

# Coastal Protection and Management Amendment Regulation (No. 1) 2014

Explanatory Notes for SL 2014 No. 21

made under the

*Coastal Protection and Management Act 1995*

## General Outline

### Short title

*Coastal Protection and Management Amendment Regulation (No. 1) 2014*

### Authorising law

Section 167 of the *Coastal Protection and Management Act 1995* (Coastal Act)

### Policy objectives and the reasons for them

The amendments relate to the *Integrated Development Assessment System (IDAS) Code for Development Applications for Prescribed Tidal Work* (prescribed tidal work code) and the *IDAS Code for self-assessable development for tidal works, or works completely or partly within a coastal management district* (self-assessable code), in the *Coastal Protection and Management Regulation 2003*.

The amendments to the prescribed tidal work code are in response to a recommendation made by the Queensland Floods Commission of Inquiry (QFCoI) in its Final Report (2012). The recommendation was for the Queensland Government to review the code for development applications for prescribed tidal work in the *Coastal Protection and Management Regulation 2003* to consider whether the design and construction standards should be made more stringent than the existing standards.

The QFCoI recommendation was primarily made in response to a high number of mainly private pontoons and other tidal works being dislodged from their moorings and piles and in some instances destroyed during the January 2011 Brisbane River flood because they were not effectively restrained. Additionally, many dislodged pontoons were unidentifiable resulting in the cost of recovery, storage and disposal being imposed on the State.

Inclusion of a self-assessable code is in response to a review of coastal development triggers in 2011 with the aim of reducing their number and complexity. One of the recommendations resulting from the review was to make some of this assessable development self-assessable development.

The self-assessable code will apply to certain low risk tidal works associated with minor public marine development, including associated interference with quarry material, carried out by, or on behalf of, the Department of Transport and Main Roads, Gold Coast Waterways Authority or a local government.

The key issues being addressed through the Amendment Regulation are:

- Amendments to the IDAS code for development applications for prescribed tidal work, including:
  - clarifying an existing requirement that new pontoons to be restrained in the vicinity of the property to prevent the structure washing away as a result of flooding impacts (up to a defined flood event);
  - including a new requirement for new pontoons to be identifiable in the event they are dislodged from their moorings or restraint system (when the defined flood event is surpassed); and
  - including a new subsection to limit the specific outcomes required to be certified by a Registered Professional Engineer of Queensland (RPEQ) to ensure design and construction standards are met.
- Inclusion of a new IDAS code for self-assessable development for tidal works, or works completely or partly within a coastal management district.

## **Achievement of policy objectives**

The amendments to the prescribed tidal work code are the most cost-effective options of those considered in meeting the QFCoI Final Report recommendation and minimising costs associated with any future loss of unidentifiable pontoons and loss and damage to river infrastructure from dislodged pontoons.

The amendment to include a self-assessable code is considered a cost-effective option in reducing red tape. Application of the self-assessable code will reduce regulatory burden while maintaining environmental, construction and safety standards. In 2012, amendments were made to the Coastal Act and the *Sustainable Planning Regulation 2009* to support the implementation of a self-assessable code for certain coastal development.

The policy objectives are achieved by the commencement of the new provisions in the *Coastal Protection and Management Regulation 2003*.

## **Consistency with policy objectives of authorising Act**

The amendment regulation is consistent with the main objects of the *Coastal Protection and Management Act 1995* that is to provide for the protection, conservation, rehabilitation and management of the coastal zone, including its resources and biological diversity; and ensure decisions about land use and development safeguard life and property from the threat of coastal hazards.

## **Inconsistency with policy objectives of other legislation**

There is no inconsistency with policy objectives of other legislation.

## **Benefits and costs of implementation**

Not applicable.

## **Consistency with fundamental legislative principles**

The amendments do not conflict with fundamental legislative principles.

## **Consultation**

Consultation on amendments to the prescribed tidal work code was conducted with the Department of State Development, Infrastructure and Planning, Maritime Safety Queensland, local government, Queensland Reconstruction Authority, Engineers Australia and marine industry groups.

Consultation on the self-assessable code was conducted with local government, Local Government Association of Queensland, the Department of Transport and Main Roads (including Maritime Safety Queensland), Gold Coast Waterway Authority, the Department of State Development, Infrastructure and Planning and the Department of Natural Resources and Mines.

All responding stakeholders support the amendments.