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Submission to the Tasmanian Planning Commission on *State Coastal Policy 1996 – Draft amendment 01-2025: The argument for effective Tasmanian Coastal Policy*

The **Tasmanian Independent Science Council** is dedicated to science-based policy reform to ensure the long-term health of Tasmania's environment. The Council includes scientists and professionals who provide independent, non-government advice, focusing on policy reforms of significant State interest. We seek to inform public debate and influence legislative reform to improve outcomes for terrestrial, freshwater and marine ecosystems.

When the *Tasmanian State Coastal Policy 1996* [**SCP 1996**] was gazetted in February of that year, it was at the forefront nationally of efforts—at least in aspiration, if not in substance—to bring about effective coastal management. The guiding principles were to protect the natural and cultural values of the coast, encourage its use and development in a sustainable manner, and that management and protection of the zone was a shared responsibility (among all levels of government and the community)¹. These goals still resonate today. However, it was realised at the outset that the policy needed regular review. Indeed, it was stipulated as such in the policy that the “Minister responsible ... shall review the State Coastal Policy at the end of three (3) years after this Policy has come into operation and thereafter no less than every five (5) years”².

After almost three decades, successive governments from either major party have failed comprehensively and deplorably to implement an effective review of SCP 1996. Apart from a review of *implementation* of SCP 1996 completed in 2000, perfunctory attempts at a policy review begun in 2004, 2009, and 2013 all stalled³. The brief and superficial *Draft State Coastal Policy 2008* was rejected outright by the Tasmanian Planning Commission (TPC)⁴. Over the same period, coastal science has advanced enormously⁵. The mainland state governments have all taken advantage of this

¹ Tasmanian State Coastal Policy 1996 – Sections 1.1.1, 1.2.1, 1.3.1, 2.1.1 and 3.1

(https://www.dpac.tas.gov.au/divisions/documents/policy_division/State_Coastal_Policy_1996.pdf – accessed 13 August 2025)

² Ibid, Section 4.5

³ Crosthwaite, J.R., 2024. *Values, environmental integrity, and sustainability: the advocacy coalition framework and the management of Tasmania's coast* (Master of Arts dissertation, University of Tasmania).

⁴ Tasmanian Times, 18 May 2011. *Tasmanian Planning Commission rejects draft coastal policy*. [apparently referring to 'Report on the Draft State Coastal Policy 2008', Tasmanian Planning Commission, Hobart, 2011].

⁵ See for example: Holleman, J., 2017. New Technology: Driving Advances in Coastal Science. *Coastal Heritage Magazine*, 30, pp.3-13. (<https://www.scseagrant.org/new-technology-driving-advances-in-coastal-science/> – accessed 13 August 2025)

improved perspective and have revised/updated coastal policies, guidelines or other attendant documents, or promulgated entirely new legislation during the last decade. They have embraced scientific concepts such as ecosystem-based management, integrated coastal zone management, marine spatial planning, marine protected areas and integrating assessment of climate change impacts. In a synthesis of 21st Century reform in Australian coastal policy and legislation⁶, the authors observed “a move towards systems perspectives, cross-boundary management strategies and an integration of marine and terrestrial environments”, but all that they could record for Tasmania in this century was “the state-wide statutory coastal policy of 1996 has been subject to a formal public review process since 2013 [ignoring earlier failed attempts] and is still technically under review”. Part of the inertia arises because the *State Policies and Projects Act 1993*⁷, under which policies are made, does not specify the substance of a review or its timeline.

A recent analysis of Australian coastal policy judged institutional instruments, such as legislation, policies and plans, on their influencing decisions made in the coastal zone⁸. They were evaluated on two axes—‘intentionality’ and ‘substantiality’—with high scores for both being characterised as ‘concrete’. Although other states had several instruments rated as concrete, Tasmania was seen as falling behind. “Despite the high ratio of comprehensiveness in concrete institutional instruments in Tasmania, there are limited substantive instruments at the State level beyond an outdated coastal manual⁹ that has no legislative authority.” SCP 1996 scored high on intentionality but low on substantiality and was categorised as ‘symbolic’. Unfortunately, this coincides with the impression that SCP 1996 is vague, ineffective and unenforceable. In practice, its language is seen as nebulous and ambiguous, becoming a hindrance to coastal planning with such terms as ‘frontal dunes’ and ‘actively mobile landforms’¹⁰. The result is that the only revisions eventuating for SCP 1996 have been changes to clarify language. The first was occasioned by the Tasmanian Supreme Court in 2002 declaring the policy *ultra vires* in regard to a lack of clarity in its definition of the landward extent of the coastal zone. This culminated in a much more confined coastal zone ensuing from the Supreme Court judgement and in response *State Coastal Policy Validation Act 2003*¹¹. A subsequent February 2009 amendment (insertion of new Outcome 1.4.2¹²) was gazetted to obviate difficulties for

2025); Loureiro, C., Furlani, S. and Rizzo, A. (eds), 2023. Advances in Coastal Geomorphology – Special Issue. *Geomorphology* (<https://www.sciencedirect.com/special-issue/10VWDC4B179> – accessed 13 August 2025); Elliott, M. and Whitfield, A., 2021. Lessons from the past half century-challenges, opportunities and priorities for future estuarine, coastal and marine management. *Challenges in Estuarine & Coastal Science: Estuarine and Coastal Sciences Association 50th Anniversary Volume*. eText ISBN:9781784272869

⁶ Harvey, N. and Clarke, B., 2019. 21st Century reform in Australian coastal policy and legislation. *Marine Policy*, 103, pp.27-32.

⁷ <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1993-065> – Section 15 (accessed 20 August 2025)

⁸ Elrick-Barr, C.E. and Smith, T.F., 2021. Policy is rarely intentional or substantial for coastal issues in Australia. *Ocean & Coastal Management*, 207, 105609.

⁹ Page, L. and Thorp, V., 2010. *Tasmanian Coastal Works Manual: A best practice management guide for changing*. Department of Primary Industries, Parks, Water and Environment – Tasmania. (<https://nre.tas.gov.au/conservation/tasmanian-coastal-works-manual> – accessed 13 August 2025)

¹⁰ Sharples, C., 2012. *The problem of the use of ambiguous terms in Tasmanian coastal planning policy documents for defining appropriate coastal development zones*. Professional Opinion, May 2012. (https://williamccromer.com/content/uploads/2015/03/SharplesOpinion_CoastalDuneTerminology_PolicyImplications_v3_May2012.pdf – accessed 13 August 2025)

¹¹ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2003-007> (accessed 13 August 2025)

¹² https://www.gazette.tas.gov.au/editions/2009/february_2009/20923_-_Gazette_25_February_2009.pdf (accessed 20 August 2025)

developments on actively mobile landforms, permitting engineering or remediation works to protect land, property and human life. The original Outcome 1.4.2 sought to protect actively mobile landforms, such as frontal dunes, from development entirely. Actively mobile landforms continue to be an irritant to government and developers as represented in *Validation (State Coastal Policy) Act 2024*¹³, where the aims of the original SCP 1996 were further eroded.

The proposed *Amendment 01-25 to the State Coastal Policy 1996* perpetuates the substandard features of all the previous amendments in weakening SCP1996 further without any valid scientific evidence or justification (certainly not presented in the spurious arguments of the Tasmanian Government Position Paper¹⁴). Furthermore, it amplifies the lack of clarity with terminology such as ‘significant impacts’ and ‘tolerable risk’ (the attempt to define the latter only exacerbates the opacity—contrast the amendment text with the codified risk-based framework for coastal management in NSW¹⁵). The reader is left with the notion that the amendment is founded on a base pretext to facilitate a controversial project in Northwest Tasmania.

The prolongation of coastal policy from last century is unprincipled and counterproductive. Tinkering with it using a string of amendments over the years appears to be predicated on narrow vested interests rather than the benefit of all Tasmanian communities, the coastal environment and its intrinsic ecological systems. The previous Liberal Government fuelled this perception by refusing to release policy/legal advice as to the justification for the move (i.e. *Validation (State Coastal Policy) Act 2024* and *Amendment 01-25 to the State Coastal Policy 1996*) and its urgency.

The lack of informed revision of SCP 1996—in the absence of the intended regular reviews—has left a vacuum for nearly three decades. Local government (e.g. Southern Tasmanian Councils Authority¹⁶) and NGOs (e.g. NRM South¹⁷) have been forced to act independently in filling the void. Regrettably, localised action leads to fragmented and inconsistent management around the island’s coastal zone.

Another Tasmanian failing is the lack of an independent advisory body for coastal policy and governance. At its outset, SCP 1996 called for establishment of a State Coastal Advisory Committee (SCAC) “to facilitate implementation, coordination, consistent interpretation, and evaluation of this Policy”¹⁸. The SCAC was established in 1998 and it undertook the review of the implementation of SCP 1996. However, SCAC was allowed to lapse without a meeting since 2001. Crosthwaite (2024)³ summarised this dismantling, “The removal of the State Coastal Advisory Committee from the role of monitoring and implementing the Policy, and the abandonment of the Coasts and Marine Program from DPIWE, has left it largely in the hands of under-resourced local government. The Policy has retained its 1996 form and content without a guiding hand and effective oversight apart from its

¹³ <https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2024-026> (accessed 13 August 2025)

¹⁴ State Planning Office, 2024. *Review of the State Coastal Policy – Development of [sic] Actively Mobile Landforms: Position Paper* (CM 24/83446). Department of Premier and Cabinet, September 2024. (accessed 20 August 2025)

¹⁵ <https://www.environment.nsw.gov.au/sites/default/files/integrating-the-risk-based-framework-with-your-cmp-230364.pdf> (accessed 20 August 2025)

¹⁶ STCA, 2022. ‘Regional Strategy for Adapting to a Changing Coastline in Tasmania’. Southern Tasmanian Councils Authority, Hobart. (<https://www.stca.tas.gov.au/wp-content/uploads/2023/03/Regional-Strategy-Adapting-to-a-changing-coastline-in-Tasmania-2022.pdf> – accessed 11 August 2025)

¹⁷ NRM South, 2005. *Natural resource management strategy for southern Tasmania*. NRM South, Hobart. (<https://nrmsouth.org.au/wp-content/uploads/2014/08/NRM-Strategy-SOUTH-2015.pdf> – accessed 14 August 2025)

¹⁸ See Footnote 1, Outcomes 3.2.1 and 3.2.2.

legislated application to Tasmanian planning protocols.” It is instructive that other states have seen the need to strengthen independent oversight of coastal policy, e.g. NSW Coastal Council, Marine and Coastal Council (VIC), and SA Coast Protection Board (supported by various technical advisory committees and panels).

The SCP 1996 is threadbare. It has a litany of undelivered reviews and subordinate policies, and governance failures. No holistic overarching strategy, supported by the latest in coastal science and policy development, is evident. Tasmania is left with the residue of last-century good intentions for our coast plastered with latter-day amendments of dubious worth. The latest proposed amendment before TPC does nothing to rectify the situation; it is likely to accelerate its final demise. The *State Policies and Projects Act 1993*⁷ obliges (in Section 13) the state government and local authorities to not act inconsistently with any policy in force. For instance, any provision in a planning scheme is void if it conflicts with a policy. Therefore, the Tasmanian Government should recognise the inefficiencies and harms of allowing an outdated coastal policy to continue to have this overarching legal effect.

SCP 1996 is beyond salvage. A fresh start is needed for Tasmanian coastal policy that draws on the very best of coastal science globally, the pick of regulatory instruments for coastal management from national and international jurisdictions, and a fully transparent and consultative process of policy development. In the interim, SCP 1996 should remain in force unadulterated by further amendment.

The Tasmanian Independent Science Council recommends that the Tasmanian Planning Commission:

- 1) Rejects *Amendment 01-25 to the State Coastal Policy 1996* outright;
- 2) Encourages the State Government—as a matter of urgency—to institute development of a new Coastal Policy underpinned by the latest coastal science and informed by a current and consultative policy development process;
- 3) Urges the State Government to put in place an independent Coastal Council to facilitate impartial and evidence-based implementation, coordination, consistent interpretation, and evaluation of coastal policy, and as a resource of independent advice to Government concerning the coastal zone; and
- 4) Advocates that the State Government amends *State Policies and Projects Act 1993* at Section 15 to specify the substance of a policy review, its timeline for delivery to the Minister and the Minister’s response.



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