pdf)³ (PDF, 525KB), it is stated that draft amendment 01-25 intends to provide clearer policy direction while maintaining protection of coastal values, biodiversity, Aboriginal heritage, geoconservation features and community safety through other outcomes of the Coastal Policy and subordinate planning instruments.

The SPO submitted that the proposed changes in draft amendment 01-25 will modernise the Coastal Policy, better reflect contemporary coastal hazard mapping and climate change planning, and complement the intent of the [Validation \(State Coastal Policy\) Act 2024](https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2024-026)⁴ by providing a more practical and consistent framework for managing coastal development.

Draft amendment 01-25 was placed on public exhibition for 8 weeks from late June 2025 to late August 2025. During this period, the Commission invited representations (written submissions) in accordance with sections 6 and 8 of the SPPA.

203 representations were received during exhibition, one submission was received prior to the hearing, and several submissions were submitted during the hearing process.

The Commission held a public hearing over four days on 27 and 28 November 2025 in Hobart, 2 December 2025 in Wynyard and 3 December 2025 in Launceston, to consider the representations and submissions.

The Commission has considered all representations, submissions, technical evidence and other information received. The Commission finds that draft amendment 01-25 responds to a genuine implementation issue in the Coastal Policy relating to the operation of Outcome 1.4.2.

¹ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-065>

² https://www.dpac.tas.gov.au/data/assets/pdf_file/0032/496616/State-Coastal-Policy.pdf

³ https://www.planning.tas.gov.au/data/assets/pdf_file/0009/808965/Background-report-on-draft-amendment-01-2025-March-2025.pdf

⁴ <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2024-026>

The Commission supports the policy intent of replacing the existing prohibition with a risk-based framework that aligns with contemporary coastal hazard management practice.

However, the Commission finds modifications to draft amendment 01-25 are required to strengthen environmental, cultural heritage and coastal resilience outcomes, improve certainty and workability of the provisions, address identified implementation issues, and reduce the scope for inconsistent interpretation and application of the amended Policy. In particular, the modifications strengthen recognition of natural coastal processes and the capacity of coastal landforms to respond and adapt to coastal change, while improving clarity regarding public benefit and coastal location dependency.

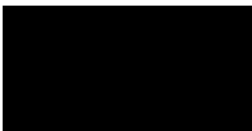
The modifications to draft amendment 01-25 are shown in Appendix C, and are summarised as:

- clarifying that all criteria in Outcome 1.4.2 must be satisfied;
- refining the public benefit and coastal location dependency criteria to reduce the scope for overly broad interpretation and improve consistency in decision-making;
- requiring use and development to avoid, or where avoidance is not practicable, minimise interference with natural coastal processes, and maintain the capacity of coastal landforms to respond and adapt to coastal change, and
- requiring impacts on natural and cultural coastal values, including Aboriginal heritage, and on natural coastal processes and coastal landforms to be considered and appropriately managed in accordance with the Coastal Policy.

After considering the representations and information obtained at the hearings and further submissions, the Commission is satisfied that the draft amendment with modifications discussed above, is in order. The Commission finds that the modifications do not require re-exhibition.

The Commission is satisfied that draft amendment 01-25 as modified furthers the objectives of Schedule 1 of the SPPA, seeks to maintain a consistent and coordinated statewide approach to coastal hazard management, and incorporates the minimum amount of regulation necessary to achieve its objectives.

In addition to the modifications to the draft amendment, the Commission makes further recommendations for the preparation of implementation guidance to support the amended Policy, coordination of any consequential planning scheme amendments required to address inconsistencies, the establishment of a program for reviewing and updating State coastal hazard mapping and supporting technical information, commencement of a broader review of the Coastal Policy, and the establishment of a State Coastal Advisory Committee.



Claire Hynes
Chair



James Carley
Member



Ross Lovell
Member



Mark Williams
Member

Glossary

LPS	Local Provisions Schedules
LUPAA	<i>Land Use Planning and Approvals Act 1993</i>
PAL Policy	<i>State Policy on Protection of Agricultural Land 2009</i>
RMPS	Resource Management and Planning System
Coastal Policy	<i>State Coastal Policy 1996</i>
SPO	State Planning Office
SPPs	State Planning Provisions
SPPA	<i>State Policies and Projects Act 1993</i>
Commission	Tasmanian Planning Commission
TPC Act	<i>Tasmanian Planning Commission Act 1997</i>
TPPs	Tasmanian Planning Policies
TPS	Tasmanian Planning Scheme

1.0 Introduction

1.1 This Report

This Report has been prepared in response to a Ministerial direction issued in June 2025 to the Commission under section 15A(8) of the SPPA.

It outlines the Commission's assessment of draft amendment 01-25 to the Coastal Policy, including the Commission's consideration of the representations and whether modifications are required to the draft amendment. The Commission is required to submit a Report on draft amendment 01-25 to the Minister for Planning and Housing, as the Minister responsible for administering the SPPA (section 11).

1.2 Background

The SPO Background Report states:

Tasmanian Sustainable Development Policies (known as State Policies) are statutory policies made under the *State Policies and Projects Act 1993* (SPPA) that sit at the top of Tasmania's Resource Management and Planning System (RMPS). The RMPS comprises a suite of legislation which is linked by a common set of objectives. It provides for a range of statutory and non-statutory structures, processes and systems including regulation and environmental protection associated with land use planning, fishing, forestry, mining, marine farming and reserve management.

The *State Coastal Policy 1996* is a critically important part of the RMPS and has served us well in protecting the coast and providing for sustainable development. (p.2)

The Background Report outlines that in 2024, the Government became aware of an issue relating to the interpretation and application of Outcome 1.4.2 of the Coastal Policy, specifically the ambiguity of the term *actively mobile landforms*. This prohibits development on *actively mobile landforms* unless it is for a purpose provided for under Outcome 1.4.1. The prohibition overrides subordinate planning instruments, which means decision-makers must refer to Outcome 1.4.2 and determine where and how it applies.

In December 2024, Parliament passed the [Validation \(State Coastal Policy\) Act 2024](https://www.legislation.tas.gov.au/view/html/inforce/current/act-2024-026)⁵ (Validation Act), which retrospectively validated planning permits issued under the [Land Use Planning and Approvals Act 1993](https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-070)⁶ (LUPAA), ensuring previous decisions relating to developments on *actively mobile landforms* are not in contravention of Outcome 1.4.2.

The SPO submitted that draft amendment 01-25 complements the Validation Act. The Commission notes that the Act was developed and enacted through a separate statutory process. Accordingly, the Commission has treated the Act as relevant background context to the rationale for draft amendment 01-25 but has assessed the draft amendment on its own merits in accordance with the requirements of the SPPA.

⁵ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2024-026>

⁶ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-070>

On 24 April 2025, the Premier, as the Minister administering the SPPA at that time, directed the Commission under section 15A(2) to provide advice on whether the proposed changes in draft amendment 01-25 constituted a significant change to the Coastal Policy.

The Background Report accompanying the draft amendment states that concerns regarding the interpretation and application of Outcome 1.4.2 were initially identified following consideration of the Tasmanian Civil and Administrative Tribunal's decision to approve the Robbins Island windfarm proposal. It states the current wording of Outcome 1.4.2 may prevent a broad range of activities and development from occurring on *actively mobile landforms*, including subdivision, construction of structures, pathways, fences, jetties and signs, as well as vegetation management activities such as lopping of trees. The Report also notes that the removal of buildings, structures or works may constitute development and therefore may be inconsistent with the Coastal Policy.

The Commission advised the Premier that it considered draft amendment 01-25 would constitute a significant change to the Coastal Policy. On 6 June 2025, the Premier under section 15A(8) directed the Commission to prepare a report on draft amendment 01-25.

1.3 Commission role

The process for amending a State Policy is established under section 15A of the SPPA. In preparing the report, the Commission must consider whether the draft amendment 01-25 satisfies the requirements of section 5 of the SPPA, namely whether it:

- furthers the objectives of the Resource Management and Planning System (RMPS) set out in [Schedule 1](#)⁷ of the SPPA
- seeks to ensure that a consistent and coordinated approach is maintained throughout the State with respect to the matters contained in the State Policy, and
- incorporates the minimum amount of regulation necessary to obtain its objectives.

The SPPA prescribes the following functions and responsibilities to the Commission when assessing a draft amendment to a State Policy:

- (i) the Commission must consider all representations received in relation to a draft amendment to a State Policy and may hold a hearing (section 9).
- (ii) the Commission may, after considering the representations, modify the draft amendment to a State Policy (section 10). Where the Commission considers those modifications are substantial, it may determine whether the modifications warrant the procedural requirements in that Part of SPPA to apply again, such as exhibition, consultation and representations.
- (iii) after considering a draft amendment to a State Policy, the Commission must submit a report to the Minister. The Commission must also publish a notice in the Gazette and make the Report publicly available (section 11).
- (iv) if an amendment to a State Policy is approved, the Commission must as soon as practicable after the modified State Policy comes into operation, amend a planning

⁷ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-065#JS1@EN>

scheme 'to incorporate all those parts of the State Policy which are relevant to it and to remove any inconsistency between it and the State Policy' (section 13).

1.4 Roles of the Minister and the Governor

Upon receiving the Commission's report, the Minister may recommend that the Governor make the draft amendment to the State Policy.

If the Minister makes that recommendation, the Governor may amend the State Policy accordingly and determine the date on which the amendment is to commence.

Before the amendment can take effect, notice of the amendment must be published in the Gazette. The Minister must then table the amendment in each House of Parliament within the first 10 sitting days after that notification.

An amendment to a State Policy has no legal effect until it has been approved by both Houses of Parliament, or is taken to have been approved in accordance with the procedures prescribed by the SPPA.

2.0 Summary of draft amendment 01-25

Appendix B contains a copy of the exhibited version of draft amendment 01-25.

The SPO's Background Report states that draft amendment 01-25 intends to address concerns with the current prohibition on development on *actively mobile landforms* and align the Coastal Policy with the risk-based approach already used in the Tasmanian Planning Scheme (TPS). The Background Report submits that Outcome 1.4.2 is difficult to apply because *actively mobile landforms* is an ambiguous term and it may unintentionally prohibit reasonable coastal development.

The key changes proposed in draft amendment 01-25 are:

- *Delete and replace Outcome 1.4.1* - expand the focus on hazard-prone coastal land to explicitly include protection of coastal values, retain identification and management of land affected by significant coastal hazards including flooding, storms, erosion, landslip, littoral drift, dune mobility and sea level rise, and clarify protective works for land, property, coastal values or human life.
- *Delete and replace Outcome 1.4.2* – remove the existing prohibition on development on 'actively mobile landforms' and replace with a risk-based assessment framework. Use and development on land subject to significant impacts from natural coastal processes or hazards may be allowed if it can be demonstrated that it:
 - achieves and maintains a tolerable risk for its intended life
 - either benefits the public; or is dependent on the particular location, and
 - considers and manages impacts on coastal values and natural processes in accordance with the Policy.

Works necessary to protect land, property, coastal values or human life are excluded from having to demonstrate the above.

- *New definition* – insert a new definition for the term *tolerable risk*, aligning with the same definition in the TPS and the Tasmanian Planning Policies (TPPs).

The Commission's modifications to draft amendment are set out in section 11 and reproduced in Appendix C, with reasons for those modifications addressed principally in sections 7.3 to 7.7 of this Report.

3.0 Commission consideration of draft amendment 01-25

3.1 Delegation

The Commission has powers and functions under sections 9, 10, 11 and 13 of the SPPA to consider and report to the Minister on draft amendment 01-25 to the Coastal Policy. The Commission issued a delegation to a Panel of delegates to undertake these functions. The Panel consisted of the following persons:

- Claire Hynes (Chair)
- Ross Lovell
- James Carley
- Mark Williams.

The delegation included an authorisation to exercise and perform the Commission powers and functions under Part 3 of the *Tasmanian Planning Commission Act 1997* (TPC Act) in relation to draft amendment 01-25, including conducting hearings and any other procedural steps necessary to undertake the assessment.

3.2 Disclosure of interests and associations

Claire Hynes, James Carley and Mark Williams have no disclosures to make in relation to the assessment of draft amendment 01-25.

Ross Lovell provided the following disclosure at the hearing, which is also published on the Commission's website:

- Mr Lovell disclosed that for several years, he had numerous professional associations with Representor 118, Mr Brian Bennett and Representor 187, Mr Michael Figg, in his previous role as Manager City Planning at Clarence City Council. Mr Lovell resigned from his role at Council in 2023.
- Mr Lovell did not consider that these associations preclude him from continuing with an independent assessment of the draft amendment to the State Coastal Policy.

There were no objections to Mr Lovell determining the matter.

3.3 Representations

During the exhibition period, 203 representations were received. One late submission was received prior to the hearing.

Appendix A contains a list of all representors and the reference number assigned to each representation. A copy of all representations and submissions are available under the [relevant assessment](#)⁸ on the Commission website.

A summary of the representations received is provided in this Report.

After considering the representations and submissions received, the Commission decided to hold hearings under section 9(2) of the SPPA.

3.4 Hearings and directions

Hearings were held in public in accordance with Part 3 of the TPC Act.

Four additional submissions were submitted by representors during the hearing process, which consisted of a mix of new submissions, additional information and clarification of matters previously raised.

Officers from the SPO attended each hearing. They were assisted by an officer from the Department of Premier and Cabinet (DPAC)'s Emergency Management, Risk and Reliance team, who has expertise in coastal hazard mapping, climate change policy, natural hazards, land use planning and emergency management. Together, they provided information to assist the Commission's consideration of the intended policy objectives and potential implications of draft amendment 01-25.

Hearings were held on the following dates, and approximately 62 representors and observers attended the hearings (many on multiple days):

- 27 and 28 November 2025 - Hobart
- 2 December 2025 – Wynyard
- 3 December 2025 – Launceston

The Commission appreciates the time and expense incurred by participants in the hearing process (and in preparing detailed written submissions), particularly for individuals and community organisations.

On 20 January 2026, the Commission directed the SPO to provide further information on the intended operation, scope and interaction of specific provisions in draft amendment 01-25. The SPO provided a response submission, dated 13 March 2026. Two representors provided further submissions, dated 13 and 16 March 2026 respectively. These submissions are available on the Commission website.

4.0 Summary of issues raised in representations

This section provides a summary of the wide range of matters raised in the representations, which are discussed under the seven sub-headings of themes below. The Commission accepted that all representations were made in good faith as being relevant to the content or merits of draft amendment 01-25 and none were excluded from its consideration.

⁸ <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/state-coastal-policy-draft-amendment-01-25>

4.1 Consultation and procedural issues

The following is a summary of consultation and procedural issues raised in Representations 23, 105, 140, 141, 144 and 163. These representations expressed concern about the approach to consultation undertaken to inform this amendment and the assessment process, highlighting criticisms including those summarised in the table below.

The Commission notes that the SPO conducted a broad community consultation process and received technical input from local government, professional experts and the Department of Natural Resources and Environment Tasmania (NRE).

Concern	Summary
Consultation and transparency	- The amendment process has lacked transparency. - There should be more public engagement, and the consultation period lengthened. - Parliament should have the opportunity to review the amendment, and it should refer the amendment to a committee for proper scrutiny. - Recommendation to the Minister should include revisions required under section 13 of LUPAA. - Views of local government should be considered when reviewing the policy as it must assess development applications, under the Coastal Policy.

4.2 Legal risks and implementation

The following is a summary of issues relating to legal risks and implementation raised in Representations 1, 29, 80, 97, 144, 156, 159, 161, 162, 178, 187 and 202. These representations raised concerns about the approach to resourcing and consistent implementation, liability for any impacts of development and the uncertainties of the statutory planning assessment of developments.

Concern	Summary
Imposition on councils	- The draft amendment will require councils to undertake risk analyses and economic benefit assessments for coastal developments. However, they have limited resources to perform such assessments in relation to development proposals on actively mobile landforms and at-risk areas. - Additional resources are required and standard assessment methodologies developed to assist councils achieve consistency.
Increased liability for councils	The draft amendment contains unclear terms, which will create uncertainty for planning authorities and others, resulting in inconsistent interpretation of the outcomes and Councils facing more legal costs through planning appeals.

	- Councils could be subject to future liability, as removing the current prohibition and allowing development in at-risk areas and actively mobile landforms may expose property owners to potential damage. - To avoid unfair impositions on councils, the Coastal Policy should require landowners to maintain tolerable risk and assume liability for any damage caused by their actions or developments and there should be a statutory indemnity for council decision making.
Statutory ramifications	- It is premature to make the proposed changes to the Coastal Policy without considering the TPPs and the State Planning Policies (SPPs), as they will require consequential amendments. The form of these amendments should be known up front. - The draft amendment should be reflected in changes to subordinate planning and building instruments (TPPs, regional strategies, SPPs, Local Provision Schedules (LPSs)), without delay.
LGAT summary	- Councils broadly support the draft amendment but note that ambiguities remain, particularly in relation to definitions and council responsibilities. - There is agreement to a risk-based approach to development assessment.
Policy reform	- Compensation should be introduced for loss of development rights. - The Coastal Policy should confirm a landowner's right to defend property from the sea.

4.3 Need for draft amendment

The following is a summary of issues relating to the need for the draft amendment, raised in Representations 1-25, 27-69, 71-84, 86, 87, 97-109, 111-116, 118-127, 129-147, 149-151, 153-155, 157, 158, 160, 162, 169, 171-186, 188, 189, 192, 193, 195, 197-199 and 202.

These representations expressed concern about the current need for the draft amendment, a lack of justification and the need for a comprehensive review of the Coastal Policy. Some also argued that the draft amendment is unnecessary as the principal issue the Government argues it needs to address, was resolved by the 2009 amendment to the Coastal Policy. Specifically, that amendment clarified Outcome 1.4.2 and allowed minor development and works to address issues such as public access and safety, signage and coastal protection work.

Some representors also considered that amending the Coastal Policy, which had been working effectively for approximately 28 years, to suit developments such as the Robbins Island windfarm was inappropriate.

Concern	Summary
Need for comprehensive	A full review of the Coastal Policy has not been completed since it was first introduced, and therefore there is no urgency to make ad

Concern	Summary
review and legislative change	hoc changes before a full review is undertaken. There is no compelling reason to make a single targeted amendment now to the Coastal Policy. - A comprehensive review has not been completed to justify the draft amendment since the Coastal Policy's inception. This is despite section 15(1) of the SPPA requiring State Policies to be reviewed at least once every 5 years. Further, the Commission made a recommendation in the State of the Environment Report 2024⁹ (Volume 1: Summary report¹⁰ PDF, 8.7MB), to the Government to undertake a comprehensive review of Tasmanian coastal policy in response to the pressures and threats to natural and built coastal environments (refer to Recommendation 6, p 34). - The Government should amend section 15 of the SPPA to specify and set clear requirements for a full review of State Policies, the timeframe and deadline for delivery to the Minister and the Minister's response.
Implementation and review	- The Government should introduce an independent 'Coastal Council' to facilitate impartial and evidence-based implementation, coordination, consistent interpretation, and evaluation of coastal policy, and to provide independent advice to Government concerning the coastal zone. - A balanced approach is required following a full review. Areas that can support development should be identified and environmentally sensitive areas should be excluded from development and focused on protecting the marine and coastal environment. - The State Coastal Advisory Committee, required by section 3.2 of the Coastal Policy, was disbanded in 1998 and that has impeded the proper implementation of the policy.
Lack of justification	The Coastal Policy has protected the coastal zone in Tasmania by influencing siting and design of many coastal developments, ensuring they have been consistent with the policy's intent of achieving well planned, sustainable development and protecting the important natural and social values of the coastal zone. Conversely, the SPO has not demonstrated a problem with the current policy outcomes and hence the need for the draft amendment.

⁹ <https://www.planning.tas.gov.au/other-resources/state-of-the-environment/state-of-the-environment-report-2024>

¹⁰ https://www.planning.tas.gov.au/_data/assets/pdf_file/0008/782603/SOE-Report-2024-Vol.1_27-September-2024.pdf

Concern	Summary
	- The draft amendment is not required because the 2009 minor amendment to the Coastal Policy already addresses what the current 2025 draft amendment proposes to achieve. - The Background Report notes that there were concerns that several existing developments on 'actively mobile landforms', may not have been subject to the appropriate level of scrutiny and consequently could be vulnerable to legal challenge. However, the SPO did not demonstrate how many such approvals have been granted and whether any of them are susceptible to legal challenge. Therefore, any Government legal advice used as justification should be published so that it can be reviewed. - In relation to the Validation (State Coastal Policy) Act 2024¹¹, the State Government's claims that there is no definitive definition of 'actively mobile landforms', it should be recognised that uncertainty always exists within the law and that it is the role of the courts to construe terms in legislation. On this basis, there is no justification for the draft amendment.
Consequences	Changes may retroactively validate illegal developments not yet commenced, leaving no legal recourse.
Robbins Island wind farm	- The draft amendment weakens the Coastal Policy without any valid scientific evidence or justification and appears to be a pretext to facilitate the Robbins Island windfarm proposal. Changing the planning process to facilitate developments such as that is inappropriate. - The draft amendment is inappropriate as it may undermine the Supreme Court hearings into the Robbins Island matter.

4.4 Statutory/technical issues

The following is a summary of statutory and technical issues raised in Representations 1, 2, 27-67, 69, 71-81, 88-97, 105, 106, 109-111, 118, 132, 140, 146, 147, 152-154, 156, 159, 161-171, 176, 178, 179, 181, 192, 198, 201, and 202.

Several representations raised concern regarding statutory and technical matters, which were considered to significantly weaken existing protections for actively mobile landforms which have high conservation value, while also creating opportunities for inappropriate development.

The terms and definitions including those for 'tolerable risk', 'significant risk', 'benefits the public' and the removal of 'actively mobile landforms' were critically discussed in many representations. In relation to 'benefits the public', these concerns were also heightened by the following explanation in the Background Report, which noted in relation to Outcome 1.4.2, that:

¹¹ <https://www.legislation.tas.gov.au/view/html/inforce/2026-07-24/act-2024-026>

...there is no prescription given as to how to determine what constitutes a public benefit or demonstrating a dependency on the particular location. The test is that the matters have been 'appropriately considered', meaning that it is up to the decision maker to weigh up the issues in the context of the proposal and the location (p 10).

Concern	Summary
Relationship to subordinate planning controls	• The draft amendment necessitates consequent amendments to the TPS relating to clause 4.0 Exemption and the C10.0 Coastal Erosion Hazard Code. It is premature to make changes to the Coastal Policy without these consequential amendments as they should be known up front, to enable informed assessment of the implications of the draft amendment. • TPS Code overlays require regular mapping review. • Changes to the Coastal Policy should be reflected in subordinate planning and building instruments. The Commission needs to review the TPPs, regional land use strategies, the SPPs and LPSs to determine they are consistent with the amended Coastal Policy, so that when assessing development applications, a separate further assessment against the Coastal Policy is not required. It is important that amendments are made to the TPS in a timely manner. • A review of Building Determinations is needed to ensure that there is continuity in assessment and interpretation and appropriate built form.
General drafting issues	• The Coastal Policy has functioned effectively for nearly 30 years without a formal definition for actively mobile landforms. The Government is creating unnecessary concern over the lack of definition. • Legal experts suggest the current wording in the Coastal Policy is sufficiently clear, whereas the proposed definitions in the draft amendment are unclear or will lead to ambiguity. • Some terms should be clearly defined, as they are vague, and this will lead to ambiguity in decision making. • Public benefit should be a mandatory test. • There is an opportunity to state that risk to property is at the property owner's cost, consistent with DPAC policy papers.
Actively mobile landforms	• The Background Report cites ambiguity around the meaning of 'actively mobile landforms such as frontal dunes' and the issues raised in the paper by Sharples C, titled <i>"The problem of the use of ambiguous terms in Tasmanian coastal planning policy documents for defining appropriate coastal development zone"</i>.

Concern	Summary
	Ambiguities over terms in the Coastal Policy could be addressed by replacing the term 'frontal dune' with 'foredune' and referencing appropriate timeframes, such as 50-100 years. However, any ambiguity does not justify the major changes to allow development in 'actively mobile landforms'.
Tolerable risk	• The term 'tolerable risk' is loosely defined and cannot be consistently assessed. Words such as 'lowest', 'likely', 'benefits', 'routine', 'specific' and 'intended' all need clarifying and are open to interpretation. • 'Tolerable risk' doesn't consider the cumulative, long-term risks of developments and the impacts of climate change over a 100 year intended life of development. • Introducing 'tolerable risk' opens the door to development on high conservation value land. • The onus to maintain tolerable risk or assume liability for losses should not fall on councils. The draft amendment should ensure responsibility is borne by the owner and beneficiaries of use or development.
Public benefit/ dependent on a location	• There is no clarity on how to consistently determine what constitutes a public benefit or to demonstrate dependency on the location. This will result in unnecessary appeals and legal costs. • The SPO advised that the only test is that the matters have been 'appropriately considered' by the planning authority. This lack of clarity could see developments approved in high-risk locations, resulting in individual and community costs and catastrophic damage from inundation events.
Outcome 1.4.1	• The proposed amendment to Outcome 1.4.1 is unnecessary as there is no change to the meaning and intent of this outcome. Works such as weeding, lopping trees, maintaining access pathways, placing sand ladders are all allowed for within the existing wording of Outcome 1.4.1. • The draft amendment will undermine intent of the Coastal Policy, as the amendment to Outcome 1.4.1 is subtle but significant. Specifically, referring to land instead of area places risks on broader coastal systems. • The term 'remediation' should remain in Outcome 1.4.1, to remove ambiguity of the term works.

Concern	Summary
Outcome 1.4.1 suggested modifications	- The words 'natural values' should be included in Outcome 1.4.1. - Suggested modifications to Outcome 1.4.1 provided. This suggested wording in Outcome 1.4.1 (a) is based on the expectation that there will need to be comprehensive data established and that regular monitoring and updating of the overlay map must be resourced to be able to respond to current and emerging threats and hazards as they evolve. The SPO Position Paper (Review of the State Coastal Policy – Development of Actively Mobile Landforms, September 2024¹² (PDF, 351KB)) suggests using the present dune mobility layer of the Land Information System Tasmania (theLIST) to identify coastal 'actively mobile landforms'. This is clearly inadequate due to it not being a comprehensive layer covering all areas subject to risk from natural coastal processes and hazards. - Outcome 1.4.1 should be modified to include the term 'conserve' to reflect the prioritisation of extant coastal values and systems above other land uses for vulnerable coastal systems. - Sorell Council considered that Outcome 1.4.1 seeks two outcomes: (1) the identification of hazards, and (2) minimisation of the need to intervene with works where those hazards apply. It submitted that the identification of hazards is a significant task and warrants a standalone policy provision. - Sorell Council submitted that how hazards are managed should be broader than minimising the need for future work and suggested that the clause (both existing and proposed) imply a policy position that intervention is inevitable but should be minimised. The Council considered that Outcome 1.4.1 provided suggested modifications. - Modifying Outcome 1.4.1 to remove the words 'engineering or remediation' works and simply state 'works' could address any residual concerns about the limits of Outcomes 1.4.1 and 1.4.2 to allow appropriate management of natural coastal processes and hazards.
Outcome 1.4.2	The proposed changes in Outcome 1.4.2 are unnecessary and dangerous. The existing wording is consistent with contemporary coastal management principles; avoiding development in hazardous areas, particularly as climate change consequences increase.

¹² https://www.stateplanning.tas.gov.au/_data/assets/pdf_file/0006/543534/Position-Paper-Review-of-the-State-Coastal-Policy-Development-of-Actively-Mobile-Landforms-September-2024.pdf

Concern	Summary
	• The draft amendment significantly weakens Outcome 1.4.2 by qualifying it with a weak performance-based approach. The wording will be interpreted in different ways by planning authorities, courts and Ministers. • Currently only remediation works to protect land are possible, whereas the amendment introduces a significant new discretion over any development on frontal dunes and there is nothing to prevent development applications such as restaurants and holiday or resort accommodation on sensitive dunes, if they claim to 'benefit the public' or be 'dependent on the particular location'. • Outcome 1.4.2 should include reference to 'natural values'. • Outcome 1.4.2 conflates hazard management and risk, which are currently implemented separately through the controls in the SPP Coastal Erosion Hazard Code and Natural Assets Code. • Outcome 1.4.2 refers to 'land subject to significant impacts from natural coastal processes or hazards'. To be more accurate and consistent with Outcome 1.4.1, this should be referred to as 'significant risk'. • The SPO has not substantiated the case for removing the reference to actively mobile landforms. • The draft amendment allows development on fragile ecosystems by denying their existence, due to the removal of the geomorphic descriptor of mobile sand dune in Outcome 1.4.2. • There is limited ability for Councils/decision-makers within the existing development assessment framework to consider broader coastal impacts outside the title boundaries of a site. Coastal hazards and coastal processes do not stop at property boundaries. Development applications are usually assessed on a site-by-site basis. • Break O'Day Council supports the idea of managing coastal hazards using a 'tolerable risk' approach in Outcome 1.4.2 (a), but has concern how this will work in practice - how will development proposals include 'adaptation planning' to maintain tolerable risk? How will proposals for 'adaptation planning' be prepared, assessed, conditioned and enforced by planning authorities to ensure tolerable risk is maintained? The Council queries what happens when, over time, maintaining tolerable risk approaches being unachievable? The draft amendment needs to provide greater clarity about the long-term legal, practical and financial consequences of relying on adaptation planning to manage coastal risk.

Concern	Summary
	Outcome 1.4.2 is misleading. It appears to prioritise remediation and protection works but now allows other development, as the criteria indicates. The proposed changes in Outcome 1.4.2 therefore introduce a high level of discretion.
Outcome 1.4.2 suggested modifications	- Outcome 1.4.2 should be amended at dot point a) to include the coordinating conjunction 'and' so that the three dot points are considered collectively rather than separately in any determination under this clause. - Outcome 1.4.2 should be amended to '<i>Development on areas subject to risk from natural coastal processes and hazards will not be permitted except for works consistent with Outcome 1.4.1</i>'. - Sorell Council considered that Outcome 1.4.2 attempts to do many things and establishes two different policy positions. The first position is that works necessary to protect land, property, coastal values and human life are allowed without qualification. The second position is that works for the public benefit or location dependent are potentially allowable subject to achieving tolerable risk and management of impact. - Consideration of risk and management of impact are relevant in all circumstances that warrant works to proceed in hazard areas. The clause could be modified, with suggestion provided.
Risk Assessment approach/ implementation	- A documented framework is required for determining tolerable risk, when assessing applications. - Contemporary coastal environment risk assessment involves understanding the timeframe the level of risk will be present in terms of policy cycles, spatial planning, the built environment, societal acceptance, and climate change adaptation, and knowledge of the consequences and the impacts of management options on the coastal environment. Risk tolerability allows for the examination of economic, societal and environmental values in light of a coastal hazard and is typically described via three thresholds: being acceptable, tolerable or intolerable. Where intolerable has a level of risk that cannot be justified, and the activity must cease until the risk is removed or reduced; tolerable risk is accepted only if it can be mitigated at a cost proportional to the benefit gained; and acceptable where the level of risk is broadly acceptable to society. - Break O'Day Council agrees in principle with the intention of a performance risk-based approach in contrast to the 'self-executing prohibition'. However, it is concerned that there is an imbalance between natural coastal values and processes, securing the benefits

Concern	Summary
	of a use or development in a relevant hazard area, and public benefit. Outcome 1.4.2 (c) should be strengthened to make explicit in the assessment of tolerable risk the maintenance of natural coastal values and processes the rest of the Coastal Policy provides for and not simply rely on 'consideration' of impacts on them.
RMPS ramifications	• The draft amendment does not further Schedule 1 Objectives (Part 1 (a) and (b)) of SPPA. • The Coastal Policy should be embedded in LPS and building regulations, so assessment of a development application does not require separate assessment against the Coastal Policy. • With urban growth and development in areas vulnerable to coastal hazards increasing, it is necessary for policy makers to adopt contemporary risk assessment methodologies for planning in the coastal environment. This can be achieved by providing routine regulatory measures or tools to reduce risks to use and development from natural hazards, and in turn to support sustainability and increase resilience. Other state governments are committed to building resilience among communities and coastal assets by responding to the latest science, and by continuing leadership in enabling effective adaptation across the respective states, through the planning system. The tools of adaptation are a form of future proofing for both established and proposed use and development in coastal environments, and can be responsive to local conditions, values, risk appetite, risk exposure, capability and capacity. Current definition of tolerable risk promotes built form integrity over economic considerations and societal and environmental values, and does not contemplate climate change adaptation. The RMPS would benefit from the use of contemporary risk assessment methodologies incorporating adaptation actions, such as non-intervention, avoidance, nature-based methods (enhancing and restoring natural features), adaptive design or retreat.
Interim State Policy	The Environmental Defenders Office submitted that it does not support the intention to declare the draft amendment as an Interim State Policy, because: • the draft amendment is unjustified and will put vulnerable coastal areas at risk

Concern	Summary
	- it is likely to create more ambiguity and uncertainty than the current Outcome 1.4.2, and this uncertainty could give rise to cascading adverse consequences for planning decisions, and - it is not necessary for the amended Policy to apply without delay, and therefore it is not open to the Governor to declare the amendment as an Interim State Policy under the SPPA.

4.5 Environmental impacts

The following is a summary of issues about environmental impacts raised in Representations 1, 3-11, 13-22, 25-28, 30, 32-54, 58-60, 62-70, 72-96, 98-105, 107, 108, 110-127, 129-140, 143, 145-153, 155, 158, 160, 164-175, 177-186, 188-200, 202 and 203.

These representations concerned the impact of climate change on coastal systems and fear that removal of current prohibitions could result in development that is exposed to or enhances those risks, resulting in significant damage to fragile dunes, habitat and property. Some representations were from coastal residents with first-hand experience of the impacts of climate change in their area.

Concern	Summary
Climate change impacts	- Coastal areas are subject to sea level changes, especially when combined with intense rainfall, storms, storm surges and floods, which puts coastal and riverine communities at an elevated risk level to life and property. Allowing development in inappropriate areas may increase those risks. - The draft amendment does not deal with climate change effects of changing weather events and long-term changes to weather patterns, sea-level rise, coastal vulnerability, storm surge, saline intrusion and the need for managed retreat and infrastructure protection. - The focus of planning should be for resilience to impacts of climate change. Rather than removing the prohibition, the Coastal Policy should retain a presumption against development on actively mobile landforms, and that the policy wording strengthened to include prohibition on other ecologically and culturally sensitive landforms as well.
Impacts to coastal landforms	- The draft amendment weakens protections for actively mobile landforms and would allow development on hazardous areas like sand dunes and soft sediment coastlines. This could damage ecologically significant landforms. - Protecting actively mobile landforms is critical as they act as natural buffers that protect coastal communities from storm surges, sea-level rise, and other climate-driven impacts. Weakening their protection puts both biodiversity and people at greater risk.

Concern	Summary
	- The west coast dune systems are of international significance for their geomorphology. The far north-west coastlines support migratory birds and sea-life habitat. Intensive shoreline development will significantly alter these landforms. - Actively mobile landforms are natural defences, cultural landscapes and ecological assets. The degradation of these landforms will have cascading consequences.
Biodiversity impact	Coastal areas are sensitive and support unique ecosystems. The coastline provides important habitat for endangered migratory and local shorebirds, including hooded plovers, pied oystercatchers, fairy wrens and other native animals including bandicoots and wallabies as well as native flora specific to sand dunes. These will be at risk from inappropriate development that could be allowed under the draft amendment.
Inappropriate development	- Private coastal land has an extremely high monetary value and is much sought after. The extensive coastal ribbon development in the decades prior to being stopped by introduction of the Coastal Policy (Outcome 2.4.2) is an indicator of how the coast could be heavily developed. - The draft amendment will reopen the door to new subdivision and development in potentially very hazardous areas, which would also interrupt vistas of spectacular coastlines and limit beach access. Examples of areas at risk include the Scamander coastline, which could see Gold Coast style development and Cremorne, where inappropriate apartments have been approved. - Exceptions should only be for works that enhance climate adaptation, ecosystem function, or public safety. Such exceptions should be subject to robust environmental impact assessments, consideration of long-term climate hazard projections, binding decommissioning or managed retreat plans, protection of Aboriginal cultural heritage and critical habitat.

4.6 Social and cultural issues

The following is a summary of social and cultural issues raised in Representations 23, 26, 51, 55, 80, 109, 110, 118, 140, 142, 146-148, 189, and 192.

These representations raised concern regarding the past and potential qualitative implications of inappropriate coastal development. They argued for maintaining the precautionary principle, in terms of the current prohibition of non-essential and minor works. Some representations also raised concern about the loss balance between conservation value and private economic advantage.

Concern	Summary
Human impacts	- Undeveloped coastlines are important to Tasmanians and should be protected from development. - Actively mobile landforms are natural defences, cultural landscapes and ecological assets. They provide important ecological habitats and critical mental and physical health opportunities for all. However, they remain poorly understood and ecologically documented leaving them vulnerable to ill-informed management decisions and opportunistic misuse. - Local communities are confronted with significant erosion along their foreshores, causing distress for all, but especially the people who live on the foreshore dunes, where remediation is required. Solutions are needed that both protect these fragile environments and people's property. - The ongoing erosion of environmental protections is a public health crisis. Every time laws and science are ignored, communities are left battling for their wellbeing, leading to anxiety, burnout, and physical illness.
Aboriginal Cultural Heritage values	Many Aboriginal cultural heritage sites and values are located along the coast and must be protected. Removal of the current prohibition places them in danger from destruction by new uses and developments.
Intent of draft amendment	The draft amendment appears to favour development and economic activity, rather than focus on environmental protection and conservation. This is inconsistent with the principle of the Coastal Policy.

4.7 Support for draft amendment

The following is a summary of issues raised in Representations 70, 128, 162 and 187, which provided submissions in support for the draft amendment.

These representations highlighted several considerations they felt would improve opportunities for use and development on their own properties and included some broad commentary on the consideration of coastal development generally and rights and expectations of property owners.

Concern	Summary
Creating development opportunities	- Tasmania is an extraordinarily diverse formation. The Coastal Policy should recognise this, and proposals should be treated on their merits and sustainability. Removing the prohibition will allow this. - The representor was advised by council that a coastal development is unlikely on their site due to the risks of sea level rise. However, the

Concern	Summary
	owner has obtained expert advice which stated that the sea level rise is a theory, not a fact. If in the long-term future there becomes a need to provide some protection against coastal erosion, this could be easily overcome by a simple sea wall to provide protection to all properties in the vicinity. The draft amendment will provide potential for the representor's coastal site to become a much-needed tourism asset. The environmental design and the engineering solutions would provide for an asset that will help to protect the natural values of this site and provide a broader asset to the community.
Providing clarity	- The Coastal Policy is confusing for the public and professionals. - The Coastal Policy is outdated in relation to coastal hazards and the TPPs. - The move to performance-based provisions that account for tolerable risk and recognise man-made coastal defences is a positive development.
Application of planning controls	- The current application of SPP overlays and planning codes present serious problems, distorting actual coastal risks, unfairly impacting landowners, and imposing unnecessary legal and financial consequences and loss of property value, without compensation for loss of development potential. - The TPS codes and maps should be amended, and incorrect application of the codes should be removed from affected properties.

5.0 Matters discussed at the hearing

The Commission held public hearings in Hobart on 27 and 28 November 2025, Wynyard on 2 December 2025 and Launceston on 3 December 2025.

The hearings allowed representors and the SPO to expand on the matters raised in submissions and respond to questions from the Commission. This section identifies the principal matters examined at the hearings. The Commission's findings are set out in section 7.

The principal matters discussed were:

- whether replacing the prohibition on *actively mobile landforms* with a risk-based framework would maintain adequate protection of coastal values, processes and landforms
- the meaning and identification of actively mobile landforms, including the use of terms such as frontal dunes, foredunes and mobile dune systems
- the proposed concept of tolerable risk, including how it would be assessed and maintained over the intended life of a use or development

- the relationship between *significant risk* in Outcome 1.4.1 and *significant impacts* in proposed Outcome 1.4.2
- the role and currency of coastal hazard mapping, investigation areas and site-specific evidence
- the meaning and application of the public benefit and coastal location dependency tests
- the effect of the amendment on natural and cultural coastal values, including biodiversity, geoconservation and Aboriginal heritage
- the capacity of development assessment processes to consider effects extending beyond individual land parcels, including effects on coastal processes and landforms
- the interaction between the Coastal Policy, TPPs, TPS, coastal hazard codes and building controls
- the practical implications for planning authorities, including access to expertise, consistent assessment methods, liability and implementation costs, and
- whether the issues raised by draft amendment 01-25 should instead be addressed through a comprehensive review of the Coastal Policy.

5.1 Replacement of the existing prohibition

Many representors maintained that the existing prohibition provides a clear and precautionary means of protecting hazard-prone and environmentally sensitive coastal landforms. They were concerned that its replacement with performance-based criteria would increase discretion and development pressure in coastal hazard areas.

The SPO submitted that the amendment is intended to address uncertainty associated with the interpretation and application of *actively mobile landforms*. It maintained that the amendment would provide a more practical approach to coastal hazard management and that other outcomes of the Coastal Policy and subordinate planning controls would continue to apply.

Representors discussed whether recognised geomorphological terms or improved mapping and guidance could address the uncertainty without removing the existing prohibition. They also discussed the environmental, cultural and hazard-management functions of dunes and other mobile coastal landforms.

5.2 Risk-based assessment and tolerable risk

The proposed transition to a risk-based assessment framework was a central issue at the hearings.

Some representors opposed the transition in principle. Others accepted that risk-based assessment may be appropriate but considered that its effective operation would depend on clear assessment methods, current hazard information, qualified professional advice and implementation guidance.

Discussion focused on:

- how a tolerable level of risk would be determined
- how risk would be maintained over the intended life of a use or development
- how climate change, sea-level rise and future coastal change would be taken into account
- the treatment of residual risk
- the suitability and enforceability of adaptation and mitigation measures, and
- the respective responsibilities of landowners, proponents, consultants, planning authorities and other regulators.

Participants also questioned how *significant risk* and *significant impacts* would be identified and distinguished. The SPO submitted that the concepts perform different functions and are intended to operate with the coastal hazard bands and assessment processes in the TPS.

5.3 Public benefit and coastal location dependency

The hearings examined the proposed alternative tests of whether a use or development *benefits the public* or is *dependent on the particular location*.

Representors questioned whether public benefit could be interpreted broadly enough to encompass tourism, hospitality, accommodation and other private commercial development. Concerns were also raised that a preference for a coastal setting could be treated as equivalent to a functional need for a coastal location.

The SPO submitted that the tests serve different purposes. Public benefit concerns a proposal's contribution to the community. Location dependency concerns whether the use or development requires the location to fulfil its function. Examples discussed included marine infrastructure, navigation facilities, marine farming support facilities, public access infrastructure, research facilities and recreational facilities.

The hearings also examined whether satisfying either test should be sufficient without express safeguards for considering natural and cultural coastal values, natural coastal processes and coastal landforms.

5.4 Environmental, geoconservation and cultural values

Representors raised concerns about the potential effects of the amendment on:

- coastal vegetation and ecosystems
- migratory and beach-nesting birds
- wetlands and habitat
- geological and geomorphological features
- geoconservation sites
- Aboriginal heritage and coastal cultural landscapes, and
- the capacity of dunes, beaches and other coastal landforms to respond naturally to coastal change.

Concern was expressed that the existing prohibition may provide indirect protection to values that have not been mapped or identified before development is proposed.

The SPO submitted that other outcomes of the Coastal Policy dealing with biodiversity, geoconservation and Aboriginal heritage would continue to apply. Participants nevertheless discussed whether the replacement framework should refer more expressly to natural coastal processes, coastal landforms, natural and cultural coastal values and Aboriginal heritage.

The hearings also examined whether site-based assessment could adequately consider effects on coastal systems that extend beyond title boundaries.

5.5 Mapping and implementation

Representors questioned whether existing coastal hazard mapping adequately reflects present and future coastal conditions. Discussion addressed the role of State mapping, hazard bands, investigation areas, site-specific assessment, improved elevation data and future climate projections.

Planning authorities and other representors raised concerns about:

- uncertainty in the proposed terminology
- access to technical expertise
- the cost and complexity of assessments
- potential differences in interpretation between decision-makers
- consequential amendments to planning scheme provisions, and
- the absence of consolidated implementation guidance.

The SPO submitted that an existing coastal hazard framework operates through the TPS, technical reports, hazard mapping and building controls. It accepted that consequential changes would be required if the amendment is approved.

5.6 Broader review of the Coastal Policy

Many representors submitted that the matters raised by draft amendment 01-25 form part of broader issues that should be addressed through a comprehensive review of the Coastal Policy. Matters identified for broader review included:

- climate change adaptation and managed retreat
- coastal hazard management
- biodiversity and ecosystem resilience
- Aboriginal heritage
- geoconservation
- mapping and monitoring
- interaction with the wider resource management and planning system, and
- governance and implementation arrangements.

The Commission's consideration of these matters is set out in section 7.

6.0 Summary of responses to Commission directions

Following the hearing, the Commission directed the SPO to provide further information on the intended operation, scope and interaction of specific provisions proposed in draft amendment 01-25.

The SPO provided a submission on the Commission directions on 13 March 2026, and two representors provided a response submission (North East Bioregional Network (Rep 97) and Huon Valley Council (Rep 1)), dated 13 and 16 March 2026 respectively.

6.1 Direction 1- Policy intent and background

Provide a copy of the opening statement delivered by the SPO at the commencement of each day of the hearing, which outlined the purpose and scope of the proposed changes.

SPO Response	Responses by Representors
The Commission received a copy of the SPO opening statement delivered at the commencement of each day of the hearing, outlining the purpose and scope of the proposed changes.	Huon Valley Council (HVC) reiterated its previous submissions that the draft amendment represents a substantive shift from prohibition to risk-assessment, increasing exposure to high-risk development. HVC also raised concern about outdated hazard mapping, investigation areas, definitional gaps, and lack of clarity around 'unacceptable risk'.

6.2 Direction 2 - Relationship with subordinate planning instruments

- a) *Provide an overview of how the amended State Policy is intended to operate through the relevant Tasmanian Planning Scheme (TPS) provisions, including the State Planning Provisions (SPPs) Coastal Erosion Hazard and Coastal Inundation Hazard codes, as outlined by SPO at the hearing.*

SPO Response	Responses by Representors
The policy intent in the draft amendment aligns with the existing hazard code framework; relying on the Mitigating Natural Hazards through Land Use Planning and Building Control, Coastal Hazards Technical Report (Department of Premier and Cabinet, 2016) (PDF, 2MB) ¹³ (DPAC Technical	North East Bioregional Network (NEBN) considered that this approach reverses the hierarchy of instruments, as State Policies should guide planning schemes, not follow them. HVC recommended the relationship between the Coastal Policy and subordinate provisions

¹³ https://www.dpac.tas.gov.au/data/assets/pdf_file/0034/493792/Coastal-Hazards-Technical-Report.pdf

SPO Response	Responses by Representors
Report); where hazard bands define significant risk. The Report states" the Coastal Erosion High Hazard band identifies areas that are 'actively mobile landforms' for the purpose of SCP clause 1.4.2" The draft amendment is intended to better correlate with the TPS Coastal Erosion Hazard Code and the Coastal Inundation Hazard codes. The DPAC Technical Report adopts a risk management methodology (Section 4) for undertaking coastal hazard assessment (arising from the use and development of land), to identify the areas at significant risk from coastal processes and hazards. The Coastal Erosion High Hazard band identifies areas that are 'actively mobile landforms' for the purpose of the Coastal Policy clause 1.4.2. The document proposes controls to meet the outcomes of Coastal Policy clause 1.4.1 by applying a risk methodology to define areas at a significant enough risk from natural coastal processes (Low, Medium and High hazard bands). The SPO also referred to the <i>Coastal Hazards Fact Sheet</i> (Planning in Tasmania website). The amendment will cause an anomaly with clauses 4.0.3, P1.2(b) of C10.6.1 and P1 of C10.7.1 of the TPS and pursuant to the SPPA, the Commission is required to remove these by amending the planning scheme.	should be made more explicit through guidance materials to assist decision makers, particularly for regional councils. HVC submitted that the DPAC Technical Report has been selectively quoted. The Council also noted that the Report states <i>"This Report also proposes outcomes in the Coastal Erosion High band that are not completely consistent with SCP Clause 1.4.2. The authors of the report have been advised that while the coastal erosion high hazard band could be considered to contain the 'actively mobile landforms' noting that this is open to be tested as the SCP does not define what an actively mobile landform is."</i> HVC submitted that this is an indication that when the technical framework was developed, there was acknowledged uncertainty about whether the high hazard bands constituted a direct equivalence to 'actively mobile landforms'. HVC submitted that this undermines the SPO's assertion that the draft amendment merely aligns the Coastal Policy with established operational practice.

- b) *Provide clarification on the intended relationship between the reference to 'significant risk' in Outcome 1.4.1 and land identified in the high hazard bands of the Coastal Erosion Hazard and Coastal Inundation Hazard codes, and indicate whether Outcome 1.4.1 is*

intended to apply to land within high hazard bands in these code overlays, or more broadly.

SPO Response	Representor Responses
Outcome 1.4.1 is intended to identify land subject to 'significant risk from natural coastal processes or hazards'. It therefore includes all mapped hazard areas (high, medium, low, investigation) within the coastal inundation hazard area and coastal erosion hazard area.	NEBN argues that this reframes the Coastal Policy away from its original precautionary intent. HVC submits there is an internal inconsistency. It submits that the SPO says all hazard bands represent 'significant risk', but only high hazard bands represent 'significant impacts'. HVC argues this leaves no clear pathway for medium/low hazard land that may transition to high-impact status before 2100. HVC identified additional TPS provisions that will require an amendment to avoid anomalies if the Coastal Policy is amended.

- c) *Provide an explanation of the policy intention underlying the use of terms 'significant risk' in Outcome 1.4.1 and 'significant impacts' in Outcome 1.4.2, including how these concepts are intended to be distinguished and applied through subordinate planning instruments.*

SPO Response	Representor Responses
Land at 'significant risk' is land exposed to coastal hazards, while 'significant impacts' refers to land already being actively affected, as expressed through the mapped high hazard bands. Outcome 1.4.2 introduces 'land subject to significant impacts from natural coastal processes or hazards such as those listed in Outcome 1.4.1' - flooding, storms, erosion, landslip, littoral drift, dune mobility or sea level rise. The coastal erosion high hazard band covers land significantly impacted by current coastal processes - storm events, causing erosion, coastal recession and coastal landslides. The coastal inundation high hazard band covers land significantly impacted by coastal flooding from storm surge and tides.	NEBN states the reframing changes the effect of the Coastal Policy and reduces clarity. HVC argues the SPO's interpretation is present tense and fails to account for future impacts within the planning horizon to 2100. HVC notes medium/low hazard areas are already experiencing impacts.

6.3 Direction 3 - Public benefit and coastal dependence

- a) *Outline the policy intention of 'benefits the public', including the types of use or development the draft amendment is intended to capture. Is it intended to provide for a wide range of private and public use and developments, for example commercial tourism, publicly funded infrastructure?*

SPO Response	Representor Responses
The policy intention of 'benefits the public' requires that consideration is given to how a certain use or development might contribute to the greater good of the community. This consideration is found in other State Policies, such as the PAL Policy. Outcome 1.4.2 is intended to apply to private and public use and developments, as both may be of public benefit in certain cases, for example a privately operated jetty that provides broader public access or a private slipway that provides an opportunity to undertake boat maintenance for private or public boats, or privately operated educational, research or recreational facilities.	NEBN argues 'public benefit' is insufficiently defined and leads to inconsistent application.

- b) *Provide any relevant recent case law that has informed the SPO on the meaning of 'public benefit', as discussed at the hearing.*

SPO Response	Representor Responses
A list of several recent Supreme Court and RMPAT/TasCAT decisions was provided that have considered public or community benefits to varying degrees. No further commentary provided.	HVC reviewed the case law submitted and made observations regarding the interpretation of 'public benefit' or 'community benefit': 'community benefit' and 'public benefit' are interpreted broadly in Tasmanian planning jurisprudence, encompassing benefits that extend beyond the immediate locality to regional or State-level benefits. This broad interpretation may allow developments to demonstrate public benefit at a State or regional scale while imposing significant costs or detriments at the local level. This creates a potential conflict between State and local community interests, particularly in the coastal context where local

SPO Response	Representor Responses
	communities bear the primary risks and impacts of coastal development. - Regarding specific applications of public benefit, the case law examples include situations where social housing has constituted a significant community benefit (e.g., <i>Jacobs v Hobart City Council</i> [2023] TASCAT 158). Council raises concern that under amended Outcome 1.4.2(b), such developments could be approved in high hazard band coastal areas on the basis of public benefit alone, without requiring demonstration that the development is location-dependent or that alternative sites in lower-risk areas have been considered. To address the above concerns, HVC recommends: - the public benefit test in Outcome 1.4.2(b) should include explicit consideration of the distribution of benefits and costs across spatial scales, and that local and regional impacts should not be overridden by State-level benefits without clear justification and transparent assessment, and - the public benefit test should not operate as a standalone exception to coastal hazard management requirements where the use or development is not inherently location-dependent, and that alternative lower-risk sites should be a mandatory consideration in the public benefit assessment.

- c) *At the hearing, responding to Representation 154 (Environmental Defenders Office), the SPO submitted that 'benefits the public' refers to key infrastructure that benefits the public. Please clarify whether the term is intended to include use infrastructure for community safety (for example coastal protection works), public amenities (such as parks, boardwalks, or trails), and/or facilities serving public health, education, or emergency services.*

SPO Response	Representor Responses
All examples could be considered key infrastructure that benefits the public.	HVC submitted that coastal protection works should not be categorically exempt from the

SPO Response	Representor Responses
Some may also be 'works necessary to protect land, property, coastal values and human life', such as coastal protection works. These would not need to demonstrate compliance with criteria (a), (b) and (c).	requirements of Outcome 1.4.2. It noted that coastal protection works can provide benefits to some members of the public (e.g., protection of existing developed property) while simultaneously imposing costs on other current and future members of the public (e.g., disruption of natural coastal processes, loss of public coastal amenity, transfer of erosion impacts to adjacent properties, increased vulnerability of downdrift coastlines). HVC considered that exemption for coastal protection works could allow development in high-risk coastal areas in reliance on future coastal protection works, without those future works being subject to assessment of their impacts on coastal values, natural processes, or broader public interest. HVC submitted that assessment of coastal protection works against criteria (a), (b), and (c) would not prevent necessary protective works, but would ensure that such works are subject to transparent assessment of their social, environmental, and economic costs and benefits, consistent with the approach under the PAL Policy. HVC recommended that any exemption for such works should be narrowly defined and limited to emergency works necessary for immediate protection of human life. HVC also raised concern about the practical implications of treating locational dependency as a standalone exception that requires no consideration of public interest. It says that the SPO's example - marine farming infrastructure - illustrates the problem. A use that is location-dependent but provides no public benefit would, under the current drafting, satisfy Outcome 1.4.2(b) without any need to demonstrate that it does not cause net public detriment. It points to the important difference between a use that provides no public benefit and no public effects; and one that has no

SPO Response	Representor Responses
	public benefit but causes public costs or environmental harm. HVC recommended that the Commission consider whether the locational dependency limb of Outcome 1.4.2(b) should include a minimum threshold requirement that the use and development does not cause net public detriment, even where it cannot demonstrate net public benefit. This would provide a more balanced framework that preserves the flexibility intended by the 'or' construction while maintaining an appropriate level of public interest protection.

- d) *Whether it is intended that the TPS/SPPs would be amended to include provisions or criteria to guide the assessment of public benefit in this context. The SPP Coastal Erosion Hazard and Coastal Inundation Hazard codes refer to 'use or development that relies upon a coastal location to fulfil its purpose' but do not include any reference to public benefit.*

SPO Response	Representor Responses
While the coastal hazard codes refer to use and development that relies on a coastal location to fulfil its purpose, they do not explicitly reference a public benefit test. The planning scheme is a subordinate instrument to a State Policy. It is not necessary for a subordinate instrument to repeat the provisions of a State Policy, but it must give effect to it. It is for the Commission to decide whether the provisions of the planning scheme are consistent with a State Policy, if the draft amendment is approved.	HVC is concerned that introducing public benefit into the Coastal Policy may trigger consequential TPS amendments without adequate consultation.

6.4 Direction 4 - Response to drafting changes raised by representations

Provide a response addressing the recommendations and suggested drafting changes contained in the following representations: Representation 29 (Jan MacDonald and others),

Representation 201 (Sorell Council), Representation 152 (Cradle Coast Authority), and Representation 161 (Glamorgan Spring Bay).

SPO Response	Representor Responses
Concerning Rep 29 and the recommendation to modify Outcome 1.4.2, the re-introduction of 'actively mobile landforms' is not supported, for the reasons given in the Background Report and explained at the hearing.	HVC submitted that the SPO's responses demonstrate that the draft amendment has implications well beyond defining actively mobile landforms and is a substantial change to policy. It highlighted the introduction of the 'benefits the public' and 'tolerable risk' tests; the shift from a prohibition to a risk-assessment-based approach; the need for consequential TPS amendments and the reinterpretation of the relationship between State Policy outcomes and TPS operational provisions.
Concerning Reps 29 and 152 and the suggestion to modify Outcome 1.4.2 paragraph b) to replace 'or' with 'and', the SPO does not support this change as it is contrary to the two intended approaches: benefit the public <u>or</u> be dependent on the particular location. An example is the provision of marine farming infrastructure that is dependent on a particular location but does not necessarily provide a public benefit.	HVC agreed with Rep 29. The reasons are explained in its response to the Environmental Defenders Office representation (above).
Concerning Rep 201 and the recommendation to modify Outcome 1.4.2, the modification would be a significant change in policy, and outside the scope of the draft amendment.	HVC submitted the SPO's characterisation of Rep 201 may not fully reflect the intent of that representation. The Commission should review the interpretation.
Concerning Rep 152 and the recommendation to insert the term 'conserve'. This is inappropriate as the Outcome is about identifying and managing risk – it is not the policy intention that the significant risk identified be 'conserved'.	
Concerning Rep 152 and the suggestion to insert 'and' between paragraphs (a), (b) and (c) of Outcome 1.4.2, the Outcome meets the contemporary drafting conventions used in the TPS.	

SPO Response	Representor Responses
The list of principles in the Coastal Policy uses the same drafting convention, while the definitions extracted from the LUPAA (for example 'works' and 'development') contain an 'and' after each point. The SPO stated it would accept the recommendation of the Commission in the most appropriate way to convey the policy intent that all three points in amended Outcome 1.4.2 apply.	
Rep 161 and the suggestion to include 'natural values' in Outcome 1.4.1, this is unnecessary as the draft amendment already references 'coastal values'. Outcomes under 1.1 of the Coastal Policy already deal with natural values.	
Concerning Rep 161 seeking to modify Outcome 1.4.2 to include consideration of use and development on land subject to at risk of significant impacts, the addition of 'consideration of' does improve the drafting.	
Concerning Rep 161 and concern that 'dependent on the particular location' requires clarification or defining, the concept is already operationalised through the TPS with dependency on a coastal location already contained in the purpose statements, and some objectives of standards, in the Coastal Erosion Hazard and the Coastal Inundation Hazard codes. It is unnecessary to provide an additional definition or description of this term.	HVC agreed that the concept is operationalised in the TPS codes but submitted that the SPO conflates 'dependent on the particular location' with 'benefits the public' and definitional clarity is needed to ensure they are not treated as equivalent or interchangeable in practice.

6.5 Direction 5 - Definitions and interpretive matters

Provide a submission addressing the following terms as they apply to Outcomes 1.4.1 and 1.4.2:

- a) *The current drafting of Outcome 1.4.1 refers to ‘coastal processes’ without any qualification. Discuss the standard interpretation of this term and how it is intended to be applied in context of the draft amendment.*

SPO Response	Representor Responses
Coastal processes are broadly defined as any of the natural forces that impact the Coastal Zone. They can be driven by the movement of water, sediment and energy from waves, wind, tides and currents. ‘Coastal processes’ is qualified in Outcomes 1.4.1 and 1.4.2, as ‘land subject to significant risk from natural coastal processes or hazards’ and ‘land subject to significant impact from natural coastal processes or hazards’. Significant risk and impacts of coastal processes are captured through the codes.	NEBN submitted that this narrows the protective scope of the Coastal Policy. HVC highlighted that the omission of sea level rise from the examples, noting that it is one of the most significant coastal processes of climate change: it should be acknowledged. HVC raised concern about the SPO's interpretation of coastal processes and how it conflates the distinct concepts of hazard, risk, and impact. HVC noted that the coastal hazard overlay mapping was developed as hazard mapping, not as risk or impact mapping, which would require additional consideration of the values and assets exposed to the hazard. However, the SPO's submission appears to conflate hazard bands with risk levels and impact severity. For example, the SPO states that ‘the high hazard bands...identify land that is subject to ‘significant impacts’’, whereas the high hazard bands identify land subject to high-level hazards, not necessarily actual current impacts. This conflation impacts on the interpretation and application of Outcomes 1.4.1 and 1.4.2. If ‘significant risk’ and ‘significant impacts’ are interpreted as synonymous with hazard band classifications, the framework loses the nuance necessary to account for: the dynamic nature of risk as development changes exposure

SPO Response	Representor Responses
	- the temporal dimension of impacts under climate change, and - the difference between potential hazard and actual impact. The SPO should clarify the definitions of hazard, risk, and impact, and explain how these distinct concepts are intended to operate within Outcomes 1.4.1 and 1.4.2.

- b) *At the hearing, coastal processes such as dune mobility were discussed as being caused by actions of the sea and actions of the wind. Is the policy intention that the term 'coastal processes' in Outcomes 1.4.1 and 1.4.2 is limited to actions of the sea, or is it intended to include wind-driven processes (including dune mobility) as well as processes arising directly by sea or wind?*

SPO Response	Representor Responses
Coastal processes include the action of water, sediment, waves, wind, tides and currents. The report by Sharples et al (2013), found aeolian erosion and deposition do not represent a significant risk or impact to land, property or human life. Therefore, wind driven actions do not require specific treatment for risk.	HVC noted that wind-driven processes can cause significant impacts in medium/low hazard areas and should not be dismissed.

- c) *Several representations raised concerns about introducing the concept of 'tolerable risk' in the State Policy, submitting this represents a substantive shift in policy approach, as it reframes the State Policy from avoidance and protection to one of negotiated exposure. It was submitted this is a shift away from the clarity of the existing State Policy and undermines the precautionary approach that has informed Tasmania's coastal management. Provide the SPO's perspective on these concerns and outline the intended role of 'tolerable risk' within the State Policy framework.*

SPO Response	Representor Responses
The introduction of 'tolerable risk' is a shift from the current policy approach. It better aligns with the Coastal Policy with the policy approach that has been operational for a number of years in the existing planning system. It is used by the SPPs and is consistent with the precautionary principle, as the amended policy seeks 'careful evaluation	HVC accepted that tolerable risk is embedded in TPS but argued that it must be applied dynamically across the intended life of development. NEBN submitted 'tolerable risk' is subjective and shifts the Coastal Policy

to avoid, where practicable, serious or irreversible damage to the environment; and an assessment of risk-weighted consequences of various options’. The role of ‘tolerable risk’ within the State Policy framework is to provide a consistent risk threshold and approach down through other planning instruments.	towards managed exposure rather than avoidance.
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- d) *Provide a response to the representations indicating ‘tolerable risk’ is more appropriately addressed at the site or development assessment level through subordinate instruments, rather than as an embedded policy test within the State Policy.*

SPO Response	Representor Responses
Tolerable risk must appear at the policy level if it is to impact strategic planning. This is the approach which has been previously adopted by the Commission.	HVC submitted that tolerable risk must be assessed against future projected conditions, not only current hazard classifications.

- e) *At the hearing, SPO submitted that introducing the concept of ‘tolerable risk’ in the State Policy may not capture all risk adequately. Please discuss and clarify this statement.*

SPO Response	Representor Responses
The statement reflects that while treating risk there is always going to be a level of residual risk. Therefore, the measures necessary to reduce the exposure or vulnerability of a use or development to the hazard will not eliminate the risk. The purpose of treatment is to reduce risk to a level that is considered tolerable by the community in the context of the hazard and land-use development. Consequently, developments in high-risk locations may achieve a tolerable level of risk reduction but will still be subject to residual risk. Ongoing exposure to residual risk is unavoidable, and individuals may experience and perceive that risk differently.	HVC noted that residual risk must be understood in the context of accelerating coastal change and long development lifespans.

- f) *Clarification of the term ‘intended life’ as used in Outcome 1.4.2(a), including how it is intended to be interpreted and applied.*

SPO Response	Representor Responses
‘Intended life’ refers to a combination of the hazard projections, the intended lifespan of the land use, and the structural lifespan of the development that supports the land use. Therefore, the hazard projection for climate change is currently 2100, giving a planning horizon out to 2100. Timelines for structural design are modified if major additions are undertaken, as per the building standards of the day. Outcome 1.4.2 (a) reflects this approach by requiring proponents to demonstrate that a tolerable level of risk can be achieved and maintained for the intended life of the use and development. The draft amendment formalises a concept already applied through the existing SPP coastal hazard codes and building requirements through the various Director of Building Control’s Determinations on Buildings in Hazardous Areas¹⁴.	HVC submitted that intended life must be explicitly linked to the full planning horizon to 2100 and future risk trajectories.

- g) *Clarification of the term ‘dependent on the particular location’ as used in Outcome 1.4.2(b). Provide examples of the potential types or uses or developments.*

SPO Response	Representor Responses
The term refers to uses and developments that must be situated in a specific location to operate effectively, e.g. a jetty requires a waterfront location, whereas a dwelling may be located on the coast but is not functionally dependent on being there. Existing SPP coastal hazard codes already recognise this distinction and provide examples of developments that rely on a coastal location, including those that:	HVC submitted that location dependency and public benefit are distinct and must not be conflated.

¹⁴ <https://www.cbos.tas.gov.au/topics/technical-regulation/building-standards/building-practitioners/hazardous-areas>

SPO Response	Representor Responses
• access a specific coastal resource. • support marine farming shore facilities. • utilise infrastructure only available in coastal areas. • service marine or coastal-related activities. • provide essential utilities or marine infrastructure. • deliver open space, marine-related education, research, or recreational facilities. The term is intended to distinguish developments that need a coastal location to fulfil their purpose from those that can reasonably be located elsewhere.	

6.6 Direction 6 - Outcome 1.4.2 – drafting and scope

- a) *Clarification on the intended reading of Outcome 1.4.2, given the structure and sequencing of the listed criteria. Please clarify whether inserting 'and' between each item listed is necessary.*

SPO Response	Representor Responses
SPO is open to inserting 'and' - the policy intent is for the criteria to be cumulative.	NEBN submitted that the drafting remains unclear. HVC supported clarifying the drafting but noted deeper concerns about the policy remain unresolved.

- b) *Whether, and how, impacts on fauna and biodiversity (including migratory birds and penguin species) are intended to be considered within Outcome 1.4.2.*

SPO Response	Representor Responses
The Coastal Policy is structured so that no one principle should be read in isolation from others to imply a particular action of consequence. The same applies to the Outcomes of the policy. Impacts on fauna and biodiversity are covered in the following Outcomes: 1.1.1, 1.1.2, 1.1.3, 1.1.7 and 1.1.9. Therefore,	NEBN submitted that this does not adequately protect coastal biodiversity.

Outcome 1.4.2 does not need to repeat these considerations as they already apply.	
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- c) *Clarification of how the proposed amendment is intended to operate in relation to protecting Aboriginal cultural heritage values (including middens, burial sites and other cultural assets) associated with coastal landforms, including in circumstances where such values may not yet be identified or mapped (or if mapped, not publicly available information), and how this interacts with Outcomes 1.2.1 and 1.2.2.*

It was submitted at the hearing that this protection is currently provided ‘inadvertently’ through the prohibition that exists in Outcome 1.4.2 of the State Policy.

It is noted that Outcomes 1.2.1 and 1.2.2 of the State Policy state the sites and values are to be ‘identified’ to be protected.

Discuss whether additional mechanisms are envisaged to support consideration of these values in context of the draft amendment, and whether surveying Aboriginal cultural values should be referenced and therefore included in Outcome 1.4.2.

SPO Response	Representor Responses
The draft amendment is not intended to change existing protections for Aboriginal cultural heritage values, as these are already addressed through Outcomes 1.2.1 and 1.2.2 of the policy framework. Outcome 1.4.2 does not repeat these considerations because all policy outcomes are intended to operate together rather than in isolation. While it was suggested that the current Outcome 1.4.2 may provide some indirect protection for Aboriginal cultural heritage, the SPO submitted that it considers any such protection to be limited and uncertain. The <i>Aboriginal Heritage Act 1975</i> remains the principal mechanism for protection of Aboriginal heritage in Tasmania. It requires all persons to: • report the discovery of Aboriginal relics • avoid damaging, destroying, concealing, or otherwise interfering with relics, and • avoid harming relics and protected objects within designated protected sites.	No specific responses.

SPO Response	Representor Responses
This Act is currently under review, and this process is seen as the most appropriate avenue for strengthening Aboriginal heritage protection and further implementing relevant Policy outcomes. The TPPs already require Aboriginal cultural heritage values to be considered through strategic land-use planning, ensuring these values are addressed within the planning system. Specifically, Strategy 6.1.3 (3) in the TPPs means that Aboriginal cultural heritage values are considered through the land use planning system at the strategic planning level.	

- d) *The policy intent underlying the use of 'or' in Outcome 1.4.2(b), and examples of use or development that may be 'dependent on a coastal location' but not necessarily to meet the public benefit test.*

SPO Response	Representor Responses
'Or' is intentional in terms of policy – it allows a location dependent use and development to fulfil its purpose but that use and development may not benefit the public. A private jetty used to service a marine farm which is dependent on the location, but the jetty does not necessarily benefit the public.	- NEBN submitted that 'or' weakens protections and allows development justified by minimal criteria. - HVC submitted that 'or' is only appropriate if public benefit and location dependency are genuinely distinct; SPO has not demonstrated this.

- e) *The rationale for using the term 'considers' instead of 'ensures' in Outcome 1.4.2(c). Discuss the policy intention.*

SPO Response	Representor Responses
'Considers' aligns with drafting conventions of the TPS; and 'ensures' implies absolute control.	- NEBN submitted that 'considers' is too weak and allows harmful development. - HVC submitted that 'considers' is insufficiently strong for high-risk coastal areas.

6.7 Direction 7 – Risk assessment and statewide consistency

- a) *How risk is intended to be assessed and managed consistently across the State in the absence of a specified state-based coastal risk or adaptation framework decision-making on coastal hazards and support the proposed use of ‘tolerable risk’ in the State Policy.*

SPO Response	Representor Responses
Tasmania already has a risk framework for decision-making on coastal hazards that supports tolerable risk – the framework is set out in the DPAC Coastal Hazards Package¹⁵. Specifically, the DPAC Technical Report establishes a process to define tolerance and the characteristics to achieve it. The tolerable risk threshold is already applied through the TPPs and the TPS. The inclusion of ‘tolerable risk’ in the Coastal Policy aligns with the policy setting that already applies through the subordinate planning instruments.	- NEBN submitted that the SPO’s risk-based approach is flawed, subjective, and is inconsistent, and that performance-based risk assessment cannot ensure statewide protection of coastal values. - HVC accepted a statewide framework exists but stressed that uneven Council capacity and the need for updated mapping and clearer guidance.

- b) *Whether risk assessment is intended to rely primarily on localised or project-specific methodologies, and how consistency and transparency are to be achieved.*

SPO Response	Representor Responses
Risk assessments are unique and site-specific and require localised responses to treat the risk threshold. How that threshold is achieved will depend on the nature of the risk, site circumstances and what is being proposed. Transparency is achieved through the required hazard reports. The definitions of these reports establish the consistent considerations for risk assessment.	- NEBN submitted that performance-based, site-specific assessments lead to uncertainty, high costs, and inconsistent outcomes, favouring developers over communities. - HVC accepted that a statewide framework exists but stressed uneven Council capacity and the need for updated mapping and clearer guidance.

¹⁵https://www.dpac.tas.gov.au/divisions/resilience-recovery/coastal_hazards_in_tasmania

- c) *Whether the concept of 'tolerable risk' is intended to be defined at a State interest level, and if so, how.*

SPO Response	Representor Responses
The concept of 'tolerable risk' is accepted and defined at the State interest level consistent with the definition provided by the draft amendment, as already established in the TPPs, TPS, and operationalised through the mapping in the LPSs, provisions set out in the SPP coastal hazard codes, and the Director of Building Control's Determinations for building in hazardous areas.	- NEBN rejected the inclusion of 'tolerable risk' entirely, arguing it weakens the Coastal Policy and shifts the policy away from protection toward negotiated exposure. - HVC accepted that tolerable risk is already defined at State level but emphasised it must be applied dynamically across the full planning horizon to 2100.

- d) *Whether a consistent state-level methodology is considered necessary or desirable to guide interpretation and application of the amended State Policy.*

SPO Response	Representor Responses
The draft amendment is applying an approach that is already operationalised through the TPS which has been informed by the principles, policies and methodologies established through the various reports comprising the Coastal Hazard Package, already discussed above. The SPO further provided links to three guidance documents published on applying the coastal hazard codes, preparing hazard reports and conducting a site assessment in a coastal erosion hazard investigation area.	NEBN submitted that the SPO's approach undermines the hierarchy of planning law and that the Coastal Policy should not be rewritten to match subordinate instruments.

6.8 Direction 8 - Geoconservation

- a) *The current State Policy includes outcomes directed on the protection of coastal landforms, which encompass geoconservation features such as dunes and mobile landforms. Outline whether the proposed removal of the prohibition on development on 'actively mobile landforms' in the State Policy may impact geoconservation significant sites (as listed on the Tasmanian Geoconservation Database).*

SPO Response	Representor Responses
Outcome 1.1.2 relates to geoconservation features and protects landforms that are of conservation value. The application of this Outcome	NEBN submitted that removal of the prohibition will expose sensitive landforms to damaging development and weaken protection of geoconservation sites.

would not be impacted by the draft amendment.	HVC accepted the SPO's view that Outcome 1.1.2 protects geoconservation but noted future risk trajectories may still threaten these features.
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- b) *Clarify how the amended State Policy, and any relevant subordinate planning instruments (including TPS/SPPs) are intended to address the identification, protection and management of geoconservation sites and values.*

SPO Response	Representor Responses
Protection of conservation value geoconservation sites will continue under Outcome 1.1.2. Sites may be mapped and protected under the regional strategies and TPP provisions, via SPPs or LPSs. It noted that some geoconservation sites are already covered by specific areas plans (SAP), such as the Karst Management Area SAP in the Meander Valley LPS. Future reviews of LPSs and the SPPs may identify the need for additional requirements for significant geoconservation sites.	HVC accepted that protection will continue through Outcome 1.1.2. It also noted that the Huon Valley coastline contains significant geomorphological features and recommends the need for updated mapping and that any future review of LPSs address the identification and protection of these values in the region. HVC also noted the future risk to these sites, through accelerating coastal change that may expose them to hazards.

6.9 Direction 9 - Alternative drafting

At the hearing, the SPO indicated that it is open to considering alternative drafting. In that context, the SPO is invited to provide any alternative drafting suggestions for the Commission consideration.

SPO Response	Representor Responses
Suggested the following editorial changes to Outcome 1.4.2: <i>Use and development on land subject to significant impacts from natural coastal processes or hazards, such as those listed in Outcome 1.4.1, will only be allowed for works necessary to protect land, property, coastal values and human life, unless it can be demonstrated that the use and development:</i> <i>(a) <u>use and development</u> can achieve and maintain a tolerable risk for the</i>	- NEBN noted the SPO's response, but rejected the draft amendment overall, opposing the performance approach and seeking instead an enhancement of the prescriptive approach. - HVC noted the SPO's drafting changes do not address core concerns about future risk, mapping currency, and definitional clarity.

SPO Response	Representor Responses
<i>intended life of the use and development;</i> <i>(b) <u>use and development</u> benefits the public or is dependent on the particular location; and</i> <i>(c) considers the impacts of the use and development on coastal values and natural processes and those impacts are considered and managed in accordance with the objectives, principles and outcomes of this Policy.</i>	

The Commission has considered the above responses by the SPO and representors, together with the information and evidence received through the exhibition process, hearings and post-hearing submissions. The Commission's findings on these matters, and the modifications to draft amendment 01-25 are set out below.

7.0 Consideration of representations and submissions

Based on the information and evidence received through the exhibition process, hearings and post-hearing submissions, including the SPO's submission dated 13 March 2026, the Commission makes the following observations and conclusions:

- uncertainty exists regarding what constitutes 'actively mobile landforms' in the existing Coastal Policy
- the prohibition in the existing Coastal Policy may capture a wide range of coastal infrastructure that may be considered appropriate (subject to case-by-case merit assessment)
- the enactment of the [Validation \(State Coastal Policy\) Act 2024](#)¹⁶ provides evidence that practical concerns have arisen regarding the operation of the current Policy across the RMPS, and
- many councils and planning practitioners support a risk-based approach in principle to coastal hazard management.

However, the information and evidence submitted in many of the representations and submissions demonstrates there is substantial concern about the proposed changes in draft amendment 01-25, specifically:

- the proposed change in Outcome 1.4.2 introduces significant discretion in relation to removal of prohibition on actively mobile landforms and its replacement with a performance-based criteria

¹⁶ <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2024-026>

- key concepts remain undefined or inadequately explained, including ‘benefits the public’, ‘significant risk’, ‘significant impacts’ and ‘tolerable risk’
- likely inconsistent application between decision-makers, including councils acting as planning authorities
- inadequate protection of environmental and cultural values, and
- consequential impacts on planning schemes have not been fully explained.

The following provides the Commission consideration and findings on the key issues raised in representations and submissions.

7.1 Need for draft amendment 01-25

Representors questioned whether draft amendment 01-25 is necessary. Many submitted that the existing Outcome 1.4.2 has operated effectively and that any change should form part of a comprehensive review of the Coastal Policy. Some also submitted that the SPO had not demonstrated the extent of any implementation problem or established that the existing reference to ‘actively mobile landforms’ is unworkable.

The Commission acknowledges that the Coastal Policy has not been comprehensively reviewed for many years and that the representations demonstrated substantial support for a broader review. The Commission agrees that a comprehensive review is warranted. This is addressed in Recommendation 5.

However, the need for a comprehensive review does not preclude a targeted amendment where a specific and material policy problem has been identified.

The Commission is satisfied that such a problem exists in the operation of Outcome 1.4.2. The provision relies on ‘actively mobile landforms’ as the trigger for a prohibition on development. Neither the Coastal Policy nor an associated statutory instrument defines that term or establishes a methodology for identifying the land to which the prohibition applies. The evidence before the Commission demonstrates that differing interpretations have arisen regarding the meaning and spatial extent of ‘actively mobile landforms’. This creates uncertainty for decision-makers, proponents, landowners and the community.

The Commission also considers that the enactment of the *Validation (State Coastal Policy) Act 2024* provides evidence that practical concerns have arisen regarding the application of Outcome 1.4.2. The Commission has treated that Act as relevant background and does not revisit its merits or rely on it as determining the merits of draft amendment 01-25.

The Commission therefore finds that there is sufficient justification for a targeted amendment to Outcome 1.4.2. The identified implementation issue is sufficiently immediate and material to warrant action before completion of a broader review of the Coastal Policy.

The Commission does not consider that draft amendment 01-25 should replace or defer a comprehensive review. The hearing process reinforced the Commission’s previous recommendation in the [2024 State of the Environment Report – Summary Report](#) (PDF,

8.7MB)¹⁷, September 2024 (p.34), that the Tasmanian Government undertake a comprehensive review of coastal policy in response to the pressures affecting Tasmania's natural and built coastal environments.

Accordingly, the Commission recommends that draft amendment 01-25, as modified proceed, and a comprehensive review of the Coastal Policy commence as soon as practicable.

7.2 Removal of reference to Actively Mobile Landforms

The Commission received extensive submissions opposing removal of the reference to '*actively mobile landforms*'. Many representors argued that the concept has operated effectively for almost 30 years and provides one of the strongest environmental protections within the Coastal Policy. Others submitted that the term is well understood by coastal scientists and that no evidence has been produced to demonstrate a widespread problem with its interpretation.

The Commission accepts that many coastal landforms captured by the current Coastal Policy have significant environmental, geomorphological, geoconservation and cultural values. The Commission further acknowledges concerns that removing the reference may be interpreted as diminishing the importance of these values.

The Commission also accepts that terms such as 'frontal dune', 'foredune' and 'mobile dune system' are recognised geomorphological concepts. However, the issue is not whether those landforms exist or can be identified by an expert; it is whether the undefined expression *actively mobile landforms* provides a sufficiently certain statutory trigger for a prohibition that applies across Tasmania. The Commission is not satisfied that it does.

The Commission therefore supports replacement of the reference to *actively mobile landforms*. The Commission is satisfied that those landforms should be protected through clear coastal hazard, natural values, geoconservation, cultural heritage and coastal process assessment mechanisms, rather than through an undefined statutory trigger. Further, the Commission considers that this change increases the importance of ensuring the replacement framework is clear, can be consistently applied and is supported by appropriate guidance.

7.3 Outcome 1.4.1

Representations raised concerns about the proposed changes to Outcome 1.4.1. These concerns related to the replacement of "areas" with "land", the use of "or" between references to natural coastal processes and coastal hazards, and the removal of the words "engineering or remediation".

The Commission considers that "land" is consistent with the terminology used elsewhere in the amendment and more clearly identifies the subject of the planning and hazard controls. The use of "or" recognises that natural coastal processes and coastal hazards are related concepts that may overlap but are not necessarily the same.

The Commission also supports replacing "engineering or remediation works" with "works". The broader term avoids unintentionally excluding works that may be required to protect land,

¹⁷ https://www.planning.tas.gov.au/data/assets/pdf_file/0008/782603/SOE-Report-2024-Vol.1_27-September-2024.pdf

property, natural and cultural coastal values or human life, but which may not fall within either of the existing descriptors. The permissibility and assessment of any works remain subject to the Coastal Policy and other applicable statutory requirements.

The Commission concludes a modification is required to draft amendment 01-25 to replace “coastal values” with “natural and cultural coastal values”, to more clearly identify the range of values intended to be protected.

7.4 Transition to risk-based framework

A significant concern raised in the representations was that draft amendment 01-25 will weaken current environmental protections in the Coastal Policy by replacing a prohibition on development on ‘actively mobile landforms’ with a performance-based assessment framework. Many representors characterised this strongly as both an unacceptable and fundamental policy shift in the Coastal Policy.

Commission consideration

The Commission acknowledges these concerns raised by many representors and the widely held view expressed in submissions that the existing prohibition in the Coastal Policy provides a clear and precautionary mechanism for protecting coastal environments and avoiding exposure to coastal hazards.

The Commission agrees that draft amendment 01-25 represents a notable policy shift. It will fundamentally alter the operation of Outcome 1.4.2, and therefore the Commission must consider whether it is satisfied that the proposed risk-based assessment framework applying to land affected by significant impacts from natural coastal processes or hazards contains adequate safeguards to achieve the objectives, principles and outcomes of the Coastal Policy.

The Commission does not accept that draft amendment 01-25 necessarily reduces the level of environmental protection provided by the Coastal Policy. The effect of the draft amendment must be considered in the context of the Coastal Policy as a whole, which is guided by three main principles:

- Protection of natural and cultural values
- Sustainable use and development of the coast, and
- Integrated management and protection of the coastal zone is a shared responsibility.

Outcome 1.4.2 sits within the principle of protecting natural and cultural values and must be interpreted and applied in that broader policy context. The draft amendment does not remove this principle or the associated policy outcomes. Rather, it introduces a revised framework for managing use and development in areas affected by significant coastal hazards, while continuing to require consideration of environmental values and impacts on the coastal environment.

The Commission does not accept the proposition that draft amendment 01-25 creates an unrestricted opportunity for use or development on land affected by coastal hazards. All criteria in modified Outcome 1.4.2 are cumulative. They address tolerable risk, public benefit or

coastal location dependency, natural and cultural coastal values, natural coastal processes, coastal landforms, and impact management.

The Commission notes that contemporary coastal hazard management practice increasingly adopts a risk-based approach to managing coastal change and climate-related coastal hazards, and this is informed by assessment of vulnerability, risk, adaptation pathways and ongoing monitoring. Fundamental to this approach, is the importance of minimising intervention in natural coastal processes and avoiding intensification of use and development in coastal hazard areas unless the proposal benefits the public or is dependent on the particular coastal location and satisfies the remaining criteria.

Risk-based approaches are already a feature of Tasmania's planning and building systems in relation to natural hazards, including coastal hazards, flooding, landslip and bushfire. Under those frameworks, use and development is not necessarily precluded by the existence of a hazard. Instead, proposals are assessed against whether risks can be avoided, mitigated or managed to tolerable levels. The Commission considers that draft amendment 01-25 would generally align the Coastal Policy more closely with these contemporary approaches to coastal hazard management practice.

However, the effectiveness of such an approach depends upon there being sufficient certainty regarding the level of risk that is acceptable and the matters to be considered when determining whether risk is tolerable. In the Commission view, the key issue is not whether the Coastal Policy adopts a prohibition-based or performance-based approach, but whether the proposed risk-based framework, when read and applied as part of the Coastal Policy as a whole, is capable of delivering the Policy's stated objectives and outcomes while providing an appropriate basis for assessing use and development in coastal areas subject to significant risk.

Representors also raised concern that works necessary to protect land, property, natural and cultural coastal values or human life would not be required to satisfy exhibited criteria (a) to (c). The Commission acknowledges that some protective works, particularly permanent engineered works, may interfere with natural coastal processes, constrain the response of coastal landforms or transfer adverse effects to other locations.

The Commission notes that the exception for protective works reflects the structure and policy intent of the exhibited amendment and the relationship between Outcomes 1.4.1 and 1.4.2. Such works remain subject to the objectives, principles and other applicable outcomes of the Coastal Policy, as well as relevant planning, environmental and building requirements. The exception should not be interpreted as removing the need to assess the effects of protective works under those other applicable requirements.

The Commission considers that implementation guidance should explain the scope of "works necessary to protect" and the assessment of impacts arising from such works. The broader treatment of coastal protection works, including the circumstances in which avoidance, adaptation, nature-based measures or retreat should be preferred to engineered intervention, should be examined through the comprehensive review (see Recommendation 5).

In conclusion, the proposed risk-based framework represents an alternative regulatory mechanism for achieving the Coastal Policy's objectives. The Commission finds that the proposed framework would enable the merits of individual proposals on land affected by

significant coastal hazards to be assessed where it can be demonstrated that risks from coastal processes and hazards are tolerable and there is appropriate consideration of impacts on natural coastal processes and landforms, and natural and cultural coastal values. However, modifications to draft amendment 01-25 is required to clarify the policy intent of the amended Policy, which is discussed below.

7.5 Tolerable risk, intended life and decision-making

Representations raised concerns about the introduction of 'tolerable risk' into the Coastal Policy. It was submitted that the concept may weaken the Policy's precautionary approach, allow negotiated exposure to coastal hazards that would otherwise be avoided and reduce the existing level of protection afforded to coastal values and assets. This may also result in inconsistent decisions and increase potential liability for planning authorities. Concern was also expressed about how risk would be assessed and maintained over the intended life of a use or development.

SPO submitted that 'tolerable risk' is an established concept within Tasmania's planning and building systems. It is used in the TPPs, SPPs, including through the coastal hazard codes, the Bushfire-Prone Areas Code and Landslip Hazard Code. The SPO also noted that the concept is applied within Tasmania's building regulatory system, including through Director's Determinations dealing with development in hazard-prone areas¹⁸ (e.g. [Director's Determination – Coastal erosion hazard areas](#) (PDF, 360KB)¹⁹, 2021). Its inclusion in the Coastal Policy would align the Policy with the risk-based framework already applied to coastal and other natural hazards.

Commission consideration

Tolerable risk

The Commission accepts that 'tolerable risk' is consistent with contemporary national and state natural hazard policy, and Australia's contemporary disaster resilience and natural hazard frameworks are generally risk-based rather than prohibition-based. It is noted that National guidance published through the Australian Institute for Disaster Resilience (AIDR) promotes identifying hazards, assessing risk, avoiding unacceptable exposure where possible, and managing residual risk through planning and development controls.

These approaches generally require hazards and potential consequences to be assessed, unacceptable exposure to be avoided where practicable, and residual risk to be managed through appropriate measures.

The Commission is satisfied that introducing a definition of 'tolerable risk' into the Coastal Policy is appropriate in principle. It provides a recognised basis for assessing whether use or development may proceed on land affected by coastal hazards and aligns the Policy with the broader Tasmanian planning and building framework.

¹⁸ <https://www.cbos.tas.gov.au/topics/technical-regulation/building-standards/building-practitioners/hazardous-areas>

¹⁹ https://www.cbos.tas.gov.au/data/assets/pdf_file/0020/607007/Directors-Determination-Coastal-Erosion-Hazard-Areas.PDF

The Commission notes that the [Derivation of the Tasmanian Sea Level Rise Planning Allowances: Technical Paper \(TCCO, 2012\)](#)²⁰, explains how the precautionary principle embodied in the Coastal Policy was translated into sea level rise planning allowances and used to identify areas exposed to significant coastal hazard risk. Similarly, the [Guide to Considering Natural Hazard Risk in Land Use Planning and Building Control \(DPAC, 2012\)](#) (PDF, 781KB)²¹ provides a framework for identifying natural hazard risk and assessing whether risk reduction measures are required to achieve tolerable risk outcomes. Collectively, these documents demonstrate that tolerable risk is an established component of Tasmania's approach to hazard management and land use planning.

The Commission does not accept that a risk-based approach is necessarily inconsistent with the precautionary principle or the environmental protection objectives of the Coastal Policy. However, its effectiveness depends on the quality of the evidence, the suitability and durability of risk-management measures, and the consistent application of the relevant risk threshold.

The existence of a coastal hazard does not mean that every use or development must be prohibited. Equally, the capacity to reduce risk to a tolerable level does not, by itself, establish that a proposal is appropriate. Under modified Outcome 1.4.2, tolerable risk is one of several cumulative criteria. The proposal must also satisfy requirements relating to public benefit or coastal location dependency, natural and cultural coastal values, natural coastal processes, coastal landforms and impact management.

Intended life and residual risk

The Commission accepts the inclusion of 'intended life' in proposed Outcome 1.4.2. Coastal hazards are dynamic, and their likelihood and consequences may change over time because of sea-level rise, shoreline recession, erosion, inundation and other coastal processes.

Assessment should therefore address the period during which the use or development is expected to operate, rather than only conditions at the time of approval. Depending on the proposal, this may require consideration of its operational life, the design life of associated structures, relevant coastal hazard projections and the capacity of management measures to remain effective over time.

The Commission also accepts that achieving tolerable risk does not eliminate all risk. Residual risk may remain after avoidance, mitigation or management measures are applied. The nature and extent of that residual risk, and responsibility for its ongoing management, are relevant to whether tolerable risk can be achieved and maintained for the intended life of the use or development.

The amended Policy should not prescribe a single intended life or assessment horizon for every proposal. Temporary, adaptable and permanent uses and developments may require different assessment periods. Implementation guidance should explain how intended life is to be determined and how changes in coastal hazard risk over that period are to be assessed.

²⁰ <https://nla.gov.au/nla.obj-1382330629/view>

²¹ https://www.dpac.tas.gov.au/data/assets/pdf_file/0034/492469/Guide-Considering-Natural-Hazard-Risks-Land-Use-Building-Control.pdf

Expertise and professional expertise

Assessment under Outcome 1.4.2 will often require specialist evidence. The expertise required will depend on the nature of the hazard, the proposal and the values potentially affected. It may include coastal engineering, coastal geomorphology, hydrology, climate risk, ecology, geoconservation or Aboriginal heritage expertise.

The Commission accepts that professional registration, accreditation and certification requirements apply to some disciplines relevant to coastal hazard assessment. However, these requirements do not apply uniformly across all fields of expertise that may be relevant to an assessment under Outcome 1.4.2. The Commission does not consider that the Coastal Policy should prescribe particular qualifications or accreditation requirements. Nevertheless, evidence relied upon should be prepared by persons with qualifications, experience and professional competence appropriate to the matters being assessed.

The SPO identified existing mapping, technical reports, planning scheme provisions and building controls relevant to coastal hazard assessment. These provide an important foundation for applying the amended Policy. However, the Coastal Policy does not itself explain the evidence required, the role of site-specific assessment or how competing technical evidence should be considered.

The Commission therefore considers that implementation guidance is necessary. The guidance should address:

- accepted methods for assessing tolerable risk
- the role of State hazard mapping and site-specific evidence
- assessment of risk over the intended life of a proposal
- future climate change and sea-level rise projections
- residual risk and ongoing management responsibilities
- the suitability and durability of avoidance, mitigation and adaptation measures, and
- the evidence and expertise generally required for different types of proposal.

Without supporting guidance, the Commission considers that decision-makers may reasonably form different views regarding acceptable risk thresholds, assessment timeframes, the adequacy of mitigation measures, or the significance of long-term coastal change and climate change projections. These issues are particularly important in the coastal environment, where the consequences of development may extend beyond risks to an individual landowner and include impacts on coastal processes, environmental values, public infrastructure, public access, cultural heritage and future adaptation opportunities.

Liability and decision-making

Representors expressed concern that replacing the current prohibition with a tolerable risk framework may expose planning authorities and other decision-makers. These concerns arise principally because the amended framework requires judgement about risks, evidence and the adequacy of management measures.

The Commission notes that Tasmania does not have an equivalent to the specific statutory protection available to councils for certain coastal management and floodplain decisions under section 733 of the *Local Government Act 1993* (NSW). Tasmania has general provisions relating to the exercise of statutory functions in good faith and the liability of public authorities, but these do not operate in the same way as the New South Wales provision.

The Commission does not consider that potential liability determines whether tolerable risk is an appropriate policy mechanism. Planning authorities and other regulators already make decisions involving natural hazards, technical evidence and residual risk.

However, these concerns reinforce the need for:

- clear policy requirements
- current hazard mapping and technical information
- evidence prepared by appropriately qualified persons
- transparent reasons for decisions
- consistent assessment methods, and
- practical implementation guidance.

The Commission also notes the operation of the *Civil Liability Act 2002* (Tas.). While that Act contains provisions relevant to public authorities and the exercise of statutory functions, it does not provide the same form of explicit statutory protection available under the abovementioned NSW framework.

Conclusion

The Commission is satisfied that ‘tolerable risk’ and ‘intended life’ are appropriate concepts for inclusion in the Coastal Policy. They are consistent with the risk-based approach used elsewhere in Tasmania’s planning and building systems and provide a legitimate basis for assessing use and development affected by coastal hazards.

Their inclusion must be understood within the cumulative framework of modified Outcome 1.4.2. Achieving tolerable risk does not displace the requirements concerning natural and cultural coastal values, natural coastal processes, coastal landforms and impact management.

The Commission therefore supports the introduction of the definition of ‘tolerable risk’ in draft amendment 01-25, subject to modifications to Outcome 1.4.2 as outlined in Appendix C, and the preparation of implementation guidance when the amended Policy takes effect.

7.6 Benefits the public and dependent on a particular location

Representations raised concerns about the breadth and application of the exhibited criteria that use or development may be allowed where it ‘benefits the public’ or is ‘dependent on the particular location’. It was submitted that both concepts require planning judgement and may be interpreted inconsistently. Concern was also expressed that the use of ‘or’ between the two criteria may weaken the Coastal Policy by allowing use or development in a coastal hazard area where only one test is satisfied.

In relation to public benefit, representors submitted that the concept may be interpreted broadly enough to include tourism, hospitality, accommodation, employment generation, economic activity and other forms of private commercial development. Some representors submitted that proponents may rely on incidental economic or community benefits to justify development in a coastal location, even where the use or development could reasonably be located elsewhere.

Some representors also submitted that assessment of public benefit should consider the distribution of benefits and adverse effects.

In relation to location dependency, it was broadly accepted that some uses and developments require a coastal location to fulfil their purpose. Examples included marine infrastructure, navigation facilities and marine farming support infrastructure. However, concern was raised that a preference for a coastal setting could be treated as equivalent to a functional need for that location.

The SPO submitted that the two criteria serve different purposes. Public benefit concerns the value or contribution that a use or development provides to the community. Location dependency concerns whether the nature or function of the use or development requires it to be in the place.

The SPO submitted that public benefit is not necessarily confined to publicly owned or operated use or development and may include privately owned or operated facilities that provide broader community benefits. Examples discussed during the assessment included public access infrastructure, marine infrastructure, educational facilities, research facilities, recreational facilities and marine-related infrastructure. The SPO also submitted that location dependency is already recognised through the coastal hazard provisions of the planning system and includes uses and developments that require access to coastal waters, coastal resources or coastal infrastructure in order to fulfil their purpose.

The SPO further submitted that location dependency is already recognised by the coastal hazard codes in the SPPs and use or development that may depend on a coastal location includes marine infrastructure, navigation facilities, marine farming support facilities, public boat-launching infrastructure, marine research facilities and other activities that require direct access to coastal or marine resources.

Commission consideration

The Commission accepts that the concepts of public benefit and location dependency serve different policy purposes and should not be treated as equivalent or interchangeable. The Commission also accepts the use of 'or' between the two limbs. A use or development may provide a public benefit without being functionally dependent on a coastal location. Conversely, some uses or developments may be functionally dependent on a coastal location while providing limited wider public benefit. Requiring both limbs to be satisfied would exclude some coastal-dependent activities that the draft amendment is intended to allow to be considered.

The Commission accepts that public benefit is not necessarily confined to use or development that is publicly owned, publicly funded or undertaken by a public authority. Whether a proposal provides a public benefit will depend on its nature, scale, location and effects. However, the Commission is not satisfied that the exhibited expression "*benefits the public*" provides sufficient guidance regarding the type or nature of the benefit required. The evidence before

the Commission demonstrated that tourism development, accommodation, employment generation, economic activity and other forms of private commercial development may all be argued to provide some degree of public benefit, notwithstanding that such development may have no functional dependence on a coastal location and could reasonably be accommodated elsewhere.

The Commission is not satisfied that Outcome 1.4.2 is intended to establish a broad exception for use or development on land affected by significant coastal hazards merely because broader economic or community benefits may arise from the proposal. Such an interpretation could significantly expand the circumstances in which use or development may be considered in coastal hazard areas and reduce the distinction between the amended risk-based framework and a more general assessment of development merits.

The Commission therefore considers that the public benefit criterion should be directed towards use or development that provides a demonstrable public benefit serving a broader community purpose at a local, regional or State level. This approach better reflects the examples relied upon by the SPO throughout the assessment process while avoiding reliance on private commercial benefit alone as the basis for satisfying the criterion. The modification is intended to improve certainty, reduce the scope for overly broad interpretation of the public benefit pathway and improve consistency in decision-making.

The Commission also considers that *dependent on the particular location* provides limited guidance regarding the nature of the dependency required. The Commission accepts that the criterion is intended to distinguish between use or development that requires a coastal location to fulfil its purpose, and that merely benefits from, or gains a commercial advantage from, a coastal setting. The Commission considers that location dependency should operate as a functional test. A coastal location is not necessary merely because it is desirable, visually attractive, commercially advantageous, likely to increase patronage, or capable of improving the amenity, marketability or financial viability of a proposal. A preference for a coastal setting is not the same as dependence on a coastal location.

The Commission is satisfied that the location dependency pathway is to apply to use or development that is functionally dependent on the particular coastal location to fulfil its purpose and cannot reasonably be separated from that location. The Commission considers that examples discussed throughout the assessment, including marine infrastructure, navigation facilities, marine farming support facilities, public boating infrastructure and marine research facilities, are consistent with this concept. The modification is intended to improve certainty and consistency of application and reduce the risk that location dependency could be relied upon by use or development that merely seeks the advantages of a coastal setting.

The Commission therefore concludes Outcome 1.4.2(b) should be modified to:

- clarify that the public benefit pathway is directed towards demonstrable public benefits serving a broader community purpose at a local, regional or State level; and
- clarify that location dependency requires a use or development to be functionally dependent on the particular coastal location to fulfil its purpose.

The Commission is satisfied that the modified drafting ensures that neither public benefit nor location dependency operates as a standalone justification. Further, any proposal must still satisfy the cumulative requirements in Outcome 1.4.2 relating to tolerable risk, and

consideration of natural and cultural coastal values, natural coastal processes, coastal landforms and impact management.

7.7 Environmental, geoconservation and cultural values

The Commission received many submissions expressing concern that draft amendment 01-25 would expose environmentally sensitive coastal areas to inappropriate use or development. Emphasis was placed on potential adverse impacts and lack of protection of biodiversity, migratory bird habitats, significant geoconservation sites, coastal wetlands, and Aboriginal heritage, as well as the role of actively mobile landforms as natural coastal defences.

Representors raised particular concern that removal of the current prohibition may increase reliance on other mechanisms to identify and protect environmental, geoconservation and cultural values. These concerns included impacts on biodiversity, geomorphological features, geoconservation significant sites, Aboriginal heritage, coastal cultural landscapes, wetlands, habitat values, cumulative effects on coastal systems, and the role of dune systems as natural coastal defences.

Commission consideration

The Commission finds these matters are central to the operation of the Coastal Policy, however, draft amendment 01-25 does not remove the other objectives, principles and outcomes of the existing Coastal Policy. The Commission accepts that existing provisions elsewhere in the Coastal Policy dealing with ecological values, wetlands, geological and geomorphological features of conservation value (refer to Outcome 1.1.2), and Aboriginal heritage are not affected by the draft amendment and will continue to apply.

However, the Commission acknowledges that the existing prohibition may have provided indirect protection to some coastal landforms and associated values, including values not identified before use or development was proposed. Its removal increases reliance on those values being identified and considered through the Coastal Policy, planning instruments and assessment processes. The Commission therefore considers that clear safeguards are required in the amended framework.

The Commission considers that the potential for an unidentified or inadequately documented geoconservation site to be overlooked is an implementation risk. This risk does not, of itself, justify retaining an undefined landform prohibition. It does, however, reinforce the need for the amended Outcome 1.4.2 to expressly address natural coastal processes and coastal landforms.

The Commission considers that implementation guidance should explain how relevant geological, geomorphological and geoconservation information is to be identified and considered when applying Outcome 1.1.2 and amended Outcome 1.4.2. Any broader questions concerning the completeness of geoconservation information, the statutory role of the Tasmanian Geoconservation Database, or the need for additional planning scheme mechanisms are more appropriately considered through the recommended broader review of the Coastal Policy.

The Commission finds the following three modifications to draft amendment 01-25 are required to clarify and strengthen the environmental and cultural safeguards within the amended policy framework:

1 - Modify to insert an additional criterion to proposed Outcome 1.4.2:

- (c) *interference with natural coastal processes is avoided or, where avoidance is not practicable, minimised, and the capacity of coastal landforms to respond and adapt to coastal change is maintained, having regard to the objectives, principles and outcomes of this Policy; and*

This criterion recognises the importance of maintaining the integrity and functioning of coastal systems by ensuring that natural coastal processes and coastal landforms are explicitly considered when assessing use or development on land affected by significant coastal hazards. The criterion supports a proportionate, site-specific assessment of proposals and is consistent with the risk-based approach proposed in the draft amendment. It also strengthens the alignment of proposed replacement Outcome 1.4.2 with the policy direction outlined in TPP 2.5.3(1).

The Commission accepts the evidence that the continued operation of natural coastal processes is important for maintaining shoreline resilience, enabling adaptation to coastal change, and reducing the likelihood that use or development will increase hazard exposure or create a future need for engineered intervention.

The Commission considers it appropriate to refer to both natural coastal processes and coastal landforms because they address different, but related, matters. The Commission accepts that natural coastal processes are the physical mechanisms that drive coastal change, while coastal landforms are the physical features that result from, and respond to, those processes.

The Commission accepts that a use or development may not directly interfere with sediment transport, wave action or other coastal processes, but may nevertheless constrain the capacity of beaches, dunes or barrier systems to adjust and respond to changing coastal conditions. Reference to both concepts ensures that distinction is recognised in the assessment of proposals under this outcome.

2 - Modify to replace 'coastal values' with 'natural and cultural coastal values' throughout Outcome 1.4.2.

This improves the clarity of the outcome. The Coastal Policy consistently distinguishes between natural and cultural values, including through its overarching principle that natural and cultural values of the coast are to be protected.

While the term 'coastal values' may be interpreted as encompassing both natural and cultural values, expressly referring to 'natural and cultural coastal values' removes ambiguity and better reflects the terminology used elsewhere in the Policy. This modification does not alter the policy intent of draft amendment 01-25 but makes clearer the range of values that are intended to be considered when assessing use and development in areas affected by coastal processes and hazards.

3 – Modify to add the words 'including Aboriginal heritage' to new criterion (d).

The Commission is satisfied that the policy intention is for Aboriginal heritage to be considered as part of the assessment of impacts on cultural coastal values, which is reflected elsewhere in the Coastal Policy. The Commission accepts the evidence and submissions that Aboriginal heritage forms an important component of Tasmania's cultural coastal values and, in many locations, has a direct relationship with coastal environments, landforms and processes.

The Commission considers that expressly referring to Aboriginal heritage provides greater clarity regarding the matters to be considered when assessing use or development under this outcome. This modification expressly identifies an important component of cultural coastal values already recognised by the existing Coastal Policy.

In conclusion, the Commission notes the above three modifications align with the policy direction in the TPPs, specifically 2.3 Geodiversity, 2.5 Coasts, 3.4 Coastal hazards and 6.1 Aboriginal cultural heritage. Further, the criteria in draft amendment 01-25 perform related but distinct functions. Modified criterion (c) addresses interference with coastal processes and the capacity of landforms to respond to coastal change, having regard to the objectives and outcomes in the Policy, and modified criterion (d) requires impacts on natural and cultural coastal values to be considered and appropriately managed in accordance with the Policy.

7.8 Statewide consistency and implementation

The implementation of draft amendment 01-25 was raised as a significant issue in many representations. Councils in particular expressed concern regarding resourcing, technical expertise, consistent application, and the interaction between the amended Policy and the TPS.

Many representations did not oppose risk-based coastal hazard management in principle but were concerned about how the amended Policy would operate in practice.

Commission consideration

The Commission accepts that State coastal hazard mapping provides an important basis for consistent implementation of the amended Policy. However, the effectiveness of a mapping-based framework depends on the mapping and its underlying assumptions remaining sufficiently current. The evidence before the Commission does not establish that the existing mapping is unsuitable as an initial basis for implementation of the amended Policy. It nevertheless considers that a documented and adequately resourced review program is necessary to account for updated scientific information, climate projections, observed coastal change and improved site-specific data. This matter is addressed further in section 9.3 and Recommendation 4.

The Commission accepts that drafting alone cannot secure consistent statewide application. Effective implementation will depend on a shared understanding of the amended Coastal Policy, and how its key concepts are to be applied through the TPS, coastal hazard overlays, technical reports and statutory decision-making processes.

The evidence demonstrates that several implementation issues relating to draft amendment 01-25 remain unresolved, particularly regarding:

- the distinction between 'significant risk' in Outcome 1.4.1 and 'significant impacts' in Outcome 1.4.2
- the relationship between those terms and hazard mapping
- the assessment of tolerable risk over the intended life of a proposal
- the role of site-specific evidence, and

- consequential amendments to the TPS.

Significant risk and significant impacts

The Commission considers that the distinction between ‘significant risk’ in Outcome 1.4.1 and ‘significant impacts’ in Outcome 1.4.2 is one of the most important implementation issues raised during the assessment of draft amendment 01-25.

The Commission agrees with the concern raised in representations that the draft amendment does not clearly explain the intended relationship between these two concepts.

The Commission accepts the SPO's explanation that Outcome 1.4.1 is intended to apply broadly to land exposed to coastal hazards, including land identified within low, medium, high and investigation hazard areas, whereas Outcome 1.4.2 is intended to apply to the narrower category of land affected by significant impacts from those hazards and which will generally correspond with land identified within a high hazard area.

The Commission finds these concepts perform different policy functions.

Outcome 1.4.1 establishes the threshold for policy intervention by identifying land subject to ‘significant risk’ (noting this is existing wording in the Coastal Policy). In this context, the assessment of risk requires consideration of the hazard, the matters exposed to it, and the potential consequences. The level of risk may change where a new use or development alters exposure or vulnerability.

Outcome 1.4.2 then addresses circumstances where use or development are proposed on land affected by those significant coastal hazards. Reference to ‘significant impacts’ is intended to identify land on which natural coastal processes or hazards have, or are reasonably expected to have, significant consequences over the relevant assessment period. It is not limited to land experiencing observable impacts at the time of assessment.

The Commission finds that an unintended consequence of relying on the concept of ‘significant risk’ in Outcome 1.4.1 is that attention may be directed towards determining whether a particular risk threshold has been reached (which does not appear to be the policy intention), rather than identifying and managing the extent of exposure to coastal hazards and the consequences arising from that exposure.

The Commission therefore considers that the broader review of the Coastal Policy is necessary, and this include an examination of whether ‘significant risk’ in Outcome 1.4.1 provides a sufficiently clear threshold for the identification and management of land affected by natural coastal processes or hazards.

The Commission is satisfied that the use of ‘significant impacts’ in proposed Outcome 1.4.2 generally aligns with contemporary approaches to coastal hazard adaptation and management, which are concerned with identifying, assessing and managing the consequences of coastal change.

While the Commission accepts that uncertainty remains regarding the intended operation of the terms “significant risk” and “significant impacts”, it is not satisfied that further modification to the wording of Outcomes 1.4.1 and 1.4.2 is necessary at this time. The Commission considers that these matters are more appropriately addressed through implementation guidance,

supported by contemporary coastal hazard mapping and technical information, and through the broader review of the Coastal Policy recommended elsewhere in this Report.

The Commission recommends that implementation guidance be prepared to support the effective operation of the amended Policy (Recommendation 2).

Implementation of the amended Policy would also benefit from an ongoing advisory mechanism.

The Commission notes that sections 3.2 and 4.1 of the Coastal Policy contemplate the establishment of a State Coastal Advisory Committee. The evidence received during the assessment identified ongoing concerns regarding implementation, technical consistency, coastal hazard mapping, inter-agency coordination and future policy review. The Commission considers that a State Coastal Advisory Committee, or equivalent body, could assist in addressing these matters by providing technical and strategic advice, supporting coordination across agencies and stakeholders, monitoring implementation issues, and informing future policy review. Such a body would have an advisory function only.

8.0 Assessment against section 5(1) of State Policies and Projects Act 1993

In undertaking its assessment, the Commission is required to consider draft amendment 01-25 against the requirements for State Policies set out in section 5 of the SPPA²².

The requirement in section 5(1)(b) has been satisfied, as the Minister has determined that draft amendment 01-25 addresses matters of State significance in relation to the Coastal Policy.

The Commission's assessment of draft amendment 01-25 against sub-sections 5(1)(a), (c) and (d) is set out below.

8.1 Section 5(1)(a) - furthering Schedule 1 Objectives

The objectives of the RMPS are set out in [Schedule 1](#)²³ of SPPA. The Commission's assessment on whether draft amendment 01-25 furthers these objectives is set out below.

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

Response

This objective seeks to promote sustainable development while maintaining ecological processes and genetic diversity. The Commission considers that draft amendment 01-25, as modified, furthers this objective by expressly requiring consideration of coastal hazard risks, natural and cultural coastal values, natural coastal processes as part of development assessment. The modifications strengthen the connection between coastal hazard management and the protection of environmental and cultural values recognised elsewhere in the existing Policy.

²² <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1993-065>

²³ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-065#JS1@EN>

The Commission also considers that the requirement in modified Outcome 1.4.2 to avoid, or where avoidance is not practicable, minimise interference with natural coastal processes, and maintain the capacity of coastal landforms to respond and adapt to coastal change, supports the sustainable development objective.

While draft amendment 01-25 replaces a prohibition with a risk-based framework, the Commission is satisfied that the modified framework continues to safeguard important coastal values while enabling appropriate use and development to be assessed on its merits. The Commission is therefore satisfied that the modified draft amendment promotes sustainable development and does not diminish the ongoing operation of ecological protection outcomes elsewhere in the Coastal Policy.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water;*

Response

The Commission considers that a fair, orderly and sustainable system of land use planning depends upon clear policy direction and consistent decision-making.

By replacing a prohibition based upon an undefined concept with a framework linked to established hazard management methodologies, draft amendment 01-25 improves certainty for planning authorities, applicants and the community. Subject to the modifications and preparation of implementation guidance, the Commission considers the draft amendment will facilitate orderly and sustainable development outcomes within coastal areas.

- (c) *to encourage public involvement in resource management and planning;*

Response

The Commission is satisfied that public involvement opportunities have been extensive throughout assessment of draft amendment 01-25. More than 200 representations were received and the Commission conducted public hearings in multiple locations across Tasmania.

The Commission finds that draft amendment 01-25 does not diminish opportunities for public participation within the planning system, and the assessment process demonstrated substantial public engagement with coastal planning issues.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*

Response

The Commission recognises that coastal areas contribute substantially to Tasmania's economy through tourism, aquaculture, marine industries, infrastructure and recreation.

The modified amendment enables appropriate development to be considered in circumstances where risks can be demonstrated to be tolerable, and broader policy outcomes can be achieved. The Commission considers this approach appropriately balances economic development objectives with environmental protection and sustainable management requirements.

- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

Response

Draft amendment 01-25 strengthens the integration of coastal hazard management across State policies, planning schemes, technical guidance, planning authorities and applicants.

The Commission considers that implementation of draft amendment 0-25, as modified will require ongoing cooperation between State agencies, planning authorities, industry and the community. Subject to the recommended implementation measures, the draft amendment furthers this objective.

For these reasons, the Commission is satisfied that modified draft amendment 01-25 seeks to further the objectives in Schedule 1 of the SPPA.

8.2 Section 5(1)(c) - Statewide consistency and coordination

Section 5(1)(c) requires a State Policy to seek to maintain a consistent and coordinated statewide approach to the matters it addresses. Consistency does not require identical outcomes in every location. It requires common policy principles and a sufficiently clear basis for decision-making, while allowing responses to local conditions and evidence.

The Commission must therefore consider whether the amended Policy would continue to provide a coherent statewide framework for coastal management and promote a common approach to decision-making across Tasmania. The Commission must also consider whether the amended provisions provide sufficient clarity and direction to minimise materially different interpretations or inconsistent application across the State.

Commission consideration

Representations identified a material risk of inconsistent application. The main sources of uncertainty are the relationship between amended Outcomes 1.4.1 and 1.4.2, hazard mapping, tolerable risk, location dependency and public benefit.

The evidence before the Commission demonstrates that many representors, including planning authorities, understood the broad policy rationale for the draft amendment but remained uncertain about how the amended framework would operate in practice.

The modifications to make the criteria cumulative, provide additional guidance regarding the public benefit and location dependency tests, and expressly address natural and cultural coastal values, natural coastal processes and coastal landforms. Collectively, these changes improve clarity and reduce the risk of differing interpretations by decision-makers.

The modifications to Outcome 1.4.2(b) further improve statewide consistency by clarifying that the public benefit pathway is directed toward demonstrable public benefits serving a broader community purpose at a local, regional or State level. The modifications also clarify that location dependency is intended to operate as a functional test and requires a use or development to be functionally dependent on the particular coastal location to fulfil its purpose.

The Commission considers these refinements provide greater guidance regarding the intended operation of the criteria and reduce the scope for materially different interpretations by

decision-makers. Implementation guidance is required to explain the amended framework and its relationship with hazard mapping, technical reports and subordinate planning instruments.

The Commission is satisfied that the amended Policy in draft amendment 01-25, as modified will maintain a coherent and coordinated statewide approach.

8.3 Section 5(1)(d) - Minimum necessary regulation

Section 5(1)(d) requires a State Policy to incorporate the minimum amount of regulation necessary to achieve its objectives. The issue is whether the controls are necessary, proportionate and directed to those objectives, and in this context, whether those measures represent a proportionate response to the coastal management issues that the Coastal Policy seeks to address.

Accordingly, the Commission has considered whether draft amendment 01-25 would maintain the capacity of the Coastal Policy to achieve its objectives while avoiding regulatory requirements that exceed what is necessary for that purpose. This assessment requires consideration of both the practical effect of the proposed amendments and the extent to which the amended policy framework would continue to provide an appropriate level of direction and protection in relation to the management of Tasmania's coastal environment.

Commission consideration

The existing Outcome 1.4.2 imposes a prohibition triggered by an undefined landform concept. The modified amendment replaces that prohibition with cumulative criteria directed to tolerable risk, public benefit or coastal location dependency, natural and cultural coastal values, natural coastal processes, coastal landforms and impact management.

The Commission considers the required modifications give the performance-based framework adequate direction and safeguards. The public benefit and location dependency provisions limit the circumstances in which use or development may be considered. The natural coastal processes and coastal landforms criterion addresses systemic and off-site effects that may not be captured by an assessment of risk to the proposed use or development. The impact-management criterion ensures that natural and cultural coastal values are considered within the amended framework. These requirements are directed to identified risks arising from replacement of the existing prohibition and do not impose an absolute prohibition.

The Commission is satisfied that the amended Policy presented in draft amendment 01-25, as modified, incorporates no more regulation than is reasonably required to achieve its objectives and is consequently consistent with the requirements of section 5(1)(d).

9.0 Technical matters relating to draft amendment 01-25

9.1 Consequential amendments to the Tasmanian Planning Scheme

The Commission notes that section 13 of SPPA provides that, where a provision of a planning scheme is inconsistent with a State Policy, the planning scheme provision is void to the extent of the inconsistency. It requires the Commission, as soon as practicable after a State Policy comes into operation, to amend planning schemes to incorporate those parts of the Policy that are relevant and to remove any inconsistency.

Approval of modified draft amendment 01-25 would create several inconsistencies between the Coastal Policy and provisions of the TPS. The SPO submitted that consequential amendments to the coastal hazard codes will be necessary. Further review is also required to ensure consistency between associated hazard mapping, other code provisions and the operation of exemptions under clause 4 of the TPS.

While section 13 would give precedence to the amended Coastal Policy upon commencement, consequential amendments are necessary to ensure the Policy operates clearly, consistently and effectively within the RMPS. The Commission therefore considers that preparation of consequential amendments should commence as soon as practicable following any approval of the amendment and should be progressed collaboratively by the Commission, in consultation with the SPO.

The Commission also considers that commencement arrangements for the amended Policy should have regard to the preparation of implementation guidance and consequential planning scheme amendments. This would assist in providing clarity to planning authorities, regulators, proponents and the community, and reduce the risk of uncertainty during the transition from the existing Outcome 1.4.2 to the amended framework.

9.2 Interpretation guidance

The Commission notes concerns raised by several planning authorities and representors regarding the interpretation of terms in the amended Policy including 'significant risk', 'significant impacts', 'tolerable risk', 'benefits the public', and 'dependent on the particular location'.

The Commission considers that the amended Policy be accompanied by implementation guidance to support consistent interpretation and application of the amended Policy. The guidance could address:

- the different functions of Outcomes 1.4.1 and 1.4.2
- the relationship between significant risk, significant impacts, hazard bands and investigation areas
- the role of site-specific evidence and future hazard projections
- how tolerable risk is assessed over the intended life of a proposal
- public benefit and functional location dependence, and
- the application of modified criteria (c) and (d), including the relationship between natural and cultural coastal values, natural coastal processes, coastal landforms and impact management.

9.3 Hazard mapping

The Commission finds that the effective operation of amended Outcomes 1.4.1 and 1.4.2 will depend substantially on the quality, currency and consistent application of coastal hazard mapping and supporting technical information.

The Commission accepts that the existing State coastal hazard mapping published on the LIST provides an appropriate basis for the initial implementation of the amended Policy. While the

evidence before the Commission does not establish that the mapping is unsuitable for that purpose, coastal hazard mapping is necessarily based on the scientific information, climate projections, elevation data, modelling assumptions and assessment methods available when it is prepared.

The Commission accepts that projected sea-level rise, coastal erosion, inundation and shoreline change may be affected by advances in climate science, improved elevation and coastal data, revised modelling methods and better understanding of local coastal processes over time.

The Commission therefore considers that the State coastal hazard mapping and its supporting technical assumptions should be subject to a program of periodic review. This review process should consider:

- updated sea-level rise and climate change projections
- relevant national and international scientific assessments
- improvements in elevation, shoreline and coastal process data
- changes in accepted coastal hazard modelling and assessment methods
- evidence of material differences between mapped hazards and observed or site-assessed conditions, and
- whether corresponding changes are required to the coastal hazard codes, overlays, technical guidance or other planning instruments.

The Commission recommends that a transparent review program be established and resourced for the State coastal hazard mapping. It should identify the responsible agency, review triggers, an indicative review cycle and the process for incorporating updated mapping and technical information into the planning system.

Implementation guidance should also explain the respective roles of State hazard mapping, investigation areas and site-specific evidence in applying amended Outcomes 1.4.1 and 1.4.2. It should clarify that mapped hazard classifications provide an important starting point but do not prevent relevant and reliable site-specific evidence from being considered where mapping is absent, contested or capable of refinement.

10.0 Conclusion

The Commission has considered all representations, submissions, hearing evidence and post-hearing material received during its assessment of draft amendment 01-25. The Commission acknowledges the substantial level of public interest in the proposed amendment and the significant concerns raised regarding coastal hazards, environmental protection, Aboriginal heritage, geoconservation values, climate change adaptation, implementation and decision-making consistency.

The Commission finds that draft amendment 01-25 responds to a genuine implementation issue in the Coastal Policy concerning the operation of Outcome 1.4.2 and the absence of a clear methodology for identifying *actively mobile landforms*. The Commission observes that

reliance on an undefined concept as the trigger for a statutory prohibition has contributed to uncertainty and inconsistent interpretation.

The Commission supports the policy intent of replacing the existing prohibition with a risk-based framework for managing use and development on land affected by significant coastal hazards. A risk-based approach is consistent with contemporary coastal hazard management practice and aligns with the approach adopted in Tasmania's planning and building systems.

However, the Commission finds that modifications to draft amendment 01-25 are required to strengthen environmental, cultural heritage and coastal resilience outcomes, improve certainty of the provisions, and support consistent implementation across the State.

The Commission is satisfied that the modifications to draft amendment 01-25 provide greater guidance regarding the intended policy operation of proposed Outcome 1.4.2. The modifications clarify that the public benefit is directed towards demonstrable public benefits serving a broader community purpose at local, regional or State level, and that location dependency requires a use or development to be functionally dependent on the particular coastal location to fulfil its purpose. The modifications also strengthen the consideration of natural and cultural coastal values, natural coastal processes and coastal landforms.

The Commission recommends that draft amendment 01-25, as modified, as outlined in Recommendation 1 and Appendix C of this Report, be approved.

The Commission considers that the modifications are not substantial and do not warrant further exhibition of the draft amendment. They do not alter the fundamental intent, structure or operation of the draft amendment as exhibited. Rather, they clarify and refine provisions that were the subject of representations and hearing submissions, improve internal consistency, and strengthen implementation of the exhibited policy objectives.

The modifications do not introduce a new policy framework, materially expand the scope of land affected, create new regulatory mechanisms, or otherwise result in amendments of a nature that interested persons have not had a reasonable opportunity to consider and comment on during the assessment process. Accordingly, the Commission is satisfied that further exhibition is not necessary.

In conclusion, the Commission is satisfied that draft amendment 01-25, as modified, furthers the objectives of Schedule 1 of SPPA, supports a consistent and coordinated statewide approach to coastal hazard management, and incorporates no more regulation than is necessary to achieve its objectives.

Given the transition to a risk-based assessment framework, the Commission further recommends that implementation guidance be prepared and published at the time the amendment takes effect to support consistent interpretation and application of the amended Policy.

The Commission further recommends the ongoing review and improvement of coastal hazard mapping, the reinstatement of the State Coastal Advisory Committee, and the commencement of a comprehensive review of the Coastal Policy as soon as practicable. The Commission considers these measures important to the effective implementation of the amended Policy and to ensuring the policy framework remains responsive to emerging coastal management challenges, including climate change adaptation, coastal hazard management and long-term coastal resilience.

11.0 Commission recommendations

Recommendation 1 – Draft amendment 01-25 with modifications

That the Minister recommends the making of draft amendment 01-25 with modifications, as reproduced and shown in Appendix C.

In summary, the modifications are:

- revising Outcome 1.4.1 and 1.4.2 to replace references to coastal values with *natural and cultural coastal values* to more clearly identify the range of values intended to be protected and assessed under the Policy; and
- revising Outcome 1.4.2 to:
 - clarify that use and development must satisfy all the criteria;
 - clarify that public benefit must be a demonstratable public benefit serving a broader community purpose at local, regional or State level;
 - clarify that location dependency is a functional test requiring a use or development to be functionally dependent on the particular coastal location to fulfil its purpose;
 - require use and development to avoid, or where avoidance is not practicable, minimise interference with natural coastal processes, and maintain the capacity of coastal landforms to respond and adapt to coastal change, and
 - require the consideration and appropriate management of impacts on natural and cultural coastal values, including Aboriginal heritage, and on natural coastal processes and coastal landforms.

Section 7 of this Report outlines the Commission's findings and the modifications.

Recommendation 2 – Implementation guidance and commencement

That comprehensive implementation guidance be prepared and published when the amended Policy takes effect.

The guidance should explain the operation of amended Outcomes 1.4.1 and 1.4.2 and their relationship with coastal hazard mapping on the LIST, the TPPs, the TPS (specifically the coastal hazard codes of the SPPs), and relevant building controls. It should also explain the role of site-specific evidence and technical reports.

The following matters are intended to assist in the preparation of implementation guidance for the amended Policy. They are provided for guidance only and should not be interpreted as prescribing the final form or content of that guidance.

a) *Significant risk and significant impacts*

Guidance on these matters should address:

- the distinction between land subject to 'significant risk' under Outcome 1.4.1 and land subject to 'significant impacts' under Outcome 1.4.2, and the differing policy functions between the Outcomes
- the relationship between these concepts and the Coastal Erosion Hazard Code, Coastal Inundation Hazard Code and associated hazard overlay mapping
- the intended relationship between high, medium and low hazard bands and investigation areas and the operation of amended Outcomes 1.4.1 and 1.4.2
- how land should be identified as being subject to 'significant risk' or affected by 'significant impacts' where mapping is incomplete, absent, contested or refined through site-specific assessment
- how future coastal change, sea level rise and climate change projections are intended to be considered when determining whether land is subject to 'significant risk' or 'significant impacts' over the intended life of a use or development, and
- examples illustrating the practical operation of amended Outcomes 1.4.1 and 1.4.2.

The guidance should explain Outcome 1.4.1 is directed toward the identification and management of land exposed to significant coastal hazard risk. Outcome 1.4.2 is directed toward assessing the suitability of use or development on land affected by significant impacts from those hazards. The distinction between the concepts of 'significant risk' and 'significant impacts' is fundamental to the operation of the amended Policy, and this did not appear to be well understood by many representors and planning authorities during the assessment process.

b) Tolerable risk and intended life

- Guidance on these matters should address accepted methods and evidence for demonstrating tolerable risk
- how the intended life of a use or development is determined
- the treatment of temporary, adaptable and permanent uses and developments
- the consideration of future coastal hazard projections
- the role of avoidance, mitigation and adaptation measures
- the treatment of residual risk, and
- responsibility for maintaining tolerable risk throughout the intended life of the use or development.

The guidance should recognise that achieving tolerable risk does not eliminate all risk and outline how residual risk is intended to be considered by decision-makers.

c) Public benefit and location dependency

In context of the amended Policy, guidance on these matters should address:

- the intended operation of the public benefit and location dependency criteria;

- the distinction between public benefit and private commercial benefit;
- the distinction between functional dependence on a coastal location and a preference for, or advantage arising from, a coastal setting;
- the evidence required to demonstrate a public benefit serving a broader community purpose; and
- how those criteria interact with the other requirements of Outcome 1.4.2.

d) *Natural and cultural coastal values*

In context of the amended Policy, guidance on these matters should address:

- the identification and assessment of natural and cultural coastal values
- geological, geomorphological and geoconservation values
- Aboriginal heritage, including values that may not be publicly mapped or fully recorded
- biodiversity, habitat and coastal ecosystem values, and
- the requirements to avoid or minimise interference with natural coastal processes, maintain the capacity of coastal landforms to respond and adapt to coastal change.

e) *Interaction with subordinate planning instruments*

Guidance should describe the intended interaction between the amended Policy, the TPPs, the TPS and the coastal hazard codes and the code overlay maps.

Recommendation 3 – Consequential planning scheme amendments

That, if draft amendment 01-25 with modifications is approved, commencement arrangements for the amended Policy have regard to the need to prepare implementation guidance (Recommendation 2), any consequential planning scheme amendments required to remove inconsistencies with the amended Policy.

Sufficient time and resources should be provided to enable these activities to be undertaken in an orderly, efficient and coordinated manner.

In accordance with section 13 of the SPPA, the Commission is required to review the TPS and other relevant planning instruments to identify and address any inconsistencies arising from the amended Policy as soon as practicable.

Recommendation 4 – Coastal hazard mapping

That a review program be established and resourced for the periodic review and, where necessary, updating of the State coastal hazard mapping published on theLIST and its supporting technical information. The review program should:

- identify the agency responsible for maintaining the mapping
- establish an indicative review cycle and criteria for earlier review
- consider updated climate change and sea-level rise projections

- consider advances in coastal hazard modelling and assessment methods, and
- determine whether new information materially affects the mapped extent or classification of coastal hazards.

The review program should be a priority implementation measure for the amended Policy.

Recommendation 5 – Comprehensive review of the Coastal Policy

That a comprehensive review of the *State Coastal Policy 1996* be commenced as soon as practicable following determination of draft amendment 01-25.

The Commission considers that the review should examine the ongoing effectiveness, operation and contemporary relevance of the Coastal Policy and include consideration of:

- the effectiveness and contemporary relevance of all Policy outcomes, including amended Outcomes 1.4.1 and 1.4.2;
- the meaning and operation of *significant risk* in Outcome 1.4.1, including its relationship to coastal hazard exposure, impacts and consequences;
- climate change adaptation, sea-level rise and approaches to managed retreat;
- contemporary coastal hazard assessment and management practices;
- the assessment and protection of Aboriginal heritage;
- biodiversity conservation, coastal ecosystem function and ecological resilience;
- the identification, assessment and protection of geological, geomorphological and geoconservation values;
- the relationship and integration between the Coastal Policy and other relevant elements of Tasmania's resource management and planning frameworks, including State Policies, the TPPs, the TPS, and regional land use strategies;
- the role, functions and governance arrangements of a State Coastal Advisory Committee, or equivalent mechanism, including how such a body could support the implementation, monitoring and periodic review of the Coastal Policy, contribute to policy coordination and improvement, and provide technical and strategic advice, without displacing statutory decision-making functions; and
- monitoring, reporting, implementation and future review arrangements.

Recommendation 6 – State Coastal Advisory Committee

That a State Coastal Advisory Committee, as prescribed in sections 3.2 and 4.1 of the Coastal Policy, or an equivalent body, be established or reinstated to support implementation of the Policy.

The body should provide technical and strategic advice on coastal policy matters, facilitate coordination between relevant agencies, local government and other stakeholders, promote consistent statewide application of the Policy, assist in monitoring implementation issues and coastal hazard information, and contribute to periodic review of the Policy. It should have an

advisory role only, and not affect statutory decision-making functions exercised under relevant legislation.

This recommendation responds to issues raised in representations relating to implementation of the Policy, including the currency and maintenance of coastal hazard mapping, variations in technical capability and capacity across Tasmania, and the lack of an ongoing statewide mechanism or body to provide coordinated strategic advice on coastal policy matters.

Appendix A – Representations received during exhibition

- 1) Huon Valley Council
- 2) Margaret Beasley
- 3) Catherine Love
- 4) Mike Willson
- 5) Jim Love
- 6) William MacDonald
- 7) Steve Loring
- 8) Eric Pinkard
- 9) Judith Longhurst
- 10) Rick Mecklenburgh and Diane Moncrieff
- 11) Susan West
- 12) Marcus Higgs
- 13) Sarah Lloyd
- 14) Jenny Cambers Smith
- 15) Lynden Howells
- 16) Susan Cowgill
- 17) Carol Ann Fletcher
- 18) Cindy Aulby
- 19) Frances Butler
- 20) Bronwyn Byrne
- 21) John Daniels
- 22) Allan Fawcett
- 23) Colin Sumner
- 24) Carlos Whiley
- 25) Steven Entwistle
- 26) Paige O'Rourke
- 27) Paige O'Rourke
- 28) Angela Boxall
- 29) Jan McDonald and others
- 30) Jeanette Davison
- 31) Brenton Hosking

- 32) Felicity Hargraves
- 33) Samuel McLennan
- 34) Catherine Pettman
- 35) Carol Bristow
- 36) Nigel Sugden
- 37) Pam Bretz
- 38) Laurence Davison
- 39) Deby Adair
- 40) Joanna Richardson
- 41) Faye Poke
- 42) Di Elliffe
- 43) Megan Perkins
- 44) Anne Wennagel
- 45) Dennis O'Donnell
- 46) Mitty Williams
- 47) Lalani Hyatt
- 48) Tasmanian National Parks Association
- 49) Janice Lipscombe
- 50) Cathy Shliapnikoff
- 51) Ruth Howard
- 52) Terence Brumby
- 53) Kristine Ancher
- 54) Christine Bayley
- 55) Jean Moore
- 56) Tracey Ibbott
- 57) Louise Brooker
- 58) Donna Adney
- 59) Colleen Murfitt
- 60) Ian Helmond
- 61) Peter Mallon
- 62) Sue McNeil
- 63) Moira Conley
- 64) Rob & Karen Bohmer

- 65) Friends of the Heads
- 66) Quentin Smith
- 67) Sarah Turner
- 68) Anne Wennagel
- 69) Graeme Beech
- 70) John & Annie Cambell Smith
- 71) Jennifer Godfrey
- 72) Ben Lans
- 73) Stephanie McDonald
- 74) Stevie Davenport
- 75) Tasman Peninsula Marine Protection Inc
- 76) Catherine Nicholson
- 77) Ian D Bishop
- 78) Richard Mecklenburgh
- 79) Diane Moncrieff
- 80) Australia Coastal Society Ltd
- 81) Catharine Errey
- 82) Kip Nunn
- 83) Stuart Godfrey
- 84) Iris Iwanicki
- 85) Ben Marshall
- 86) Anne Boxhall
- 87) Alex Nicholson
- 88) Lois Lans
- 89) Amanda Dunne
- 90) Nilissa Wood
- 91) Victoria Onslow
- 92) Deborah Chadwick
- 93) Samantha Farr
- 94) Bob Brown Foundation
- 95) Mikey Brennan
- 96) Yabbo Thompson
- 97) North East Bioregional Network

- 98) Victor MacIntosh
- 99) Gary Green
- 100) Glenn Driscoll
- 101) Kay Harman
- 102) Poppy Kalimnios
- 103) Mick Arnold
- 104) Chris Wilson
- 105) Gideon Cordover
- 106) Sustainable Living Tasmania
- 107) Shar Molloy
- 108) Brendan Hirst
- 109) Chris Bell
- 110) Robert Rands
- 111) Nick Day
- 112) Paul Thomas
- 113) Celia Boden
- 114) Anne Layton Bennett
- 115) Judith Paxton
- 116) Stephen Pilkinton
- 117) Birdlife Tasmania
- 118) Brian Bennett
- 119) Jim Collier
- 120) Lynette Taylor
- 121) Nola Errey
- 122) Carolyn Hall Jones
- 123) Jan Jackowiak
- 124) Wynne Russell
- 125) Christine Thorpe
- 126) Jenny Seed
- 127) Jean Symes
- 128) David Smith
- 129) Ingrid Colman
- 130) Diana Quilliam

- 131) Linda Collier
- 132) Pamille Berg
- 133) Geordie Birkett
- 134) Rebecca Tyers
- 135) Richard Rolls
- 136) Rebecca Roberts
- 137) Xan Nunn
- 138) Rohan Pace
- 139) Pip Taplin
- 140) Janice Miller
- 141) Tasmanian Independent Science Council
- 142) Jo Cleveland
- 143) Dennis O'Donnell
- 144) Local Government Association Tasmania
- 145) Donald Hay
- 146) Bronwen Jones
- 147) Fiona Ferguson
- 148) Anne Patel
- 149) Karmen Pemberton
- 150) Libby Chaplin
- 151) Petra Wilden
- 152) Cradle Coast Authority
- 153) Alison Willson
- 154) Environmental Defenders Office
- 155) Ian Thomas
- 156) Break O'Day Council
- 157) Geoff Fenton
- 158) Tasmanian Conservation Trust
- 159) City of Clarence
- 160) The Wilderness Society Ltd
- 161) Glamorgan Spring Bay Council
- 162) Planning Institute Australia
- 163) Flinders Council

- 164) Melissa Manton
- 165) Katy Morrison
- 166) Rachel Tenni
- 167) Bert Lawatsch
- 168) Karen Spinks
- 169) Janiece Bryan
- 170) Tina Curtis
- 171) Chris Rees
- 172) Mike Willson
- 173) Georgina Ferguson
- 174) Jennie Churchill
- 175) Dal Andrews
- 176) Kim Barker
- 177) Shawn Anderson
- 178) Maria Riedl
- 179) Scott Coleman
- 180) Friends of Randalls Bay Coastcare
- 181) Planning Matters Alliance Tasmania
- 182) Jac Charlesworth
- 183) Alex Matysek
- 184) Marty Richardson
- 185) Rohan Paske
- 186) Helen Simmons
- 187) Michael Figg
- 188) Susie Clarke
- 189) Vicki Campbell
- 190) Amanda Thomson
- 191) Michael Chadwick
- 192) Jill Hickie
- 193) Perviz Marker
- 194) Miriam Young
- 195) Paul Goss
- 196) Adrienne Eberhard

- 197) Mick Walsh
- 198) RACT
- 199) Gary Whisson
- 200) Karen Rooke
- 201) Sorell Council
- 202) Circular Head Council
- 203) Maria Riedl

Appendix B – Exhibited draft amendment (Referred Amendment)

Draft amendment 01-25 to the State Coastal Policy 1996

1. Delete Outcome 1.4.1 and replace with:

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

2. Delete Outcome 1.4.2 and replace with:

Use and development on land subject to significant impacts from natural coastal processes or hazards, such as those listed in Outcome 1.4.1, will only be allowed for works necessary to protect land, property, coastal values and human life, unless it can be demonstrated that the use and development:

- a) *can achieve and maintain a tolerable risk for the intended life of the use and development;*
- b) *benefits the public or is dependent on the particular location; and*
- c) *considers the impacts on coastal values and natural processes and those impacts are managed in accordance with the objectives, principles and outcomes of this Policy.*

3. In the Definitions section, following the definition of ‘planning controls’, insert the following definition of ‘tolerable risk’:

Tolerable risk

“tolerable risk” means the lowest level of likely risk from the relevant hazard:

- a) *to secure the benefits of a use or development in a relevant hazard area; and*
- b) *which can be managed through:*
 - i. *routine regulatory measures; or*
 - ii. *by specific hazard management measures for the intended life of each use or development.*

Appendix C – Modified draft amendment

Modified draft amendment 01-25 of the State Coastal Policy 1996:

1. Delete Outcome 1.4.1 and replace with:

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

2. Delete Outcome 1.4.2 and replace with:

Use and development on land subject to significant impacts from natural coastal processes or hazards, such as those listed in Outcome 1.4.1, will only be allowed for works necessary to protect land, property, natural and cultural coastal values, or human life, unless it can be demonstrated that the use and development satisfies all of the following:

- a) *can achieve and maintain a tolerable risk for the intended life of the use and development;*
- b) *either:*
 - i. *provides a demonstrable public benefit that serves a broader community purpose at a local, regional or State level; or*
 - ii. *is functionally dependent on the particular coastal location to fulfil its purpose;*
- c) *interference with natural coastal processes is avoided or, where avoidance is not practicable, minimised, and the capacity of coastal landforms to respond and adapt to coastal change is maintained, having regard to the objectives, principles and outcomes of this Policy; and*
- d) *impacts of the use and development on natural and cultural coastal values, including Aboriginal heritage, and on natural coastal processes and coastal landforms are considered and appropriately managed in accordance with the objectives, principles and outcomes of this Policy.*

3. In the Definitions section, following definition of 'planning controls', insert the following definition of 'tolerable risk':

Tolerable risk

"tolerable risk" means the lowest level of likely risk from the relevant hazard:

- a) *to secure the benefits of a use or development in a relevant hazard area; and*
- b) *which can be managed through:*
 - i. *routine regulatory measures; or*
 - ii. *by specific hazard management measures for the intended life of each use or development.*