

Queensland



Subordinate Legislation 2003 No. 203

*Building Act 1975*

*Coastal Protection and Management Act 1995*

**COASTAL PROTECTION AND MANAGEMENT  
REGULATION 2003**

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## **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 59**

(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.

(2) The chief executive must—

- (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.<sup>1</sup>

(3) In this section—

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1 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.

“**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
- (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 schedule 2, part 2, item 2(c), 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*

#### *Subdivision 1—Rate of royalty and when it is payable*

## **7 Rate of royalty—Act, s 61ZH**

For section 61ZH(1) of the Act, the rate at which royalty is payable is stated in schedule 4.

## **8 When royalty payable—Act, s 61ZH**

For section 61ZH(1) of the Act, royalty is payable—

- (a) for quarry material removed under an allocation notice—when a notice mentioned in section 61L(2)<sup>2</sup> 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 the chief executive about the quantity of quarry material removed.

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2 Section 61L (Allocation holder to give information) of the Act

***Subdivision 2—Exemption from payment of royalty*****9 Exemption from payment of royalty**

(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.

***Subdivision 3—Waiver of payment of royalty*****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 61L(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.

## **PART 4—AMENDMENT OF STANDARD BUILDING REGULATION 1993**

### **14 Regulation amended in pt 4**

This part amends the *Standard Building Regulation 1993*.

### **15 Amendment of s 5 (Definitions)**

Section 5—

*insert—*

‘**“erosion prone area”** see the *Coastal Protection and Management Act 1995*, schedule 2.’.

### **16 Insertion of new s 30A**

After section 30—

*insert—*

#### **‘30A Conditions for building work in erosion prone area**

‘(1) This section applies to a development application for building work in an erosion prone area.

‘(2) The assessment manager for the application must impose the following conditions on a development approval for the application—

- (a) all material excavated from land for the building work must be placed, levelled and stabilised against wind erosion—
  - (i) on the land seaward of the building or structure; or
  - (ii) at another location, stated in the approval, within the erosion prone area;

- (b) 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.

‘(3) However, the assessment manager may approve the application without imposing a condition under subsection (2) if the assessment manager is satisfied the condition is not necessary for coastal management, including, in particular, the prevention of erosion or tidal inundation.

‘(4) In this section—

“**assessment manager**”, for a development application, includes a private certifier authorised to receive, assess and decide the application.’.

**SCHEDULE 1****COASTAL BUILDING LINES**

section 4

<b>Local government area</b>	<b>Coastal management district</b>	<b>Plan number</b>
City of Cairns	9	SC 3343
City of Cairns	10	SC 3347 to SC 3351
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 3359 and SC 3361
Shire of Caboolture	3	SC 3330
Shire of Calliope	12	SC 3352
Shire of Hinchinbrook	21	SC 3362
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
<b>3.</b> 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 <sup>3</sup> of quarry material . . . .   | 160 |
|    | (b) more than 10 000 m <sup>3</sup> 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 <sup>3</sup> of quarry material . . . .   | 50  |
|    | (b) more than 10 000 m <sup>3</sup> 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 <sup>3</sup> of quarry material . . . .   | 100 |
|    | (b) more than 10 000 m <sup>3</sup> 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<sup>3</sup> 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,<sup>3</sup> of the Act.

**“approved dredge management plan”** means a dredge management plan approved under section 61Y<sup>4</sup> of the Act.

**“dredge management plan”** see section 61U<sup>5</sup> 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.

**“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).

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

4 Section 61Y (Approving or refusing to approve plans) of the Act

5 Section 61U (What is a dredge management plan) of the Act

## ENDNOTES

1. Made by the Governor in Council on 4 September 2003.
2. Notified in the gazette on 5 September 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Environmental Protection Agency.