

8.2.5 Coastal protection overlay code¹⁶

8.2.5.1 Application

- (1) This code applies to accepted development and assessable development:-
 - (a) subject to the coastal protection overlay shown on the overlay maps contained within **Schedule 2 (Mapping)**; and
 - (b) identified as requiring assessment against the Coastal protection overlay code by the tables of assessment in **Part 5 (Tables of assessment)**.
- (2) The acceptable outcomes in **Table 8.2.5.3.1 (Requirements for accepted development)** are requirements for applicable accepted development.
- (3) The following provisions of the code are assessment benchmarks for applicable assessable development:-
 - (a) **section 8.2.5.2 (Purpose and overall outcomes)**; and
 - (b) **Table 8.2.5.3.2 (Performance outcomes and acceptable outcomes for assessable development)**.

8.2.5.2 Purpose and overall outcomes

- (1) The purpose of the Coastal protection overlay code is to:-
 - (a) protect people and property from coastal hazards;

Note—coastal hazards include coastal erosion and storm tide inundation, or permanent inundation from sea level rise. Storm tide inundation is specifically addressed in the Flood Hazard Overlay Code.
 - (b) protect coastal landforms, *vegetation* and biodiversity, and allow for natural fluctuations of the coast to the greatest extent practicable;
 - (c) ensure that decisions about coastal development take appropriate account of the predicted effects of climate change, including sea level rise; and
 - (d) maintain or enhance public access to the coast.
- (2) The purpose of the Coastal protection overlay code will be achieved through the following overall outcomes:-
 - (a) development ensures the protection of people and property from coastal hazards, taking into account the predicted effects of climate change;
 - (b) development allows for natural fluctuations of the coast, including as a result of sea level rise, to occur naturally as far as practicable;
 - (c) unless specifically anticipated by the planning scheme through the allocation of zones, development within an *erosion prone area* avoids:-
 - (i) intensification of existing uses;
 - (ii) new permanent built structures; and
 - (iii) seaward extensions to existing built structures;

Note—the *erosion prone area* is declared under the *Coastal Protection and Management Act 1995* and is administered by the State Department of Environment and Heritage Protection.

- (d) development avoids adverse impacts to coastal landforms and alterations to physical coastal processes and, as far as practicable, avoids the need for coastal protection works;

¹⁶ Editor's note—the following elements referred to in this code are shown on the Coastal Protection Overlay Maps in **Schedule 2 (Mapping)**:-

- (a) coastal protection areas incorporating some of the coastal management district and *erosion prone area*; and
- (b) maritime development areas.

The *erosion prone area*, coastal management district and coastal building lines are declared under the *Coastal Protection and Management Act 1995* and are administered by the State Department of Environment and Heritage Protection.

- (e) development preserves the integrity of the coastal building line as the defined seaward boundary for building work and other development adjacent to the beachfront;
- (f) development maintains public access to the coast, consistent with maintaining public safety and conserving coastal resources;
- (g) development preserves opportunities for *coastal-dependent development* and *maritime development* in appropriate locations, particularly maritime development areas;
- (h) development protects water quality, coastal dunes and creeks, *vegetation* and biodiversity within coastal areas; and
- (i) development adjacent to beachfront areas is located and designed to protect the character of the beachfront when viewed from the beach and integrates with the surrounding natural landscape and skyline *vegetation*.

8.2.5.3 Performance outcomes and acceptable outcomes

Table 8.2.5.3.1 Requirements for accepted development

Performance Outcomes		Acceptable Outcomes	
Dual Occupancy and Dwelling House			
PO1	The <i>dual occupancy</i> or <i>dwelling house</i> is sited and designed to protect people and property from coastal hazards and avoid the need for additional coastal protection works.	AO1	<p>All buildings and other permanent structures are located landward of the coastal building line for the <i>site</i>.</p> <p>Note—coastal building lines are declared under the <i>Coastal Protection and Management Act 1995</i> and are administered by the State Department of Environment and Heritage Protection.</p> <p>OR</p> <p>Where there is no coastal building line for the <i>site</i>, and the <i>site</i> adjoins the beachfront or a beachfront reserve, all buildings and permanent structures are located:-</p> <ul style="list-style-type: none">(a) landward or equal to the seaward alignment of any buildings on neighbouring properties; or(b) where there are no neighbouring properties, at least 6 metres from the seaward property boundary of the <i>site</i>. <p>Note—‘permanent structures’ include swimming pools and retaining walls.</p>

Table 8.2.5.3.2 Performance outcomes and acceptable outcomes for assessable development

Performance Outcomes		Acceptable Outcomes	
Development in the Erosion Prone Area			
PO1	Development, other than redevelopment of an existing urban development site, development for <i>essential community infrastructure</i> , <i>coastal-dependent development</i> and <i>maritime development</i> in a maritime development area:- (a) allows for natural fluctuations of the coast to occur, including appropriate allowance for climate change and sea level rise; and	AO1	Development is situated wholly outside of the <i>erosion prone area</i> . Note—the <i>erosion prone area</i> is declared under the <i>Coastal Protection and Management Act 1995</i> and is administered by the State Department of Environment and Heritage Protection. OR Development does not increase the scale or intensity of an existing use or create

Performance Outcomes		Acceptable Outcomes	
	(b) avoids the need for additional coastal protection works.		<p>additional lots within the <i>erosion prone area</i>.</p> <p>OR</p> <p>Development is for acceptable temporary or relocatable structures (for safety purposes, recreational purposes or <i>temporary uses</i>) and the structures and use of the <i>site</i> is expendable.</p> <p>Note—acceptable temporary, relocatable or expendable structures for safety or recreational purposes include:-</p> <ul style="list-style-type: none"> (a) picnic tables, barbeques, coastal trails and bikeways that are considered to be expendable when threatened by erosion; and (b) specially designed portable or demountable towers, equipment sheds, lookouts, shelter sheds, decks and pergolas that are unattached and non-permanent structures capable of being easily and quickly removed when threatened by erosion.
PO2	Redevelopment of an existing urban development <i>site</i> within the <i>erosion prone area</i> mitigates any increase in the risk to people and property from adverse coastal erosion impacts.	AO2	<p>Redevelopment that intensifies the use of an existing urban development <i>site</i> in the <i>erosion prone area</i>:-</p> <ul style="list-style-type: none"> (a) incorporates a layout that minimises the footprint of the development within the <i>erosion prone area</i> and locates permanent structures as far landward as possible; (b) installs and maintains coastal protection works to mitigate adverse impacts to people and property from coastal erosion within the property; and (c) locates, designs and constructs buildings and structures to withstand coastal erosion impacts. <p>Note—the <i>erosion prone area</i> is declared under the <i>Coastal Protection and Management Act 1995</i> and is administered by the State Department of Environment and Heritage Protection.</p> <p>Note—mitigation measures should take account of the practicable design life of the development in the context of the future erosion threat.</p>
PO3	<p>Development for <i>essential community infrastructure</i>:-</p> <ul style="list-style-type: none"> (a) demonstrates that it is not feasible to locate the development outside of the <i>erosion prone area</i>; and (b) provides for built structures to be located landward of the alignment of adjacent habitable buildings; or (c) where the achievement of (b) (above) is not reasonably practicable, provides for built structures to be located as far landward as practicable. 	AO3	No acceptable outcome provided.
PO4	<i>Coastal-dependent development</i> mitigates any increase in risk to people and property from adverse erosion impacts.	AO4	<p><i>Coastal-dependent development</i>:-</p> <ul style="list-style-type: none"> (a) installs and maintains coastal protection works to mitigate adverse impacts to people and property from coastal erosion at the location; and

Performance Outcomes		Acceptable Outcomes	
			(b) locates, designs and constructs relevant buildings and structures to withstand coastal erosion impacts.
PO5	Development within a maritime development area mitigates any risk to people or property from adverse coastal erosion impacts.	AO5	<p>Development within a maritime development area:-</p> <p>(a) provides for non-coastal dependent development to be located outside of the <i>erosion prone area</i>; and</p> <p>(b) installs and maintains coastal protection works to mitigate adverse impacts to people and property from coastal erosion at the location.</p> <p>Note—the <i>erosion prone area</i> is declared under the <i>Coastal Protection and Management Act 1995</i> and is administered by the State Department of Environment and Heritage Protection.</p>
Coastal Building Lines and Setbacks			
PO6	New development or the intensification of existing development on a <i>site</i> subject to a coastal building line, or located immediately adjacent to the beachfront or a reserve fronting the beachfront, is located and designed to protect people and property from coastal hazards and avoid the need for additional coastal protection works.	AO6	<p>All buildings and permanent structures are setback at least 6 metres landward of the coastal building line for the <i>site</i>.</p> <p>Note—coastal building lines are declared under the <i>Coastal Protection and Management Act 1995</i> and are administered by the State Department of Environment and Heritage Protection.</p> <p>OR</p> <p>Where a coastal building line does not exist on a lot fronting the beachfront or a reserve adjoining the beachfront, development provides for all buildings and permanent structures to be set back a minimum of 6 metres from the seaward boundary of the lot.</p>
Reconfiguring A Lot within the Coastal Management District			
PO7	Where land within the coastal management district is proposed to be reconfigured to create additional lots, the <i>erosion prone area</i> is maintained as a development free buffer zone, unless:-	AO7	<p>Where reconfiguring of a lot is proposed within the coastal management district, the <i>erosion prone area</i> within the lot, or land within 40 metres of the foreshore (whichever is the greater), is surrendered to the State for public use.</p> <p>Note—the <i>erosion prone area</i> and coastal management district are declared under the <i>Coastal Protection and Management Act 1995</i> and are administered by the State Department of Environment and Heritage Protection.</p>
	(a) there is already substantial development seaward of the development <i>site</i> ; or		
	(b) the land is in a maritime development area.		
Public Access to Public Coastal Land			
PO8	<p>Development:-</p> <p>(a) does not result in a net loss of public access to public coastal land (including the foreshore) and <i>tidal waters</i>; and</p> <p>(b) where possible, provides enhanced opportunities for public access in a manner consistent with conserving coastal resources.</p>	AO8	<p>Development is located, designed and operated in a manner that retains or enhances existing public access to the coast.</p> <p>OR</p> <p>Where loss of public access cannot practicably be avoided, development provides the same or a greater amount of new access opportunities in, or in close proximity to, the site.</p>
Maritime Development and Maritime Development Areas			
PO9	<i>Maritime development</i> is located in a designated maritime development area.	AO9	<i>Maritime development</i> is located within a maritime development area as identified on a Coastal Protection Overlay Map.
PO10	Development in a maritime	AO10.1	Less than half of the non-tidal component of

Performance Outcomes		Acceptable Outcomes	
	<p>development area:-</p> <p>(a) is predominantly for <i>maritime development</i>; and</p> <p>(b) ensures <i>ancillary</i> and subsidiary development is predominantly of a commercial or public nature.</p> <p>Note—in the event that <i>marine industry</i> and related services cease to operate on Lot 795 RP847247 (Lawrie's Marina), this performance outcome is not intended to apply to this site, notwithstanding that it is identified as a maritime development area on the applicable Coastal Protection Overlay Map.</p>	AO10.2	<p>the development <i>site</i> within the maritime development area is allocated for non-maritime development.</p> <p>Less than a quarter of the non-tidal component of the development <i>site</i> within the maritime development area is allocated for residential development.</p>
PO11	Marina development minimises the risk of ship sourced pollution by providing appropriate facilities for the handling and disposal of ship sourced pollutants.	<p>AO11.1</p> <p>AO11.2</p>	<p>Marina development involving 6 or more berths provides the following:-</p> <p>(a) common user facilities for the handling and disposal of ship-sourced pollutants, including oil, garbage and sewage, are provided at a suitable location at the marina;</p> <p>(b) facilities which are designed and operated to ensure the risk of spillage from operations is minimised;</p> <p>(c) appropriate equipment to contain and remove spillages, which is stored in a convenient position near the facility and is available for immediate use; and</p> <p>(d) boats visiting the marina are able to use the ship sourced pollutants reception facilities.</p> <p>Where practical, the marina pollutant reception facility is connected to sewerage or other waste reception <i>infrastructure</i>.</p> <p>Editor's note—the Australian and New Zealand Environment and Conservation Council (ANZECC) 1997, Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand provide further guidance in relation to AO11.1.</p>
Protection of Sand Dunes and Coastal Creeks			
PO12	<p>Development:-</p> <p>(a) maintains dune crest heights and minimises and mitigates the risk to development from wave overtopping and storm tide inundation; and</p> <p>(b) maintains or enhances coastal ecosystems and natural features such as coastal creeks, mangroves and coastal <i>wetlands</i>, particularly where these features protect or buffer communities and <i>infrastructure</i> from sea-level rise and coastal inundation impacts.</p>	AO12	No acceptable outcome provided.