

# Coastal Protection and Management Amendment Regulation (No. 3) 2014

Explanatory notes for SL 2014 No. 330

made under the

*Coastal Protection and Management Act 1995*

## General Outline

### Short title

*Coastal Protection and Management Amendment Regulation (No. 3) 2014*

### Authorising law

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

### Policy objectives and the reasons for them

The proposed amendments relate to new parts to the *Integrated Development Assessment System (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*.

Inclusion of a self-assessable code (and the new parts) is in response to a review of coastal development assessment triggers in 2011 with the aim of reducing their number and complexity. One of the recommendations resulting from the review was to make assessable development with low environmental risk self-assessable development.

On 7 March 2014, an IDAS self-assessable code was made that applies to minor public marine development (i.e. public boat ramps, pontoons and jetties) under the *Sustainable Planning Act 2009*.

The Department of Environment and Heritage Protection (EHP) proposes to extend the range of works to which the code applies.

The key issue being addressed through the Amendment Regulation is inclusion of new parts to an existing IDAS code for self-assessable development for tidal works, or works completely or partly within a coastal management district.

The new parts of the code will apply to the following types of work:

- storm water infrastructure;
- certain work involving boardwalks, beach access and viewing structures, netted swimming enclosures and pedestrian/bikeway bridges;
- beach re-profiling and beach nourishment;
- demolition of structures below high-water mark;
- management of natural waterway mouth across a beach;
- reconstruction of a functional seawall or revetment; and
- reconstruction or maintenance of a road, carpark or path, and addition of a footpath to a road.

The code will continue to apply only to work undertaken by a local government, the Gold Coast Waterways Authority or by, or on behalf of, the Department of Transport and Main Roads.

The introduction of additional works as self-assessable development aims to reduce preparation and processing costs for certain works in the coastal zone reducing regulatory burden for both State and local governments.

The code maintains existing high environmental and safety standards by setting acceptable outcomes that must be met when undertaking the works.

## **Achievement of policy objectives**

The proposed amendment to include new parts to an existing self-assessable code is considered a cost-effective option in reducing regulatory burden. 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 further achieved by the commencement of the new parts of the self-assessable code in the *Coastal Protection and Management Regulation 2003*.

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

The *Coastal Protection and Management Amendment Regulation (No. 3) 2014* is consistent with the main objects of the Coastal Act 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**

The *Coastal Protection and Management Amendment Regulation (No. 3) 2014* is consistent with policy objectives of other legislation.

## **Benefits and costs of implementation**

The introduction of additional works as self-assessable development aims to reduce preparation and processing costs and associated timeframes for certain works in the coastal zone reducing regulatory burden for both State and local governments.

The introduction of additional works as self-assessable development is also likely to have indirect positive impacts on the community, that is –coastal infrastructure and beach amenity will be maintained in a timely manner. In particular, the community will benefit from council able to undertake beach nourishment (and re-instate the beach profile) associated with a coastal erosion event without delays associated with development assessment.

## **Consistency with fundamental legislative principles**

The *Coastal Protection and Management Amendment Regulation (No. 3) 2014* is consistent with fundamental legislative principles defined in the *Legislative Standards Act 1992*.

## **Consultation**

Consultation was sought with: local government; Local Government Association of Queensland, the Department of Transport and Main Roads (including Marine Safety Queensland), Gold Coast Waterways Authority, the Department of State Development, Infrastructure and Planning, the Department of Natural Resources and Mines, the Department of Agriculture, Fisheries and Forestry and the Department of National Parks, Recreation, Sport and Racing,

Consultation was undertaken with the Office of Best Practice Regulation (OBPR), Queensland Competition Authority, regarding the proposed amendments and Regulatory Impact Statement (RIS) process.