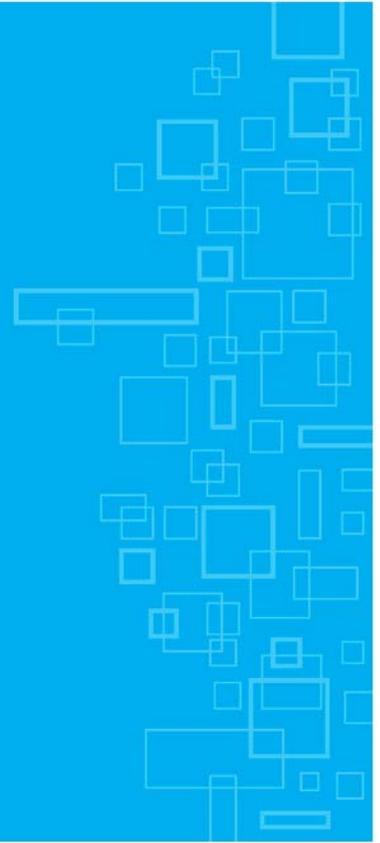




Department of State Development, Infrastructure and Planning



Draft Coastal Protection State Planning Regulatory Provision

Practice notes

January 2013



Queensland
Government

The Department of State Development, Infrastructure and Planning leads a coordinated Queensland Government approach to planning, infrastructure and development across the state.

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Purpose

The purpose of the Draft Coastal Protection State Planning Regulatory Provision – Practice notes (the practice notes) is to assist in the interpretation of the draft Coastal Protection State Planning Regulatory Provision (draft SPRP).

The draft SPRP was made by the Honourable Jeff Seeney MP, Deputy Premier and Minister for State Development, Infrastructure and Planning, under Chapter 2, Part 2, Division 2 of the *Sustainable Planning Act 2009* on 8 October 2012. The draft SPRP is an interim measure that will operate for 12 months or until the State Planning Policy commences.

The Practice notes support the draft SPRP by providing additional information and links to other helpful resources on specific terms and concepts in the draft SPRP.

The Practice notes have been developed in response to feedback received during the draft SPRP statutory consultation period, which ran from 8 October 2012 – 19 November 2012.

The Practice notes do not have statutory application and are to be used as a guide only.

Practice notes

Application of the draft SPRP

- The draft SPRP applies to all local government areas in Queensland that contain areas within the 'coastal zone'
- 'Coastal zone' is defined in section 15 of the *Coastal Protection and Management Act 1995* as the part of the state comprising the following:
 - (a) Queensland waters and land within the area shown as the coastal zone on the coastal zone map
 - (b) the airspace above the surface of the area mentioned in the paragraph (a)
 - (c) the subsoil below the surface of the area mentioned in paragraph (a).

Relationship to other planning instruments

Transitional arrangements

- The assessment manager should have regard to the draft SPRP when assessing applications that were properly made before the date this draft SPRP commenced (8 October 2012).

Part 1: Making planning documents

Part 1.2 Provisions about coastal protection

Land use planning

- Coastal resources means the 'natural and cultural resources of the coastal zone', as defined in section 12 of the *Coastal Protection and Management Act 1995*.

Coastal hazards

- Refer to Queensland Coastal Plan – Coastal Hazards Guideline, available at: <http://www.ehp.qld.gov.au/coastalplan/pdf/hazards-guideline.pdf>
- Applicable mapping is available on the Department of Environment and Heritage Protection (DEHP) website at: http://www.ehp.qld.gov.au/coastal/development/assessment/erosion_prone_areas.html#coastal_hazard_area_mapping

Areas of high ecological significance

- Mapping for areas of high ecological significance (HES) is available on the DEHP website at: <http://www.ehp.qld.gov.au/land/natural-resource/ecological-significance-mapping.php>
- Requests regarding 'overriding social and economic need' can be made to the planning Minister either before or as part of the state interest review process, in accordance with provision 1.2(7) of the draft SPRP.

Part 2: Development assessment

Part 2.1 Application of this part

- For a development application for impact assessable development in a coastal management district (CMD) by an assessment manager:
 - For example, these applications could involve a material change of use in the CMD which is impact assessable against the local planning scheme (e.g. a proposed child care centre in an industrial zone)
 - Mapping for the CMD is available on the DEHP website at: <http://www.ehp.qld.gov.au/coastalplan>
- For a development application considered by the chief executive administering the *Coastal Protection and Management Act 1995* as assessment manager in accordance with the *Sustainable Planning Regulation 2009*:
 - For example, these applications could involve tidal works or works within a CMD where the Chief Executive administering the *Coastal Protection and Management Act 1995* is the assessment manager under schedule 6, table 3, item 6 of the *Sustainable Planning Regulation 2009*.
- For a development application for development in a CMD by an agency with jurisdiction under the *Coastal Protection and Management Act 1995*:
 - For example, these applications could involve:
 - building work on land completely or partly seaward of a coastal building line (refer to schedule 7, table 1, item 11 of the *Sustainable Planning Regulation 2009*)
 - operational work, other than prescribed tidal work in a canal (refer to schedule 7, table 2, item 13 of the *Sustainable Planning Regulation 2009*)
 - material change of use, if involving operational work or building work carried out completely or partially within the coastal management district (refer to schedule 7, table 3, item 5 of the *Sustainable Planning Regulation 2009*).

Part 2.2 Provisions about coastal protection

Coastal hazards

- Areas with a high risk of being affected by coastal hazards include:
 - ‘High hazard area (greater than 1.0m water depth)’ as defined in the ‘Coastal Hazard Areas Map - Storm Tide Inundation Areas’ mapping, available on the DEHP website at:
<http://www.ehp.qld.gov.au/coastal/management/maps/index.html>
 - ‘Erosion due to storm impact and long term trends of sediment loss and channel migration’, and ‘erosion and permanent tidal inundation due to sea level rise’, as defined in the ‘Coastal Hazard Areas Map - Erosion Prone Area Indicative Footprint’ mapping, available on the DEHP website at: <http://www.ehp.qld.gov.au/coastal/management/maps/index.html>
- Areas with a high risk of being affected by coastal hazards do not include, for example, medium hazard areas as defined in the ‘Coastal Hazards Areas Map – Storm Tide Inundation Areas’ mapping
- Further information on the methodology used to determine coastal hazard areas is available on the DEHP website, at <http://www.ehp.qld.gov.au/coastal/plan/pdf/hazards-guideline.pdf>

Public access

- An example of an area of state economic significance may include strategic port land, existing regional and international airports, maritime development areas, and state development areas declared under the *State Development and Public Works Organisation Act 1971*.

Coastal-dependent land use

- Under provisions 2.2(14) of the draft SPRP, points (a) to (e) are intended to apply collectively.

Canals and dry land marinas

- Under provisions 2.2(26) of the draft SPRP, points (a) to (e) are intended to apply collectively.

Appendix

Glossary

Area of high ecological significance

- The Glossary of the draft SPRP defines an ‘Area of high ecological significance’.
- Requests regarding the values of areas of HES on a particular site can be made to the Department of State Development, Infrastructure and Planning before the applicant submits a development application over the land, as per the definition of ‘Area of high ecological significance’ under the draft SPRP.
- The values and features comprising an area of HES¹ within the CMD include:
 - protected areas under the *Nature Conservation Act 1992* excluding nature refuges, coordinated conservation areas, state forests and timber reserves
 - remnant and non-remnant vegetation in world heritage areas
 - wetlands of high conservation value
 - habitat for threatened species and ‘Back on Track’ species threatened by development (as identified by DEHP)
 - endangered and of concern regional ecosystems under the *Vegetation Management Act 1999*
 - high value regrowth vegetation under the *Vegetation Management Act 1999*, outside urban areas
 - nationally threatened ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)
 - poorly conserved remnant regional ecosystems in subregions with less than 30 per cent remnant vegetation remaining (i.e. regional ecosystems with less than four per cent of total pre-clearing extent in conservation reserves)
 - remnant regional ecosystems that are rare or depleted in subregions (i.e. regional ecosystems less than 300 ha or less than 10 per cent of the pre-clearing extent remaining)
 - large tracts of remnant vegetation in fragmented subregions
 - special biodiversity areas identified through Biodiversity Assessment and Mapping Methodology Criterion I (DEHP)
 - remnant vegetation along riparian corridors and watercourses.

¹ http://www.ehp.qld.gov.au/coastal/management/frequently_asked_questions.html#mapping



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