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## Re: Draft Validation (State Coastal Policy) Bill 2024

To whom this concerns,

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

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

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

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

Clause 1.4.2 then says:

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

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

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

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

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

A fourth risk issue is the interpretation around actively mobile landscapes. This is raised in a paper by Chris Sharples<sup>1</sup>. The Institute questions whether the separate position paper to be released in the coming weeks, outlining the proposed changes to include more contemporary planning controls for actively mobile land on Tasmanian coasts, might address the definitions and interpretation issues that Chris Sharples identifies.

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

Kind regards,



**Daniel Lane**  
President, Tasmanian Chapter  
Australian Institute of Architects



**Jennifer Nichols**  
Executive Director, Tasmanian Chapter  
Australian Institute of Architects

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

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