Queensland

Coastal Protection and Management Act 1995

Current as at 11 September 2015

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Coastal Protection and Management Act 1995

[as amended by all amendments that commenced on or before 11 September 2015]

An Act about the protection and management of the coast, and for related purposes

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

This Act may be cited as the *Coastal Protection and Management Act 1995*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

Part 2 Objects and achievement of coastal management

3 Main objects of Act

The main objects of this Act are to—

(a) provide for the protection, conservation, rehabilitation and management of the coastal zone, including its resources and biological diversity; and

(b) have regard to the goal, core objectives and guiding principles of the National Strategy for Ecologically Sustainable Development in the use of the coastal zone; and

(c) ensure decisions about land use and development safeguard life and property from the threat of coastal hazards; and

(d) encourage the enhancement of knowledge of coastal resources and the effect of human activities on the coastal zone.

4 How objects of Act are to be achieved

The objects of this Act are to be achieved by coordinated and integrated planning and decision-making, involving, among other things, the following—

(a) Coastal zone

- Defining the coastal zone, which is the area to which this Act applies.

(b) Coastal plan

- Preparing a coastal plan that—
  - identifies coastal resources
  - states policies for coastal management
  - is developed in consultation with the public
  - has regard to the Aboriginal tradition of Aboriginal people and Island custom of Torres Strait Islanders.

(c) Coastal management districts

- Declaring coastal management districts in the coastal zone as areas requiring special development controls and management practices.

(d) Erosion prone areas

- Declaring erosion prone areas in the coastal zone as areas where particular development requirements are applied.

(e) Use of other legislation

- Using other relevant legislation wherever practicable to achieve the objects of this Act.

(f) Monitoring, reporting and review

- Requiring the chief executive to prepare and publish a report on the state of the coastal zone on a regular basis.

5 Advancing Act's objects

If, under this Act, a function or power is conferred on an entity, the entity must perform the function or exercise the power in a way that advances the Act's objects.

Part 3 Interpretation

Division 1 Dictionary

6 Definitions

The dictionary in the schedule defines particular words used in this Act.

Division 2 Other definitions

7 Meaning of *access channel*

(1) ***Access channel*** means an artificial channel constructed in tidal water and connected, or intended to be connected, to a canal.

(2) Without limiting subsection (1), ***access channel*** includes—

(a) training walls or other works associated with the channel; and

(b) additions or alterations to the channel, training walls or other works.

8 Meaning of *artificial waterway*

(1) ***Artificial waterway*** means an artificial channel, lake or other body of water.

(2) Without limiting subsection (1), ***artificial waterway*** includes—

(a) an access channel; and

(b) an artificial channel that—

(i) is formed because land has been reclaimed from tidal water; and

(ii) is intended to allow boating access to allotments on subdivided land; and

(c) other artificial channels subject to the ebb and flow of the tide; and

(d) any additions or alterations to an artificial waterway.

(3) However, ***artificial waterway*** does not include the following—

(a) a swimming pool;

(b) an ornamental pond of no more than 5000m^2 in area;

(c) a pond—

(i) for aquaculture; or

(ii) for treating effluent;

(d) a freshwater storage reservoir for domestic water supply;

(e) a water storage facility—

(i) situated on a natural watercourse; and

(ii) used for irrigation or other agricultural purposes;

(f) a part of a river, creek or stream in which water flows in a natural channel, whether artificially improved or not;

(g) a drain for carrying stormwater or other material;

(h) any of the following used for accessing port infrastructure if constructed in the area of a port for which a port authority or port operator is responsible—

(i) a navigation channel;

(ii) a harbour swing basin;

(iii) a berth pocket;

(iv) a berth approach or departure path.

9 Meaning of *canal*

(1) ***Canal*** means an artificial waterway—

(a) connected, or intended to be connected, to tidal water; and

(b) from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

(2) ***Canal*** includes a canal surrendered to the State under the Canals Act, section 13(4).

(3) However, ***canal*** does not include any part of tidal water containing facilities that are used commercially or by

members of a club or association for 1 or more of the following—

(a) boat launching, landing, berthing or storing;

(b) boat repairs of a minor nature;

(c) boat provisioning, fuelling or servicing;

(d) recreation, comfort and convenience of persons who own or use boats.

10 Meaning of *coast*

The ***coast*** means all areas within or neighbouring the foreshore.

11 Meaning of *coastal management*

Coastal management includes—

(a) the protection, conservation, rehabilitation and management of the coastal zone and coastal resources; and

(b) the ecologically sustainable development of the coastal zone.

12 Meaning of *coastal resources*

Coastal resources means the natural and cultural resources of the coastal zone.

13 Meaning of *coastal waters*

Coastal waters means Queensland waters to the limit of the highest astronomical tide.

14 Meaning of *coastal wetlands*

Coastal wetlands include tidal wetlands, estuaries, salt marshes, melaleuca swamps (and any other coastal swamps), mangrove areas, marshes, lakes or minor coastal streams regardless of whether they are of a saline, freshwater or brackish nature.

15 Meaning of *coastal zone*

The ***coastal zone*** means 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 paragraph (a);

(c) the subsoil below the surface of the area mentioned in paragraph (a).

16 Meaning of *ecologically sustainable development*

Ecologically sustainable development has the meaning given by the National Strategy for Ecologically Sustainable Development.

17 Meaning of *State coastal land*

(1) ***State coastal land*** means land in a coastal management district other than land that is—

(a) freehold land, or land contracted to be granted in fee simple by the State; or

(b) a State forest or timber reserve under the *Forestry Act 1959*; or

(c) in a watercourse or lake as defined under the *Water Act 2000*; or

(d) subject to a lease or licence issued by the State.

(2) In this section—

licence includes a permit or other authority issued under any Act relating to mining, but does not include a permit issued under the *Land Act 1994*, section 177(1).

Division 3 General

18 Aboriginal people and Torres Strait Islanders particularly concerned with land

Aboriginal people and Torres Strait Islanders are particularly concerned with land if—

(a) they are members of a group that has a particular connection with land under Aboriginal tradition or Island custom; or

(b) they live on or use the land or neighbouring land.

Part 3A Coastal zone map

18A What is the *coastal zone map*

(1) The ***coastal zone map*** is a map certified by the chief executive showing the coastal zone.

(2) The coastal zone may include only—

(a) coastal waters; and

(b) land and Queensland waters landward of coastal waters and seaward of the coastal zone inner limit.

(3) For subsection (2), the ***coastal zone inner limit*** is, subject to subsection (4), the imaginary line every point of which represents the most landward of the following points—

(a) the point that is 5km landward of the high-water mark;

(b) the point nearest the high-water mark where land reaches the height of 10m Australian Height Datum.

(4) If the imaginary line mentioned in subsection (3) intersects a lot, the line may follow either the seaward or landward boundary of the lot instead of following the imaginary line.

18B Amending the coastal zone map

The chief executive may amend a coastal zone map (the ***old map***) by—

(a) replacing the map; and

(b) certifying a coastal zone map that replaces the old map.

18C When coastal zone map takes effect

(1) The coastal zone map, or a map replacing a coastal zone map, does not take effect until a regulation approves the map.

(2) The regulation must state the day on which the map was certified by the chief executive.

(3) A reference to a coastal zone map is taken to include any replacement under subsection (1) that has taken effect.

18D Public inspection and purchase of coastal zone map

(1) The chief executive must keep the coastal zone map available for inspection by the public during office hours on business days at—

(a) the head office and each regional office of the department; and

(b) at other places the chief executive considers appropriate.

(2) On payment of a fee decided by the chief executive, a person may buy a copy of the coastal zone map.

(3) The fee for a copy of the coastal zone map must not be more than the reasonable cost of publishing the map.

(4) The chief executive must publish the digital electronic form of the coastal zone map on the department's website.

Editor's note—

At the commencement of this section, the department's website was at <www.derm.qld.gov.au>.

Part 4 Application of Act

19 Act binds all persons

This Act binds all persons, including the State, and, so far as the legislative power of the Parliament permits, the Commonwealth and the other States.

Chapter 2 Coastal management

Part 1 Coastal plan

Division 1 Requirement for coastal plan

20 Coastal plan must be prepared

The Minister must prepare a coastal plan for the coastal zone.

21 Content of coastal plan

(1) The coastal plan must describe how the coastal zone is to be managed.

(2) In preparing the coastal plan, the Minister must consider—

(a) public access to the foreshore; and

(b) the effect of climate change on coastal management.

(3) The coastal plan may include 1 or more of the following—

(a) a coastal State planning instrument;

(b) a map or series of maps showing coastal resource information;

(c) requirements about coastal resources and land management in the coastal zone.

(4) In this section—

coastal State planning instrument means a State planning instrument under the Planning Act that—

(a) is jointly made by—

(i) the Minister; and

(ii) the Planning Minister; and

(b) provides for—

(i) the protection, conservation and ecologically sustainable development of the coastal zone; and

(ii) the making of decisions about land use and development that safeguard life and property from the threat of coastal hazards.

22 Process for making, amending or replacing coastal plan

(1) The process stated in divisions 2 and 3 must be followed for making, amending or replacing the coastal plan.

(2) A regulation may state an additional requirement to be followed for making, amending or replacing the coastal plan.

(3) If a regulation under subsection (2) states an additional requirement, the requirement must be complied with.

23 Compliance with divs 2 and 3 and regulation under s 22(2)

Despite divisions 2 and 3 and any regulation made under section 22(2), if a coastal plan is made, amended or replaced in substantial compliance with the process stated in the

divisions and regulation, the coastal plan, amendment or replacement is valid so long as any noncompliance has not—

(a) adversely affected the awareness of the public of the existence and nature of the proposed coastal plan, amendment or replacement; or

(b) restricted the opportunity of the public to make properly made submissions about the proposed coastal plan, amendment or replacement under the process stated in the divisions and regulation.

Division 2 Making coastal plan

24 Preparation of draft coastal plan

Before making the coastal plan, the Minister must prepare a draft of the plan.

25 Notice about draft coastal plan

(1) The Minister must publish a notice about a draft coastal plan prepared under section 24 in—

(a) the gazette; and

(b) a newspaper circulating generally in Queensland.

(2) The notice must state the following—

(a) that the draft plan is available for inspection and purchase;

(b) where copies of the draft plan may be inspected and purchased, including, for example, the department's website;

(c) a contact telephone number for information about the draft plan;

(d) that written submissions about any aspect of the draft plan may be given by any person to the Minister;

(e) the period (the ***consultation period***) during which the submissions may be made;

(f) the requirements for a properly made submission.

(3) The consultation period must be at least 40 business days after the day the notice is gazetted.

(4) The Minister must give a copy of the notice and draft plan to—

(a) the Planning Minister; and

(b) each local government, port authority and port operator within the area covered by the draft plan; and

(c) any other group or person the Minister considers appropriate.

(5) A local government, port authority or port operator receiving a copy of the draft plan must make the copy available for inspection by the public.

26 Keeping draft coastal plan available for inspection

(1) For the duration of the consultation period, the Minister must—

(a) keep the draft coastal plan available for inspection by members of the public during office hours on business days at—

(i) the head office and each regional office of the department; and

(ii) other places the chief executive considers appropriate; and

(b) publish a copy of the draft plan on the department's website.

Editor's note—

At the commencement of this section, the department's website was at <www.derm.qld.gov.au>.

(2) On payment of a fee decided by the chief executive, a person may buy a copy of the draft plan.

(3) The fee for a copy of the draft plan must not be more than the reasonable cost of publishing the copy.

27 Making coastal plan

(1) The Minister must consider each properly made submission about the draft coastal plan.

(2) After considering each submission, the Minister may—

(a) make the coastal plan as provided for in the draft plan; or

(b) make the coastal plan as provided for in the draft plan with amendments the Minister considers appropriate.

28 Notice about making coastal plan

(1) After the coastal plan is made, the Minister must publish a notice about its making in the gazette and in a newspaper circulating generally in the State.

(2) The notice must state—

(a) the day the plan was made; and

(b) where a copy of the plan may be inspected or purchased.

(3) The Minister must give a copy of the plan to—

(a) the Planning Minister; and

(b) each local government, port authority and port operator within the area covered by the plan; and

(c) any other group or person the Minister considers appropriate.

Division 3 Amending or replacing coastal plan

29 Administrative amendments

(1) The Minister may make an administrative amendment of the coastal plan.

(2) After the coastal plan is amended under subsection (1), the Minister must publish a notice about the amendment—

(a) in the gazette; and

(b) in a newspaper circulating generally—

(i) if the amendment has effect throughout the State or is made for the whole of the State—in the State; or

(ii) if the amendment has effect only in a part of the State—in that part.

(3) The notice must state—

(a) the day the amendment was made; and

(b) where a copy of the coastal plan, as amended, may be inspected or purchased.

(4) Division 2 does not apply to the making of an amendment under this section.

30 Other amendments

(1) The Minister may make an amendment, other than an administrative amendment, of the coastal plan only if the process under division 2 for making the coastal plan has been followed subject to subsections (2) and (3).

(2) For subsection (1), division 2 applies—

(a) as if a reference in the division to the coastal plan were a reference to an amendment of the coastal plan; and

(b) as if a reference in the division to a draft coastal plan were a reference to a draft amendment of the coastal plan; and

(c) as if the reference in section 25(3) to 40 business days were a reference to 20 business days; and

(d) with other necessary changes.

(3) When acting under division 2, the Minister also may decide not to proceed with the amendment of the coastal plan.

31 Replacement of coastal plan

The Minister may, by following the process under division 2 for making a coastal plan, replace the existing coastal plan with a new plan.

Division 4 When coastal plan or amendment has effect

32 When coastal plan or amendment has effect

(1) The coastal plan or an amendment of the coastal plan takes effect on—

(a) the day the notice about the making of the plan or amendment is gazetted under section 28 or 29; or

(b) if a later day for the commencement of the plan or amendment is stated in the notice, plan or amendment—the later day.

(2) If the coastal plan states that it replaces the existing coastal plan, it replaces the existing plan on and from the day the replacement plan takes effect under subsection (1).

33 Duration of coastal plan

(1) The coastal plan ceases to have effect on—

(a) the day the coastal plan is replaced under division 3; or

(b) otherwise—the day that is 10 years after the day the coastal plan had effect.

(2) Despite subsection (1)(b), if a day for the ending of the coastal plan is prescribed under a regulation made before the period mentioned in subsection (1)(b) ends, the coastal plan ends on the prescribed day.

(3) The prescribed day must not be more than 12 years after the day the coastal plan had effect.

Division 5 Miscellaneous

34 Implementation of coastal plan

(1) The chief executive must implement the coastal plan.

(2) However, the chief executive may arrange for a department, local government, port authority, port operator or statutory authority (a ***relevant entity***) to carry out particular activities necessary to implement the coastal plan.

(3) Without limiting subsection (2), the chief executive may—

(a) ask a relevant entity to take coastal management into account when making decisions about land use or development for land in the coastal zone; and

(b) ask a relevant entity responsible for managing land in the coastal zone to manage the land in a way that is consistent with coastal management; and

(c) ask a relevant entity to carry out an activity in the coastal zone involving—

(i) the construction or maintenance of works; or

(ii) the extraction of material; or

(ii) the disposal of extracted material.

35 Effect of coastal plan

The coastal plan is a statutory instrument under the *Statutory Instruments Act 1992*.

36 Public inspection and purchase of coastal plan or draft coastal plan

(1) After the coastal plan is made, the chief executive must publish a copy of the coastal plan on the department's website.

Editor's note—

At the commencement of this section, the department's website was at <www.derm.qld.gov.au>.

(2) Also, the chief executive must keep the coastal plan, and the draft of the coastal plan prepared under section 24, available for inspection by the public during office hours on business days at—

(a) the head office and each regional office of the department; and

(b) other places the chief executive considers appropriate.

(3) On payment of a fee decided by the chief executive, a person may buy a copy of the coastal plan or draft coastal plan.

(4) The fee for a copy of the coastal plan or draft coastal plan must not be more than the reasonable cost of publishing the copy.

Part 3 Coastal management districts

Division 1 Declaration, amendment, amalgamation and abolition of coastal management districts

54 Declaration of coastal management districts

(1) An area within the coastal zone may, under a regulation, be declared as a coastal management district if the Minister considers the area requires protection or management.

(2) In addition, the Minister may, by written notice, declare an area to be a coastal management district, or part of an existing coastal management district, only if the Minister considers the area requires immediate protection or management.

(3) The notice is subordinate legislation and, unless it is earlier repealed, expires 6 months after it commences.

(5) A coastal management district may be assigned a name or number, or both.

(6) The chief executive must give public notice of the declaration of a coastal management district.

(7) The notice must be published in a newspaper circulating generally throughout the control district.

56 Things to be considered when declaring coastal management districts

The following things must be considered before an area is declared as a coastal management district—

(a) the area's vulnerability to erosion by the sea or to wind induced effects;

(b) whether the area should be kept in an undeveloped state to maintain or enhance the coast or coastal resources;

(c) public access to a foreshore in the area;

(d) foreseeable human impacts and coastal hazards in the area;

(e) the existing tenure of, interests in, and rights to, land in the area;

(f) Aboriginal tradition and Island custom of Aboriginal and Torres Strait Islander people particularly concerned with land in the area;

(g) planning and development management of the area;

(h) the need to conserve, protect or rehabilitate coastal ecological systems or geomorphic features of the area.

57 Notice declaring, changing or abolishing coastal management district

(1) Before a regulation, under section 54(1), is made declaring, changing the boundaries of or abolishing a coastal management district, the chief executive must give public notice of the proposed declaration, change or abolition (the ***proposal***).

(2) The notice must—

(a) be published in a newspaper circulating generally throughout the coastal management district; and

(b) state where copies of the plan showing the proposal may be inspected and, on payment of a reasonable fee, purchased; and

(c) invite written submissions from the public; and

(d) state a day (not earlier than 40 business days from the publication of the notice) by which submissions may be made and the place where the submissions may be made.

(3) The chief executive must send details of the proposal to each local government, port authority and port operator within the area covered by the district.

(4) The Minister must consider all submissions properly made about the proposal.

(5) If, when making a submission, a person asks the Minister for a response on the submission, the Minister must advise the person in writing—

(a) whether the submission was accepted or rejected and, if it was rejected, the reasons for the rejection; and

(b) if the person is an owner of land in the coastal management district—the reason why the land was included in the district; and

(c) if a coastal building line is fixed for the land—the reason for fixing the line.

58 Amendment, amalgamation and abolition of coastal management districts

(1) This section applies to a coastal management district declared under a regulation made under section 54(1).

(2) A regulation may—

(a) change the boundaries of the district; or

(b) amalgamate the district with 1 or more other districts; or

(c) abolish the district.

58A Amendment of coastal management districts in s 169

(1) This section applies to an area that became a coastal management district under section 169, to the extent the area has not been later declared a coastal management district under section 54.

(2) Subsection (3) applies if—

(a) a coastal engineering assessment of an erosion prone area is prepared for a location; and

(b) the chief executive agrees with the assessment; and

(c) the chief executive amends the erosion prone area under section 71; and

(d) when the assessment is made, the width of the erosion prone area at the location is the same as the width of the coastal management district at the location.

(3) The width of the coastal management district at the location is amended to be the same as the width of the amended erosion prone area at the location.

(4) To remove any doubt, it is declared that public notice of the amendment of the coastal management district under this section is not required.

Division 2 Coastal protection and tidal works notices

59 Coastal protection notices

(1) This section applies only to activity in a coastal management district.

(2) The chief executive may give a notice (a ***coastal protection notice***) to a person directing the person, within the reasonable time stated in the notice—

(a) to take the reasonable action stated in the notice to protect land; or

(b) to stop, or not start, an activity stated in the notice, if the chief executive is satisfied the activity is causing, or is likely to cause—

(i) an adverse effect on coastal resources; or

(ii) wind erosion.

(3) If the name of the person who started or is about to start the activity is not known, the notice may be given—

(a) in a newspaper circulating generally throughout the district; or

(b) if the notice is about activity over land—by displaying it in a prominent position on the land.

(4) Without limiting subsection (2), the notice may require the person—

(a) to build or maintain works; or

(b) to plant, cultivate or preserve, or not damage, vegetation native to the coastal management district; or

(c) not to alter the geographical features of land; or

(d) to do anything else necessary to protect land from wind erosion; or

(e) to restore land; or

(f) to remove stock from land.

(5) The notice must state that the person may appeal against the decision to give the notice within the period stated in the notice.

Editor's note—

Appeals are dealt with in chapter 5.

(6) The person must comply with the notice.

Maximum penalty for subsection (6)—3000 penalty units.

60 Tidal works notices

(1) Subsection (2) applies if, in the chief executive's opinion, tidal works (the ***relevant works***) need repair, are abandoned or should be removed to—

(a) protect public safety; or

(b) prevent adverse effects on coastal resources.

(2) The chief executive may give a notice (a ***tidal works notice***) to the person responsible for the relevant works.

(3) Subsection (4) applies if, in the chief executive's opinion, a structure mentioned in section 124(1) or (3) needs repair, is abandoned or should be removed to—

(a) protect public safety; or

(b) prevent adverse effects on coastal resources.

(4) The chief executive may give a notice (also a ***tidal works notice***) to a person who must ensure the structure is maintained in a safe condition under section 124(2) or (4).

(5) If the name of the person is not known, the notice may be given—

(a) in a newspaper circulating generally throughout the coastal management district; or

(b) by displaying it in a prominent position on the land.

(6) The notice may direct the person within the reasonable time stated in the notice to take stated reasonable action to—

(a) repair the relevant works or structure to the chief executive's reasonable satisfaction; or

(b) remove the relevant works or structure, and restore the site, as nearly as practicable, to its former condition.

(7) The notice must state that the person may appeal against the decision to give the notice within the period stated in the notice.

(8) The person must comply with the notice.

Maximum penalty for subsection (8)—3000 penalty units.

61 Chief executive may take required action

(1) If a person fails to comply with a coastal protection or tidal works notice requiring particular action to be taken (the ***required action***), the chief executive may take the required action.

(2) For subsection (1), the chief executive, or a person authorised by the chief executive, may, without any further authority apart from this subsection—

(a) enter and re-enter land at all reasonable times; and

(b) remain on the land for the time that is necessary and reasonable; and

(c) take onto, and keep on, the land the vehicles, materials, equipment and other things that are necessary and reasonable.

(3) The chief executive may recover, as a debt, from the person to whom the notice is directed, the costs and expenses reasonably incurred in taking the required action.

62 Forfeiture of property

(1) This section applies if a coastal protection or tidal works notice is given to a person in relation to property that belongs to the person and is on unallocated State land.

(2) If the person does not comply with the notice, or appeals against the giving of the notice, then—

(a) if an appeal is not made against the giving of the notice within the period stated in the notice—the property is forfeited to the State at the end of the stated period; or

(b) if an appeal is made but is dismissed—the property is forfeited to the State when the final decision on the appeal is made.

63 Record of coastal protection or tidal works notice in land registry

(1) This section applies if a coastal protection or tidal works notice is given in relation to land other than unallocated State land.

(2) As soon as practicable after giving the notice, the chief executive must give written notice to the registrar of titles of the giving of the notice.

(3) The registrar must keep records that show the notice has been given.

(4) The registrar must keep the records in a way that a search of the register kept by the registrar under any Act relating to title to the land will show the notice has been given.

(5) As soon as practicable after the notice has been complied with, the chief executive must give written notice to the registrar of compliance with the notice.

(6) As soon as practicable after receiving the notice of compliance, the registrar must remove the particulars of the notice from the registrar's records.

64 Owner of land and builder jointly liable

(1) If a coastal protection or tidal works notice is served on both the owner of land and the person responsible for works on the land or for the maintenance of them, they are jointly and severally bound by the requirements of the notice.

(2) In this section—

owner of land includes the occupier of the land.

65 Notice binding on purchaser

(1) This section applies if land or works subject to an undischarged coastal protection or tidal works notice are sold.

(2) The seller must give the buyer written advice of the undischarged notice not less than 14 days before settlement of the sale.

(3) However, if settlement of the sale is made less than 14 days after the agreement to sell is made, the seller must give the buyer written advice of the undischarged notice on the day the agreement is made.

Maximum penalty for subsections (2) and (3)—150 penalty units.

(4) If the seller complies with subsection (2) or (3), the buyer is bound by the undischarged notice as if it had been given to the buyer.

(5) If the seller does not comply with subsection (2) or (3), the agreement is of no effect unless the buyer—

(a) by written advice given to the seller before settlement, states the intention to settle despite the non-compliance; or

(b) by written advice given to the seller within 30 days after settlement, affirms the sale despite the non-compliance.

Division 3 General provisions about coastal management districts

66 Coastal building line

(1) For assessment of a development application for building work under the Planning Act, a regulation, or notice that declares a coastal management district, may fix a coastal building line for a coastal management district.

(2) However, a notice may fix a coastal building line only for the coastal management district declared under the notice.

67 Placing signs on unallocated State land

(1) The chief executive may place a sign on unallocated State land, within or on the boundary of a coastal management district, indicating—

(a) particulars of the district; or

(b) anything prohibited or authorised in the district.

(2) A person must not, without lawful authority, destroy, pull down, erase, remove, deface or otherwise damage or interfere with the sign.

Maximum penalty—100 penalty units.

68 Temporary occupation of land

(1) The chief executive may, to implement the coastal plan, temporarily occupy and use land in a coastal management district for the purpose of building, maintaining or repairing works, and may—

(a) take from it stone, gravel, sand, earth, and other material; and

(b) deposit materials on it; and

(c) form and use temporary works on it, including, for example, roads; and

(d) build structures of a temporary nature on it.

(2) Before occupying land under this section, the chief executive must give the occupier and the owner of the land not less than 7 days written notice of the intention to occupy.

(3) However, subsection (2) does not apply in urgent circumstances.

(4) The notice must state the use proposed to be made of the land and the approximate period during which the use is expected to continue.

(5) The owner of the land or any other person having an interest in the land may, at any time during the occupation or within 3 months after the occupation, give written notice to the chief executive claiming compensation.

(6) If the land is not resumed, the owner of the land and all persons having an interest in it may recover compensation for the occupation and use.

(7) The total compensation payable under this section in relation to land may not be more than the compensation that would have been payable had the land been resumed.

(8) Compensation is not payable under this section for anything done under this section, if the right or authority to do the thing is given under another Act, or a State grant, or other instrument, even though conditions imposed under the Act, grant, or instrument for doing the thing have not been performed.

(9) The amount of the compensation payable is the amount agreed between the claimant and chief executive or, failing agreement, decided by the Planning and Environment Court.

Division 4 Offence about damaging vegetation on State coastal land

69 Damaging or removing vegetation, or damaging coastal dunes

(1) A person must not damage or remove vegetation on, or damage a dune forming part of, State coastal land above the high-water mark without—

(a) the written approval of the entity responsible for the management and control of the land; or

(b) other lawful authority, justification or excuse.

Maximum penalty—400 penalty units.

(2) In this section—

damage, to vegetation or a dune, does not include minor damage to the vegetation or dune that happens in the course of the ordinary use of the land on which the vegetation is situated or of which the dune forms a part.

Part 4 Erosion prone areas

70 Declaration of erosion prone areas

(1) The chief executive may declare an area within the coastal zone to be an erosion prone area if satisfied the area may be subject to erosion or tidal inundation.

(2) If the chief executive declares an area under subsection (1), the chief executive must—

(a) ensure the erosion prone area is shown on a document describing the area; and

(b) keep the document available for inspection by members of the public at the department's head office; and

(c) give a copy of the document to each local government in whose area the erosion prone area or a part of the erosion prone area is situated.

Examples of a document describing the area—

a map or plan

71 Amending erosion prone areas

(1) The chief executive may amend the area of an erosion prone area.

(2) If the chief executive amends the area, the chief executive must—

(a) record the amendment on the document mentioned in section 70(2)(b) on which the erosion prone area is shown; and

(b) give a copy of the amended document to each local government in whose area the erosion prone area or a part of the erosion prone area is situated; and

(c) advise each owner of land affected by the amendment how the erosion prone area has been amended.

72 Local governments to keep copies of documents

The local government must keep available for inspection by members of the public any document given to it under section 70(2)(c) or 71(2)(b) at its head office.

Part 5 Quarry materials

Division 1 Allocation of quarry materials

Subdivision 1 Obtaining allocations

73 Applications for allocation of quarry material

(1) A person may apply to the chief executive for an allocation of quarry material in tidal water.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by the fee prescribed under a regulation.

74 Additional information for applications

(1) The chief executive may, by written notice, ask the applicant to give the chief executive further information or documents about the application by the reasonable date stated in the notice.

(2) Without limiting subsection (1), the chief executive may ask the applicant to give the chief executive information or documents about the potential impact the removal of the quarry material may have on coastal management.

(3) If the applicant does not give the chief executive the further information or documents by the stated day, the application lapses.

75 Criteria for deciding applications

(1) In deciding whether to grant the allocation or refuse the application, or what should be the conditions of the allocation, the chief executive must consider—

(a) the coastal plan; and

(b) the impact the removal of the quarry material, including the proposed method of extraction, or the placement of spoil may have on coastal management including the following—

(i) the supply of sediments to estuaries and the sea;

(ii) the physical integrity of the land, including stability of beds and banks of watercourses;

(iii) the quarry material available on the land and any existing allocations for the land;

(iv) the ecologically sustainable development of the land and watercourses on the land; and

(c) if the chief executive is satisfied the removal of the quarry material or the placement of spoil may impact on waters mentioned in the *Environmental Protection (Water) Policy 1997*, schedule 1, column 1—the impact the removal or placement may have on the environmental values and water quality objectives stated in a document mentioned in column 2 of that schedule for the waters; and

(d) the impact the removal of the quarry material or placement of spoil may have on the management of—

(i) fish habitats under the *Fisheries Act 1994*; or

(ii) marine parks under the *Marine Parks Act 2004*; or

(iii) protected areas under the *Nature Conservation Act 1992*.

(2) Also, in deciding an application that involves placement of quarry material in a coastal management district, the chief executive must consider—

(a) the nature of the material including contaminants in the material; and

(b) the characteristics of the material's receiving environment.

(3) Subsections (1) and (2) do not stop the chief executive from considering other matters relevant to the application, including, for example—

(a) fair and equitable access to, and the need to ensure the economic use of, State resources; and

(b) economic and social implications of a decision to grant or refuse the application; and

(c) the views of a local government about the removal of the quarry material or placement of spoil; and

(d) the views of a harbour master about the effect the removal or placement may have on marine safety in tidal water; and

(e) if the removal or placement happens on land within the limits of a port—the views of the port authority or port operator for the land about the removal or placement.

(4) In this section—

coastal management does not include coastal management in relation to Aboriginal cultural heritage or Torres Strait Islander cultural heritage.

76 Deciding applications

(1) If the chief executive is satisfied the application should be approved, the chief executive must grant the application.

(2) If the chief executive is not satisfied the application should be approved, the chief executive must refuse the application.

(3) Within 30 business days after deciding the application, the chief executive must give the applicant—

(a) notice of the decision; and

(b) if the chief executive grants the application—a notice (an ***allocation notice***) in the approved form.

(4) The allocation notice—

(a) has effect from the day stated in the notice; and

(b) remains in force, unless sooner cancelled or suspended, for the period of not more than 6 years decided by the chief executive.

77 Selling allocation of quarry material by auction or tender

(1) The chief executive may sell by auction or tender an allocation of quarry material in tidal water.

(2) In selling the allocation, the chief executive must consider—

(a) the impact the removal of the quarry material or placement of spoil may have on coastal management; and

(b) the matters mentioned in section 75.

Subdivision 2 Content and conditions of allocation notices

78 Content of allocation notices

Without limiting what may be included in an allocation notice, the notice must state—

(a) the quantity of quarry material that may be removed under the allocation; and

(b) the area to which the allocation relates; and

(c) the rate of royalty, or the price, payable for removal of the quarry material.

79 Conditions of allocation notice

The chief executive may impose conditions on the allocation notice the chief executive considers necessary or desirable for coastal management, including, for example, conditions about—

(a) the maximum rate at which the quarry material may be removed; and

(b) monitoring the impact of the removal of the quarry material or placement of spoil on coastal management; and

(c) the nature and extent of surveys to be carried out in relation to the removal of the quarry material or placement of spoil; and

(d) when the royalty, or price payable, for the removal of the quarry material must be paid; and

(e) giving the chief executive information about the rate at which the quarry material is removed during stated intervals.

80 Allocation holder to give information

(1) This section applies to an allocation holder from the day the holder first removes quarry material under the allocation.

(2) The holder must—

(a) if the allocation notice states a condition about the time within which, and the period for which, the holder must give written notice to the chief executive about the quantity of quarry material removed by the holder under the allocation in the period—give the chief executive a written notice in compliance with the condition; or

(b) otherwise—within 20 business days after the end of a quarter, give the chief executive a written notice stating the quantity of quarry material removed by the holder under the allocation in the quarter.

Maximum penalty—50 penalty units.

(3) In this section—

quarter means a 3-month period ending on 31 March, 30 June, 30 September or 31 December.

Subdivision 4 Transferring or renewing allocations

82 Application to transfer allocation

(1) The allocation notice holder may apply to the chief executive to transfer all or part of the allocation to another person.

(2) The application must be—

(a) in the approved form; and

(b) supported by sufficient information to enable the chief executive to decide the application, including, for example, the consent of the transferee to the transfer; and

(c) accompanied by the fee prescribed under a regulation.

(3) The chief executive may, by written notice, ask the applicant to give the chief executive further information or documents about the application by the reasonable date stated in the notice.

(4) If the applicant does not give the chief executive the further information or documents by the stated day, the application lapses.

82A Deciding application to transfer allocation

(1) The chief executive must decide an application to transfer an allocation made under section 82 within 30 days after—

(a) if further information or documents are requested under section 82(3)—receiving the further information or documents; or

(b) otherwise—receiving the application.

(2) The chief executive must decide to—

(a) approve the transfer as applied for, with or without conditions; or

(b) approve the transfer, as varied by the chief executive, with or without conditions; or

(c) refuse to approve the transfer.

(3) In making a decision under subsection (2), the chief executive must consider—

(a) the impact the transfer may have on coastal management; and

(b) the matters mentioned in section 75.

(4) Within 30 business days after deciding the application, the chief executive must—

(a) give the applicant and the proposed transferee written notice of the decision; and

(b) if the transfer is approved—

(i) give the transferee a new allocation in accordance with the approval; and

(ii) if the transfer is of only a part of an allocation—give the applicant an amended allocation notice for the part not transferred.

(5) A transfer of an allocation has effect from the day written notice of the approval of the transfer is given under subsection (4).

(6) In this section—

coastal management does not include coastal management in relation to Aboriginal cultural heritage or Torres Strait Islander cultural heritage.

83 Application to renew allocation

(1) The allocation notice holder may apply to the chief executive to renew the allocation notice.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by the fee prescribed under a regulation.

(3) The chief executive may, by written notice, ask the applicant to give the chief executive further information or documents about the application by the reasonable date stated in the notice.

(4) If the applicant does not give the chief executive the further information or documents by the stated day, the application lapses.

83A Deciding application to renew allocation

(1) The chief executive must decide an application to renew an allocation notice made under section 83 within 30 days after receiving—

(a) if further information or documents are requested under section 83(3)—the further information or documents; or

(b) otherwise—the application.

(2) The chief executive must decide to—

(a) approve the renewal as applied for, with or without conditions; or

(b) approve the renewal, as varied by the chief executive, with or without conditions; or

(c) refuse to grant the application.

(3) In making a decision under subsection (2), the chief executive must consider—

(a) the impact the renewal may have on coastal management; and

(b) the matters mentioned in section 75.

(4) Within 30 business days after deciding the application, the chief executive must give the applicant—

(a) a written notice stating—

(i) the decision; and

(ii) if the chief executive approves the renewal as varied or with conditions, or refuses to grant the application—the reasons for the decision; and

(b) if the renewal is approved—a new allocation notice in accordance with the approval.

(5) This division applies, with all necessary changes, to the application as if it were an application for an allocation.

(6) In this section—

coastal management does not include coastal management in relation to Aboriginal cultural heritage or Torres Strait Islander cultural heritage.

Subdivision 5 Amending, suspending or cancelling allocation notices

84 Amendment—grounds

(1) The chief executive may amend an allocation notice, including, for example, by adding a further condition to the notice—

(a) with the written agreement of the holder of the notice; or

(b) if the chief executive is satisfied, or reasonably believes, the amendment is necessary or desirable for coastal management.

(2) Without limiting subsection (1), if an allocation notice holder removes quarry material at a rate less than 50% of the maximum rate stated in the notice, the chief executive may amend—

(a) the total quantity of material permitted to be removed under the notice; or

(b) the maximum rate.

(3) However, an amendment under subsection (1) must not increase the period for which the notice has effect.

85 Suspension or cancellation—grounds

The chief executive may suspend or cancel an allocation notice if the chief executive is satisfied, or reasonably believes—

(a) the allocation notice was granted in error or because of a materially false or fraudulent document, statement or representation; or

(b) the allocation notice holder—

(i) has committed, or is committing, an offence against this Act or another Act relating to protection of the environment; or

(ii) has not complied with a condition of the allocation notice; or

(iii) has not, within 1 year after the day the notice was issued, applied for—

(A) if the holder must have a development permit for the removal of the quarry material—a development permit; or

(B) if the removal of the quarry material is an environmentally relevant activity—an environmental authority; or

(c) the suspension or cancellation is necessary or desirable for coastal management.

86 Amendment, suspension or cancellation—procedure

(1) Before amending, suspending or cancelling an allocation notice, the chief executive must give the allocation notice holder a written notice inviting the holder to show why the allocation notice should not be amended, suspended or cancelled (the ***proposed action***).

(2) The notice must state each of the following—

(a) the proposed action;

(b) the grounds for the proposed action;

(c) the facts and circumstances forming the basis for the grounds;

(d) if the proposed action is to amend the allocation notice—the proposed amendment;

(e) if the proposed action is suspension of the allocation notice—the proposed suspension period;

(f) that representations may be made about the notice;

(g) how the representations may be made;

(h) where the representations may be made or sent;

(i) a period within which the representations must be made.

(3) The stated period must end at least 10 business days after the notice is given.

(4) If, after considering all representations made within the stated period, the chief executive still considers the proposed action should be taken, the chief executive may—

(a) if the proposed action is to amend the allocation notice—amend the allocation notice; and

(b) if the proposed action is to suspend the allocation notice—suspend the allocation notice for no longer than the proposed suspension period; and

(c) if the proposed action is to cancel the allocation notice—cancel the allocation notice or suspend it for a period.

(5) This section does not apply if the allocation is amended under section 84(1)(a).

87 Notice and effect of amendment, suspension or cancellation of allocations

(1) If the chief executive amends, suspends or cancels an allocation notice, written notice and particulars of the

amendment, suspension or cancellation must be given to the allocation holder.

(2) The notice must state the decision and the reasons for it.

(3) An amendment takes effect from the day the notice is given.

(4) If the chief executive suspends the allocation notice, it is ineffective during the period of suspension.

(5) The suspension—

(a) may be for the period the chief executive decides; and

(b) has effect from—

(i) the day the notice is given; or

(ii) if a later day is stated in the notice—the stated day.

(6) If the chief executive cancels the allocation notice, it ceases to have effect from—

(a) the day the notice is given; or

(b) if a later day is stated in the notice—the stated day.

(7) The amendment, suspension or cancellation does not give the holder a right to compensation for any loss or damage arising from the amendment, suspension or cancellation.

Subdivision 6 Surrender of allocation

88 Surrender

The holder of an allocation notice may surrender the holder's allocation by giving the chief executive—

(a) written notice of the surrender; and

(b) the allocation notice.

Division 2 Removal of quarry material may require other approvals

100A Removal of quarry material is subject to other approvals

(1) An allocation notice authorises the holder, during the period the notice is in force, to access quarry material.

(2) However, the holder is not authorised to remove any quarry material under the notice until the holder has obtained—

(a) if the holder must have a development permit for the removal of the quarry material—a development permit; and

(b) if the removal of the quarry material is an environmentally relevant activity—an environmental authority.

(3) Subsection (4) applies to an application, involving the removal of quarry material in tidal water, for—

(a) a development permit for—

(i) a material change of use of premises that is assessable development prescribed under the Planning Act, section 232(1); or

(ii) operational work that is work within a coastal management district that is assessable development prescribed under the Planning Act, section 232(1); or

(b) an environmental authority.

(4) The application must be supported by—

(a) evidence of an allocation notice for the removal of the quarry material mentioned in the application; or

(b) the written consent of the chief executive to the application.

(5) However, the chief executive may refuse to consent if—

(a) the person is not the holder of an allocation notice; or

(b) the person is the holder of an allocation notice but the works to which the application relates are not consistent with the notice.

Division 3 Offences

101 Removing quarry material

(1) A person must not, without reasonable excuse, remove quarry material from tidal water unless the person is the holder of an allocation notice for the material.

Maximum penalty—1665 penalty units.

(2) A person must not, without reasonable excuse, contravene a condition of an allocation notice.

Maximum penalty—1665 penalty units.

(3) On a conviction for an offence under subsection (1), the court in addition to imposing a penalty may order the offender pay to the chief executive royalty at the rate prescribed under a regulation for section 102(1) for the quarry material removed in contravention of subsection (1).

(4) Subsection (1) does not apply to a person who removes quarry material—

(a) because of an emergency endangering the life or health of a person or involving a serious threat to the environment; or

(b) while fossicking under a licence under the *Fossicking Act 1994* if the person does not remove more than $1m^3$ of quarry material in a year.

(5) In this section—

remove includes collect.

Division 4 General

102 Royalty or price for quarry material

(1) For quarry material removed under an allocation notice, royalty at the rate prescribed under a regulation or the price set for the sale is payable to the State as prescribed under the regulation or the sale.

(2) The royalty, or the price payable and not paid, is a debt due to the State.

Part 6 Development approvals for assessable development

Division 1 Preliminary

103 Application of pt 6

This part applies if the chief executive is the assessment manager or a concurrence agency for a development application.

Notes—

1 Under the Planning Act, section 232(1), operational work that is tidal works is prescribed as assessable development.

2 Under chapter 7, part 3, division 1 of that Act, there are offences relating to the carrying out of assessable development.

3 However, under section 585 of that Act, there is an exemption to the development offences under sections 578, 580 and 582 of that Act for the carrying out of tidal works in an emergency if the requirements of section 585 are complied with.

Division 2 Assessment and conditions of assessable development in the coastal zone

104 Assessing applications

(1) In assessing the application the chief executive must—

(a) if the chief executive is the assessment manager—consider the potential impact of the development on coastal management; or

(b) if the chief executive is a concurrence agency—consider the potential impact of the development on coastal management excluding amenity or aesthetic significance or value.

(2) Without limiting subsection (1), if the chief executive is the assessment manager, the chief executive must consider the following—

(a) natural coastal, riverine and estuarine processes, including, for example, erosion and accretion, wave and tidal currents, littoral drift, tidal prism and tidal inundation;

(b) natural topography and drainage of coastal land, including, for example, the integrity of dune systems and natural surface runoff;

(c) coastal wetlands and other coastal ecological systems, including, for example, the wildlife, biological diversity and water quality of the wetlands or systems;

(d) places or objects that have cultural heritage, landscape, historical, anthropological, archaeological or aesthetic significance or value;

(e) public access to the foreshore.

(3) Without limiting subsection (1), if the chief executive is a concurrence agency, the chief executive must consider the

matters mentioned in subsection (2) other than amenity or places or objects that have aesthetic significance or value.

(4) Also, if the application is for reconfiguration of a lot in connection with the construction of an artificial waterway, the chief executive must consider the following—

(a) the proposed use and maintenance of the artificial waterway after it is constructed;

(b) how the top water level in the waterway and the water supply, if any, to the waterway will be maintained;

(c) how water, if any, is supplied to the waterway;

(d) the capacity of the outlet structure, if any, from the waterway;

(e) how pollution and siltation of the waterway will be minimised;

(f) how the waterway's water quality will be monitored and maintained.

(5) Subsections (1) to (4) do not limit the Planning Act, section 282 or chapter 6, part 5, division 2.

(6) In this section—

coastal management does not include coastal management in relation to Aboriginal cultural heritage or Torres Strait Islander cultural heritage.

104B Applications for operational works involving removal of quarry material

(1) This section applies to a person if—

(a) the person makes a development application for operational work that is tidal works; and

(b) the operational work involves the removal of quarry material from tidal water.

(2) The person is taken to have made an application for an allocation of the quarry material under section 73, and the application must be dealt with in the usual way under part 5, division 1, subdivision 1.

(3) However, the person is not required to pay the fee mentioned in section 73(2)(b).

106 Development approvals—general conditions

(1) The chief executive may impose on the development approval the conditions the chief executive considers appropriate for coastal management.

(2) Without limiting subsection (1), the chief executive may impose conditions about—

(a) the rate of progress of the development; and

(b) if the approval is for development in connection with the construction of an artificial waterway—

(i) the specifications for construction of training walls and other works, including, for example, sand bypassing systems, associated with the waterway; or

(ii) the use or disposal of spoil derived from the construction of the waterway, including, for example, restrictions about using the spoil to raise the level of any land; or

(iii) the profile of the waterway bed, and revetment on the bed or banks of the waterway; or

(iv) the size of riparian buffer zones along the waterway; or

(v) the management or disposal of acid sulphate soils; and

(c) if the approval is for development that is reconfiguration of a lot on which a canal has been constructed—

(i) the matters mentioned in paragraph (b); or

(ii) the maintenance and management of the waterway.

107 Development approvals—condition about financial assurance

(1) Without limiting section 106, the chief executive may impose a condition on the development approval that the holder of the approval must give the chief executive financial assurance for the State in the form, and for the reasonable amount, decided by the chief executive.

(2) The financial assurance must continue in force until all the conditions of the development approval are complied with to the satisfaction of the chief executive.

Division 3 Land surrender

Subdivision 1 Preliminary

109 Application of div 3

This division applies to a development application for reconfiguration of a lot situated completely or partly within a coastal management district.

Subdivision 2 Land surrender conditions

110 Minister may approve inclusion of land surrender condition

(1) Subject to section 114, the chief executive may include a condition (a ***land surrender condition***) that a part of the lot (the ***land***) in the coastal management district must be surrendered to the State for coastal management.

(2) However, the land may be required to be surrendered under subsection (1) only if—

(a) the chief executive is satisfied the land should be surrendered for coastal management; and

(b) the land is—

(i) in an erosion prone area; or

(ii) within 40m of the foreshore; and

(c) the Minister approves the inclusion of the land surrender condition.

111 Notice of condition about land surrender

(1) Before including a land surrender condition under section 110(1), the chief executive must give a written notice to—

(a) the applicant; and

(b) if the chief executive is not the assessment manager for the application—the assessment manager.

(2) The notice must—

(a) state the chief executive is considering including a land surrender condition; and

(b) include details of the land to be surrendered.

(3) The IDAS process under the Planning Act stops on the day the notice is given to the applicant and starts again on the day the chief executive gives the applicant a notice under section 113(1).

112 Criteria for decision

In deciding whether to include a land surrender condition, and the land to be surrendered, the chief executive must consider how surrender of the land would avoid or minimise detrimental impacts on coastal management.

113 Notice of decision about land surrender

(1) After making a decision about whether or not to include a land surrender condition, the chief executive must give a written notice to—

(a) the applicant; and

(b) if the chief executive is not the assessment manager for the application—the assessment manager.

(2) The notice must—

(a) state the decision and the date it was made; and

(b) if the decision is to include a land surrender condition—

(i) state the day the Minister approved the inclusion of the land surrender condition; and

(ii) include details of the land to be surrendered.

114 When land surrender condition may not be included

The chief executive must not include a land surrender condition on the development approval for the application if—

(a) the lot relating to the application was part of another lot that has been the subject of—

(i) a development application; or

(ii) an application to rezone land under the *Local Government (Planning and Environment) Act 1990*; and

(b) a part of the other lot was surrendered to the State under a land surrender condition or the Beach Protection Act, section 41C(6) or 45(7).

115 Other matters about land surrender condition

(1) No compensation is payable because of a land surrender condition.

(2) Despite the Planning Act, section 461(1)(b), the applicant for the development approval may not appeal to the court against a land surrender condition.

(3) To remove any doubt, it is declared that a land surrender condition complies with the Planning Act, section 345.

Subdivision 3 Voluntary land surrender

115A Applicant may surrender land voluntarily

(1) The applicant for the development application may surrender a part of the lot in the coastal management district to the State for coastal management without the imposition of a land surrender condition under subdivision 2.

Note—

See section 115B for how a part of a lot is surrendered to the State under this section.

(2) To remove any doubt, it is declared that subdivision 2 does not apply to a part of a lot surrendered under subsection (1).

Subdivision 4 Giving effect to surrender

115B Surrendered land to be dedicated for coastal management purposes

(1) This section applies to the surrender of a part of the lot in the coastal management district to the State under a land surrender condition or under section 115A.

(2) The plan of subdivision under the *Land Title Act 1994* giving effect to the surrender must dedicate the surrendered land for coastal management.

(3) On registration of the plan of subdivision, without anything further, the surrendered land is dedicated as a reserve under the *Land Act 1994* for coastal management.

(4) Subsection (3) applies despite the *Land Title Act 1994*, section 51.

(5) For the *Land Act 1994*, the trustee of the reserve is—

(a) if the local government for the area in which the surrendered land is situated has endorsed the plan of subdivision with its acceptance of the trusteeship of the reserve—the local government; or

(b) otherwise—the State.

(6) The registrar under the *Land Act 1994* must record the following particulars about the reserve in the register kept under section 276(b) of that Act—

(a) the particulars of the dedication of the reserve under this section;

(b) the name of the trustee.

Division 4 Matters about artificial waterways

Subdivision 1 Canals

116 Canals—surrender to the State

(1) This section applies to a development application to reconfigure a lot in connection with the construction of a canal.

(2) The area of the canal relating to the development must be surrendered to the State as a public waterway.

Subdivision 2 Development applications involving artificial waterways

117 Applications to include operational works

A development application for the reconfiguration of a lot in connection with the construction of an artificial waterway must relate also to operational work associated with the construction of the artificial waterway.

118 When assessment manager must refuse application

The assessment manager for a development application for the reconfiguration of a lot in connection with the construction of a canal must refuse the application if—

(a) the canal is to intersect, or be connected to, inundated land or leased land; and

(b) the registered proprietor of the inundated land or lessee of the leased land may restrict or prohibit the use or movement of vessels in water on the land.

Subdivision 3 Plans of subdivision

119 Requirements for plans of subdivision

(1) If a plan of subdivision shows an artificial waterway on the plan, the plan must—

(a) show the area of the artificial waterway as a separate lot; and

(b) include a metes and bounds description of the land on which the waterway is to be constructed; and

(c) clearly indicate—

(i) if the waterway is a canal—that the land is to be a canal; and

(ii) if the waterway is not a canal—that the land is an artificial waterway; and

(iii) any access channel associated with the waterway.

(2) Also, the local government for the local government area in which the waterway is constructed must certify on the plan that—

(a) the waterway, and any access channel associated with the waterway, is constructed in accordance with the development approval for the waterway; and

(b) if the waterway is not a canal—the local government is satisfied arrangements have been made, or will be made, for the maintenance and management of the waterway.

(3) Subsections (1) and (2) apply in addition to the requirements for registration of a plan of subdivision under the *Land Title Act 1994*, section 50.

120 Registration of instruments—construction of artificial waterways

(1) The registrar of titles must not register an instrument dealing with land the subject of a reconfiguration of a lot in connection with the construction of an artificial waterway unless—

(a) the plan of subdivision for the reconfiguration of the lot is registered under the *Land Title Act 1994*; and

(b) if the artificial waterway is a canal—

(i) the plan of subdivision is certified by a local government under section 119(2)(a); and

(ii) the area of the canal has been surrendered to the State as a public waterway; and

(c) if the artificial waterway is not a canal—the plan of subdivision is certified by a local government under section 119(2).

(2) Subsection (1) does not apply to an instrument surrendering the area of a canal to the State if the plan of subdivision for the reconfiguration of a lot in connection with the construction of the canal is—

(a) registered under the *Land Title Act 1994*; and

(b) certified by a local government under section 119(2)(a).

Division 5 Exemption certificates

120A Application for exemption certificate

(1) A person may apply to the chief executive for an exemption certificate to carry out operational work that would have insignificant impact on coastal management.

(2) The application must be supported by enough information to enable the chief executive to decide the application.

(3) The chief executive may require—

(a) the applicant to give additional information about the application; or

(b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration.

(4) The chief executive must require any entity that would have been a referral agency, if the application had been a development application, to give advice or comment about the application.

120B Deciding application for exemption certificate

(1) The chief executive must decide the application within—

(a) if a request is made under section 120A(3) or (4)—20 business days after the day the chief executive receives the last information requested; or

(b) otherwise—20 business days after the day the chief executive receives the application.

(2) If the chief executive approves the application, with or without conditions, the chief executive must, as soon as practicable after approving the application, give the applicant an exemption certificate.

(3) If the chief executive refuses the application or approves it with conditions, the chief executive must, as soon as practicable, give the applicant a notice stating the reasons for the refusal or the conditions.

(4) If an entity that would have been a concurrence agency if the application had been a development application tells the chief executive to refuse the application, the chief executive must refuse the application.

(5) If the chief executive does not decide the application under this section, the application is taken to be refused.

120C Chief executive may give exemption certificate without application

The chief executive may, at any time and without a person having applied under section 120A, give the person an exemption certificate to carry out operational work mentioned in section 120A(1), with or without conditions.

120CA Holder of exemption certificate must comply with condition

The holder of an exemption certificate must not, without a reasonable excuse, contravene a condition of the certificate.

Maximum penalty—165 penalty units.

Part 7 Miscellaneous

121 Maintenance of canals

(1) A local government must maintain and keep clean each—

(a) canal in its area; and

(b) access channel for a canal mentioned in paragraph (a), whether or not the access channel is in its area.

(2) Subsection (1) does not apply to—

(a) a canal, other than an access channel for the canal, constructed under the *Integrated Resort Development Act 1987*; or

(b) a canal constructed under the *Sanctuary Cove Resort Act 1985*.

(3) In this section—

canal means—

(a) an artificial waterway surrendered to the State under this Act or the Canals Act; or

(b) a canal surrendered under a lease under the *Land Act 1994*.

122 Canal waters are part of coastal management district

(1) The waters of a canal constructed completely or partly within a coastal management district are taken to be part of the coastal management district when the canal is connected to tidal water.

(2) Subsection (1) applies to waters of the canal to the extent of the tidal limit.

123 Right to occupy and use land on which particular tidal works were, or are to be, carried out

(1) This section applies if a development permit has been, or is, granted for operational work that is tidal works that—

(a) were, or are to be, carried out wholly or partly on State tidal land; and

(b) were, or are to be—

(i) carried out by, for or under the authority of the owner or occupier of land adjacent to the State tidal land; or

Example of tidal works for subparagraph (i)—

the construction of a private jetty, mooring pile, pontoon or domestic pipeline

(ii) carried out by or for a public utility provider for the purpose of providing a public utility service.

Example of tidal works for subparagraph (ii)—

the construction of infrastructure across a waterway for providing electricity, gas or telecommunication services

(2) Also, this section applies if a development permit has been, or is, granted for operational work that is tidal works carried out wholly or partly on State tidal land that are works for the construction of public infrastructure.

(3) However, this section does not apply for a development permit granted for operational work that is tidal works mentioned in subsection (1)(b)(i) if the tidal works include the construction of a structure that facilitates, or will facilitate, a commercial enterprise.

(4) In addition, this section applies if operational work that is tidal works are to be carried out in accordance with an IDAS code.

(5) A relevant person for the tidal works, and any person authorised by the relevant person, has a right to occupy and use the State tidal land for each of the following—

(a) carrying out the tidal works in accordance with the development permit or the IDAS code;

(b) if the tidal works include the construction of a structure—maintaining and using the structure.

(6) In this section—

development permit includes a PDA development permit under the *Economic Development Act 2012*.

IDAS code means a code for self-assessable development for IDAS under the Planning Act.

public infrastructure means infrastructure that is constructed or operated for the general public.

public utility provider means—

(a) the State or another entity representing the State; or

(b) the Commonwealth or another entity representing the Commonwealth; or

(c) a local government; or

(d) a person authorised by law to provide a public utility service; or

(e) a mill owner under the *Sugar Industry Act 1999*.

relevant person, for tidal works, means—

(a) for tidal works carried out by, for or under the authority of the owner of freehold land adjacent to State tidal land—the owner of the freehold land at the relevant time; or

(b) for tidal works carried out by, for or under the authority of the occupier of land, other than freehold land, adjacent to State tidal land—the occupier of the land at the relevant time; or

(c) for tidal works carried out by or for a public utility provider—the public utility provider; or

(d) for tidal works that included the construction of a structure, anyone else, including, for example, a local government acting as a trustee, who is responsible—

(i) under any law or agreement to ensure the structure is in a safe condition; or

(ii) for any wrong arising out of a failure to ensure the structure is in a safe condition.

tidal works does not include the reclamation of land under tidal water.

124 Obligation to keep particular structure in safe condition

(1) Subsection (2) applies to tidal works that included the construction of a structure if a relevant person, and any person authorised by the relevant person, has a right to occupy and use State tidal land for maintaining and using the structure under section 123(5).

(2) A relevant person for the tidal works must ensure the structure is maintained in a safe condition.

(3) Subsection (4) applies to a structure for which there is a sanction or authorisation mentioned in section 171 that, under that section, has (together with any of its conditions) effect as if it were a development approval for operational work that is tidal works.

(4) The following persons must ensure the structure is maintained in a safe condition—

(a) a person who is an owner of freehold land, or a lessee of land leased from the State, if the land—

(i) is above high-water mark; and

(ii) is connected to, or receives the benefit of, the structure;

(b) anyone else, including, for example, a local government acting as a trustee, who is responsible—

(i) under any law or agreement to ensure the structure is in a safe condition; or

(ii) for any wrong arising out of a failure to ensure the structure is in a safe condition.

(5) Subsection (2) or (4) does not affect or limit a civil right or remedy that exists apart from this Act, whether at common law or otherwise.

(6) Without limiting subsection (5), compliance with subsection (2) or (4) does not necessarily show that a civil obligation that exists apart from this Act has been satisfied or has not been breached.

(7) Also, a breach of an obligation under subsection (2) or (4) does not, of itself, give rise to an action for breach of statutory duty or another civil right or remedy.

Note—

For the consequences of a failure to comply with the obligation under subsection (2) or (4), see part 3, division 2.

(8) In this section—

relevant person see section 123(6).

Chapter 3 Investigation and enforcement

Part 1 Administration generally

125 Appointment of authorised persons

The chief executive may appoint any of the following persons as authorised persons—

(a) officers of the public service;

(b) employees of the department;

(c) other persons of a class prescribed under a regulation.

126 Investigative functions of authorised persons

An authorised person has the function of conducting investigations and inspections to monitor and enforce compliance with—

(a) this Act; and

(b) the Planning Act, so far as it relates to assessable development completely or partly within a coastal management district.

127 Qualifications for appointment

A person may be appointed as an authorised person only if—

(a) in the chief executive's opinion, the person has the necessary expertise or experience to be an authorised person; or

(b) the person has satisfactorily finished training approved by the chief executive.

128 Conditions and terms of appointment

(1) An authorised person holds office on the conditions stated in the instrument of appointment.

(2) An authorised person appointed under section 125(c)—

(a) is appointed for the term stated in the instrument of appointment; and

(b) may resign by signed notice given to the chief executive.

(3) An authorised person ceases to hold office—

(a) if the authorised person was appointed under section 125(a) or (b)—if the authorised person ceases to be an officer of the public service or employee of the department; or

(b) if the authorised person was appointed under section 125(c)—if the authorised person ceases to be a member of the class of persons.

129 Powers of authorised persons

(1) An authorised person has the powers given under this or another Act.

(2) Subsection (1) has effect subject to any limitations—

(a) stated in the authorised person's instrument of appointment; or

(b) prescribed under a regulation; or

(c) stated in a notice given to the authorised person by the chief executive.

(3) Notice under subsection (2)(c) may be given orally, but must be confirmed in writing as soon as practicable.

130 Issue of identity cards

(1) The chief executive must issue an identity card to each authorised person.

(2) The identity card must—

(a) contain a recent photograph of the authorised person; and

(b) be signed by the authorised person; and

(c) identify the person as an authorised person; and

(d) include an expiry date.

(3) Nothing in this section prevents the issue of a single identity card to a person for this Act and other Acts.

131 Production or display of identity card

(1) An authorised person may exercise a power in relation to someone else (the ***other person***) only if the authorised person—

(a) first produces his or her identity card for the other person's inspection; or

(b) has his or her identity card displayed so it is clearly visible to the other person.

(2) However, if, for any reason, it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.

132 Failure to return identity card

A person who ceases to be an authorised person must return the person's identity card to the chief executive as soon as possible (but within 21 days) after ceasing to be an authorised person, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

133 Protection from liability

(1) An official does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.

(2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the State.

(3) This section does not apply to an official if the official is a State employee within the meaning of the *Public Service Act 2008*, section 26B(4).

(4) In this section—

official means—

(a) an authorised person; or

(b) a person acting under the direction of an authorised person.

Part 2 Inspection and other powers

Division 1 Power of entry

134 Power to enter land

(1) An authorised person may enter land at any reasonable time to—

(a) inspect or survey the land or works on the land; or

(b) dig and bore into the land to find out the nature of the soil; or

(c) do everything necessary for paragraphs (a) and (b), including, for example—

(i) measuring, photographing or filming anything on the land; or

(ii) taking samples of or from anything on the land.

(2) The power to enter land includes power to—

(a) re-enter the land; and

(b) remain on the land for the time that is reasonable and necessary for the purpose of the entry; and

(c) take assistants, vehicles, materials, equipment or things that are reasonable and necessary for the purpose of the entry.

(3) Before entering land, the authorised person must—

(a) obtain the agreement of the occupier or, if there is no occupier, the owner of the land; or

(b) give at least 7 days notice to the person mentioned in paragraph (a) of—

(i) the authorised person's intention to enter the land; and

(ii) the reason for entering the land; and

(iii) the day and time when the authorised person proposes to enter the land.

(4) However, subsection (3) does not apply if, because of urgent circumstances, entry is required to take action to protect the coastal zone.

(5) In exercising a power under this section, the authorised person must take all reasonable steps to ensure the person causes as little inconvenience, and does as little damage, as is practicable.

(6) This section does not authorise the entry of a structure, or part of a structure, used for residential purposes.

(7) In this section—

occupier, of land, includes a person who reasonably appears to be the occupier, or in charge, of the land.

135 Authorised person to give notice of damage

(1) This section applies if an authorised person, or a person assisting an authorised person, damages anything in the exercise of a power under this division.

(2) The authorised person must promptly give written notice of the particulars of the damage to the person who appears to be the owner of the thing.

(3) However, if for any reason it is not practicable to comply with subsection (2), the authorised person must leave the notice, in a reasonably secure way and in a conspicuous position, at the place where the damage happened.

(4) If the authorised person believes the damage was caused by a latent defect in the thing or other circumstances beyond the authorised person's control, the authorised person may state this in the notice.

(5) This section does not apply to damage the authorised person reasonably believes is trivial.

(6) In this section—

owner, of a thing, includes the person in possession or control of the thing.

136 Compensation

(1) A person may claim compensation if the person incurs loss or expense because of the exercise or purported exercise of a power under this division.

(2) Compensation may be claimed and ordered in a proceeding for—

(a) compensation brought in a court of competent jurisdiction; or

(b) an offence against this Act brought against the person making the claim for compensation.

(3) The court may order compensation to be paid only if it is satisfied it is just to make the order in the circumstances of the particular case.

(4) A regulation may prescribe matters that may, or must, be taken into account by the court when considering whether it is just to make the order.

Division 2 General investigative powers

137 Power to require name and address

(1) This section applies if an authorised person—

(a) finds a person committing an offence against this Act; or

(b) finds a person in circumstances that lead the authorised person to reasonably suspect the person has just committed an offence against this Act; or

(c) has information that leads the authorised person to reasonably suspect a person has just committed an offence against this Act.

(2) The authorised person may require the person to state the person's name and residential address.

(3) When making the requirement, the authorised person must warn the person it is an offence to fail to state the person's name or residential address, unless the person has a reasonable excuse.

(4) The authorised person may require the person to give evidence of the correctness of the stated name or address if the authorised person reasonably suspects the stated name or address is false.

(5) A requirement under subsection (2) or (4) is called a ***formal details requirement***.

138 Failure to give name or address

(1) A person of whom a formal details requirement is made must comply with the requirement, unless the person has a reasonable excuse for not complying.

Maximum penalty—50 penalty units.

(2) A person does not commit an offence against subsection (1) if—

(a) the person was required to state the person's name and address by an authorised person who suspected the person had committed an offence against this Act; and

(b) the person is not proved to have committed the offence.

Division 3 General

139 False or misleading statements

(1) A person must not—

(a) state anything to an authorised person the person knows is false or misleading in a material particular; or

(b) omit from a statement made to an authorised person anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty—50 penalty units.

(2) It is enough for a complaint against a person for an offence against subsection (1) to state that the statement made was false or misleading to the person's knowledge.

140 False, misleading or incomplete documents

(1) A person must not give an authorised person a document containing information the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply to a person if the person, when giving the document—

(a) tells the authorised person, to the best of the person's ability, how it is false, misleading or incomplete; and

(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

(3) It is enough for a complaint against a person for an offence against subsection (1) to state that the document was false, misleading or incomplete to the person's knowledge.

141 Obstructing authorised persons

A person must not obstruct an authorised person in the exercise of a power, unless the person has a reasonable excuse for the obstruction.

Maximum penalty—100 penalty units.

142 Impersonating authorised persons

A person must not pretend to be an authorised person.

Maximum penalty—50 penalty units.

Chapter 4 Legal proceedings

Part 1 Evidence

143 Evidentiary provisions

(1) This section applies to a proceeding under or in relation to this Act.

(2) It is not necessary to prove the appointment of an authorised person or the authority of an authorised person to do anything under this Act.

(3) A signature purporting to be that of the chief executive or an authorised person is evidence of the signature it purports to be.

(4) A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—

(a) a specified document is a copy of a notice given under this Act;

(b) on a day mentioned in the certificate, a specified person was given a notice under this Act.

(5) A statement in a complaint starting the proceeding of any of the following matters is evidence of the matter—

(a) that the matter of the complaint came to the knowledge of the complainant on a specified day;

(b) that the place where the offence was committed was in a specified coastal management district.

Part 2 Proceedings for offences

144 Indictable and summary offences

(1) An offence against section 59(6), 60(8), 148(12) or 149(6) is an indictable offence, and is a misdemeanour.

(2) Any other offence against this Act is a summary offence.

145 Proceedings for indictable offences

(1) A proceeding for an indictable offence against this Act may be taken, at the election of the prosecution—

(a) by way of summary proceedings under the *Justices Act 1886*; or

(b) on indictment.

(2) A magistrate must not hear an indictable offence summarily if—

(a) the defendant asks at the start of the hearing that the charge be prosecuted on indictment; or

(b) the magistrate considers that the charge should be prosecuted on indictment.

(3) If subsection (2) applies—

(a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and

(b) a plea of the person charged at the start of the proceeding must be disregarded; and

(c) evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and

(d) before committing the person for trial or sentence, the magistrate must make a statement to the person as required by the *Justices Act 1886*, section 104(2)(b).

(4) The maximum penalty that may be summarily imposed for an indictable offence is 1665 penalty units.

146 Limitation on who may summarily hear indictable offence proceedings

(1) A proceeding must be before a magistrate if it is a proceeding—

(a) for the summary conviction of a person on a charge for an indictable offence; or

(b) for an examination of witnesses for a charge for an indictable offence.

(2) However, if a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

147 Limitation on time for starting summary proceedings

A proceeding for an offence against this Act by way of summary proceeding under the *Justices Act 1886* must start—

(a) within 1 year after the commission of the offence; or

(b) within 1 year after the offence comes to the complainant's knowledge, but within 5 years after the commission of the offence.

Part 3 Restraint orders

148 Restraint of contraventions of Act etc.

(1) A proceeding may be brought in the Planning and Environment Court for an order to remedy or restrain an offence against this Act, or a threatened offence against this Act, by—

(a) the Minister; or

(b) the chief executive; or

(c) someone whose interests are affected by the subject matter of the proceeding; or

(d) someone else with the leave of the court (even though the person does not have a proprietary, material, financial or special interest in the subject matter of the proceeding).

(2) In deciding whether or not to grant leave to a person under subsection (1)(d), the court—

(a) must be satisfied—

(i) harm has been or is likely to be caused to the coastal zone; and

(ii) the proceeding would not be an abuse of the process of the court; and

(iii) there is a real or significant likelihood that the requirements for the making of an order under this section would be satisfied; and

(iv) it is in the public interest that the proceeding should be brought; and

(v) the person has given written notice to the Minister asking the Minister to bring a proceeding under this section and the Minister has failed to act within a time that is a reasonable time in the circumstances; and

(vi) the person is able to adequately represent the public interest in the conduct of the proceeding; and

(b) may have regard to other matters the court considers relevant to the person's standing to bring and maintain the proceeding.

(3) However, the court must not refuse to grant leave merely because the person's interest in the subject matter of the

proceeding is no different from someone else's interest in the subject matter.

(4) The court may grant leave subject to conditions, including, for example—

(a) a condition requiring the person to give security for the payment of costs of the proceeding that may be awarded against the person; or

(b) a condition requiring the person to give an undertaking about damages.

(5) If the court is satisfied—

(a) an offence against this Act has been committed (whether or not it has been prosecuted); or

(b) an offence against this Act will be committed unless restrained;

the court may make the orders it considers appropriate to remedy or restrain the offence.

(6) An order—

(a) may direct the defendant—

(i) to stop an activity that is or will be a contravention of this Act; or

(ii) to do anything required to comply with, or to cease a contravention of, this Act; and

(b) may be in the terms the court considers appropriate to secure compliance with this Act; and

(c) must specify the time by which the order is to be complied with.

(7) The court's power to make an order to stop an activity may be exercised whether or not—

(a) it appears to the court the person against whom the order is made intends to engage, or to continue to engage, in the activity; or

(b) the person has previously engaged in an activity of that kind; or

(c) there is danger of substantial damage to the coastal zone if the person engages, or continues to engage, in the activity.

(8) The court's power to make an order to do anything may be exercised whether or not—

(a) it appears to the court the person against whom the order is made intends to fail, or to continue to fail, to do the thing; or

(b) the person has previously failed to do a thing of that kind; or

(c) there is danger of substantial damage to the coastal zone if the person fails, or continues to fail, to do the thing.

(9) Without limiting the powers of the court, the court may make an order—

(a) restraining the use of plant or equipment or a place; or

(b) requiring the demolition or removal of plant or equipment, a structure or another thing; or

(c) requiring the rehabilitation or restoration of the coastal zone.

(10) The court must order a plaintiff to pay costs if the court is satisfied the proceeding was brought for obstruction or delay.

(11) The court's power under this section is in addition to its other powers.

(12) A person who contravenes an order commits an offence against this Act.

Maximum penalty for subsection (12)—3000 penalty units.

149 Power of court to make order pending final decision in proceeding

(1) This section applies if a proceeding has been brought by a person in the Planning and Environment Court under section 148 and the court has not finally determined the proceeding.

(2) On the person's application, the court may make an order of a kind mentioned in section 148 pending determination of the proceeding if it is satisfied it would be proper to make the order.

(3) The court's power to make an order to stop an activity may be exercised whether or not—

(a) it appears to the court the person against whom the order is made intends to engage, or to continue to engage, in the activity; or

(b) the person has previously engaged in an activity of that kind; or

(c) there is an imminent danger of substantial damage to the coastal zone if the person engages, or continues to engage, in the activity.

(4) The court's power to make an order to do anything may be exercised whether or not—

(a) it appears to the court the person against whom the order is made intends to fail, or to continue to fail, to do the thing; or

(b) the person has previously failed to do a thing of that kind; or

(c) there is an imminent danger of substantial damage to the coastal zone if the person fails, or continues to fail, to do the thing.

(5) The court's power under this section is in addition to its other powers.

(6) A person who contravenes an order commits an offence against this Act.

Maximum penalty for subsection (6)—3000 penalty units.

Chapter 5 Administration

Part 1 Compensation

150 When compensation is payable

(1) The owner of an interest in land (the ***owner***) is entitled to be paid compensation only if the existing use that may be made of the land is changed by a prohibition imposed by the coastal plan or the declaration of a coastal management district.

(2) However, for land other than rural land, the owner is entitled to compensation only if—

(a) the owner was the owner at the time of the change; and

(b) the owner makes an application for the land; and

(c) the application is made within 2 years of the change; and

(d) the application clearly indicates that a compensation claim may be made if the application is refused; and

(e) the application is refused only because this Act applies to the application.

(3) However, for rural land, the owner is entitled to compensation only if—

(a) the owner was the owner at the time of the change; and

(b) the land was regularly used as rural land during the 2 previous years; and

(c) the owner makes a written application to the chief executive for compensation.

(4) In this section—

application for the land means—

(a) an application to build a structure, the proposed use of which was as of right under the planning scheme as it applied immediately before the change; or

(b) an application for the subdivision of land that is consistent with the provisions of the planning scheme that regulated the subdivision of land immediately before the change.

existing use includes a lawful as of right use that may have been made of the land immediately before the change.

primary producer means a person whose major source of income is from primary production.

rural land means land used only by a primary producer for grazing stock or cultivating crops.

151 Matters for which compensation is not payable

(1) To remove any doubt, the owner is not entitled to be paid compensation—

(a) for development, or an activity, unlawfully carried out; or

(b) if the change merely requires the development, or an activity, to be carried out on a different part of the land to that preferred by the owner.

(2) If compensation is payable under another Act, the claim for compensation must be made under the other Act.

152 How to claim compensation

(1) A claim for compensation must be lodged with the chief executive within 6 months after—

(a) if section 150(2) applies—the refusal of the application; or

(b) if section 150(3) applies—the change of use.

(2) The chief executive or the Planning and Environment Court may, in special circumstances, allow a longer period under subsection (1).

(3) A claim for compensation is to be taken to have been made on the day when it is received by the chief executive.

153 Deciding compensation payable

(1) The chief executive must decide the reasonable compensation payable under the claim within 60 days after the day the claim is received.

(2) In deciding the claim, the chief executive may decide—

(a) the reasonable compensation payable; or

(b) to reject the claim; or

(c) to acquire the interest.

(3) The chief executive must, within 10 days after deciding the claim, notify the claimant of the decision and advise the claimant that the claimant may appeal to the Planning and Environment Court against a decision under section 153(2)(a) or (b).

(4) If the chief executive fails to decide the claim within 60 days of receiving the claim, the owner may appeal to the court as if the chief executive had decided to reject the claim.

154 What is reasonable compensation

(1) Reasonable compensation is (subject to subsections (2), (3) and (4)) an amount equal to the difference between the market value of the interest immediately after the change and what would have been the market value of the interest if the change had not been made.

(2) Any benefit the owner obtains from the change is to be taken into account in calculating the reasonable compensation.

(3) If the owner owns land adjacent to the land for which the payment of compensation is sought, the payment of compensation must also take into account any benefit accruing to the adjacent land because of the change.

(4) If the land for which compensation is claimed has, since the change, become or ceased to be separate from other land, the amount of compensation is not to be increased because it has become or ceased to be separate from other land.

155 Payment of compensation

The compensation must be paid within 30 days after the last day an appeal could be made or, if an appeal is made, within 30 days after the day the appeal is decided.

156 Time for starting appeal

If the owner appeals under section 153, the appeal must be made within 30 days of the making of the decision.

157 Decision by court

(1) In making its decision, the Planning and Environment Court must have regard to any difference in the value of the land because of the change.

(2) Subsection (1) does not limit the things to which the court may have regard in making its decision.

158 Payment of compensation to be recorded

(1) As soon as practicable after the compensation is paid, the chief executive must give the registrar of titles written notice that the land is affected by chapter 5, part 1.

(2) The notice must be in a form approved by the registrar.

(3) The registrar must keep the information stated in the notice as information under the *Land Title Act 1994*, section 34.

Part 2 Appeals

159 Who may appeal

A person who is dissatisfied with the chief executive's decision to give the person a coastal protection or tidal works notice may appeal against the decision to the Planning and Environment Court.

160 How to start appeal

(1) An appeal is started by—

(a) filing written notice of the appeal with the registrar of the court; and

(b) complying with the rules of court applicable to the appeal.

(2) The notice of appeal must—

(a) be filed within—

(i) if the coastal protection or tidal works notice is given under section 59(3) or 60(2) or (4)—60 days after the notice is given; or

(ii) if subparagraph (i) does not apply—30 days after the person receives the coastal protection or tidal works notice; and

(b) state fully the grounds of the appeal and the facts relied on.

161 Appellant to give notice of appeal

Within 7 days after filing a notice of appeal, the appellant must serve notice of the appeal on the chief executive.

162 Stay of operation of decision

(1) The court may grant a stay of the decision appealed against to secure the effectiveness of the appeal.

(2) A stay may be granted on conditions the court considers appropriate and has effect for the period stated by the court.

(3) The period of a stay must not extend past the time when the court decides the appeal.

(4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

163 Hearing procedures

(1) The procedure for an appeal is to be in accordance with the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, in accordance with directions of the judge.

(2) An appeal is by way of rehearing, unaffected by the chief executive's decision.

164 Powers of court on appeal

(1) In deciding an appeal, the court may—

(a) confirm the decision appealed against; or

(b) vary the decision appealed against; or

(c) set aside the decision appealed against and make a decision in substitution for the decision set aside.

(2) If on appeal the court acts under subsection (1)(b) or (c), the decision is taken, for this Act (other than this part), to be that of the chief executive.

Part 3 Miscellaneous

165 Delegation by chief executive

(1) The chief executive may delegate the executive's powers under this Act to—

(a) an appropriately qualified—

(i) authorised person; or

(ii) public service officer; or

(b) a local government; or

(c) a port authority; or

(d) a statutory authority.

(2) A delegation of a chief executive's power to a local government may permit the subdelegation of the power to an appropriately qualified entity.

166 State of the coastal zone report

(1) The chief executive must prepare and publish a report on the state of the coastal zone at least every 4 years.

(2) The report must—

(a) include an assessment of the condition of major coastal resources; and

(b) identify significant trends in coastal values; and

(c) review significant programs, activities and achievements of persons and public authorities in relation to the protection, restoration and enhancement of the coastal zone; and

(d) evaluate the efficiency and effectiveness of coastal management strategies implemented to achieve the object of this Act.

(3) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving it.

167 Regulation-making power

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may make provision for coastal management, including, for example, provisions about any of the following matters—

(a) access to unallocated State land in a coastal management district;

(b) the use or development of land in a coastal management district;

(c) activities in a coastal management district;

(d) the presence and use of vehicles and vessels in a coastal management district;

(e) the impounding, removal and disposal of vehicles, vessels, aircraft or property found abandoned in a coastal management district;

(f) requirements for erecting or altering a building or other structure on land in an erosion prone area;

(g) the matters for which fees, costs and charges are payable under this Act, the amounts of the fees, costs and charges, the persons who are liable to pay the fees, costs and charges, when the fees, costs and charges are payable, and the recovery of any amount of the fees, costs and charges not paid;

(h) giving effect to, and enforcing compliance with, the coastal plan, including, for example, giving a notice about a contravention of the coastal plan and the effect of failure to comply with it;

(i) exemption from compliance with provisions of the coastal plan.

(3) Without limiting subsection (2)(g), a regulation may prescribe fees payable to the chief executive in relation to the chief executive's functions under the Planning Act as assessment manager or a concurrence agency.

(4) A regulation may prescribe when the chief executive may waive a royalty, or waive or refund a fee, payable under this Act.

(5) A regulation may prescribe offences for contraventions of a regulation, and fix a maximum penalty of a fine of not more than 165 penalty units for the contravention.

(6) A regulation may declare a statutory instrument or another document to be a code for IDAS under the Planning Act.

Chapter 6 Transitional provisions

Part 1 Transitional provision for original Act (No. 41 of 1995)

168 Transition of control districts

For this Act—

(a) each coastal management control district and erosion prone area under the Beach Protection Act is taken to be a control district under this Act; and

(b) each setback requirement as specified in the plans listed in the table in the *Coastal Management Control Districts (Requirements for Buildings or Other Structures) Regulation 1984*, is taken to be a coastal building line under this Act.

Note—

Under the *Coastal Protection and Management and Other Legislation Amendment Act 2001*, control districts were renamed as coastal management districts.

Part 2 Transitional provisions for Coastal Protection and Management and Other Legislation Amendment Act 2001

Division 1 Coastal management districts

169 Control districts taken to be coastal management districts

From the commencement of this section, each area that was a control district under this Act immediately before the commencement of the section is taken to be a coastal management district.

170 Declaration about coastal management districts in areas covered by regional plans

(1) This section applies if—

(a) a coastal management district is declared under section 54(1)(a) for an area covered by a regional plan; and

(b) the area includes a coastal management district or part of a coastal management district (a ***former district***) because of section 169.

(2) The former district that is within the area covered by the plan ceases to be a coastal management district under section 169.

Division 2 Authorities, permits and approvals under Harbours Act, Beach Protection Act and Canals Act

171 Continuing effect of authorities under Harbours Act

(1) This section applies to a following authority in force immediately before the commencement of the section—

(a) a sanction to carry out works given under the Harbours Act, section 86;

(b) an authorisation to reclaim land given under the Harbours Act, section 91.

(2) From the commencement, the authority, and any conditions of the authority, have effect as if the authority were a development approval in the form of a development permit for operational work under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 5.

(3) Subsection (2) applies only to the extent the carrying out of the operational work could have been sanctioned or authorised under the Harbours Act, section 86 or 91.

172 Continuing effect of right to use and occupy

(1) This section applies to a sanction to carry out works given under the Harbours Act, section 86, if, under that section, a right to use and occupy land relating to the sanction is in force immediately before the commencement of this section.

(2) From the commencement, the right to use and occupy the land continues to have effect.

(3) However, the right to use and occupy the land ceases to have effect if, under the *Land Act 1994*—

(a) a lease is granted for the land; or

(b) a permit to occupy is issued for the land; or

(c) the land is dedicated as a reserve.

173 Continuing effect of permits under Beach Protection Act, section 44

(1) This section applies to a permit given under the Beach Protection Act, section 44(3), and in force immediately before the commencement of the section.

(2) From the commencement, the permit, and any conditions of the permit, have effect as if the permit were a development approval in the form of a development permit for a material change of use of premises.

(3) Subsection (2) applies despite the repeal of the Beach Protection Act and only to the extent the carrying out of the material change of use of premises could have been authorised under the Beach Protection Act, section 44.

174 Continuing effect of a consent under Beach Protection Act, section 45

(1) This section applies to a consent given under the Beach Protection Act, section 45(6), to an application relating to an approval to open a road or subdivide land in a coastal management district.

(2) From the commencement of this section, the consent and any conditions of the consent, have effect as if the consent were a development approval in the form of a development permit to reconfigure a lot.

(3) Subsection (2)—

(a) applies despite the repeal of the Beach Protection Act; and

(b) applies only to the extent the reconfiguring of a lot could have been authorised under the Beach Protection Act, section 45(6); and

(c) has effect only for the period the approval would have had effect if the Beach Protection Act had not been repealed.

175 Continuing effect of permits under Beach Protection Act, section 47

(1) This section applies to a permit given under the Beach Protection Act, section 47(1A), and in force immediately before the commencement of this section.

(2) From the commencement, the permit, and any conditions of the permit, have effect as if the permit were a development approval in the form of a development permit for operational work.

(3) Subsection (2)—

(a) applies despite the repeal of the Beach Protection Act; and

(b) applies only to the extent the work could have been authorised under the Beach Protection Act, section 47(1A); and

(c) has effect only for the period the permit would have had effect if the Beach Protection Act had not been repealed.

176 Continuing effect of approvals under Canals Act

(1) This section applies to the following approvals in force immediately before the commencement of the section—

(a) a provisional approval granted under the Canals Act, section 5(4)(b);

(b) a final approval granted under the Canals Act, section 7(3).

(2) Despite the repeal of the Canals Act, from the commencement—

(a) the provisional approval, and any conditions of the approval, have effect as if the approval were a development permit for a material change of use of premises, but only to the extent authorised by the approval; and

(b) the final approval, and any conditions of the approval, have effect as if the approval were a development approval in the form of a development permit for—

(i) reconfiguration of a lot to construct an artificial waterway; and

(ii) operational works to construct the waterway and the access channel.

(3) Subsection (2) has effect only for the period the approval would have had effect if the Canals Act had not been repealed.

176A References to certification and notification under the repealed Canals Act, s 8(1)

(1) Subsection (2) applies if certification or notification under the repealed Canals Act, section 8(1), in relation to a contract for the sale of land to which an approval mentioned in section 176(1) relates, has not taken place before 20 October 2003.

(2) Any reference in the contract to the certification or notification is, on and from 20 October 2003, taken to be a reference to the relevant local government's certification under section 119(2) on a plan of subdivision relating to the land.

177 Relationship to particular Planning Act provisions

(1) This section applies to each of the following (a ***deemed approval***)—

(a) a sanction to carry out works given under the Harbours Act, section 86;

(b) an authorisation to reclaim land given under the Harbours Act, section 91;

(c) a permit under the Beach Protection Act, section 44;

(d) a consent given under the Beach Protection Act, section 45(6), to an application relating to an approval to open a road or subdivide land in a coastal management district;

(e) a permit under the Beach Protection Act, section 47(1A);

(f) a provisional approval to construct a canal under the Canals Act, section 5;

(g) a final approval to construct a canal under the Canals Act, section 7.

(2) The following provisions of the Planning Act apply to a deemed approval—

(a) chapter 6, part 5, division 5;

(b) chapter 6, part 8, divisions 2, 4 and 5.

(3) However, if the deemed approval is for operational work that is tidal works associated with construction of a structure, the currency period for the deemed approval is—

(a) the 4 years starting the day this section commences; or

(b) if the deemed approval states or implies a time for the approval to lapse—the period from the day the approval had effect until the stated or implied time.

(4) If development under a deemed approval mentioned in subsection (3) is not substantially completed at the end of the currency period for the approval, the deemed approval lapses.

Division 3 Dredging permits

178 Continuing effect of dredging permits

(1) This section applies to a dredging permit granted under the *Marine Land Dredging By-law 1987*, section 7.

(2) Despite the repeal of the *Marine Land Dredging By-law 1987*, the permit, and any conditions of the permit continue to have effect for the term of the permit.

Division 4 Applications in progress

179 Effect of commencement on certain applications

(1) This section applies to an application for any of the following not finally decided before the commencement of this section—

(a) a sanction to carry out works given under the Harbours Act, section 86;

(b) an authorisation to reclaim land given under the Harbours Act, section 91;

(c) a permit under the Beach Protection Act, section 44;

(d) a consent under the Beach Protection Act, section 45(6), relating to an approval to open a road or subdivide land in a coastal management district;

(e) a permit under the Beach Protection Act, section 47(1A);

(f) a provisional approval to construct a canal under the Canals Act, section 5;

(g) a final approval to construct a canal under the Canals Act, section 7;

(h) a dredging permit under the *Marine Land Dredging By-law 1987*, section 6.

(2) From the commencement—

(a) processing of the application and all matters incidental to the processing must proceed as if the Act or by-law under which the application was made had not been repealed; and

(b) any sanction, authorisation, permit, consent or approval issued is taken to be a preliminary approval or development permit, as the case may be.

180 When certain applications lapse

(1) This section applies to an application for any of the following made before the commencement of the section—

(a) a sanction to carry out works given under the Harbours Act, section 86;

(b) an authorisation to reclaim land given under the Harbours Act, section 91;

(c) a provisional approval to construct a canal under the Canals Act, section 5.

(2) If the chief executive has, by written notice given before the commencement of this section, asked the applicant to give the chief executive a stated document or information relevant to the application, the applicant must give the stated document or information to the chief executive within 1 year after the commencement.

(3) If the applicant does not give the chief executive the stated document or information within the period mentioned in subsection (2), the application lapses.

Division 5 Dissolution of Beach Protection Authority

182 Dissolution of Beach Protection Authority

On the commencement of this section—

(a) the Beach Protection Authority (the ***authority***) is dissolved; and

(b) each member of the authority goes out of office; and

(c) the assets and liabilities of the authority—

(i) are transferred to the State and become assets and liabilities of the State; and

(ii) are to be administered by the Minister; and

(d) the State is substituted as a party for the authority in all pending and existing proceedings to which the authority is a party.

183 References to Beach Protection Authority

(1) This section applies to a reference in an Act or document, immediately before the commencement of the section, to the Beach Protection Authority.

(2) From the commencement, the reference may, if the context permits, be taken to be a reference to the chief executive.

Division 6 Erosion prone areas

184 Transition of areas specified in erosion prone area plans

(1) This section applies to an area that, immediately before the commencement of the section, is specified in an erosion prone area plan under the Beach Protection Act as an area that may be subject to erosion or encroachment by tidal water.

(2) From the commencement, the area is taken to be an erosion prone area under this Act.

(3) This section applies despite the repeal of the Beach Protection Act.

Division 7 Coastal management plans under Beach Protection Act

185 Transition of coastal management plans

(1) This section applies to a coastal management plan approved under the Beach Protection Act, section 38 and in force immediately before the commencement of this section.

(2) From the commencement, the plan continues in force as if the Beach Protection Act had not been repealed until a regional coastal management plan, replacing the coastal management plan, takes effect.

(3) On the commencement of this subsection—

(a) the approved Gold Coast scheme of works is taken to be a development permit; and

(b) the works are taken to have been substantially started.

(4) In this section—

Gold Coast scheme of works means the document—

(a) titled 'Scheme Prepared by the Beach Protection Authority Pursuant to the Beach Protection Act 1968-1970 for the Protection of all Beaches Situated at the Gold Coast within Beach Erosion Control District Nos 2 and 11 Against Both Erosion and Encroachment by the Sea', as amended from time to time; and

(b) originally approved in March 1973 as a coastal management plan under the Beach Protection Act, section 38 and continued in force under subsection (2).

Part 4 Transitional provisions for Environmental Protection and Other Legislation Amendment Act 2004

187 Planning Act applies to all development relating to the construction of canals

(1) Subsection (2) applies for—

(a) a provisional approval to construct a canal granted under the repealed Canals Act, section 5; or

(b) a provisional approval, mentioned in section 179(1)(f), to construct a canal and granted before or after the commencement of this section.

(2) The Planning Act applies for development relating to the construction of the canal authorised by the approval.

188 Applications to reconfigure a lot in a coastal management district

(1) Subsections (3) and (4) apply if—

(a) before 20 October 2003, a person—

(i) held an authority from a local government to reconfigure a lot in a coastal management district; and

(ii) had not applied for the Governor in Council's consent under the repealed Beach Protection Act, section 45(4); and

(b) the person intends to reconfigure the lot.

(2) Subsections (3) and (4) also apply if—

(a) before 20 October 2004, an application to reconfigure a lot in a coastal management district was made to a local

government under the *Integrated Planning Act 1997*; and

(b) the application was not decided before 20 October 2003; and

(c) the local government issues a development permit for the reconfiguration on or after 20 October 2003.

(3) The person must apply for a further development approval for the reconfiguration under the *Integrated Planning Act 1997*.

(4) For an application made under subsection (3)—

(a) the chief executive is the assessment manager; and

(b) there are no referral agencies; and

(d) only code assessment is required.

(5) The chief executive may give the registrar of titles notice about land to which an application under subsection (3) applies.

(6) If the chief executive gives the registrar a notice under subsection (5) the registrar—

(a) must record the notice in a way that a search of the land registry will show that the land is subject to this Act; and

(b) must not register a plan of subdivision dealing with the reconfiguration of the land until the chief executive has issued a development permit for the application.

(7) If the registrar has recorded information under subsection (6) and the chief executive becomes aware the information no longer applies or has changed—

(a) the chief executive must give the registrar notice that the information no longer applies or has changed; and

(b) the registrar must update the record.

189 Particular permits under the Beach Protection Act

(1) This section applies to the following permits—

(a) a permit under the repealed Beach Protection Act, section 47(1A);

(b) a permit issued for an application under the repealed Beach Protection Act, section 47(1A) and taken to be a development permit;

(c) a development permit issued before 31 December 2004 for operational work mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 5(a) or (b)(i) or (iii).

(2) Despite section 177, the Planning Act, section 341(1) does not apply if the work authorised by the permit may be carried out more than once.

(3) A permit to which this section applies lapses at the end of the currency period for the permit.

190 Assessment manager for particular applications

(1) This section applies to a deemed approval mentioned in section 177 if the holder of the approval wishes to make a minor change to it.

(2) The chief executive must decide who will be the assessment manager for the application to amend the approval.

(3) An entity that would have been a concurrence agency for the deemed approval is taken to be a concurrence agency for the application to amend.

(4) Subsection (2) applies despite the *Integrated Planning Act 1997*, section 3.5.24 but subject to subsection (5).

(5) The local government may elect not to be the assessment manager for the application to amend.

(6) However, if the local government elects not to be the assessment manager for the application to amend, the local government can not be a referral agency.

(7) Despite subsection (1), this section does not apply to a deemed approval mentioned in section 177 on or after the day section 193 commences.

191 When particular applications lapse

(1) Subsection (3) applies if—

(a) an application was made under the Beach Protection Act before 20 October 2003; and

(b) the chief executive has, by written notice, asked the applicant to give the chief executive, within 1 year, a stated document or information relevant to the application; and

(c) the applicant did not give the stated document or information to the chief executive within 1 year after the request.

(2) Subsection (3) also applies for an application mentioned in section 180(1) if—

(a) the chief executive has, by written notice, asked the applicant to give the chief executive, within 1 year, a stated document or information relevant to the application; and

(b) the applicant did not give the stated document or information to the chief executive within 1 year after the request.

(3) The application lapses.

Part 5 Transitional provisions for Sustainable Planning Act 2009

192 Application of s 53

Section 53 as in force immediately before the commencement of this section continues to apply in relation to a transitional planning scheme amended under the repealed *Integrated Planning Act 1997*, section 2.3.2 before the commencement because it was not consistent with a regional plan.

193 Responsible entity for request to change deemed approval

(1) This section applies to a deemed approval mentioned in section 177 if the holder of the approval wishes to make a permissible change to it.

(2) The chief executive must decide who will be the responsible entity for making the permissible change.

(3) For the Planning Act, section 372(1), a copy of the request seeking the permissible change must also be given to an entity that would have been a concurrence agency for the deemed approval.

(4) Subsection (2) applies despite the Planning Act, section 369, but subject to subsection (5).

(5) The local government may elect not to be the responsible entity for making the permissible change.

(6) However, if the local government decides not to be the responsible entity for making the permissible change, the local government is not required to be given a copy of the request under the Planning Act, section 372(1).

(7) In this section—

permissible change see the Planning Act, section 367.

responsible entity, for making a permissible change, means the responsible entity under the Planning Act, section 369 for making the change.

194 Continuing application of particular provisions

(1) This section applies to a development application made but not decided under the repealed *Integrated Planning Act 1997* before the commencement.

(2) The following provisions, as in force before the commencement, continue to apply to the development application as if the Planning Act had not commenced—

(a) sections 50(1), 66, 100A(3)(a) and 100B(3);

(b) chapter 2, part 6.

(3) In this section—

commencement means the day this section commences.

Part 6 Transitional provisions for Environmental Protection and Other Legislation Amendment Act 2011

195 Definition for pt 6

In this part—

previous, if followed by a provision number, means the provision of that number in force before the commencement of this section.

196 Continuation of coastal zone

The coastal zone under previous section 15 continues until the day a coastal zone map takes effect under section 18C.

197 Continuation of existing coastal plans

(1) Each coastal plan (an ***existing coastal plan***) made under previous chapter 2, part 2 in force immediately before the day this section commences continues in effect until the day a coastal plan takes effect under section 32(1).

(2) Until the day the coastal plan takes effect, a reference to the coastal plan in a document or the provisions of this Act mentioned in subsection (3) is taken, wherever possible, to be a reference to an existing coastal plan.

(3) For subsection (2), the provisions are sections 68, 75, 150 and 167.

198 Dissolution of coastal protection advisory council

On the day this section commences—

(a) the coastal protection advisory council established under previous section 20 is dissolved; and

(b) any person who, immediately before the day this section commences, held office as a member of the coastal protection advisory council under previous section 22 goes out of office on the day this section commences and is not entitled to compensation because of the operation of this section.

199 Application of s 80 for existing allocations for quarry material

(1) This section applies to the holder of an allocation notice for quarry material if, immediately before the day this section commences, previous section 80 applied to the holder.

(2) Despite section 80(2)(b), previous section 80(2) continues to apply to the holder of the notice until the beginning of the quarter first happening after the day this section commences.

(3) In this section—

quarter means a 3-month period ending on 31 March, 30 June, 30 September or 31 December.

200 Existing dredge management plan applications

(1) This section applies if an application for approval of a dredge management plan made under previous section 91 has not been decided before the day this section commences.

(2) The application must be decided under previous chapter 2, part 5, division 2, subdivision 2.

(3) If the application is approved, previous chapter 2, part 5, divisions 2 and 2A continue to apply in relation to the approved dredge management plan as if the *Environmental Protection and Other Legislation Amendment Act 2011* had not commenced.

201 Existing approved dredge management plans

(1) This section applies to a dredge management plan approved under previous section 93 if the plan was in effect immediately before the day this section commences.

(2) The dredge management plan continues in effect until it is cancelled, suspended or otherwise ended.

(3) Previous chapter 2, part 5, divisions 2 and 2A continue to apply in relation to the dredge management plan as if the *Environmental Protection and Other Legislation Amendment Act 2011* had not commenced.

(4) To remove any doubt, it is declared that subsection (3) applies if, immediately before the day this section commences—

(a) the holder of an approved dredge management plan had applied for a transfer of the plan under previous section 95 or a renewal of the plan under previous section 96, and before the day this section commences the application has not been decided; or

(b) the chief executive had started a procedure to amend, suspend or cancel an approval of a dredge management plan under previous section 99, and before the day this section commences a proposed action under previous section 99 has not been taken.

201A Removal of quarry material under dredge management plans

(1) A person does not commit an offence against section 101(1) by removing quarry material under a dredge management plan in force under section 200 or 201.

(2) Subsection (1) is taken to have applied since 5 May 2011.

Note—

5 May 2011 was the day of commencement of the *Environmental Protection and Other Legislation Amendment Act 2011*, section 56, to the extent it inserted sections 200 and 201.

(3) Previous section 102 applies, and is taken to have applied since 5 May 2011, to quarry material removed under a dredge management plan in force under section 200 or 201.

202 Continuing effect of Governor in Council approval of land surrender condition

(1) This section applies if, before the day this section commences, the Governor in Council has approved the inclusion of a land surrender condition under previous section 110(2)(c).

(2) The approval continues to have effect as if it were an approval by the Minister under section 110(2)(c).

(3) If a notice has not been given under previous section 113 in relation to the condition before the day this section commences, previous section 113 continues to apply for the giving of the notice as if the *Environmental Protection and Other Legislation Amendment Act 2011* had not commenced.

Part 7 Transitional and declaratory provisions for Environmental Offsets Act 2014

203 Application of ss 123 and 124 to particular works in a watercourse

(1) This section applies to work if—

(a) a development approval for the work was given under the *Integrated Planning Act 1997* as in force on or after 17 October 2004 or the *Sustainable Planning Act 2009* as in force before 3 August 2012: and

(b) the work is or was operational work in tidal water that consists or consisted of constructing or installing works in a watercourse; and

(c) the work is not, or was not, any of the following—

(i) erecting a sign or other structure, including, for example, a navigational aid or sign for maritime navigation, under a direction made under another Act;

(ii) building an open drain that is less than 1m deep and has a cross sectional area less than 2.5m^2;

(iii) constructing an artificial waterway;

(iv) reclaiming land under tidal water.

(2) Sections 123 and 124 apply to the work, and always did apply to the work, as if the work were operational work that is tidal works.

204 Development applications not decided on commencement that relate to tidal works

(1) This section applies to a development application, made but not decided on the commencement, for which the definition *tidal works* is relevant.

(2) The application must be dealt with and decided under the definition *tidal works* as in force immediately before the commencement.

(3) In this section—

commencement means the commencement of this section.

decided means decided under the Planning Act.

definition tidal works means the schedule, definition *tidal works.*

Schedule Dictionary

section 6

Aboriginal cultural heritage see the *Aboriginal Cultural Heritage Act 2003*.

access channel see section 7.

administrative amendment, of a coastal plan, means an amendment correcting or changing—

(a) an explanatory matter about the plan; or

(b) the format or presentation of the plan; or

(c) a spelling, grammatical or mapping error in the plan; or

(d) a factual matter incorrectly stated in the plan; or

(e) a redundant or outdated term in the plan; or

(f) inconsistent numbering of provisions in the plan; or

(g) a cross-reference in the plan.

allocation notice see section 76(3)(b).

alter includes add to, remove from, maintain, or change in any way, and includes starting or continuing to alter.

applicable code see the Planning Act, schedule 3.

appropriately qualified—

1 *Appropriately qualified*, for an individual to whom a power of the chief executive under this Act may be delegated, includes having the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

a person's classification level in the public service

2 If a power delegated to a local government may be subdelegated by the local government, the following are *appropriately qualified* entities for the subdelegation—

(a) the local government's mayor;

(b) a standing committee or a chairperson of a standing committee of the local government;

(c) the local government's chief executive officer;

(d) an employee of the local government, having the qualifications, experience or standing appropriate to exercise the power.

Example of standing for paragraph (d)—

the employee's classification level in the local government

artificial waterway see section 8.

assessable development see the Planning Act, schedule 3.

assessment manager see the Planning Act, section 246(1).

authorised person means a person appointed as an authorised person under this Act.

Beach Protection Act means the *Beach Protection Act 1968*.

Beach Protection Authority means the Beach Protection Authority constituted under the Beach Protection Act, section 5.

biological diversity see *Nature Conservation Act 1992*, section 10.

build includes—

(a) move from one position to another position, whether on the same or another allotment; and

(b) re-build (with or without alteration) whether on the same or another allotment.

building means a fixed structure that is either completely or partly enclosed by walls and is roofed, and includes any part of a building.

canal see section 9.

Canals Act means the *Canals Act 1958*.

coast see section 10.

coastal building line means a line declared as a coastal building line under this Act.

coastal hazard means erosion of the foreshore or tidal inundation.

coastal management see section 11.

coastal management district means a part of the coastal zone declared under this Act as a coastal management district.

coastal plan means the coastal plan made under chapter 2, part 1.

coastal protection notice see section 59.

coastal resources see section 12.

coastal waters see section 13.

coastal wetlands see section 14.

coastal zone see section 15.

coastal zone map see section 18A.

concurrence agency, for a development application, see the Planning Act, schedule 3.

cultural resources, of the coastal zone, means the places or objects that have anthropological, archaeological, historical, scientific, spiritual, visual or sociological significance or value, including such significance or value under Aboriginal tradition or Island custom.

currency period means the period mentioned in the Planning Act, section 341.

damage, to vegetation, means remove, fell, cut down, ringbark, dig up, pull out, poison or burn the vegetation or interfere with the natural growth of the vegetation, and includes damage to the vegetation caused by draining land or altering the water table for land.

deemed approval see section 177(1).

development see the Planning Act, section 7.

development application means an application for a development approval.

development approval see the Planning Act, schedule 3.

development permit see the Planning Act, schedule 3.

ecologically sustainable development see section 16.

environmental authority see *Environmental Protection Act 1994*, schedule 4.

environmentally relevant activity see the *Environmental Protection Act 1994*, section 18.

erosion prone area means an area declared to be an erosion prone area under section 70(1).

fee includes tax.

foreshore means the land lying between high-water mark and low water mark as is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides.

former district see section 170(1)(b).

government entity means a government department or an agency, authority, commission, corporation, instrumentality, office or other entity, established under an Act for a public or official purpose, and includes part of a government entity.

harbour master means a person who is appointed under the *Transport Operations (Marine Safety) Act 1994* as a harbour master.

Harbours Act means the repealed *Harbours Act 1955* as continued to have effect under the *Transport Infrastructure Act 1994*, sections 233 and 236.

high-water mark means the ordinary high-water mark at spring tides.

interest, for land, includes—

(a) a mining claim, mineral development licence or mining lease granted under the *Mineral Resources Act 1989*; or

(b) a petroleum lease granted under the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*; or

(c) a GHG injection and storage lease granted under the *Greenhouse Gas Storage Act 2009*; or

(d) a geothermal production lease granted under the *Geothermal Energy Act 2010.*

inundated land means freehold land that, through the excavation of the land or other land, has become inundated by water subject to tidal influence, but does not include a canal, or part of a canal.

land includes land that is, or is at any time, covered by Queensland waters.

land surrender condition see section 110(1).

land under tidal water includes foreshore.

leased land means land held under a lease under the *Land Act 1994*.

local government area means the part of the State established as a local government area under the *Local Government Act 2009*.

low water mark means the ordinary low water mark at spring tides.

National Strategy for Ecologically Sustainable Development means the National Strategy for Ecologically Sustainable Development endorsed by the Council of Australian Governments on 7 December 1992.

natural resources, of the coastal zone, means the natural and physical features and processes of the zone, including wildlife, soil, water, minerals and air.

obstruct includes—

(a) hinder or resist; and

(b) attempt to obstruct.

operational work see the Planning Act, section 10(1).

owner, for chapter 5, part 1, see section 150(1).

owner, of land, means the person for the time being entitled to receive the rent of the land or would be entitled to receive the rent from it if it were let to a tenant at a rent, and includes the holder of a lease, licence or permission from the State, or a person deriving title under it.

place includes land, a structure, vehicle or other place (even if the place is in a natural or undeveloped state) whether the place is on or under the water or on the bed of any waters.

Planning Act means the *Sustainable Planning Act 2009*.

Planning Minister means the Minister administering the Planning Act.

planning scheme see the Planning Act, section 79.

plan of subdivision see *Land Title Act 1994*, section 49.

port see *Transport Infrastructure Act 1994*, schedule 6.

port authority see *Transport Infrastructure Act 1994*, schedule 6.

port operator has the meaning given in the *Transport Infrastructure Act 1994*, section 267.

preliminary approval see the Planning Act, schedule 3.

previous, for chapter 6, part 6, see section 195.

quarry material—

1 *Quarry material* means material on State coastal land, other than a mineral within the meaning of any Act relating to mining.

2 For item 1, material includes, for example, stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

reasonably believes means believes on grounds that are reasonable in the circumstances.

reclamation, of land under tidal water, means raising the land above high-water mark, whether gradually and imperceptibly or otherwise, by carrying out works, including dredging and the depositing of solid material.

referral agency see the Planning Act, schedule 3.

right line tidal boundary has the same meaning as in the *Land Act 1994*.

sea includes bays, arms and inlets of the sea.

State coastal land see section 17.

State tidal land means land in the coastal zone other than the following—

(a) land for which a lease under the *Land Act 1994* is granted;

(b) land for which a permit to occupy is issued under the *Land Act 1994*;

(c) freehold land, including inundated land;

(d) a reserve under the *Land Act 1994*;

(e) land on the landward side of a tidal boundary or right line tidal boundary.

stock means any grazing animal, and includes commercially farmed birds.

structure includes a building, deck, fence, gazebo, path, pillar, post, road, swimming pool, tennis court and wall.

tidal boundary has the same meaning as in the *Survey and Mapping Infrastructure Act 2003*, part 7.

tidal water means—

(a) the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides; or

(b) the water downstream from a downstream limit as defined under the *Water Act 2000*.

tidal works—

1 *Tidal works* means any of the following—

(a) works in, on or above—

(i) land under tidal water; or

(ii) land that will or may be under tidal water because of development on or near the land;

(b) works that are—

(i) an integral part of works mentioned in paragraph (a) (the ***principal works***); and

(ii) carried out in, on or above land directly adjacent to the land in, on or above which the principal works are carried out;

(c) works designed to be exposed to tidal water because of shoreline fluctuations;

(d) works designed to prevent the erosion of land by the sea (whether or not within the ebb and flow of the tide at spring tides);

(e) works within the boundaries of a canal, whether above or below high-water mark.

2 *Tidal works* includes—

(a) the construction or demolition of a basin, boat ramp, breakwater, bridge, dam, dock, dockyard, embankment, groyne, jetty, pipeline, pontoon, powerline, seawall, slip, small craft facility, training wall or wharf; and

(b) works in tidal water necessarily associated with the construction or demolition mentioned in paragraph (a); and

(c) the reclamation of land under tidal water.

3 *Tidal works* does not include—

(a) the erection of a sign or other structure, including, for example, a navigational aid or sign for maritime navigation, under a direction made under another Act; or

(b) the construction of an open drain that—

(i) is less than 1m deep; and

(ii) has a cross sectional area less than 2.5m^2; or

(c) works that are assessable development, carried out within a coastal management district, of any of the following types—

(i) the disposal of dredge spoil or other solid waste material in tidal water;

(ii) the construction of an artificial waterway; or

(d) the removal of quarry material that has accumulated within the boundaries of, or in an area adjoining, a previously approved tidal work to allow the work to be used for the function for which it was approved; or

(e) the removal of quarry material from land under tidal water, if the removal is for no other purpose than the sale of the material or use of the material to reclaim land; or

(f) the construction of buoy moorings.

tidal works notice see section 60.

Torres Strait Islander cultural heritage see the *Torres Strait Islander Cultural Heritage Act 2003*, section 8.

unallocated State land see *Land Act 1994*, schedule 6.

vegetation includes trees.

wildlife see *Nature Conservation Act 1992*, schedule.

1 Index to endnotes

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4 List of legislation

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2 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	=	**Acts Interpretation Act 1954**	**(prev)**	=	**previously**
amd	=	**amended**	**proc**	=	**proclamation**
amdt	=	**amendment**	**prov**	=	**provision**
ch	=	**chapter**	**pt**	=	**part**
def	=	**definition**	**pubd**	=	**published**
div	=	**division**	**R[X]**	=	**Reprint No. [X]**
exp	=	**expires/expired**	**RA**	=	**Reprints Act 1992**
gaz	=	**gazette**	**reloc**	=	**relocated**
hdg	=	**heading**	**renum**	=	**renumbered**
ins	=	**inserted**	**rep**	=	**repealed**
lap	=	**lapsed**	**(retro)**	=	**retrospectively**
notfd	=	**notified**	**rv**	=	**revised version**
num	=	**numbered**	**s**	=	**section**
o in c	=	**order in council**	**sch**	=	**schedule**
om	=	**omitted**	**sdiv**	=	**subdivision**
orig	=	**original**	**SIA**	=	**Statutory Instruments Act 1992**
p	=	**page**	**SIR**	=	**Statutory Instruments Regulation 2012**
para	=	**paragraph**	**SL**	=	**subordinate legislation**
prec	=	**preceding**	**sub**	=	**substituted**
pres	=	**present**	**unnum**	=	**unnumbered**

Key		Explanation	Key	Explanation
prev	=	**previous**		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the

Reprints Act 1992

used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 February 1996	2 February 1996
1A	1998 Act No. 13	30 March 1998	17 July 1998
1B rv	1999 Act No. 59	29 November 1999	9 December 1999

Reprint No.	Amendments included	Effective	Notes
1C rv	2001 Act No. 93	20 October 2003	R1C rv withdrawn, see R2 rv
2 rv	—	20 October 2003	Revision notice issued for R2
2A	1994 Act No. 8 (amd 2003 Act No. 54)	1 December 2003	
2B	2003 Act No. 96	19 December 2003	
2C	2003 Act No. 79	16 April 2004	

2D	2003 Act No. 64 (amd 2004 Act No. 20)	4 October 2004	
2E	2004 Act No. 48	17 December 2004	
2F	2004 Act No. 25	31 December 2004	
2G	2004 Act No. 37	1 January 2005	
2H	2004 Act No. 48	1 July 2005	
2I	2005 Act No. 53	18 November 2005	
2J	2005 Act No. 42	2 December 2005	
2K	2005 Act No. 53	1 January 2006	
3	2006 Act No. 11	30 March 2006	
3A	2004 Act No. 31	31 August 2006	
3B	2006 Act No. 59	7 December 2006	
3C	2007 Act No. 36	29 August 2007	
3D	2007 Act No. 56	9 November 2007	
3E	2007 Act No. 59	15 March 2008	
3F	2007 Act No. 56	13 June 2008	R3F withdrawn, see R4
Reprint No.	Amendments included	Effective	Notes
4	—	13 June 2008	
4A	2008 Act No. 52	1 January 2009	
4B	2009 Act No. 3	23 February 2009	
4C	2009 Act No. 36	18 December 2009	
4D	2010 Act No. 12	7 May 2010	
4E	2010 Act No. 19	23 May 2010	
4F	2009 Act No. 17	1 July 2010	
4G	2011 Act No. 6	4 April 2011	
4H	2011 Act No. 6	5 May 2011	R4H withdrawn, see R5
5	—	5 May 2011	
5A	2011 Act No. 6	3 February 2012	
5B	2012 Act No. 3	17 February 2012	
5C	2010 Act No. 31	2 March 2012	

5D	2012 Act No. 25	12 November 2012
5E	2012 Act No. 34	22 November 2012

Current as at	Amendments included	Notes
1 February 2013	2012 Act No. 43	
14 March 2013	2013 Act No. 6	
31 March 2013	2012 Act No. 16	
28 May 2014	2014 Act No. 33	
1 October 2014	2014 Act No. 40	
7 November 2014 rv	2014 Act No. 59	RA s 35
11 September 2015	2014 Act No. 64	

4 List of legislation

Coastal Protection and Management Act 1995 No. 41
date of assent 9 November 1995
ss 1–2 commenced on date of assent
remaining provisions commenced 1 February 1996 (1996 SL No. 8)
amending legislation—

Building and Integrated Planning Amendment Act 1998 No. 13 ss 1, 2(3), 191 sch
date of assent 23 March 1998
ss 1–2 commenced on date of assent
remaining provisions commenced 30 March 1998 (1998 SL No. 55)

Local Government and Other Legislation Amendment (No. 2) 1999 No. 59 ss 1, 2(7) pt 4
date of assent 29 November 1999
commenced on date of assent

Coastal Protection and Management and Other Legislation Amendment Act 2001 No. 93 pts 1–2, s 24 sch (this Act is amended, see amending legislation below)
date of assent 10 December 2001
ss 1–2 commenced on date of assent
remaining provisions commenced 20 October 2003 (2003 SL No. 202)
amending legislation—

Integrated Planning and Other Legislation Amendment Act 2003 No. 64 ss 1, 2(3)(b), 116–118, 120 (amends 2001 No. 93 above)
date of assent 16 October 2003
ss 1–2 commenced on date of assent

remaining provisions commenced on date of assent (see s 2(3)(b))

Beach Protection Legislation Amendment Act 2003 No. 65 pts 1, 3 (amends 2001 No. 93 above)
date of assent 17 October 2003
commenced on date of assent

Transport Infrastructure Act 1994 No. 8 s 200A(3) sch 2B (this Act is amended, see amending legislation below)
amending legislation—

Transport Infrastructure and Another Act Amendment Act 2003 No. 54 ss 1–2, 34, 39 (amends 1994 No. 8 above)
date of assent 18 September 2003
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 2003 (2003 SL No. 294)

Integrated Planning and Other Legislation Amendment Act 2003 No. 64 ss 1, 2(4), pt 4 (this Act is amended, see amending legislation below)
date of assent 16 October 2003
ss 1–2 commenced on date of assent
remaining provisions commenced 4 October 2004 (2004 SL No. 199)
amending legislation—

Integrated Planning and Other Legislation Amendment Act 2004 No. 20 ss 1–2, 33, 35 (amends 2003 No. 64 above)
date of assent 3 September 2004
ss 1–2 commenced on date of assent
remaining provisions commenced 17 September 2004 (2004 SL No. 191)

Aboriginal Cultural Heritage Act 2003 No. 79 ss 1–2, 170 sch 1
date of assent 6 November 2003
ss 1–2 commenced on date of assent
remaining provisions commenced 16 April 2004 (2004 SL No. 36)

Environmental Legislation Amendment Act 2003 No. 96 pt 1, s 28 sch
date of assent 3 December 2003
ss 1–2 commenced on date of assent
remaining provisions commenced 19 December 2003 (2003 SL No. 363)

Petroleum and Gas (Production and Safety) Act 2004 No. 25 ss 1, 2(2), 946–947 (prev ss 886–887)
date of assent 12 October 2004
ss 1–2 commenced on date of assent
remaining provisions commenced 31 December 2004 (2004 SL No. 308)

Marine Parks Act 2004 No. 31 ss 1, 2(2), 170–172
date of assent 12 October 2004
ss 1–2 commenced on date of assent
remaining provisions commenced 31 August 2006 (2006 SL No. 225)

Local Government (Community Government Areas) Act 2004 No. 37 ss 1–2, 86 sch 1
date of assent 27 October 2004
ss 1–2 commenced on date of assent
remaining provisions commenced 1 January 2005 (2004 SL No. 266)

Environmental Protection and Other Legislation Amendment Act 2004 No. 48 pts 1–2
date of assent 18 November 2004
ss 1–2 commenced on date of assent
s 18 commenced 1 July 2005 (2005 SL No. 150)
remaining provisions commenced 17 December 2004 (2004 SL No. 315)

Wild Rivers Act 2005 No. 42 ss 1–2, 52 sch 1
date of assent 14 October 2005
ss 1–2 commenced on date of assent
remaining provisions commenced 2 December 2005 (2005 SL No. 287)

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date of assent 18 November 2005
ss 1–2 commenced on date of assent
s 8 commenced 1 January 2006 (2005 SL No. 318)
remaining provisions commenced on date of assent

Integrated Planning and Other Legislation Amendment Act 2006 No. 11 s 1, pt 4
date of assent 30 March 2006
commenced on date of assent

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date of assent 7 December 2006
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date of assent 29 August 2007
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date of assent 9 November 2007
s 4 commenced 13 June 2008 (2008 SL No. 161)
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date of assent 22 November 2007
ss 1–2 commenced on date of assent
remaining provisions commenced 15 March 2008 (2007 SL No. 336)

Environmental Protection and Other Legislation Amendment Act (No. 2) 2008 No. 52 ss 1–2, 98 sch 2

date of assent 23 October 2008
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date of assent 23 February 2009
commenced on date of assent

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ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2010 (2010 SL No. 122)

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date of assent 22 September 2009
ss 1–2 commenced on date of assent
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date of assent 26 March 2010
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date of assent 23 May 2010
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ss 8–13, 21, 24(1), 33–40, 52, 54–55, 56 (to the extent it ins ss 196–198, 200–201), 57(1), 57(2) (to the extent it ins defs *administrative amendment*, *coastal hazard*, *coastal plan*, *coastal zone map*, *Planning Minister*) commenced 5 May 2011 (2011 SL No. 50)
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date of assent 14 August 2012

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remaining provisions commenced 31 March 2013 (2013 SL No. 24)

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date of assent 21 September 2012
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remaining provisions commenced 12 November 2012 (2012 SL No. 192)

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date of assent 14 March 2013
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date of assent 28 May 2014
commenced on date of assent

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date of assent 15 August 2014
ss 1–2 commenced on date of assent
remaining provisions commenced 1 October 2014 (2014 SL No. 209)

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commenced on date of assent

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remaining provisions commenced 11 September 2015 (2015 SL No. 122) (previous proclamation 2014 SL No. 333 item 2 was amd (2015 SL No. 2))

5 List of annotations

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PART 6—TRANSITIONAL PROVISIONS FOR ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT ACT 2011
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def ***access channel*** ins 2001 No. 93 s 24 sch

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def ***advisory council*** om 2011 No. 6 s 57(1)
def ***allocation notice*** ins 2001 No. 93 s 24 sch
def ***applicable code*** ins 2005 No. 42 s 52 sch 1
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def ***appropriately qualified*** ins 2004 No. 48 s 27(2)
def ***artificial waterway*** ins 2001 No. 93 s 24 sch
def ***assessable development*** ins 2001 No. 93 s 24 sch
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def ***assessment manager*** ins 2001 No. 93 s 24 sch
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def ***Beach Protection Act*** ins 2001 No. 93 s 24 sch
def ***Beach Protection Authority*** ins 2001 No. 93 s 24 sch
def ***building*** ins 2001 No. 93 s 24 sch
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def ***Canals Act*** ins 2001 No. 93 s 24 sch
def ***chapter 4 activity*** ins 2004 No. 48 s 27(2)
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def ***coastal hazard*** ins 2011 No. 6 s 57(2)
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def ***concurrence agency*** ins 2001 No. 93 s 24 sch
amd 2009 No. 36 s 872 sch 2
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def ***currency period*** ins 2006 No. 11 s 89(1)
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def ***harbour master*** ins 2001 No. 93 s 24 sch
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def ***high water mark*** om 2009 No. 36 s 872 sch 2
def ***high-water mark*** ins 2009 No. 36 s 872 sch 2
def ***interest*** amd 2004 No. 25 s 947; 2009 No. 3 s 441; 2010 No. 31 s 585 sch 2 pt 4
def ***inundated land*** ins 2001 No. 93 s 24 sch
def ***key coastal site*** om 2011 No. 6 s 57(1)
def ***land surrender condition*** ins 2001 No. 93 s 24 sch
def ***leased land*** ins 2001 No. 93 s 24 sch
def ***local government area*** ins 2001 No. 93 s 24 sch
amd 2004 No. 37 s 86 sch 1; 2007 No. 59 s 152 sch; 2009 No. 17 s 331 sch 1
def ***operational work*** ins 2004 No. 48 s 27(2)
amd 2009 No. 36 s 872 sch 2
def ***Planning Act*** ins 2009 No. 36 s 872 sch 2
def ***Planning Minister*** ins 2011 No. 6 s 57(2)
def ***planning scheme*** amd 1998 No. 13 s 191 sch; 2009 No. 36 s 872 sch 2
def ***plan of subdivision*** ins 2001 No. 93 s 24 sch
def ***port*** ins 2001 No. 93 s 24 sch
amd 2007 No. 36 s 2 sch
def ***port authority*** amd 1994 No. 8 s 491(3) sch 5 (amd 2003 No. 54 ss 34, 39)
def ***port operator*** ins 2010 No. 19 s 17
def ***preliminary approval*** ins 2001 No. 93 s 24 sch
amd 2009 No. 36 s 872 sch 2
def ***previous*** ins 2011 No. 6 s 57(2)
def ***quarry material*** ins 2001 No. 93 s 24 sch
def ***reasonably believes*** ins 2001 No. 93 s 24 sch
def ***reclamation*** ins 2013 No. 6 s 5(1)
def ***referral agency*** ins 2004 No. 48 s 27(2)
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def ***regional plan*** amd 1999 No. 59 s 36(1)
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def ***registration certificate*** ins 2004 No. 48 s 27(2)
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def ***required authority*** ins 2004 No. 48 s 27(2)
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def ***right line tidal boundary*** ins 2010 No. 12 s 10(1)
def ***seaward*** om 2007 No. 36 s 2 sch
def ***specified works*** ins 2005 No. 42 s 52 sch 1
om 2014 No. 40 s 154 sch 1 pt 2
def ***State coastal land*** ins 2001 No. 93 s 24 sch
def ***State plan*** amd 1999 No. 59 s 36(2)
om 2011 No. 6 s 57(1)
def ***State tidal land*** ins 2011 No. 6 s 57(2)
def ***tidal boundary*** ins 2010 No. 12 s 10(1)

def ***tidal water*** sub 2004 No. 48 s 27(1)–(2)
amd 2007 No. 56 s 5; 2014 No. 64 s 254 sch 1
def ***tidal works*** ins 2001 No. 93 s 24 sch (amd 2003 No. 64 s 120)
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def ***Torres Strait Islander cultural heritage*** ins 2003 No. 79 s 170 sch 1
amd 2007 No. 36 s 2 sch
def ***transitional planning scheme*** ins 2001 No. 93 s 24 sch
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29 34
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61ZZC 123
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67 131
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70 134
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103(2)(h) 167(2)(i)
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