

MINISTER FOR PLANNING, BRYAN GREEN MP

CANAL ESTATES (PROHIBITION) BILL 2011

SECOND READING SPEECH

I move – That the Bill now be read for the second time.

*The Canal Estates (Prohibition) Bill 2011* gives effect to a prohibition of canal estate developments in Tasmania.

Mr Speaker, this Bill will ensure that inappropriate canal estate developments, such as the proposed project at Lauderdale Quay – which was, of course, rejected by the Tasmanian Planning Commission – cannot proceed in Tasmania.

By effecting this prohibition the Government can deliver certainty for potential investors and local communities.

The Government welcomes potential investment in Tasmania but we want development that is sustainable. By giving investors a clear indication of which types of projects are worth pursuing, and which ones are unsuitable, we can help attract the best and most sustainable projects to Tasmania.



Available evidence indicates that by their nature canal estates are highly complex and their environmental impacts difficult to manage. Canal estates can have major adverse impacts on the host estuary, causing loss of habitat, polluting estuarine waters by urban runoff and boating activities and disturbing coastal acid sulphate soils.

In some other jurisdictions, where canal estate projects have been carried out over a number of years, governments have now moved to either ban or severely circumscribe their development. It makes sense then to prohibit these types of development in Tasmania.

In developing the legislation it has been necessary to carefully consider the scope and content of the prohibition to ensure that only inappropriate types of development are prohibited and that there are no unintended consequences resulting from the ban.

Accordingly there has been wide consultation with stakeholders, including relevant State and Commonwealth Government agencies, the Tasmanian Planning Commission, the Environment Protection Authority, Marine and Safety Tasmania, local government, the three regional water corporations, Hydro Tasmania, Tasports, the

Tasmanian Chamber of Commerce and Industry and the Tasmanian Irrigation Development Board.

The prohibition is effected principally through amendments to the *Land Use Planning and Approvals Act 1993* (LUPAA) and the *State Policies and Projects Act 1993*.

The Bill amends LUPAA to prohibit both the use and development of land as a canal estate.

The definition of a 'canal estate' has been carefully drafted to avoid prohibiting desirable developments such as jetties, piers, wharves, 'boatels' or other floating structures. It also ensures that drainage and other works associated with the supply or treatment of water, for example sewerage, irrigation or hydro electricity service canals, are not affected by the prohibition. Canals used primarily for transport purposes, such as the Dunalley Canal, are also excluded from the prohibition, as are already existing residential canals.

The Bill defines a 'canal estate' as an area of land on part of which one or more 'recreational canals' are situated and on any part of which residential dwellings are, or are intended to be, situated.



For these purposes a 'recreational canal' means a 'man-made' or artificial canal, other than a drainage, water-supply or transport canal, that is formed by excavating or elevating land on one or more sides of the canal or extending land into a water body, and is inundated by, or drains to, a natural waterway or natural water body by surface or groundwater movement.

A 'residential dwelling' means any premises used, or intended to be used primarily for accommodation (whether of a temporary or permanent nature) but does not include premises for accommodating persons engaged in farming on land on or adjacent to a canal, or caretaking or monitoring the use of canals or water bodies.

The amendments to LUPAA include provisions to ensure that planning schemes and special planning orders are amended to remove any inconsistency with the Bill. The Bill provides that a planning scheme or planning directive may not allow the development or use of a canal estate and that the Tasmanian Planning Commission may not grant a dispensation from the application of a local provision of an interim planning scheme if it would allow the development or use of a canal estate. The Bill also

provides that a project is not eligible to be declared or assessed as a project of regional significance if it consists wholly or partially of a canal estate.

The Bill amends the State Policies and Projects Act to provide that a project is not eligible to be declared or assessed as a project of State significance if it consists wholly or partially of a canal estate development.

Mr Speaker, the Canal Estates (Prohibition) Bill will give certainty to developers and the community by ensuring that only projects that are suitable for Tasmania are permitted.

A ban on canal estates in Tasmania will provide clarity and certainty to potential investors and spare them the significant time and expense involved in pursuing projects that are not sustainable and likely to be rejected by the Planning Commission.

Such a ban will also protect Tasmania's precious coastal and estuarine environments.

I commend the Bill to the House.

