

Information sheet

Coastal Development

Assessment of building work in an erosion prone area or seaward of a coastal building line

This document provides information on the role of private certifiers in the assessment of development applications involving building work in an erosion prone area or on land completely or partly seaward of a coastal building line.

Overview

Building work that is not self-assessable or exempt development is assessable under schedule 8, part 1, table 1, item 1 of the *Integrated Planning Act 1997* (IPA). The carrying out of all building work (unless declared otherwise) is assessable against the *Standard Building Regulation 1993* under the *Building Act 1975*.

Amendments to the Standard Building Regulation replace requirements under section 44A of the repealed *Beach Protection Act 1968* in relation to building work in an erosion prone area. Under the Regulation, the assessment manager is required, when applicable, to impose conditions necessary for coastal management on the development approval for building work carried out anywhere within an erosion prone area.

For development applications involving building work on land that is completely or partly seaward of a coastal building line declared under the *Coastal Protection and Management Act 1995* (Coastal Act), the applicant is required under the IPA to refer the application to the Environmental Protection Agency (EPA) as a concurrence agency. The *Coastal Protection and Management Regulation 2003* (Coastal Regulation) fixes the existing setback lines established under the repealed *Beach Protection Act 1968* as the coastal building lines for relevant coastal management districts.

A private certifier may act as the assessment manager for development applications involving building work in the above locations.

Building work in an erosion prone area

An erosion prone area is declared under the Coastal Act to be an area within the coastal zone that may be subject to erosion or tidal inundation.¹ The erosion prone area varies according to the physical features of the land, and the reference point from which the width of the erosion prone area is measured depends on the location. The EPA has produced plans describing the various erosion prone areas and relevant local governments and the EPA hold copies of these plans.²

Erosion prone areas are part of the active beach system and are normally subject to natural cycles of erosion and accretion of sand. Development in these areas may trap and prevent sand from being included in these natural beach movements. This can have adverse consequences on the adjacent beach and can lead to the need for construction of property protection works such as rock walls.

¹ Section 70(1) of the Coastal Act

² Applicants may request the EPA for a search to determine whether the property subject of a building work application is within an erosion prone area.

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Beach nourishment, using clean sand surplus to site requirements, is an important means of maintaining or improving the quality of the adjacent beach.

Under the Standard Building Regulation, for a development application for building work in an erosion prone area, the assessment manager/private certifier for the application must impose the following conditions on a development approval for the application³ –

- (1) All material excavated from land for the building work must be placed, levelled and stabilised against wind erosion⁴ –
 - (a) on the land seaward of the building or structure; or
 - (b) at another location, stated in the approval, within the erosion prone area.
- (2) If the building work includes the erection or alteration of a roof drainage system or stormwater drain for the building or other structure – the roof drainage system or stormwater drain must not be erected or altered in a way that is likely to cause erosion of the area.

The assessment manager/private certifier, however, may approve the application without imposing a development approval condition stated above if he or she is satisfied that the condition is not necessary for coastal management including, in particular, the prevention of erosion or tidal inundation.

In determining whether or not the condition is necessary for coastal management, private certifiers should contact the relevant local government about any applicable codes or other requirements about the stabilisation of surplus sand excavated from the land and its placement on a beach in the local government area.

The EPA is not a referral agency for building work in an erosion prone area. The above amendments to the Standard Building Regulation ensure that coastal management issues in relation to erosion prone areas are taken into account in the decision-making on the building work application.

Building work seaward of a coastal building line

A coastal building line is used to regulate building work within the coastal management district. Coastal building lines are declared under the Coastal Act and are fixed for a coastal management district through a regulation or notice.⁵

The Coastal Regulation fixes the existing setback lines established under the repealed *Beach Protection Act 1968* as the coastal building lines for their associated coastal management districts.⁶ The current coastal building line plans are listed in Table 1 below.

³ Section 30A of the Standard Building Regulation

⁴ Note that excavation or placement of material in an erosion prone area completely or partly within the coastal management district may require an approval pursuant to IPA schedule 8, part 1, table 4, item 5(b)(i) or (ix).

⁵ Section 66(1) and (2) of the Coastal Act

⁶ Section 4 of the Coastal Regulation

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Table 1. Coastal building lines in relevant coastal management districts⁷

Local government	Plan number
City of Cairns	SC 3343, SC 3347 to SC 3351
City of Caloundra	SC 3328 and SC 3329, SC 3353
City of Gold Coast	SC 3428
City of Hervey Bay	SC 3354 and SC 3355
City of Maryborough	SC 3356
Shire of Bowen	SC 3357, SC 3359 and SC 3361
Shire of Caboolture	SC 3330
Shire of Calliope	SC 3352
Shire of Hinchinbrook	SC 3362
Shire of Noosa	SC 3331 to SC 3338 and SC 3339A to SC 3342

Note: Each plan is kept by the EPA and is available for inspection on request, free of charge, by members of the public. A person may take, free of charge, a copy of an extract from the plan showing a setback line. The plans may be inspected at, or a copy of an extract obtained by making an application. Application forms are available from the EPA web site at www.epa.qld.gov.au and post to Environmental Operations Division EPA PO Box 15155 CITY EAST QLD 4002.

Under schedule 2 of the *Integrated Planning Regulation 1998*, any development application involving building work on land that is completely or partly seaward of a coastal building line must be referred to the EPA as a concurrence agency, with its jurisdiction of "coastal management, excluding amenity or aesthetic significance or value".⁸ The EPA will assess the development application against criteria under the Coastal Act and the provisions of the *State Coastal Management Plan – Queensland's Coastal Policy (2001)* (State Coastal Plan) and relevant regional coastal management plans. Details about the EPA assessment of this type of development may be found on the EPA website on http://www.epa.qld.gov.au/ecoaccess/coastal_development/.

Further information

For more information, please contact the Ecoaccess Customer Service Unit on phone number 1300 368 326 or fax number (07) 3115 9600, or the nearest EPA regional office.

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⁷ Schedule 1 of the Coastal Regulation

⁸ Schedule 2, table 1, item 10, of the IP Regulation