

8.2.3 Coastal environment overlay code

8.2.3.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Coastal environment overlay, if:
 - (a) self assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Coastal hazard overlay is identified on the Coastal environment overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Coastal management district sub-category;
 - (b) Erosion prone area sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.3.2 Purpose

- (1) The purpose of the Coastal environment overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 2 Environment and landscape values: Element 3.5.4 Coastal zones;
 - (iii) Theme 3 Natural resource management: Element 3.6.2 Land and catchment management.
 - (b) enable an assessment of whether development is suitable on land within the Coastal processes sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) facilitate the protection of both coastal processes and coastal resources;
 - (b) facilitating coastal dependent development on the foreshore over other development;
 - (c) public access to the foreshore protects public safety;
 - (d) maintain the erosion prone area as a development free buffer zone (other than for coastal dependent, temporary or relocatable development);
 - (e) require redevelopment of existing permanent buildings or structures in an erosion prone area to avoid coastal erosion risks, manage coastal erosion risks through a strategy of planned retreat or mitigate coastal erosion risks;
 - (f) require development to maintain or enhance natural processes and the protective function of landforms and vegetation that can mitigate risks associated with coastal erosion;
 - (g) locate and design community infrastructure to maintain the required level of functionality during and immediately after a coastal hazard event.

8.2.3.3 Criteria for assessment

Table 8.2.3.3.a – Coastal environment overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
<p>PO1 No works other than coastal protection works extend seaward of the coastal building line.</p>	<p>AO1.1 Development (including all buildings and other permanent structures such as swimming pools and retaining walls) does not extend seaward of a coastal building line.</p> <p>Note – Coastal building lines are declared under the Coastal Protection and Management Act 1995 and are administered by the State Department of Environment and Heritage</p>

Performance outcomes	Acceptable outcomes
	<p>Protection.</p> <p>AO1.2 Coastal protection works are only undertaken as a last resort where coastal erosion presents an immediate threat to public safety or existing buildings or structures and the property cannot be relocated or abandoned.</p> <p>AO1.3 Coastal protection works are as far landward as practicable on the lot containing the property to the maximum extent reasonable.</p> <p>AO1.4 Coastal protection work mitigates any increase in the coastal hazard.</p>
<p>PO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development is setback to maintain the amenity and use of the coastal resource.</p>	<p>AO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development (including all buildings and structures such as swimming pools) and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.</p>
For assessable development	
Erosion prone areas	
<p>PO3 Development identifies erosion prone areas (coastal hazards).</p>	<p>AO3 No acceptable outcomes are prescribed.</p>
<p>PO4 Erosion prone areas are free from development to allow for natural coastal processes.</p>	<p>AO4.1 Development is not located within the Erosion prone area, unless it can be demonstrated that the development is for:</p> <ul style="list-style-type: none"> (a) community infrastructure where no suitable alternative location or site exists for this infrastructure; or (b) development that reflects the preferred development outcomes in accordance with the zoning of the site (i.e. in the Low density residential zone, a dwelling house is a preferred development outcome in accordance with the zoning of the site) <p>AO4.2 Development involving existing permanent buildings and structures within an erosion prone area does not increase in intensity of its use by:</p> <ul style="list-style-type: none"> (a) adding additional buildings or structures; or (b) incorporating a land use that will result in an increase in the number of people or employees occupying the site.
Coastal management districts	
<p>PO5 Natural processes and protective functions of landforms and vegetation are maintained.</p>	<p>PO5.1 Development within the coastal management district:</p>

Performance outcomes	Acceptable outcomes
	<p>(a) maintains vegetation on coastal land forms where its removal or damage may:</p> <ul style="list-style-type: none"> (i) destabilise the area and increase the potential for coastal erosion, or (ii) interrupt the natural sediment trapping processes or dune or land building processes; <p>(b) maintains sediment volumes of dunes and near-shore coastal landforms, or where a reduction in sediment volumes cannot be avoided, increased risks to development from coastal erosion are mitigated by location, design and construction and operating standards;</p> <p>(c) minimises the need for erosion control structures or riverine hardening through location, design and construction standards;</p> <p>(d) maintains physical coastal processes outside the development footprint for the development, including longshore transport of sediment along the coast;</p> <p>(e) reduces the risk of shoreline erosion for areas adjacent to the development footprint to the maximum extent feasible in the case of erosion control structures.</p> <p>PO5.2 Where development proposes the construction of an erosion control structure:</p> <ul style="list-style-type: none"> (a) it is demonstrated that it is the only feasible option for protecting permanent structures from coastal erosion; and (b) those permanent structures cannot be abandoned or relocated in the event of coastal erosion occurring. <p>PO5.3 Development involving reclamation:</p> <ul style="list-style-type: none"> (a) does not alter, or otherwise minimises impacts on, the physical characteristics of a waterway or the seabed near the reclamation, including flow regimes, hydrodynamic forces, tidal water and riverbank stability; (b) is located outside active sediment transport area, or otherwise maintains sediment transport processes as close as possible to their natural state; (c) ensures activities associated with the operation of the development maintain the structure and condition of vegetation communities and avoid wind and water run-off erosion.
<p>PO6 Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent reasonable.</p>	<p>AO6.1 Coastal protection work that is in the form of beach nourishment uses methods of placement suitable for the location that do not interfere with the long-term use of the locality, or natural values within or neighbouring the proposed placement</p>

Performance outcomes	Acceptable outcomes
	<p>site.</p> <p>and</p> <p>AO6.2 Marine development is located and designed to expand on or redevelop existing marine infrastructure unless it is demonstrated that it is not practicable to co-locate the development with existing marine infrastructure;</p> <p>and</p> <p>AO6.3 Measures are incorporated as part of siting and design of the development to maintain or enhance water quality to achieve the environmental values and water quality objectives outlined in the Environmental Protection (Water) Policy 2009.</p> <p>and</p> <p>AO6.4 Development avoids the disturbance of acid sulfate soils, or where it is demonstrated that this is not possible, the disturbance of acid sulfate soils is carefully managed to minimise and mitigate the adverse effects of disturbance on coastal resources.</p> <p>and</p> <p>AO6.4 Design and siting of development protects and retains identified ecological values and underlying ecosystem processes within the development site to the greatest extent practicable.</p>
<p>PO7 Development is to maintain access to and along the foreshore for general public access.</p>	<p>AO7.1 Development provides for regular access points for pedestrians including approved walking tracks, boardwalks and viewing platforms.</p> <p>and</p> <p>AO7.2 Development provides for regular access points for vehicles including approved roads and tracks.</p> <p>or</p> <p>AO7.3 Development demonstrates an alternative solution to achieve an equivalent standard of performance.</p>
<p>PO8 Public access to the coast is appropriately located, designed and operated.</p>	<p>AO8.1 Development maintains or enhances public access to the coast.</p>

Performance outcomes	Acceptable outcomes
	<p>or</p> <p>A08.2 Development is located adjacent to state coastal land or tidal water and minimises and offsets any loss of access to and along the foreshore within 500 metres.</p> <p>or</p> <p>A08.3 Development adjacent to state coastal land or tidal water demonstrates an alternative solution to achieve an equivalent standard and quality of access.</p>
<p>PO9 Development adjacent to state coastal land or tidal water is located, designed and operated to:</p> <ul style="list-style-type: none"> (a) maintain existing access to and along the foreshore; (b) minimise any loss of access to and along the foreshore, or (c) offset any loss of access to and along the foreshore by providing for enhanced alternative access in the general location. 	<p>A09.1 Development adjacent to state coastal land or tidal water:</p> <ul style="list-style-type: none"> (a) demonstrates that restrictions to public access are necessary for: <ul style="list-style-type: none"> (i) the safe and secure operation of development; (ii) the maintenance of coastal landforms and coastal habitat; or (a) maintains public access (including public access infrastructure that has been approved by the local government or relevant authority) through the site to the foreshore for: <ul style="list-style-type: none"> (i) pedestrians via access points including approved walking tracks, boardwalks and viewing platforms; (ii) vehicles via access points including approved roads or tracks. <p>A09.2 Development adjacent to state coastal land or tidal water:</p> <ul style="list-style-type: none"> (a) is located and designed to: <ul style="list-style-type: none"> (i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, for example through the provision of esplanades or easement corridors to preserve future access; (ii) ensure emergency vehicles can access the area near the development. <p>or</p> <ul style="list-style-type: none"> (a) minimises and offsets any loss of access to and along the foreshore within 500m of existing access points and development is located and designed to: <ul style="list-style-type: none"> (i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, and (ii) ensure emergency vehicles can access

Performance outcomes	Acceptable outcomes
	the area near the development.
<p>AO10 Development that involves reconfiguring a lot for urban purposes adjacent to the coast is designed to ensure public access to the coast in consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat.</p>	<p>AO10.1 Development complies if consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat is undertaken.</p> <p>or</p> <p>AO10.2 Development demonstrates an alternative solution to achieve an equivalent standard and quality of access.</p>
<p>PO11 Development maintains public access to State coastal land by avoiding private marine development attaching to, or extending across, non-tidal State coastal land.</p>	<p>AO11 Private marine access structures and other structures such as decks or boardwalks for private use do not attach to or extend across State coastal land that is situated above high water mark</p>
<p>PO12 Development in connection with an artificial waterway enhances public access to coastal waters.</p>	<p>AO12 The artificial waterway avoids intersecting with or connection to inundated land or leased land where the passage, use or movement of vessels in water on the land could be restricted or prohibited by the registered proprietor of the inundated land or leased land.</p>
Coastal landscapes, views and vistas	
<p>PO13 Development maintains and / or enhances natural coastal landscapes, views and vistas.</p>	<p>AO13 No acceptable outcomes are prescribed.</p>
<p>PO14 Coastal settlements are consolidated through the concentration of development within the existing urban areas through infill and conserving the natural state of the coastal area outside existing urban areas.</p>	<p>AO14 No acceptable outcomes are prescribed.</p>
Private marine development	
<p>PO15 Private marine development is to avoid attaching to, or extending across, non-tidal State coastal land.</p>	<p>AO15 Private marine development and other structures such as decks or boardwalks for private use do not attach to, or extend across, State coastal land that is situated above high water mark.</p> <p>Note – For occupation permits or allocations of State land, refer to the <i>Land Act 1994</i>.</p>
<p>PO16 The location and design of private marine development does not adversely affect the safety of members of the public access to the foreshore.</p>	<p>AO16 Private marine development does not involve the erection or placement of any physical barrier preventing existing access, along a public access way to the foreshores.</p>
<p>PO17 Private marine development is of a height and scale and size compatible with the character and</p>	<p>AO17 Private marine development has regard to: (a) the height, scale and size of the natural</p>

Performance outcomes	Acceptable outcomes
amenity of the location.	<p>features of the immediate surroundings and locality;</p> <p>(b) the height, scale and size of existing buildings or other structures in the immediate surroundings and the locality;</p> <p>(c) if the relevant planning scheme states that desired height, scale or size of buildings or other structures in the immediate surroundings or locality – the stated desired height, scale or size.</p> <p>Note – The prescribed tidal works code in the <i>Coastal Protection and Management Regulation 2003</i> outlines design and construction requirements that must be complied with.</p>
<p>PO18 Private marine development avoids adverse impacts on coastal landforms and coastal processes.</p>	<p>AO18 Private marine development does not require the construction of coastal protection works, shoreline or riverbank hardening or dredging for marine access.</p>
For dry land marinas and artificial waterways	
<p>PO19 Dry land marinas and artificial waterways:</p> <p>(a) avoid impacts on coastal resources;</p> <p>(b) do not contribute to the degradation of water quality;</p> <p>(c) do not increase the risk of flooding;</p> <p>(d) do not result in the degradation or loss of MSES;</p> <p>(e) do not result in an adverse change to the tidal prism of the natural waterway to which development is connected.</p> <p>(f) does not involve reclamation of tidal land other than for the purpose of:</p> <p>(i) coastal dependent development, public marine development; or</p> <p>(ii) community infrastructure, where there is no feasible alternative; or</p> <p>(iii) strategic ports, boat harbours or strategic airports and aviation facilities in accordance with a statutory land use plan; or</p> <p>(iv) coastal protection works or works necessary to protect coastal resources and processes.</p>	<p>AO19 No acceptable solutions are prescribed.</p>