

8.2.6 Coastal protection overlay code

8.2.6.1 Application

This code applies to accepted development subject to requirements and assessable development:-

- (a) subject to the Coastal protection overlay shown on the overlay maps contained within **Schedule 2 (Mapping)**; and
- (b) identified as requiring assessment against the coastal protection overlay code by the tables of assessment in **Part 5 (Tables of assessment)**.

8.2.6.2 Purpose and overall outcomes

- (1) The purpose of the Coastal protection overlay code is to ensure that development is designed, constructed and operated to:-

- (a) avoid the social, financial and environmental costs arising from the adverse impacts of coastal hazards, taking into account the predicted effects of climate change;

Editor's note—'coastal hazard' is defined in the *Coastal Protection and Management Act 1995* and means erosion of the foreshore or tidal inundation.

- (b) protect, conserve, rehabilitate and manage the coast, including its resources and biological diversity;
- (c) preferentially use land on the coast for coastal-dependent development.

Editor's note—'coastal-dependent development' is defined in **Schedule 1 (Definitions)**.

- (2) The purpose of the code will be achieved through the following overall outcomes:-

- (a) wherever possible, development within an erosion prone area avoids:-
 - (i) intensification of existing uses;
 - (ii) new permanent built structures; or
 - (iii) seaward extensions to existing built structures;

Editor's note—'erosion prone area' is defined in the *Coastal Protection and Management Act 1995* and means an area declared to be an erosion prone area under section 70(1) of that act.

- (b) development avoids adverse impacts to coastal landforms and alterations to physical coastal processes, including those below tidal waters;
- (c) development avoids locating structures adjoining, attaching to or extending across State coastal land above high water mark;
- (d) development minimises private use of State coastal land below high water mark;
- (e) development maintains public access to the coast consistent with maintaining public safety and conserving coastal resources;
- (f) development preserves opportunities for locating coastal-dependant land uses in areas adjoining tidal waters.
- (g) Development avoids the use of coastal protection works as a means of reducing risk from coastal hazards, unless there are no feasible alternatives.

8.2.6.3 Assessment benchmarks and requirements

Table 8.2.6.3.1 Requirements for accepted development

Performance outcomes		Acceptable outcomes	
Dual occupancy and dwelling house			
PO1	The dual occupancy or dwelling house is sited and designed to protect people and property from coastal hazards and avoid the need for additional coastal protection works.	AO1	All buildings and other permanent structures are located landward of the coastal building line for the site. OR Where there is no coastal building line on the site, and the site adjoins the beachfront or a beachfront reserve, all buildings and permanent structures are located:- (a) landward or equal to the seaward alignment of any buildings on neighbouring properties; or (b) where there are no neighbouring properties, at least 6m from the seaward property boundary of the site.
PO2	The dual occupancy or dwelling house is not adversely affected by flooding from storm tide.	AO2	The finished floor level of all habitable rooms of the dual occupancy or dwelling house is located at or above the defined storm tide event (DSTE) level. OR Where an extension to an existing dual occupancy or dwelling house is less than 75% of the original building footprint or 100m ² (whichever is the greater), the finished floor level of all habitable rooms is not less than the floor level of existing habitable rooms. Editor's note—'defined storm tide event (DSTE)' is defined in Schedule 1 (Definitions) .

Table 8.2.6.3.2 Assessment benchmarks for assessable development

Performance outcomes		Acceptable outcomes	
Development in an erosion prone area			
PO1	Except in limited circumstances, development within the coastal management district is located outside of an erosion prone area and where the development is permitted the development mitigates the risk to people and property to an acceptable level. Note - an application may demonstrate through a site-based risk assessment prepared in accordance with AS/ NZ ISO 31000:2009 Risk Management – Principles and Guidelines that the risk presented by the development is acceptable or tolerable, at least for the 1% Annual Exceedance Probability (AEP) event determined for the location. Note - Mitigation measures may include: (a) locating habitable buildings outside of, or as far landward of, the coastal hazard area as possible	AO1	Development is located wholly outside of an erosion prone area in a coastal management district, unless the development cannot feasibly be located elsewhere and is:- (a) essential community infrastructure; (b) temporary, relocatable and/or able to be abandoned development; (c) coastal-dependent development; (d) located within a maritime development area; or (e) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned AND Where the development is identified in (a) to (e) above, the development mitigates the risk to people and property to an acceptable or tolerable level.

Performance outcomes		Acceptable outcomes	
	<ul style="list-style-type: none"> (b) minimising the footprint of the development on that part of the site within the coastal hazard area (c) allowing for natural barriers or buffers on the site (d) filling land to a level above the defined temporary or permanent inundation level (e) designing habitable buildings so that habitable rooms remain above the temporary inundation level (f) designing the development so that operational components remain above the level of inundation, or waterproof components if located below temporary inundation level (g) designing buildings or structures to be decommissioned, disassembled or relocated either on the site or to another site (h) providing for or installing and maintaining on-site erosion control structures. 		
PO2	<p>Temporary, readily relocatable or able to be abandoned development or essential community service infrastructure that is proposed to be located in an erosion prone area within a coastal management district, complies with the following:-</p> <ul style="list-style-type: none"> (a) it is demonstrated that it is not feasible to locate the development outside the erosion prone area that is within the coastal management district; and (b) built structures are located landward of an applicable coastal building line; or (c) where there is no coastal building line, built structures are located landward of the alignment of adjacent habitable buildings; or (d) where it is demonstrated that (b) or (c) is not reasonable, built structures are located as far landward as practicable. <p>Editor's note--'temporary, readily relocatable or able to be abandoned (development)' is defined in Schedule 1 (Definitions).</p> <p>Editor's note—'essential community service infrastructure' is defined in Schedule 1 (Definitions).</p>	AO2	No acceptable outcome provided.
PO3	<p>Redevelopment:-</p> <ul style="list-style-type: none"> (a) relocates built structures outside that part of the erosion prone area that is within the coastal management district; or (b) relocates built structures as far landward as practicable and landward of an applicable coastal building line; or (c) where there is no coastal building line, relocates built 	AO3	No acceptable outcome provided.

Performance outcomes		Acceptable outcomes	
	structures landward of the alignment of adjacent habitable buildings; and (d) provides sufficient space seaward of the development within the premises to allow for the construction of erosion control structures, such as a sea wall.		
PO4	Redevelopment in an erosion prone area within a coastal management district that intensifies the use of a site in an urban area mitigates any increase in risk to people and property from adverse coastal erosion impacts.	AO4	Redevelopment in an erosion prone area within a coastal management district that results in an intensification of a use in an urban area mitigates the erosion threat to the development, having regard to:- (a) layout of the development so as to minimise the footprint of the development of the part within the erosion prone area and locates the development as far landward as possible; (b) the practical design life of the development in the context of future erosion threat (refer section 5 of the <i>Queensland coastal plan – Coastal hazards guideline</i>); (c) the ability for buildings or structures to be decommissioned, disassembled or relocated either on the site or to another site; (d) use of appropriate foundations for the building or structure; (e) installing and maintaining on-site erosion control structures.
PO5	Coastal-dependent development or development within a maritime development area mitigates any increase in risk to people and property from adverse coastal erosion impacts. Editor's note—'Coastal-dependent development' is defined in Schedule 1 (Definitions) .	AO5.1	Coastal-dependent development:- (a) installs and maintains coastal protection works to mitigate adverse impacts to people and property from coastal erosion; or (b) locates, designs and constructs buildings or structures to withstand coastal erosion impacts.
		AO5.2	Development within a maritime development area:- (a) that is not coastal-dependent development is located outside the erosion prone area; or (b) installs and maintains coastal protection works to mitigate adverse impacts to people and property from coastal erosion at the location. Note--a development application may be required to provide the following information to demonstrate compliance with the performance outcome:- (a) assessment of the erosion hazard at a property scale; (b) plans showing the intended location, materials and method of construction for any structures; (c) a report certified by a registered professional engineer that demonstrates this performance outcome will be achieved.
Coastal building lines			
PO6	New development or the intensification of existing	AO6	All buildings and other permanent structures are located landward of the coastal building

Performance outcomes		Acceptable outcomes	
	development on a site subject to a coastal building line is located and designed to protect people and property from coastal hazards and avoid the need for additional coastal protection works.		line for the site. Editor's note—coastal building lines are identified on the Coastal protection overlay maps in Schedule 2 (Mapping) .
Reconfiguring a lot within a coastal management district			
PO7	Subject to the provisions of the <i>Coastal Protection and Management Act 1995</i> , where land within a coastal management district is proposed to be reconfigured to create additional lots, the erosion prone area is to be maintained as a development free buffer zone unless there is substantial development seaward of the development site or it is in a maritime development area or port.	AO7.1 AO7.2	Where reconfiguration of a lot is proposed within a coastal management district, the erosion prone area within the lot, or land within 40m of the foreshore (whichever is the greater), is surrendered to the State for public use. The surrendered land within a coastal management district is:- (a) placed in a State land reserve for beach protection and coastal management purposes under the <i>Land Act 1994</i> with Council as trustee; or (b) managed for beach protection and coastal management purposes under another management regime to the satisfaction of the chief executive administering the <i>Coastal Protection and Management Act 1995</i> and <i>Land Act 1994</i> .
Development within an urban area subject to temporary or permanent inundation			
PO8	Except in limited circumstances, development within an urban area is located outside:- (a) a high hazard storm tide area; or (b) an area that will be subject to permanent inundation due to sea level rise. Editor's note—high hazard storm tide areas are identified on the Coastal protection overlay maps in Schedule 2 (Mapping) . Land that is projected to be permanently inundated due to sea level rise is identified in mapping administered by the Department of Environment and Heritage Protection.	AO8	Development in an urban area is situated wholly outside of a high hazard storm tide area or an area that will be subject to permanent inundation due to sea level rise, except where the development is:- (a) essential community infrastructure; (b) temporary and/or relocatable development; (c) coastal-dependent development; (d) located within a maritime development area; or (e) redevelopment that intensifies the use of a site in an urban area, if the development mitigates any increase in risk to people and property from adverse inundation impacts.
PO9	Development within an urban area is located outside a medium hazard storm tide area unless:- (a) it does not result in an increase in the intensity of development on the site; or (b) a risk assessment demonstrates the development avoids any increase in risk to people or property from coastal hazard impacts. Editor's note—medium hazard storm tide areas are identified on the Coastal protection overlay maps in Schedule 2 (Mapping) .	AO9	Development in an urban area is situated wholly outside of a medium hazard storm tide area, except where the development is:- (a) essential community infrastructure; (b) temporary and/or relocatable development; (c) coastal-dependent development; (d) located within a maritime development area; or (e) redevelopment that intensifies the use of a site in an urban area, if the development mitigates any increase in risk to people and property from adverse inundation impacts. OR Development in an urban area that is subject to a medium hazard storm tide area is located, designed, constructed and operated to avoid adverse coastal hazard

Performance outcomes		Acceptable outcomes	
			impacts (including impacts on the development's ongoing operation) as demonstrated by a risk assessment prepared to support the development proposal.
Development within a non-urban area subject to temporary or permanent inundation			
PO10	Except in limited circumstances, development does not occur within a non-urban area that is subject to temporary or permanent inundation from coastal hazards.	AO10	<p>Development within a non-urban area is situated wholly outside an area subject to temporary or permanent inundation from coastal hazards, except where the development is:-</p> <ul style="list-style-type: none"> (a) essential community infrastructure; (b) temporary and/or relocatable development; (c) coastal-dependent development; (d) located within a maritime development area; or (e) redevelopment that intensifies the use of a site in an urban area, if the development mitigates any increase in risk to people and property from adverse inundation impacts. <p>OR</p> <p>Development within a non-urban area that is subject to permanent or temporary inundation from coastal hazards:-</p> <ul style="list-style-type: none"> (a) is located within a maritime development area; or (b) is for small to medium-scale tourist development, and the development:- <ul style="list-style-type: none"> (i) locates accommodation facilities outside the high hazard storm tide area and land projected to be subject to permanent inundation due to sea level rise; or (ii) is located, designed, constructed and operated to avoid adverse coastal hazard impacts (including impacts on the development's ongoing operation) as demonstrated by a risk assessment prepared to support the development proposal.
Development in coastal hazard area generally			
PO11	Development in a coastal hazard area is located, designed, constructed and operated to:- <ul style="list-style-type: none"> (a) maintain dune crest heights; or (b) where a reduction in crest heights cannot be avoided, mitigate risks to development from wave overtopping and storm-tide inundation; and (c) maintain or enhance coastal ecosystems and natural features such as mangroves and coastal wetlands, between development and tidal waters where they protect or buffer communities and infrastructure from sea-level rise and coastal inundation impacts; or 	AO11.1 AO11.2 AO11.3	<p>Development avoids, or where this is not feasible, minimises reducing dune crest heights.</p> <p>Development maintains existing natural environmental features such as mangroves and wetlands to mitigate impacts from storm-tide inundation and permanent inundation due to sea-level rise.</p> <p>Development within a coastal hazard area ensures:-</p> <ul style="list-style-type: none"> (a) habitable rooms of built structures are located above the DSTE level; (b) a safe refuge is available for people within the development site during a DSTE; or (c) at least one evacuation route remains passable for emergency evacuations during a DSTE.

Performance outcomes		Acceptable outcomes	
	<p>(d) where changes to these features cannot be avoided mitigate risks to development from coastal hazards; and</p> <p>(e) where changes to the natural features cannot be avoided mitigate risks to development from storm-tide inundation and permanent inundation due to sea-level rise; and</p> <p>(f) ensure structures can sustain flooding from a defined storm-tide event (DSTE); and</p> <p>(g) maintain the safety of people living and working on the premises from a DSTE.</p> <p>Editor's note—the defined storm-tide event (DSTE) is defined in Schedule 1 (Definitions) and takes into account the predicted effects of climate change.</p> <p>Editor's note – minimum lot and building pad immunity and freeboard requirements are outlined in the Planning scheme policy for development works (Table SC6.3.5.4e Lot and building pad immunity and freeboard by use type).</p>	<p>AO11.4</p>	<p>Structures used for the manufacture or storage of hazardous materials in bulk are designed to prevent the intrusion of waters from a DSTE.</p> <p>Notes—</p> <p>(a) A development application must assess the risk of storm-tide inundation releasing or otherwise exposing hazardous materials including appropriate emergency planning and contingency measures.</p> <p>(b) A development application is to be supported by a report certified by a registered professional engineer that demonstrates this performance outcome will be achieved.</p>
		<p>AO11.5</p>	<p>Minimum finished surface levels are in accordance with the Planning scheme policy for development works (Table SC6.3.5.4e Lot and building pad immunity and freeboard by use type).</p>
PO12	<p>Development in a coastal hazard area maintains a functional and attractive street front address appropriate to the intended use and the site's context and setting.</p>	AO12	No acceptable outcome provided.
PO13	<p>Coastal protection works are undertaken only as a last resort where coastal erosion or inundation presents an imminent threat to public safety or existing buildings or structures, and all of the following apply:</p> <p>(a) the building or structure cannot be relocated or abandoned</p> <p>(b) any erosion control structure is located as far landward as practicable and on the lot containing the property to the maximum extent reasonable</p> <p>(c) any increase in coastal hazard risk for adjacent areas from the coastal protection work is mitigated.</p>	AO13	No acceptable outcome provided.
Public access to the coast			
PO14	<p>Development:-</p> <p>(a) ensures that there is no net loss of public access to the foreshore; and</p> <p>(b) where practicable, provides enhanced opportunities for safe public access to the foreshore in a manner consistent with conserving coastal resources.</p>	AO14	<p>Development is located, designed and operated in a manner that retains or enhances existing public access to and along the foreshore.</p> <p>OR</p> <p>Where loss of public access to the foreshore cannot practicably be avoided, development provides the same or a greater amount of new public access opportunities within, or in close proximity to, the site.</p>

Performance outcomes		Acceptable outcomes	
<i>Maritime development and maritime development areas</i>			
PO15	Except in limited circumstances, maritime development is located within a maritime development area.	AO15	<p>Maritime development is located within an identified maritime development area.</p> <p>OR</p> <p>Development demonstrates the site is suitable for identification as a maritime development area, in accordance with the maritime development area methodology.</p> <p>Editor's note—maritime development area methodology is available from www.ehp.qld.gov.au.</p> <p>OR</p> <p>Maritime development outside a maritime development is minor marine development, dredging for navigation channels, or development in a port.</p> <p>Editor's note—'minor marine development' includes private marine access structures and minor public marine facilities such as boat ramps, pontoons, slipways, wharves and jetties that serve a public purpose).</p>
PO16	Development in a maritime development area:- (a) is predominantly for maritime development; (b) ensures ancillary and subsidiary development is predominantly of a commercial or public nature.	AO16.1	Less than half of the non-tidal component of the development site within the maritime development area is allocated for non-maritime development.
		AO16.2	Less than a quarter of the non-tidal component of the development site within the maritime development area is allocated for residential development.
PO17	Development of canals, dry-land marinas and artificial waterways avoids adverse impacts on coastal resources and their values, and does not contribute to:- a) degradation of water quality; b) an increase in the risk of flooding; c) degradation or loss of matters of state environmental significance; and d) adverse changes to the tidal prism volume of the natural waterway to which the development is connected.	AO17	No acceptable outcome provided.