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

Email address: yoursay.planning@dpac.tas.gov.au

CCAA Submission: Review of the State Coastal Policy – Development of Actively Mobile Landforms

Cement Concrete & Aggregates Australia is the voice of the heavy construction materials industry in Australia. CCAA members produce the majority of Australia's cement, concrete, and aggregates, which are crucial to Australia's building and construction sectors.

These materials support the development of our nation's transport, energy, water, housing, defence, and social infrastructure.

The industry generates approximately \$15 Billion in annual revenues and employs approximately 30,000 Australians directly and a further 80,000 indirectly.

Summary

CCAA **supports** the State Planning Office proposal to remove ambiguity from the State Coastal Policy (SCP) and promote consideration of appropriate development in all areas of the coastal zone.

CCAA considers the requirement for assessment and approval under the SCP should **not apply to Level 2 Activities** that are already subjected to rigorous assessment under the *Environment Management and Pollution Control Act* and should be exempt.

State Coastal Policy 1996 (SCP)

The objective of the SCP is to implement Tasmania's Resource Management and Planning System (RMPS) by defining objectives and outcomes to manage development on Tasmania's coastal zone. Tasmania's coastal zone refers to 'state waters' and all land to a distance of 1 kilometre inland from high water mark.

The SCP has been in operation for 30 years and has been amended twice in that time. Considering recent court decisions, the State Planning Office is seeking to amend the SCP again to better address development or use in certain sections of the coastal zone. The contentious sections of the SCP are Outcomes 1.4.1 and 1.4.2.

Outcome 1.4.1 of the SCP provides that:

Areas subject to significant risk from coastal processes and hazards... will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.

Although never fully realised much of this work has been completed by the implementation of the Tasmanian Planning System's *Regional Land Use Strategies* (RLUS), planning scheme provisions and contemporary mapping in the Local Provisions Schedules.

Outcome 1.4.2 states that

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

The effect is prohibition of development on '*actively mobile landforms*' except for remediation works to stabilise (manage) land affected by coastal processes.

There is conjecture over the definition of '*actively mobile landforms*' and '*frontal dunes*' which means all development within the coastal zone, other than works to stabilise the land, is subject to challenge.

The State Planning Office is seeking to resolve the self-executing prohibition by replacing **Outcome 1.4.2** with a new clause which adds a process to assess and approve development on actively mobile landforms by considering:

- a) Protecting coastal values and natural coastal processes;
- b) Achieving and maintaining a tolerable level of risk; and
- c) The benefits to the public and dependency on the particular location.

CCAA **supports** the intention of the SPO to resolve this prohibition on development.

However, the approach proposed is likely to add a requirement for an additional assessment for sand operations that is unnecessary for level 2 operations as outlined below.

Critical Concrete Sand Resources

The manufacture of concrete relies on the reliable and proximate supply of construction sand that has a specific grading and quality to meet rigorous standards.

The heavy construction materials sector sources construction sand predominantly from reserves located in the coastal zone as determined by natural geology. The material property requirements of construction sand make alternative sources such as crusher dust and crushed glass either unsuitable or only suitable as a minor component in a majority coastal sand feed. Therefore, around the state, most quarrying operations supplying critical construction sand are located in the coastal zone.

These operations have already been rigorously assessed under the *Environmental Management and Pollution Control Act 1994* (EMPC Act) and have permits issued by the local government authority under the *Land Use Planning and Approvals Act 1993* (LUPA Act) with an environmental permit attached. All extractive operations targeting mineral resources are required to hold a current Mining Lease (ML) issued by the Minister for Resources.

The process to permit extraction of sand from within the coastal zone is facilitated and managed through the following sections;

- **Outcome 2.1.2.** requires development proposals to be assessed for environmental impact.
- **Outcome 2.1.8.** requires extraction of construction materials to be allowed under the *Mining Act 1929* legislation that has been replaced by the *Mineral Resources Development Act 1995* (MRD Act).
- **Outcome 2.1.10.** makes extraction subject to the Quarry Code of Practice and other requirements applied through regulation under the EMPC Act.

- **Outcome 2.1.11.** requires that extraction of sand is provided for by the zoning of appropriate areas in planning schemes.

CCAA **supports** the proposal to resolve ambiguity in the way the SCP is worded to remove the prohibition of development within certain areas of the coastal zone. Development within all areas of the coastal zone should be subject to a merit-based assessment that considers the benefits, risks and impacts.

However, CCAA **does not support** introducing another level of assessment for construction sand operations which are already subjected to rigorous assessment through the *Land Use Planning and Approvals Act 1993*, the *Environmental Management and Pollution Control Act 1994* and the *Mineral Resource Development Act 1995* as this may discourage existing operations from expanding and new operators from considering greenfield operations.

Concerning shortage of construction sand

Mineral Resources Tasmania has recently undertaken a comprehensive study and found that the supply of construction sand in Southern Tasmania is in a precarious state. Most of the known resource is already sterilised by peri-urban development and those operations currently supplying sand have limited reserves remaining.

In other jurisdictions sand dredging is applied to secure construction sand but these operations have serious environmental and social consequences which should be avoided.

A commonly proposed alternative for Tasmania is to truck sand from the north. Such a proposal generates additional greenhouse gas emission, environmental impacts, along with social and road safety implications. It should be noted here that much of the known resource in northern Tasmania, and some current extractive operations, are also in the coastal zone and hence their development would be similarly affected.

The additional assessment proposed for existing operators and potential new operators to finance expansion and new sand extraction operations in Tasmania is put at great risk. Consequentially, the future housing construction, private and public infrastructure and renewable energy transition will be unviable through a lack of concrete sand resources.

CCAA **supports** the State Planning Office proposal to remove ambiguity from the State Coastal Policy (SCP) and promote consideration of appropriate development in all areas of the coastal zone.

However, CCAA considers the requirement for assessment and approval under the SCP should **not apply to Level 2 Activities** that are already subjected to rigorous assessment under the *Environment Management and Pollution Control Act* and should be exempt.

To discuss this further, please contact Brian Hauser, State Director, Victoria and Tasmania brian.hauser@ccaa.com.au

Yours sincerely,

Michael Kilgariff
Chief Executive officer