

## Guide 18

# Coastal development

This guide has been prepared to assist applicants and local governments determine if an application requires assessment by the Environmental Protection Agency (EPA) in relation to coastal related development.

### Triggering EPA assessment of coastal related developments

An application involving development **completely or partly within a “coastal management district”<sup>1</sup>** may trigger assessment by EPA as either assessment manager or a referral agency in relation to coastal protection and management if the development is for -

- (a) **a material change of use of premises** which is assessable against the local government’s planning scheme and which will involve -
  - operational work; or
  - building work for construction of new premises with a gross floor area of at least 1,000m<sup>2</sup> or the enlargement of the gross floor area of an existing premises by at least 1,000m<sup>2</sup>;
- (b) **building work** on land completely or partly seaward of a coastal building line. Coastal building lines are shown on the coastal building line plans. *To determine if your land is located seaward of a coastal building line, submit a search to the EPA office, Brisbane, or view the plans on the EPA website at [http://www.epa.qld.gov.au/ecoaccess/coastal\\_development/](http://www.epa.qld.gov.au/ecoaccess/coastal_development/)*
- (c) **reconfiguring a lot;**
- (d) **operational work** that is -
  - (i) carrying out **tidal works** in, on or above land under tidal waters (*including basins, beach nourishment, breakwaters, bridges, boat ramps, dams, decks and boardwalks, docks, dockyards, embankments, groynes, jetties, marinas, pipelines, pontoons, powerlines, seawalls, slips, small craft facilities, training walls or wharves etc.*);
  - (ii) constructing or installing **works in a watercourse between the area of mean high water springs and highest astronomical tide** (*i.e. other than those works in tidal water*) and where the development has been determined not to be assessable against the *Water Act 2000* (*e.g. jetties, pontoons etc.*);
  - (iii) **constructing a canal** intended to be connected to tidal waters;
  - (iv) constructing an **artificial waterway that is:**
    - associated with reconfiguring a lot<sup>2</sup>; or
    - not associated with reconfiguring a lot and where the artificial waterway is above high water mark, on land other than State land and where the surface area of the waterway is at least 5000m<sup>2</sup>;
  - (v) reclaiming **land** under tidal water;
  - (vi) disposing of **dredge spoil** or other solid waste in tidal water;
  - (vii) interfering with **quarry material** on State coastal land above high water mark (*i.e. the construction of facilities on an esplanade requiring earth removal*);
  - (viii) **draining** or allowing drainage or flow of water or other matter **across State coastal land** above high-water mark (*i.e. drainage to tidal waters across the foreshore above high water mark where the land is State coastal land*);
  - (ix) removing or interfering with **coastal dunes** on land, other than State coastal land, that is in an erosion prone area and above high-water mark (*i.e. private access to the foreshore through the dune system where the land is freehold or leasehold land and above high-water mark*); or
  - (x) **constructing a bank or bund** wall to establish a ponded pasture on land, other than State coastal land, above high-water mark.

<sup>1</sup> Coastal management districts are outlined in the relevant regional coastal management plans. Where no regional coastal management plan has been prepared, an area within a designated Erosion Prone Area or a Coastal Management Control District declared under the now repealed *Beach Protection Act 1968* is taken to be a coastal management district under Section 168 of the Coastal Act. For more information refer to the EPA website at [http://www.epa.qld.gov.au/ecoaccess/coastal\\_development/](http://www.epa.qld.gov.au/ecoaccess/coastal_development/)

<sup>2</sup> An artificial waterway is associated with the reconfiguration of a lot if the artificial waterway is intended to be part of or is associated with a development which would involve the reconfiguration, either now or in the future, of the lot in which the artificial waterway is to be wholly or partially constructed. An application for operational works to construct an artificial waterway or a canal associated with the reconfiguration of a lot must be made to the local government at the same time as the application for the reconfiguration.

### Coastal management districts

Coastal management districts extend along the whole coast of Queensland and over tidal waters and have been declared under the *Coastal Protection and Management Act 1995*. They comprise erosion prone areas and coastal management control districts originally declared under the repealed *Beach Protection Act 1968*. To determine if your land is located in a coastal management district, you can submit a search application at the EPA office, Brisbane. A coastal management district may also be redefined in a regional coastal management plan.

### Assessment manager

Schedule 8A of the *Integrated Planning Act 1997* (IPA) prescribes whom the assessment manager is for development applications made under IDAS.

#### EPA as assessment manager

The EPA is the assessment manager for an application involving assessable operational work that is tidal work or work within a coastal management district (other than prescribed tidal work or constructing an artificial waterway associated with the reconfiguration of a lot), when the application involves no other assessable development.

However, the EPA is the assessment manager if the application involves other assessable development that is not assessable under the local government planning scheme and is one of the following—

- an environmentally relevant activity, or
- development on contaminated land, or
- development on a registered heritage place, or
- constructing or raising a waterway barrier works (Department of Primary Industries and Fisheries (DPI&F) will be a concurrence agency), or
- the removal, destruction or damage of a marine plant (DPI&F will be a concurrence agency).

When the EPA is the assessment manager the application is “code assessable” against the *Coastal Protection and Management Act 1995*. The decision on a code assessable development application is not appealable by a party, other than the applicant.

#### Other agencies as assessment manager

In most cases where the application for coastal development involves other development made assessable by a local government planning scheme or schedule 8 of the IPA (apart from the circumstances listed above where EPA is the assessment manager), the local government is the assessment manager.

The local government is also the assessment manager for applications for operational work that is constructing an artificial waterway associated with the reconfiguration of a lot, and for all applications for prescribed tidal work.

The Department of Primary Industries and Fisheries (DPI&F) is the assessment manager if the application for coastal development includes building work in a declared fish habitat area or operational work completely or partly in a declared fish habitat area, or a material change of use

for aquaculture, and there is no other assessable development.

The Port Authority is the assessment manager for applications for coastal related development proposed on strategic port land and for tidal work in strategic port land tidal areas.

### EPA as concurrence agency

Schedule 2 of the *Integrated Planning Regulation 1998* (IP Reg) prescribes that the EPA is a concurrence agency for certain applications, for referral agency assessment by the EPA. Also, if the EPA is not the assessment manager for an application involving **development requiring assessment in relation to coastal matters**, the application must be referred to the EPA as a concurrence agency. This applies if the application involves—

- a material change of use assessable against the local government planning scheme if the proposal involves—
  - operational work completely or partly in a coastal management district, or
  - building work completely or partly in a coastal management district that is the construction of new premises with a GFA of at least 1 000m<sup>2</sup> or the enlargement of the GFA of existing premises by more than 1 000m<sup>2</sup>, or
- tidal work, including prescribed tidal work (other than prescribed tidal work in a canal), or
- operational work completely or partly within a coastal management district made assessable under IPA schedule 8, part 1, table 4, item 5, or
- reconfiguring a lot if the land is completely or partly within a coastal management district, or
- reconfiguring a lot in connection with the construction of a canal, or
- development on strategic port land or strategic port land tidal areas.

Referral to the EPA is also required for assessable building work on land completely or partly seaward of a coastal building line.

As a referral agency, the EPA will prepare its referral agency response following assessment of the application against the *Coastal Protection and Management Act 1995*.

A referral agency response from EPA prior to lodging the application with the assessment manager is highly recommended for applications for reconfiguring a lot if the land is in a coastal management district, to determine if EPA will require a surrender of land for coastal management purposes as a condition of the approval.

### Other referral agencies in relation to coastal matters

Schedule 2 of the IP Reg also prescribes the following referral agencies in relation to certain coastal matters -

- **for navigation and maritime management purposes** — Queensland Transport, Maritime Safety Queensland through the Regional Harbour Master (Brisbane, Gladstone, Mackay, Townsville or Cairns) or Regional Manager Marine (Gold

Coast) will be a **concurrency agency** for operational work involving –

- tidal works, including prescribed tidal works,
- disposing of dredge spoil or other solid waste material in tidal water,
- reclaiming land under tidal water, or
- constructing a canal, if the canal is associated with reconfiguring a lot.
- Queensland Port Authorities will be **concurrency agencies** for assessable development within port limits but below high water mark if the development is –
  - within 200m of a shipping channel or an entry and exit shipping corridor for the port;
  - within 1000m of a swing basin, a commercial shipping wharf, a mooring, anchorage or spoil grounds; or
  - within 1000m of a planned port facility identified in a land use plan;
- port authorities will be **advice agencies** for all other assessable development within port limits but below high water mark;
- Qld Fire and Rescue Service will be an **advice agency** for tidal works involving a marina with more than 6 vessel berths.

#### Form 1 Development Application – Part M and the IDAS Assessment Checklist

When an application involves operational works requiring assessment of coastal related matters – complete Parts A and M of Form 1 Development Application and the IDAS Assessment Checklist.

The IDAS Assessment Checklist will assist applicants in determining which other Parts of Form 1 must also be completed if the application involves a material change of use or reconfiguring a lot requiring assessment of coastal related matters.

If the application involves prescribed tidal work, Part P of Form 1 Development Application should be completed instead of Part M. For more information about applications for prescribed tidal work refer to Guide 24 on the IPA website at [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au) or on the EPA website at [www.epa.qld.gov.au](http://www.epa.qld.gov.au).

#### Additional information and plans to accompany applications

All plans accompanying an application involving coastal development must show the proposed works in relation to the locations and levels of high and low water marks and the coastal management district.

Drawings showing construction details are to be certified by a Registered Professional Engineer of Queensland (RPEQ) or an interstate or international equivalent registered with the appropriate professional body in that State or country. Refer to the form *Certification of design of tidal works* available from the EPA's website at [www.epa.qld.gov.au/publications](http://www.epa.qld.gov.au/publications)

The following EPA Guidelines available from the EPA website detail the information that must accompany certain coastal development –

- trigger (a), (b) or (c) - *Material change of use in a coastal management district; Reconfiguring a lot in a coastal management district; and Building work seaward of a coastal building line;*
- trigger (d)(i) and (ii) – *Constructing tidal works;*
- trigger (d)(iii) and (iv) – *Development involving an artificial waterway;*
- trigger (d)(v) - *Reclaiming land under tidal water;*
- trigger (d)(vi) – *Disposing of material in tidal water;*
- trigger (d)(vii) and (viii) – *Operational work on State coastal land;*
- trigger (d)(ix) – *Removing or interfering with coastal dunes;*
- trigger (d)(x) – *Works to establish a ponded pasture*

#### Quarry Material Allocation Notice

The consent of the State is required for taking quarry material that is the property of the State. This process involves making an application for an allocation notice from the EPA. If required, a quarry material allocation notice is required prior to lodging an application for prescribed tidal work. Application forms are available from the EPA. Refer to the EPA Guideline - *Allocation of quarry material* on the [EPA website](#).

#### Portable Long Service Leave Levy

Development Application Form 1 Part A question 13 is relevant if the Building and Construction Industry Portable Long Service Leave Levy is payable for the proposed development. This levy applies if the total cost of all building and construction work in Queensland, including operational work, is \$80,000 or more. The levy and fee are usually paid by the project owner and must be paid prior to receiving a development permit. The levy and fee are calculated at 0.35% of the total cost of the work and can be paid at any Australia Post office or agency, or directly to QLeave. For more information on the Portable Long Service Leave Levy refer to the [QLeave Website](#)

#### Application Fee

Fees are payable for applications involving the assessment of coastal related development.

To establish the fee amount you may need to know –

- if constructing an artificial waterway - whether a fee has already been paid at the material change of use stage and the number of lots to be created and the length of land fronting the proposed works;
- if the works are for a “private purpose”. The term private purpose means - the use of land is for residential purposes only;
- the value of the completed works;
- the number of lots resulting from reconfiguring;

- the purpose of the works, whether for coastal management purposes and if related to the provision of life saving or rescue services by a volunteer community organisation.

Refer to the EPA Information Sheet on fees and royalties payable under the Coastal Act, available from the EPA website.

### For more information

For technical advice about coastal development applications contact the EPA regional offices. Refer to the IPA website at [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au) under: development assessment / IDAS Referral Agencies, for contact details.

To submit completed applications contact -

ECOACCESS Customer Service Unit  
Environmental Protection Agency  
PO Box 15155  
CITY EAST  
Queensland 4002

Enquiries: 1300 368 326  
Facsimile: (07) 31159600

[eco.access@epa.qld.gov.au](mailto:eco.access@epa.qld.gov.au)

EPA Guidelines and Information Sheets and the quarry material application form are available from the EPA web site at [www.epa.qld.gov.au](http://www.epa.qld.gov.au) or from the EPA's ECOACCESS Customer Service Unit.

The search application form to determine if your land is located in a coastal management district; erosion prone area or seaward of a coastal building line is available from the EPA web site or from -

Environmental Operations Division EPA  
PO Box 15155  
CITY EAST QLD 4002

### Definitions

The following definitions will assist you in interpreting this guide -

**“artificial waterway”** means an artificial channel, lake or other body of water. Artificial waterway includes -

- an access channel;
- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

**“canal”** means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure. Canal includes a canal surrendered to the State under the *Canals Act 1958* section 13(4). However, canal does not include any part of tidal water containing facilities that are used commercially or by members of a club or association for one or more of the following:

- boat launching, landing, berthing or storing;
- boat repairs of a minor nature;

- boat provisioning, fuelling or servicing;
- recreation, comfort and convenience of persons who own or use boats.

**“coastal dune”** means a ridge or hillock of sand or other material on the coast and built up by the wind.

**“coastal management district”** are parts of the coastal zone declared under the *Coastal Protection and Management Act 1995*, as areas requiring special development controls and management practices (s46 *Coastal Protection and Management Act 1995*)

**“erosion prone area”** is an area declared by the EPA within the coastal zone where it is subject to erosion or tidal inundation. *To determine if your land is located in an erosion prone area, you can submit a search application of the coastal management district at the EPA office, Brisbane, or view the plans on the EPA website at .*

**“high water mark”** means the ordinary high water mark at spring tides.

**“marina”** means a buoy mooring, jetty or pile mooring or combination of them where, for a fee or reward, a ship is or may be, anchored, berthed or moored.

**“ponded pasture”** means a permanent or periodic pondage of water in which the dominant plant species are pasture species used for grazing or harvesting.

**“quarry material”** means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

**“State coastal land”** means land in a coastal management district other than land that is -

- freehold land, or land contracted to be granted in fee simple by the State; or
- a State forest or timber reserve under the *Forestry Act 1959*; or
- in a watercourse or lake as defined under the *Water Act 2000*; or
- subject to a lease or licence (which includes a permit or other authority issued under any Act relating to mining, but does not include a permit issued under the *Land Act 1994*, section 177(1)) issued by the State.

**“tidal water”** means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides; or the water downstream from a downstream limit declared under a regulation.

**“tidal works”** means work in, on or above land under tidal water, or land that will or may be under tidal water because of development on or near land. Tidal works includes the construction of a basin, boat ramp, breakwater, bridge, dam, dock, dockyard, embankment, groyne, jetty, pipeline, pontoon, power line, seawall, slip, small craft facility, training wall or wharf and works in tidal water necessarily associated with the construction. Tidal works also includes works designed to be exposed to tidal water because of shoreline fluctuations.

Tidal works does not include:

- erecting a sign or other structure, including, for example, a navigational aid or sign for maritime navigation, under a direction made under another Act or building a drain that is less than 1 m deep and has a cross sectional area less than 2.5m<sup>2</sup>;
- removing quarry material that has accumulated within the boundaries of, or in an area adjoining, a previously approved tidal work to allow the work to be used for the function for which it was approved;

- removing quarry material from land under tidal water, if removal is for no other purpose other than the sale of the material or use of the material to reclaim land.

“*watercourse*” means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.