

Coastal Protection and Management Amendment Regulation (No. 2) 2014

Explanatory notes for SL 2014 No. 329

made under the

Coastal Protection and Management Act 1995

General Outline

Short title

Coastal Protection and Management Amendment Regulation (No. 2) 2014

Authorising law

Sections 58 and 167 of the *Coastal Protection and Management Act 1995* (the Coastal Act)

Policy objectives and the reasons for them

On 13 November 2013 the Queensland Government decided that a projected sea level rise of 0.8m would no longer be applied as a factor in determining the area affected by the State's coastal planning and development interest.

The government recognises there is no one size fits all approach to coastal planning and that local governments are best placed to make decisions about the communities they know and represent. For this reason, the government is changing State-wide coastal mapping used in planning and development so it will no longer be prepared using a specific sea level rise projection. Instead, local government will choose the most appropriate projection for their local area.

This allows councils to plan for the coastal environment and natural hazards along Queensland's diverse coastline in a flexible and locally appropriate way.

Sea level rise is a factor determining the boundary of the coastal management district (CMD), which is used by the *Sustainable Planning Regulation 2009* to identify the area where certain types of development are triggered for State assessment.

Achievement of policy objectives

Amendments to the erosion prone areas and CMD declared under the Coastal Act were required to achieve the policy objectives.

The sea level rise component has been removed from the erosion prone area mapping and new erosion prone areas were declared in May 2014. The CMD has been remapped based on the new erosion prone areas and action is required to amend the CMD declared in the *Coastal Protection and Management Regulation 2003* to give effect to these changes.

Consistency with policy objectives of authorising law

The *Coastal Protection and Management Amendment Regulation (No. 2) 2014* is consistent with the main objects of the Coastal Act to provide for the protection, conservation, rehabilitation and management of the coastal zone 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. 2) 2014* is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The revised CMD will reduce the number of lots in the CMD and therefore the number of development applications that will be required to be subject to State assessment under the *Sustainable Planning Regulation 2009*. This will have the effect of reducing regulatory burden for business, government and the community.

There are no additional costs for implementation.

Consistency with fundamental legislative principles

The *Coastal Protection and Management Amendment Regulation (No. 2) 2014* is consistent with fundamental legislative principles defined in the *Legislative Standards Act 1992*. The proposed amendment will effect a change to the area of the CMD by changing the map reference to one CMD in the regulation and abolishing two other CMDs. This change will reduce the area of the CMD and improve clarity of the area it applies to by reference to an improved map product. The *Coastal Protection and Management Amendment Regulation (No. 2) 2014* will not change in any way the purpose for which the CMD is used, being a trigger layer for assessable development under the *Sustainable Planning Regulation 2009*.

Consultation

Section 57 of the Coastal Act requires that before a regulation is made under section 54(1), the Chief Executive must give public notice of the proposed declaration, change or abolition. Section 57 of the Coastal Act also sets out how notice must be given and the timeframe for public submissions.

To satisfy this requirement public notice was given of the proposed amendment to the CMD in the Queensland Government Gazette on Friday 29 August 2014. The notice was also advertised in the following newspapers on Saturday 30 August 2014 or in the next available issue:

- Brisbane Courier Mail;
- Bundaberg News Mail;
- Cairns Post;
- Gladstone Observer;
- Mackay Daily Mercury;
- Rockhampton Bulletin;
- Townsville Bulletin;
- Gold Coast Bulletin; and
- Sunshine Coast Daily.

The proposal was advertised on the Queensland Government's 'Get involved' website from Friday 29 August 2014.

The notice stated where copies of the proposed new CMD could be inspected, free of charge. Opportunities were provided to lodge submissions through written or electronic formats via the Department of Environment and Heritage Protection's website or the department's Brisbane office. Submissions were invited from Monday 1 September until 27 October 2014.

In addition to the public notices, the department sent the details of the proposal to all affected local governments, port authorities and port operators and invited their submissions.

The Minister for Environment and Heritage Protection has duly considered the submissions made and the advertised CMD has been amended to address issues raised where necessary.

Consultation was undertaken with the Office of Best Practice Regulation, Queensland Competition Authority, regarding the proposed amendments and Regulatory Impact Statement (RIS) process. OBPR assessed the proposed amendments and determined they were not likely to result in significant adverse impacts, and therefore a RIS is not required.