

2 Planning and Legislative Framework

This chapter outlines legislation, regulation and policies that require consideration in the development of the SPRSEMP. It has been compiled based on legislation, regulation and policies current at the time of writing. Further consideration should be given to the requirements current at the time of implementing erosion management recommendations. The legislation, regulation and policies mentioned in this chapter are not meant to be a comprehensive list but should be used as a starting point and guide for determination of considerations at the time of approval and construction.

Proposed management options recommended within the SEMP must be consistent with the local government planning scheme of MBRC and Brisbane City Council (BCC) and comply with all relevant legislation (Commonwealth, State and local) and coastal and environmental planning instruments and policies.

The basis and control of management of the coast of Queensland is governed by the Coastal Protection and Management Act 1995 (Coastal Act). Under this Act, the Coastal Management Plan (CMP) is the primary statutory planning instrument giving effect to the objects of the Act. The following planning and legislative framework relates to the provisions of the CMP as they apply to the study area. Legislation and policies considered in this SEMP will require consideration of issues including, but not limited to:

- The use of erosion protection systems for property protection;
- Protection of species listed under State and Commonwealth legislation and conservation of their habitat; and
- The maintenance of local biodiversity.

These legislative and policy considerations are described in more detail in the following chapters.

2.1 Coastal Protection and Management Act 1995

The Queensland Coastal Act provides for management of the coastal zone.¹ The Coastal Act recognises the diverse range of resources and values of the coastal zone, and has the following objectives:²

- Provide for the protection, conservation, rehabilitation and management of the coastal zone, including its resources and biological diversity;
- Have regard to the goal of the National Strategy for Ecologically Sustainable Development in the use of the coastal zone;
- Ensure decisions about land use and development safeguard life and property from the threat of coastal hazards; and

¹ Coastal waters and land up to a point 5km landward of the high-water mark or the point nearest the high-water mark where land reaches 10m AHD, whichever is more landward: ss15 and 18A *Coastal Act*

² s3

Planning and Legislative Framework

- Encourage the enhancement of knowledge of coastal resources and the effect of human activities on the coastal zone.

The main means of achieving this management under the Coastal Act is the regulation of development and allocations, and the preparation of management plans.

The CMP has been developed as a State Planning Instrument (SPI) under the requirements of the Coastal Act.³

2.1.1 Coastal Management Plan

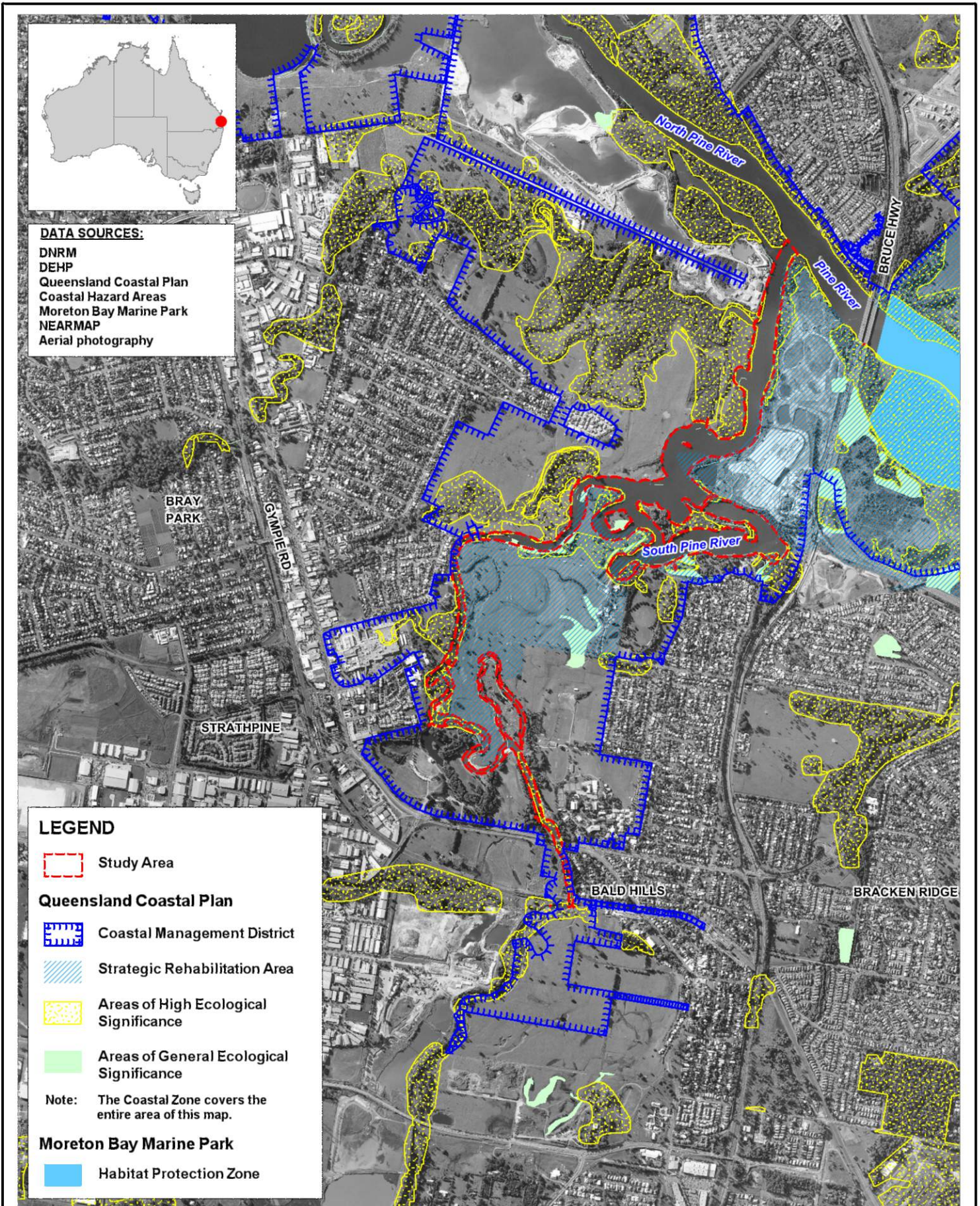
The CMP has application to the coastal zone as defined by the Coastal Act. The CMP seeks to manage all coastal land and coastal resources within this zone and applies to all management planning, activities, decisions and works that are not assessable development under the SP Act, including the development of a SEMP.

The CMP provides for the decision-making of managers of State and local coastal land and coastal resources, and for the owners of private coastal land. There are six principles for the management of coastal land under the CMP:

- (1) Coastal Landforms and Physical Coastal Processes - The long-term stability of dunes and other coastal landforms are preserved and physical coastal processes including erosion, accretion and the movement of sediment are able to occur without interruption.
- (2) Nature Conservation - Matters of state environmental significance (MSES) are conserved by avoiding impacts or where impacts cannot be avoided residual impacts are mitigated through rehabilitation measures.
- (3) Indigenous Cultural Heritage - Aboriginal People and Torres Strait Islanders are the primary guardians, keepers and knowledge holders of their cultural heritage; their connection to coastal and marine resources should be maintained and enhanced.
- (4) Public Access and Enjoyment of the Coast - Public access and use of the coast is maintained or enhanced for current and future generations.
- (5) Management Planning - Managing and using coastal land is planned, monitored, reported on and reviewed to achieve continuous improvement in management outcomes.
- (6) Knowledge Sharing and Community Engagement - Knowledge of coastal resources and their management is shared with the community and the community is engaged in decision-making processes and activities that affect them.

Figure 2-1 includes the interested protected under the CMP and relevant to the SPRSEMP.

³ Chapter 2 Part 1



Title:
Coastal Plan Matters within the Study Boundary

Figure:
2-1

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Each of the principles of the CMP is given effect by a series of coastal management outcomes (CMOs). As SEMP's are developed for priority areas for shoreline erosion management, the most relevant CMOs to the preparation of the SPRSEMP are those regarding coastal landforms and physical coastal processes.

2.1.1.1 Coastal Landforms and Physical Coastal Processes

The coastal management outcomes for coastal landforms and physical coastal processes identify the need to maintain natural processes in the coastal zone, including the natural fluctuations of erosion and accretion and buffers provided by dunes, mangroves and coastal wetlands. The relevance of the CMOs to the SEMP include the following:

- **CMO 1.6** requires a SEMP to be prepared where there is 'an imminent threat to the community or infrastructure from coastal erosion'. A SEMP is intended to 'deliver a science-based solution to the erosion problem that considers social, environmental and economic issues.'
- **CMO 1.1 to 1.5** establish, as a general principle, the need to maintain natural processes on the coast, including the processes of erosion and accretion, land stabilisation by native vegetation, natural buffering by dunes, mangroves and coastal wetlands, and maintenance of sand within the active beach system.
- **CMO 1.7** requires management planning for assets in areas at risk from erosion to adopt the hierarchy of avoid, retreat, accommodate or defend.
- **CMO 1.8** identifies a preference for beach nourishment when considering the defence of coastal assets.
- **CMO 1.8** also identifies that where seawalls are considered, beach nourishment should be undertaken in conjunction so as to balance the loss of sediment locked up behind the walls.
- **CMO 1.10** requires the consideration of sea level rise in managing the coast.

These outcomes, therefore, establish the framework of considerations for the Northern Moreton Bay SEMP. Consistent with the Coastal SPRP, SPP and SDAP, the CMP identifies a hierarchy of management options. This is represented in Figure 2-2 below.

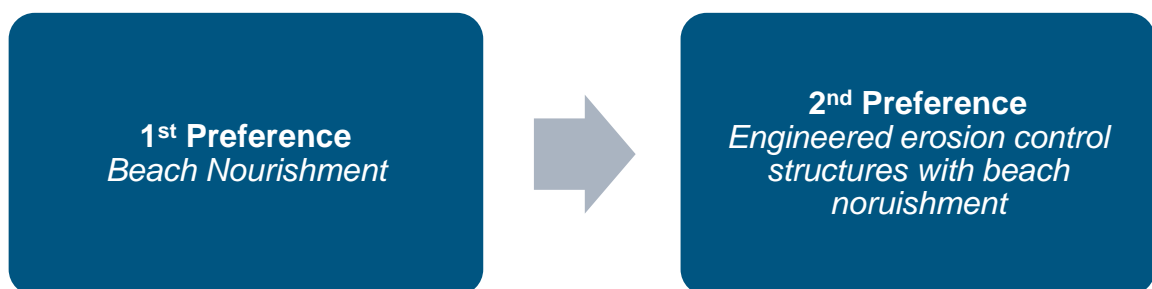


Figure 2-2 Preference for erosion control structures identified in the CMP

2.1.1.2 Other Relevant Coastal Management Outcomes

Other coastal management outcomes which are relevant to the Northern Moreton Bay SEMP include:

- **CMO 2.1** Areas containing MSES are conserved by:
 - Protecting areas containing MSES, sensitive natural ecosystems, their process and habitat (particularly feeding, nesting and roosting sites) from threats; and
 - Maintaining, enhancing or re-establishing habitat connectivity for species movement.
- **CMO 2.2** Where impacts on MSES cannot be avoided, impacts are mitigated by actions such as restoring or rehabilitating natural environmental values of similar or adjacent habitat or other actions that reduce threats to MSES.
- **CMO 4.2** The use of undeveloped esplanades and road reserves vulnerable to coastal erosion for vehicular access is supported if they provide the only lawful means of vehicular access.

2.2 Tidal Works

Tidal works are defined under the *Coastal Act* as work 'above land under tidal water, or on land that will or may be under tidal water because of development on or near the land, and work that is an integral part of the relevant work, wherever located'.⁴ This includes rockwalls, groynes, jetties, embankments and land reclamation. Prescribed tidal works is further defined under the *Coastal Protection and Management Regulation 2003 (Coastal Regulation)* as tidal work that is completely or partly within a local government tidal area.⁵ Both tidal works and prescribed tidal works require approval under the *SP Act* (see Section 2.2 below).

The assessment criteria for a development application involving prescribed tidal works are set out in the code contained in Sch. 4A of the *Coastal Regulation*. All tidal works are additionally assessed under the State instruments under the *SP Act* (see Section 2.3.2).

2.3 Other State Instruments

The *SP Act* is the central piece of planning legislation, used by the State Government to regulate planning and development. Both management of erosion prone land and options for foreshore protection and erosion control under the SPR SEMP are governed by the *SP Act*. The following sections identify the relevant instruments that constrain or guide management and decision-making on the coast (Section 2.3.1) and development assessment (Section 2.3.2), as well as discussing relevant State matters on the coast and related approval requirements (Section 2.3.3).

2.3.1 Management and Decision-Making

Management and planning actions in Queensland are managed by State Planning Instruments (SPIs) and Local Planning Instruments (LPIs). Specifically, these instruments apply to government decision-making and planning in relation to land management. SPIs include State Planning

⁴ *Coastal Act*, Sch. 1

⁵ *Coastal Regulation* s14(1)

Regulatory Provisions (SPRPs), Regional Plans (RPs) and the State Planning Policy (SPP), while LPIs include planning schemes, temporary LPIs and planning scheme policies.

Table 2-1 summarises the key instruments and triggers related to management and decision making relevant to the SEMP.

Table 2-1 Summary of Key Management and Decision Making Instruments

Trigger	Instrument	Agency	SEMP Reference
Management of coastal land and coastal resources	Coastal Management Plan	EHP	Section 2.1.1
Development within former Pine Rivers Shire Council area	Pine Rivers Plan City Plan 2000	MBRC BCC	Section 2.5
Decision-making in SEQ	South East Queensland Regional Plan 2009-2031	Department of State Development, Infrastructure and Planning	Section 2.3.1.1

2.3.1.1 South East Queensland Regional Plan 2009-2031

The SEQRP is a planning document which sets the regional vision for future development and growth in SEQ. The key effect of the SEQRP is to advise on planning and decision-making in managing development and growth. The following principles are relevant to decision-making in the coastal zone for the purposes of this SEMP:

- 1.4 Natural hazards and climate change adaptation;
- 2.1 Biodiversity;
- 2.4 Managing the coast;
- 3.1 Regional landscape values; and
- 4.2 Land, extractive resources, minerals, forestry and fisheries.

These policies emphasise the need to reduce the exposure of coastal areas to coastal erosion and inundation, taking into account projected climate change impacts (mostly reflected as part of the QCP – see Section 2.1.1). This is to be achieved without impacts on areas of significant biodiversity values, coastal values and natural coastal processes, and fish habitat and movement values. The SEMP must also be consistent with the Moreton Bay Marine Park zoning provisions.

No development assessment criteria apply under the SEQRP SPRP.

2.3.2 Development Assessment

The *SP Act* also provides for the Integrated Development Assessment System (IDAS), a tool used for processing development applications. Development permits are required for various activities under a range of Queensland legislation and are assessed against prescribed assessment criteria. These include both state and local level criteria, based on respective government interests.

Planning and Legislative Framework

Development assessment is undertaken by the Assessment Manager (usually the local government) and concurrence agencies. Concurrence interests of the State are represented by the Single Assessment Referral Agency (SARA), with other Departments acting as technical agencies for relevant triggers (e.g. fisheries, coastal protection, biodiversity).

Table 2-2 summarises typical development activities associated with shoreline erosion management. Activities assessable under LPs are discussed in Section 2.5 below. Federal government approval arrangements are discussed in Section 2.4 below.

Table 2-2 Summary of Common Shoreline Erosion Management Activities

Activity/Development	Act	Agency	Criteria	SEMP Reference
Prescribed tidal works	<i>Coastal Act</i>	EHP	<i>Coastal Regulation Sch. 4A IDAS Code</i>	Section 2.2
			Coastal Protection SPRP	Section 2.3.2.1
Removal of marine plants	<i>Fisheries Act 1995</i>	Fisheries Queensland	Fish Habitat Operational Policies	Section 2.3.3.2
Dredging and disposal	<i>Environmental Protection Act 1994</i>	EHP	Coastal Protection SPRP	Section 2.3.2.1
Vegetation clearing	<i>Vegetation Management Act 1999</i>	Department of Natural Resources and Mines	SEQ Bioregion Regional Vegetation Management Code	Section 2.3.3.3

In addition to the instruments above, the SDAP also provides criteria for development assessment. The SDAP consists of 19 modules, including modules on fisheries resources (Module 5), coastal protection (Module 10), clearing native vegetation (Module 8), environmentally relevant activities, including dredging (Module 4) and Queensland heritage (Module 9). The application of the SDAP should be considered at the development application stage.

The State Planning Policy (SPP) also provides interim development assessment criteria, intended to reflect State interests where the SPP has not been reflected in LPs. Section 2.3.2.2 discusses the SPP provisions.

2.3.2.1 Coastal Protection State Planning Regulatory Provision 2013

The Coastal Protection SPRP applies to development in a coastal management district (CMD) that is impact assessable or requires referral to EHP, or that is assessed by EHP as the assessment manager.

The SPRP provides assessment criteria for coastal hazards, development in an erosion prone area, nature conservation, areas of High Ecological Significance (HES), public access, and coastal-

Planning and Legislative Framework

dependent development. The following constraints and requirements are relevant to works under the SEMP:

- Retreat is the default option in areas threatened by erosion in the erosion prone area. The presence of development to a scale and intensity that makes retreat not achievable may justify property protection works. Structural engineering and stabilisation works are a last resort where there is an immediate threat to public safety, property or infrastructure. These works must not cause adverse impacts on coastal resources or natural cycles of erosion and accretion of beaches.
- All tidal works require (a) proof of demonstrated need in the public interest, and (b) a comprehensive investigation that determines no significant adverse impacts on longshore transport of sediments or an increase in coastal hazards (including erosion) to neighbouring foreshore.
- Beach and related areas that contain significant wildlife habitat are to be protected and managed. This includes:
 - Key shorebird roosting and feeding habitat. Where works require the loss of shorebird habitat, offsets are to be provided before the works commence; and
 - Stands of native vegetation, especially riparian vegetation. Riparian zones are to be maintained as wildlife corridors.
- No development in areas of HES.
- No net loss of public access to the foreshore unless it compromises the protection of coastal resources.
- Dredging must be beneficial to the State in terms of navigation and economics and be proven to maintain the existing physical environment of the area. An application for dredging will only be approved where supported by studies into the nature of dredging spoils and impacts on physical processes, and maintenance dredging requires a dredge management plan.
- Reclamation will only be allowed where clearly justified and where there are no or minimal adverse impacts on coastal resources. Reclamation is justified where it is necessary for erosion control/nourishment purposes, protects the physical environment, or is necessary to reinstate land that has been eroded where the reclamation is coordinated with neighbouring properties.

2.3.2.2 State Planning Policy

The SPP is a guiding instrument for a centralised treatment of management planning and assessment of development activities in Queensland. It identifies the planning outcomes that should be included in local planning schemes as well as interim development assessment provisions.

The SPP outlines assessment requirements for all State interests, including for three interests relevant to the SEMP: coastal environment, natural hazards (including coastal erosion and flooding) and biodiversity.

The assessment requirements of these State Interests are summarised in Table 2-3.

Table 2-3 State Interests and Assessment Criteria under the SPP

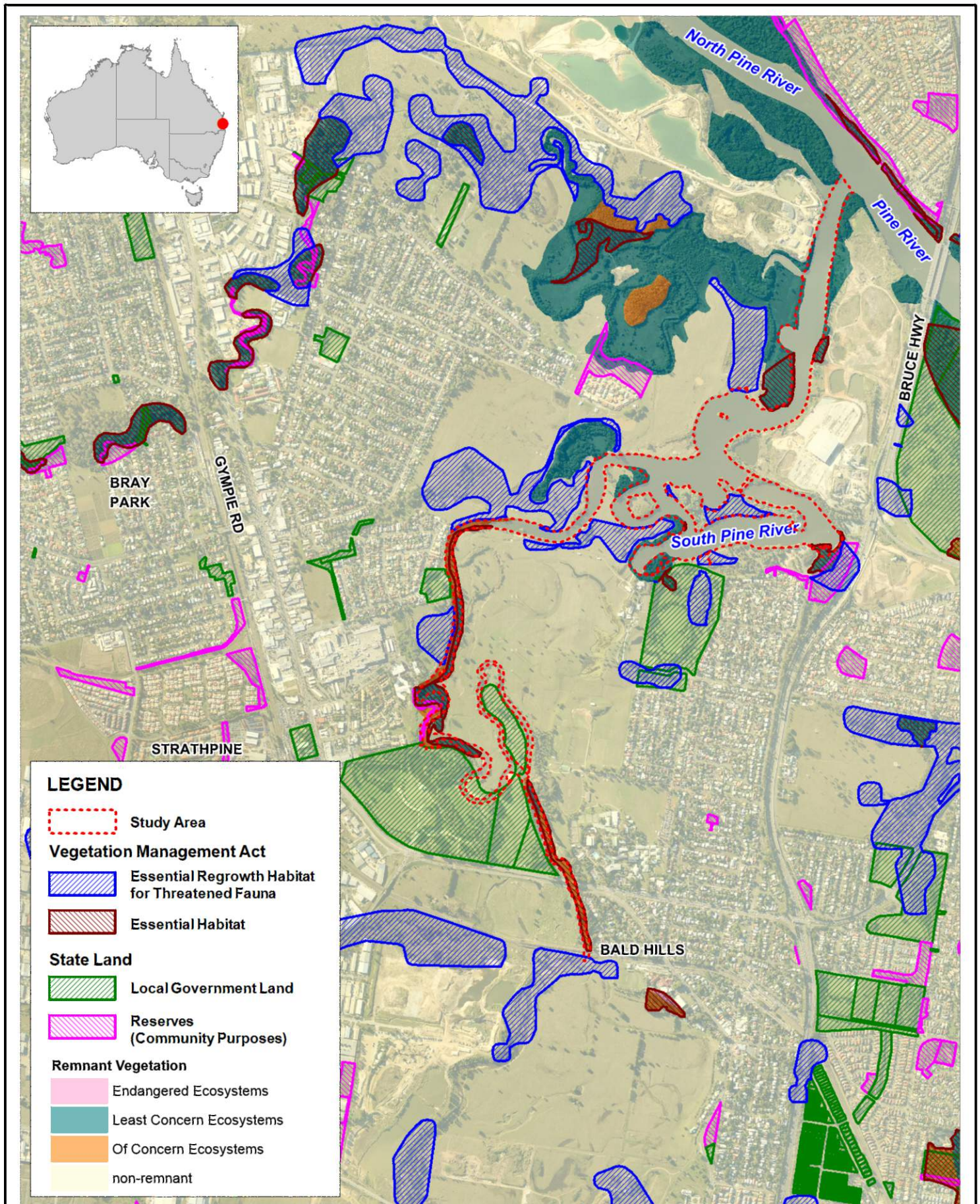
State Interest	Assessment Criteria
Coastal Environment	<p>Development involving operational works in a CMD is to:</p> <ul style="list-style-type: none"> • Avoid or minimise adverse impacts on coastal processes and coastal resources, and scenic amenity of important natural coastal landscapes, views or vistas; • Maintain or enhance general public access to, or along, the foreshore unless this is contrary to the protection of coastal resources or public safety; and • Not involve reclamation of tidal land other than for the purposes of coastal protection works or work necessary to protect coastal resources or coastal processes.
Biodiversity	<p>Development involving operational work on land related to MSES is to:</p> <ul style="list-style-type: none"> • Identify any potential significant adverse environmental impacts on MSES; and • Manage the significance adverse environmental impacts on MSES by, in order of priority: <ul style="list-style-type: none"> – Avoiding significant adverse environmental impacts; – Mitigating significant adverse environmental impacts where these cannot be avoided; and – Where applicable, offsetting any residual adverse impacts.
Natural Hazards	<p>Development involving operational works on land within a coastal hazard area or flood hazard area is to:</p> <ul style="list-style-type: none"> • Avoid natural hazard areas or mitigate the risk of the natural hazard; • Support and not unduly burden disaster management responses or recovery capacity and capabilities; • Directly, indirectly and cumulatively avoid an increase in the severity of the natural hazard and the potential for damage on the site or to other properties; and • Maintain or enhance natural processes and the protective function or landforms and vegetation that can mitigate risks associated with the natural hazard. <p>Development involving operational works on land within an erosion prone area is to:</p> <ul style="list-style-type: none"> • Not be located in an erosion prone area within a CMD unless it cannot feasibly be located elsewhere and is coastal-dependent development, temporary, readily relocatable or able to be abandoned; • Propose to undertake coastal protection work (excluding beach nourishment) only as a last resort where coastal erosion presents an imminent threat to public safety or existing buildings and structures, and all of the following apply: <ul style="list-style-type: none"> – The property cannot reasonably be relocated or abandoned; and – Any coastal protect works to protect private property is located as far landward as practicable and on the lot containing the property to the maximum extent reasonable; and – The coastal protection work mitigates any increase in coastal hazard risk for adjacent areas.

2.3.3 State Matters

The following matters are of State importance and regulated through development permits or other approvals:

- Environmental values;
- Fisheries and marine plants;
- Vegetation;
- Wildlife and protected areas;
- Land; and
- Aboriginal cultural heritage.

Figure 2-3 provides a summary of the presence of these issues in the study area. The protection and management of these matters of State importance are regulated through the legislative instruments identified below. Primarily, activities with the potential to impact upon a State matter require a permit or proof of consent from the State Government.



Title:
State Interests within the Study Boundary

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2.3.3.1 Pollution and Environmental Harm

The *Environmental Protection Act 1994* (EP Act) and the *Environmental Protection Regulation 2008* (EP Regulation) provide the main framework in Queensland for controlling environmental harm and pollution resulting from development.

The *EP Act* sets out a general environmental duty (s319) requiring persons not to cause environmental harm unless all reasonable and practicable measures are taken to prevent or minimise the harm. Compliance with the duty is a defence to causing environmental harm without appropriate authorisation.⁶ In the context of the SEMP, Council must not carry out any activities that cause, or are likely to cause, environmental harm unless they take reasonable and practicable measures to prevent or minimise the harm.

Environmentally relevant activities (ERAs) are a particular type of action causing environmental harm. These activities can only be undertaken with a development permit. Under the *EP Regulation*, ERAs include dredging (ERA 16). Authorisation to undertake ERA 16 may be required where dredging of sand of beach nourishment purposes is recommended under the SEMP.

Environmental protection policies (EPPs) are also prepared under the *EP Act* to protect Queensland's environment. These EPPs seek to protect environmental values (EVs) and objectives identified for various aspects of the environment including water, noise, air quality and waste management. EVs and objectives have been identified under the following policies and instruments for the study area:

- *Environmental Protection (Water) Policy 2009*;
 - Pine Rivers and Redcliffe Creeks Environmental Values and Water Quality Objectives, July 2010; and
 - Queensland Water Quality Guidelines 2009.
- *Environmental Protection (Air) 2008*;
- *Environmental Protection (Noise) Policy 2008*; and
- *Environmental Protection (Waste Management) Regulation 2000*.

2.3.3.2 Fisheries Matters

The *Fisheries Act 1994* protects fisheries resources and fish habitats in Queensland. All coastal protection works requiring the clearing of marine plants (including any removal, damage or destruction) requires a development permit. This includes mangroves and saltmarsh that may occur adjacent to the banks of the South Pine River.

Marine plants and fisheries matters are dealt with by Fisheries Queensland within the Department of Agriculture, Fisheries and Forestry (DAFF) while the declaration and management of FHAs is the jurisdiction of the Department of National Parks, Recreation, Sport and Racing (DNPRSR). Fish habitat management operational policies (FHMOPs) relevant to the removal of marine plants and fish movement are:

⁶ EP Act s493A

- FHMOP 001 Management and protection of marine plants and other tidal fish habitats; and
- FHMOP 005.2 Marine fish habitat offset policy.

The effect of these policies is summarised in Table 2-4. See also SDAP Module 5: Fisheries Resources. This Module represents the assessment criteria of the State in regards to FHAs, marine plants and other fisheries resources.

Table 2-4 Fish Habitat Policy Requirements

Policy	Applicable Policy Requirements
<i>FHMOP 001 Management of protection of marine plants and other tidal fish habitats</i>	<ul style="list-style-type: none"> • Coastal development proposals should avoid impacts to marine plants and other tidal fish habitats; • All private development works must be set back from tidal lands and fish habitats; • Tenure over tidal fish habitats for private development is not supported; • Erosion protection and dredging activities must be in accordance with FHMOP 010 and FHMOP 040, respectively; and • Revetment works supported only where there is substantiated accelerated bank erosion or slumping threatening buildings or infrastructure.
<i>FHMOP 005.2 Marine fish habitat offset policy</i>	<ul style="list-style-type: none"> • Applies where an offset is required for removal of marine plants, disturbance of fish habitat etc.

2.3.3.3 Vegetation Matters

The *Vegetation Management Act 1999 (VM Act)* prohibits the clearing of native vegetation unless for a relevant purpose. Alternatively, clearing may be exempt from the approval process where listed under Schedule 24 of the *SP Regulation*. Clearing for a relevant purpose requires a development permit. This is assessed against the SEQ Bioregion Regional Vegetation Management Code.

There are no relevant purposes or exemptions applicable to remnant vegetation in the study area.

2.3.3.4 Wildlife and Protected Areas

Protections for wildlife and environmental areas are legislated under the *Nature Conservation Act 1992 (NC Act)*. The object of the *NC Act* is the conservation of nature. This includes the protection of native flora and fauna and the declaration of protected areas. While no protected areas occur within the study area, least concern (LC) and endangered, vulnerable or near threatened (EVNT) species under the *Nature Conservation (Wildlife) Regulation 2006* are likely to occur.

Any action that involves the taking or native flora or fauna is unlawful unless authorised by a permit. Wherever clearing is required for the purposes of coastal protection works, including clearing to gain access to sand extraction areas, the proponent must obtain the appropriate permit under the *NC Act*. This does not apply, however, to flora covered under the provisions of other Acts (e.g. marine plants). All clearing of koala habitat trees must be in accordance with the *Nature Conservation (Koala) Conservation Plan 2006*.

2.3.3.5 Indigenous Legal Issues

When undertaking coastal protection works, Council must take all reasonable and practicable measures to ensure their activities do not harm Aboriginal cultural heritage, pursuant to the *Aboriginal Cultural Heritage Act 2003*. Measures that Council must take to ensure compliance with this Act include:

- Following the statutory 'duty of care' guidelines, which may require consultation with the relevant Aboriginal party; or
- Development and approval of a Cultural Heritage Management Plan.

Compliance with the *Aboriginal Cultural Heritage Act 2003* should be determined at the planning stage of any coastal protection works.

No objects of Aboriginal cultural heritage have been noted as occurring in the study area but may be uncovered during subsequent works. Based on a search conducted on 16th May 2013, a Native Title application has been made over the site by the Yugaru/Yugarapul People but this has not been accepted for registration.

2.3.3.6 Land and Tenure Matters

The *Land Act 1994* governs the ownership and distribution of land in Queensland. Specifically, the Act vests all land within the State. Any development involving state-controlled land other than private freehold land (e.g. land below high water, beds and banks of estuaries), therefore, requires evidence of resource entitlement. Majority of State land is administered by the Department of Natural Resources and Mines (DNRM).

2.3.3.7 Other State Matters

It may be necessary to liaise with, and obtain permission from, the following agencies regarding the issues mentioned above:

- EHP for matters concerning tidal works, conservation values, management under the QCP, and acid sulfate soils;
- Department of National Parks, Recreation, Sport and Racing for wildlife permits;
- DNRM for matters concerning the allocation and use of State land, vegetation management, Indigenous cultural issues and land title;
- Fisheries Queensland for matters concerning fisheries resources, marine plants and FHAs; and
- Department of Transport and Main Roads/Maritime Safety Queensland/Regional Harbour Master in relation to navigation and navigation channels for potential dredging within/adjacent to channels and watercourses.

2.4 Commonwealth Matters

Any actions that have or are likely to have a significant impact on a matter of national environmental significance (NES) are to be referred to the Minister administering the *Environment*

Planning and Legislative Framework

Protection and Biodiversity Conservation Act 1999 (EPBC Act). Matters of NES that may be significantly impacted by coastal protection works in the Study Area include:

- Listed threatened species and ecological communities; and
- Migratory species.

If coastal protection works are declared a 'controlled action', approval will be required from Minister before the works can commence.

No other Commonwealth matters exist in the study area (e.g. Native Title, Commonwealth land).

2.5 Local Government Planning

The SPRSEMP occurs within the local government jurisdiction of MBRC and BCC. This jurisdiction extends seaward to the high water mark under the *Local Government Act 2009 (LG Act)* but the Councils also have jurisdiction for development assessment over its local government tidal area. The *LG Act* also enables local government to obtain specific jurisdiction from the State Government over the foreshore between the high and low water mark for special purposes, such as coastal protection works.

The boundary between the two jurisdictions is within the subtidal area of the South Pine River, with MBRC jurisdiction over the western bank and BCC jurisdiction over the eastern bank. This should be taken into account when undertaking any management activities as authority from both Councils may be required.

MBRC and BCC control land use and activity under the local planning scheme (under the *SP Act*) and Local Laws (under the *LG Act*). In relation to coastal management, local government has responsibility for the following:

- Land use control;
- Recreational planning
- Management of local reserves;
- Bathing reserves;
- Environmental protection and rehabilitation; and
- Monitoring.

The local planning scheme applicable to the MBRC part of the study area is the *Pine River Plan* (2006) while the BCC area is covered by the *Brisbane City Plan 2000*.

2.5.1.1 Pine Rivers Plan and City Plan 2000

The *Pine River Plan* controls the assessment of development within the former Pine Rivers Shire while the *City Plan 2000* covers Brisbane City. This assessment is based on the nature of the activity and the area in which it occurs. In assessing development, the key concern is to ensure the development complies with the outcomes of the LPI. These include desired environmental outcomes (DEOs), overall outcomes, specific outcomes, probable solutions (for code assessment) and acceptable solutions (for self-assessment).

Table 2-5 below summarises the nature of assessment for common shoreline erosion management activities under both plans:

Table 2-5 Local Government Assessment of Common Shoreline Erosion Management Works

Activity	Highest Level of Assessment	Zone/Applicable Overlays	Assessment Criteria
<i>Pine Rivers Plan</i>			
Vegetation clearing (less than 2,000m ²)	Exempt	Waterways	-
Vegetation clearing (more than 2,000m ²)	Code assessable	Waterways, Biodiversity	Waterways Overlay Code, Biodiversity Overlay Code
Operational work in a major flood area	Self-assessable (if compliant with code) Code assessable (if not compliant with code)	Major Flood Events	Major Flood Events Overlay Code
Operational work in an erosion prone area	Code assessable	Erosion Prone Area	Erosion Prone Areas Overlay Code
Excavating or removing 100m ³ or more of soil or sediment	Code assessable	Acid Sulfate Soils	Acid Sulfate Soils Overlay Code
<i>City Plan 2000</i>			
Filling or excavating	Code assessable	Rural Area, Acid Sulfate Soil	Filling and Excavation Code, Acid Sulfate Soil Code (if more than 100m ³)
All work	Code assessable	Waterways, Wetlands	Wetland Code, Waterway Code

2.5.1.2 Moreton Bay Regional Council Planning Scheme 2014

MBRC is currently preparing a new *Moreton Bay Regional Council Planning Scheme* for the MBRC area, consolidating the former Caboolture, Pine Rivers and Redcliffe planning schemes into a single document. The estimated time of release of this planning scheme is late 2014. Upon commencement, it will alter the local planning environment for the SPRSEMP.

2.5.1.3 Climate Change Instruments

MBRC's Climate Change Policy (No. 35-2150-004) represents an initiative to 'take reasonable, measured and developing steps to incorporate into its operations a planned approach to dealing with climate change, mindful of Council's other obligations as a Local Government'.

The MBRC *Roadmap for a changing climate 2013-2016* was developed as an instrument intended to assist in achieving the Climate Change Policy. The Roadmap Vision is to 'Create a low carbon region that is resilient to changing climate'. Under this vision, ten strategic outcomes were developed. The most relevant outcomes for coastal erosion planning are:

- **Strategic Outcome 5:** Council assets are resilient to climate change risks and ongoing costs are minimised;
- **Strategic Outcome 7:** Strategic planning documents include climate change mitigation strategies; and
- **Strategic Outcome 10:** Council and the community have the capacity to respond to climate change (mitigation and adaptation).

Strategic Outcome 5 requires the following actions:

- **5.3 Action:** Identify climate change risks which will compromise the service delivered of council assets. Prioritise remedial action (e.g. modify or replace) based on modelling predicted timing for impact to occur. **Indicator:** Exposure to climate risks is reduced.
- **5.4 Action:** Integrate climate change implications into: asset planning and design process, asset construction process, and asset condition inspections. **Indicator:** Council assets are managed to be more resilient to weather events.

These actions correspond to the development of the SPRSEMP as this instrument aims to identify and mitigate the risks of river bank erosion, including erosion induced by sea level rise, and to protect local assets (where in accordance with legislative requirements).

Strategic Outcome 7 adopts a critical planning action related to coastal erosion (7.1): Ensure climate change scenarios are considered in river, creek and storm tide mapping. While the SPRSEMP is concerned primarily with river bank erosion, not flooding or storm tide inundation, there is often correlation between these events, with river bank erosion planning assisting the definition of at risk river, creek and storm tide areas.

Strategic Outcome 10 provides that Council and community are to have capacity to respond to climate change, including by adaptation. In part, the SPRSEMP supports this by identifying management strategies addressing river bank erosion, including that caused by sea level rise.

2.5.1.4 Other Local Instruments

Key planning instruments and policies utilised by MBRC include the following:

- *Moreton Bay Region Community Plan 2011-2021* – this sets the overarching targets for the Moreton Bay Region, to be achieved through use of the Corporate Plan, operational measures and other plans. Targets include T12 *Increase the resilience of communities and business to a disaster* and T20 *Increase the health and resilience of waterways and coastal areas*.
- *Corporate Plan 2012-2017* – MBRC's response to the first 5 years of the Community Plan in terms of direct action.
- *Moreton Bay Regional Council Local Disaster Management Plan* – statutory disaster management plan required under *Disaster Management Act 2003*. Identifies flooding and storm tide inundation as potential disasters (which can be exacerbated by erosion). Measures to address these disasters include land use management through application of the QCP (see Section 2.1.1).

Planning and Legislative Framework

- *Draft Open Space Strategy 2012-2031* – provides strategic outcomes for open spaces areas in the region. Strategic Outcome 3 requires promotion and fostering of environmental values and response to climate variability, which would include vulnerability to erosion induced by sea-level rise.
- *Policy No: 12-2150-044 Sustainability* – MBRC’s policy on sustainability including the enhancement of natural areas and use of an integrated planning approach.
- *Living in Brisbane 2026* – BCC’s vision for the future of Brisbane, based on a series of goals. Includes ensuring rivers are healthy and have ample native vegetation cover on their banks.
- *Corporate Sustainability Policy* – BCC’s commitment to sustainability in Brisbane, including a commitment to ‘protecting and enhancing biodiversity, natural areas and waterways’.
- *Brisbane’s FloodSmart Future Strategy 2013-2031* – strategy to identify key approaches to flood management in Brisbane. Requires an integrated and adaptive approach to the construction of any hard structures for flood management.