

Queensland



Coastal Protection and Management Act 1995

COASTAL PROTECTION AND MANAGEMENT REGULATION 2003

**Reprinted as in force on 17 December 2004
(includes commenced amendments up to 2004 SL No. 316)**

Reprint No. 1D

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Information about this reprint

This regulation is reprinted as at 17 December 2004. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



COASTAL PROTECTION AND MANAGEMENT REGULATION 2003

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COASTAL PROTECTION AND MANAGEMENT REGULATION 2003

[as amended by all amendments that commenced on or before 17 December 2004]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Coastal Protection and Management Regulation 2003*.

2 Commencement

This regulation commences on 20 October 2003.

3 Definitions

The dictionary in schedule 5 defines particular words used in this regulation.

PART 2—COASTAL BUILDING LINES

4 Fixing coastal building lines—Act, s 66

(1) A line shown as a set-back line on a plan stated in schedule 1, column 3, is the coastal building line for the relevant coastal management district for the plan.¹

(2) The chief executive must—

1 See also the *Coastal Protection and Management (Coastal Management Districts) Regulation 2003* for the coastal building lines fixed for the coastal management districts declared in that regulation.

- (a) keep each plan stated in schedule 1, column 3, available for inspection, free of charge, by members of the public; and
- (b) allow a person to take, free of charge, a copy of an extract from the plan showing a set-back line.²

(3) In this section—

“**relevant coastal management district**”, for a plan stated in schedule 1, column 3, means the coastal management district—

- (a) stated opposite the plan in schedule 1, column 2; and
- (b) situated in the local government area stated opposite the plan in schedule 1, column 1.

PART 3—FEES AND ROYALTIES

Division 1—Fees

5 Fees for assessment of development application

(1) The fees payable for assessment of a development application under chapter 2, part 6 of the Act are stated in—

- (a) for an application in connection with the construction of an artificial waterway—schedule 2, part 1; and
- (b) for an application other than in connection with the construction of an artificial waterway—schedule 2, part 2.

(2) However, if the applicant has a preliminary approval for the development under the development application, the fee payable for assessment of the application is—

- (a) for an application mentioned in schedule 2, part 1, item 1 or schedule 2, part 2, item 1 or 2(a) or (b)—nil; or

2 The plans may be inspected at, or a copy of an extract obtained from, the following places during business hours—

- the central office of the Environmental Protection Agency at 160 Ann Street, Brisbane
- a regional office of the Environmental Protection Agency.

- (b) for an application mentioned in schedule 2, part 1, item 2—the sum of the following—
 - (i) the fee payable under schedule 2, part 1, item 2(b), less the fee paid for operational works in relation to the preliminary approval;
 - (ii) the fee payable under schedule 2, part 1, item 2(c), less any fee paid for reconfiguring a lot in relation to the preliminary approval; or
- (c) for an application mentioned in schedule 2, part 2, item 2(c) or (d)—the fee payable under that item, less any fee paid for operational works in relation to the preliminary approval; or
- (d) for an application mentioned in schedule 2, part 2, item 3—the fee payable under schedule 2, part 2, item 3, less any fee paid for reconfiguring a lot in relation to the preliminary approval.

6 Fees for allocations and dredge management plans

The fees payable under the Act in relation to an allocation or a dredge management plan are stated in schedule 3.

Division 2—Royalties

7 Rate of royalty—Act, s 102

For section 102(1) of the Act, the rate at which royalty is payable is stated in schedule 4.

8 When royalty payable—Act, s 102

For section 102(1) of the Act, royalty is payable—

- (a) for quarry material removed under an allocation notice—when a notice mentioned in section 80(2)³ of the Act is given to the chief executive for the removal; or
- (b) for quarry material removed under an approved dredge management plan—when information is given, under the plan, to

³ Section 80 (Allocation holder to give information) of the Act

the chief executive about the quantity of quarry material removed.

9 Royalty not payable for particular transport-related matters

(1) No royalty is payable for quarry material removed by any of the following persons if the conditions stated in subsection (2) are satisfied in relation to the removal—

- (a) the chief executive of the department in which the *Transport Infrastructure Act 1994*, to the extent it relates to transport infrastructure other than roads, is administered;
- (b) a person who manages a public marine facility;
- (c) a person who is removing the quarry material for a person mentioned in paragraph (a) or (b).

(2) For subsection (1), the conditions are—

- (a) the person removes the material to develop, maintain or improve navigational channels; and
- (b) the person disposes of the material on land; and
- (c) the material is to be used for—
 - (i) beach nourishment, filling or reclamation purposes; or
 - (ii) another purpose that does not involve the sale of any of the material.

(3) No royalty is payable by a port authority for quarry material removed—

- (a) to maintain or improve navigational channels or navigation in its port if the material is disposed of—
 - (i) in an area associated with port activities and approved by the Minister of the department in which the *Transport Infrastructure Act 1994* is administered; and
 - (ii) under relevant statutory environmental controls; or
- (b) to reclaim land that is, or is proposed to be, strategic port land under the *Transport Infrastructure Act 1994*.

10 Application for waiver of royalty

(1) A person may apply to the chief executive (a “**waiver application**”) for the chief executive to waive, completely or partly, payment of a royalty by the person if the quarry material removed under an allocation notice or an approved dredge management plan—

- (a) is used, or to be used, for beach nourishment in relation to which the person has a development approval; or
- (b) is mostly mud, silt, or clay disposed of, or to be disposed of, on land for filling or reclamation purposes; or
- (c) is placed, or to be placed, on land to avoid an adverse effect, or a potential adverse effect, on the environment.

(2) The waiver application must be accompanied by enough evidence to support the person’s eligibility to make the application under subsection (1)(a), (b) or (c).

11 When waiver application may be made

(1) A person may make a waiver application only—

- (a) if the royalty is payable for quarry material removed under an allocation notice—when the person applies for the allocation or the person gives the chief executive a notice mentioned in section 80(2) of the Act for the removal; or
- (b) if the royalty is payable for quarry material removed under an approved dredge management plan—when the person applies for approval of the plan or the person gives information, under the plan, to the chief executive about the quantity of material removed.

(2) Also, a person may make a waiver application only if there is no outstanding amount of royalty payable by the person when the application is made.

12 When royalty must be waived

The chief executive must waive payment of an amount of royalty by a person for quarry material removed under an allocation notice or an approved dredge management plan if the chief executive is satisfied the quarry material—

- (a) is used, or to be used, for beach nourishment in relation to which the person has a development approval; or
- (b) is mostly mud, silt, or clay disposed of, or to be disposed of, on land for filling or reclamation purposes; or
- (c) is placed, or to be placed, on land to avoid an adverse effect, or a potential adverse effect, on the environment.

13 Refund of royalty waived

If, for a waiver application, the chief executive waives payment of an amount of royalty under section 12 and the applicant has paid the royalty, the chief executive must, within 20 business days after receiving the application, repay the amount of the royalty waived.

SCHEDULE 1**COASTAL BUILDING LINES**

section 4

Local government area	Coastal management district	Plan number
City of Caloundra	1	SC 3328 and SC 3329
City of Caloundra	13	SC 3353
City of Gold Coast	2	SC 3428
City of Hervey Bay	16	SC 3354 and SC 3355
City of Maryborough	16	SC 3356
Shire of Bowen	18	SC 3357, SC 3359 and SC 3361
Shire of Caboolture	3	SC 3330
Shire of Noosa	8	SC 3331 to SC 3338 and SC 3339A to SC 3342

SCHEDULE 2**FEES FOR ASSESSMENT OF DEVELOPMENT APPLICATIONS**

section 5

PART 1—APPLICATIONS IN CONNECTION WITH THE CONSTRUCTION OF AN ARTIFICIAL WATERWAY

	\$
1. Application for a material change of use of premises completely or partly within a coastal management district	15 000
2. Application for carrying out operational works and reconfiguring a lot completely or partly within a coastal management district—	
(a) if there is no application for a material change of use in relation to the development—for the application	15 000
(b) for the operational works—for each metre, or part of a metre, of land fronting the proposed works	10.50
(c) for the reconfiguring—	
(i) 1 or 2 lots after reconfiguring	500
(ii) 3 lots after reconfiguring	750
(iii) 4 lots after reconfiguring	1 000
(iv) 5 lots after reconfiguring	1 250
(v) more than 5 lots after reconfiguring	1 500

SCHEDULE 2 (continued)

**PART 2—APPLICATIONS OTHER THAN IN
CONNECTION WITH THE CONSTRUCTION OF AN
ARTIFICIAL WATERWAY**

	\$
1. Application for a material change of use of premises completely or partly within a coastal management district	1 500
2. Application for carrying out operational works that is tidal works, or works completely or partly within a coastal management district, for—	
(a) coastal management purposes involving beach nourishment, dune fencing, revegetation of dunal areas with endemic native plants, or stinger net enclosures	nil
(b) a purpose directly related to the provision of life saving or rescue services by a volunteer community organisation	nil
(c) a private purpose—	
(i) if the application relates to no more than 1 residence	200
(ii) if the application relates to 2 or more residences and the operational works does not include a structure used for berthing a vessel	200
(iii) if the application relates to 2 or more residences and the operational works includes 1 or more structures used for berthing a vessel—for each structure used for berthing a vessel.	200

SCHEDULE 2 (continued)

(d) another purpose and the value of the completed works is—	
(i) \$10 000 or less	520
(ii) more than \$10 000 but not more than \$25 000	920
(iii) more than \$25 000 but not more than \$50 000	1 100
(iv) more than \$50 000 but not more than \$100 000	1 830
(v) more than \$100,000 but not more than \$250 000	2 200
(vi) more than \$250 000 but not more than \$500 000	2 900
(vii) more than \$500 000 but not more than \$1 million	5 100
(viii) more than \$1 million but not more than \$2.5 million	6 200
(ix) more than \$2.5 million but not more than \$5 million	10 400
(x) more than \$5 million but not more than \$10 million	12 000
(xi) more than \$10 million but not more than \$25 million	17 000
(xii) more than \$25 million	20 000
3. Application for reconfiguring a lot, completely or partly within a coastal management district—	
(a) 1 or 2 lots after reconfiguring	500
(b) 3 lots after reconfiguring	750

SCHEDULE 2 (continued)

(c) 4 lots after reconfiguring	1 000
(d) 5 lots after reconfiguring	1 250
(e) more than 5 lots after reconfiguring	1 500

SCHEDULE 3**FEEES FOR ALLOCATIONS AND DREDGE
MANAGEMENT PLANS**

	section 6
	\$
1. Application for an allocation or an approval of a dredge management plan allowing the removal of—	
(a) no more than 10 000 m ³ of quarry material	160
(b) more than 10 000 m ³ of quarry material	480
2. Application to transfer all or part of an allocation or an approved dredge management plan allowing the removal of—	
(a) no more than 10 000 m ³ of quarry material	50
(b) more than 10 000 m ³ of quarry material	150
3. Application to renew an allocation notice or an approval of a dredge management plan allowing the removal of—	
(a) no more than 10 000 m ³ of quarry material	100
(b) more than 10 000 m ³ of quarry material	300

SCHEDULE 4**ROYALTY PAYABLE FOR REMOVAL OF QUARRY MATERIAL**

	section 7
	\$
1. Royalty for removal of quarry material under an allocation notice or approved dredge management plan—for each m ³ removed—	
(a) by a government body or a statutory authority for its own use	0.50
(b) otherwise	1.35

SCHEDULE 5**DICTIONARY**

section 3

“allocation” means an allocation of quarry material under chapter 2, part 5, division 1,⁴ of the Act.

“approved dredge management plan” means a dredge management plan approved under section 61Y⁵ of the Act.

“dredge management plan” see section 61U⁶ of the Act.

“government body”, for schedule 4, item 1, means—

- (a) a department, or part of a department; or
- (b) a local government.

“preliminary approval” includes a deemed approval.

“private purpose”, for schedule 2, part 2, item 2(c), means a purpose related only to either or both of the following—

- (a) use of a boat used only for recreation;
- (b) use of land, if the use is only for residential purposes.

“public marine facility” see *Transport Infrastructure Act 1994*, schedule 3.

4 Chapter 2 (Coastal management), part 5 (Quarry materials), division 1 (Allocation of quarry materials) of the Act

5 Section 61Y (Approving or refusing to approve plans) of the Act was renumbered as section 93 under the Coastal Protection and Management Act 1995 s 103A

6 Section 61U (What is a dredge management plan) of the Act was renumbered as section 89 under the Coastal Protection and Management Act 1995 s 103A

SCHEDULE 5 (continued)

“residence”, for schedule 2, part 2, item 2(c), means a building or structure, or a part of a building or structure, that is used, or designed to be used, as a dwelling.

Examples—

1. Dwelling house.
2. Flat or unit.

“waiver application” see section 10(1).

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 17 December 2004. Future amendments of the Coastal Protection and Management Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Notes
1	none	20 October 2003	
1A	to 2003 SL No. 260	29 December 2003	
1B	to 2003 SL No. 269	13 January 2004	
1C	to 2003 SL No. 321	1 March 2004	
1D	to 2004 SL No. 316	17 December 2004	

5 List of legislation

Coastal Protection and Management Regulation 2003 SL No. 203

made by the Governor in Council on 4 September 2003

notfd gaz 5 September 2003 pp 57–8

ss 1–2 commenced on date of notification

remaining provisions commenced 20 October 2003 (see s 2)

exp 1 September 2014 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared

amending legislation—

Coastal Protection and Management (Coastal Management Districts) Regulation 2003 SL No. 260 pts 1, 3

notfd gaz 31 October 2003 pp 691–4

ss 1–2 commenced on date of notification

remaining provisions commenced 29 December 2003 (see s 2)

Coastal Protection and Management Legislation Amendment Regulation (No. 1) 2003 SL No. 269 pts 1, 3

notfd gaz 7 November 2003 pp 757–60

ss 1–2 commenced on date of notification

remaining provisions commenced 13 January 2004 (see s 2)

Coastal Protection and Management Legislation Amendment Regulation (No. 2) 2003 SL No. 321 pts 1, 3

notfd gaz 5 December 2003 pp 1114–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 March 2004 (see s 2)

Environmental Protection and Other Legislation Amendment Regulation (No. 1)**2004 SL No. 316 ss 1, 2(2), pt 2**

notfd gaz 17 December 2004 pp 1277–85

ss 1–2 commenced on date of notification

remaining provisions commenced 17 December 2004 (see s 2(2))

6 List of annotations**Fixing coastal building lines—Act, s 66****prov hdg** amd 2004 SL No. 316 s 4**s 4** amd 2003 SL No. 260 s 5**Fees for assessment of development application****s 5** amd 2004 SL No. 316 s 5**PART 3—FEES AND ROYALTIES****Division 2—Royalties****Subdivision 1—Rate of royalty and when it is payable****sdiv hdg** om 2004 SL No. 316 s 6**Rate of royalty—Act, s 102****prov hdg** amd 2004 SL No. 316 s 7(1)**s 7** amd 2004 SL No. 316 s 7(2)**When royalty payable—Act, s 102****prov hdg** amd 2004 SL No. 316 s 7(1)**s 8** amd 2004 SL No. 316 ss 7(2), 8**Subdivision 2—Exemption from payment of royalty****sdiv hdg** om 2004 SL No. 316 s 6**Royalty not payable for particular transport-related matters****prov hdg** sub 2004 SL No. 316 s 9(1)**s 9** amd 2004 SL No. 316 s 9(2)**Subdivision 3—Waiver of payment of royalty****sdiv hdg** om 2004 SL No. 316 s 6**When waiver application may be made****s 11** amd 2004 SL No. 316 s 8**PART 4—AMENDMENT OF STANDARD BUILDING REGULATION 1993****(ss 14–16)** om R1 (see RA s 40)**SCHEDULE 1—COASTAL BUILDING LINES**amd 2003 SL No. 260 s 6; 2003 SL No. 269 s 6; 2003 SL No. 321 s 6; 2004
SL No. 216 s 10