

Queensland's Coastal Management Planning

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ABSTRACT

In 1995, the Queensland Government commenced the *Coastal Protection and Management Act 1995* (Coastal Act) which provided the legislative framework for achieving integrated coastal zone management in Queensland. The Coastal Act requires that coastal management is achieved by coordinated and integrated planning and decision making through the development of coastal management plans (at the State and regional level), declaration of coastal management districts (the areas where the Environmental Protection Agency is involved in development assessment) and the use of other legislation to achieve the objects of the Act.

A key component of the Coastal Act is the preparation of coastal management plans which identify coastal resources and values within the coastal zone. These plans provide policy for managing a variety of resources and values. The *State Coastal Management Plan – Queensland's Coastal Policy 2001*, commenced in 2002 and provides the overarching framework and policy direction for the preparation of Regional Coastal Plans. Four Regional Coastal Plans have been prepared to date. All coastal management plans are statutory instruments under the Coastal Act, and have the effect of a State Planning Policy under the *Integrated Planning Act 1997* and are therefore required to be regarded during development assessments and when creating or amending a planning scheme or designating land for community infrastructure.

This paper provides an overview of the policy framework for coastal management in Queensland and outlines how coastal management plans help to achieve coastal management outcomes and the protection of coastal resources and values.

INTRODUCTION

The Queensland coastline (including many offshore islands) stretches for more than 7400 km and accounts for approximately one-fifth of Australia's coastline. The resources of the coastal zone are a natural inheritance of immense economic, cultural and intrinsic value. Sandy beaches, abundant native plants and animals, tropical rainforests, extensive coastal wetlands and the world's largest sand island and coral reef all contribute to ever increasing value of the Queensland coast. The coastal zone is home to more than 2.65 million people, about 85 percent of Queensland's population. It's living and non-living resources support the State's economic wealth and attract new business enterprises, new residents and tourists. Careful management actions are required to ensure the Queensland coastline continues to contribute to the livelihoods and lifestyles of all Queenslanders and to ensure its most valued elements are protected and conserved.

Like many resources, the coast has been subject to extensive pressures and irreversible impacts resulting from population growth and human activities. Currently along the coast of Queensland there are three levels of government, more than 50 pieces of legislation and numerous agencies and organisations whose activities use, impact or have an interest in the coast. This complexity of legislation, government and private sector interests is placing enormous pressure on our coastal resources. Furthermore, the natural processes shaping our coastlines and the vast and diverse areas within the "coastal zone" make coastal management particularly difficult.

BACKGROUND

Queensland has long recognised the need for specific legislation and statutory controls to ensure the effective management of the coast. Previous legislation such as the *Canals Act 1958*, *Beach Protection Act 1968* and the *Harbours Act 1955* were all innovative pieces of legislation which addressed specific problems and management issues within the coastal environment. However, after the amalgamation of State Government agencies involved in coastal management into the

Department of Environment and Heritage (now the Environmental Protection Agency), it was identified that a more comprehensive approach was required. A new coastal management framework recognising and implementing collaborative, integrated coastal management was required to ensure effective management was achievable into the 21st century. This recognition prompted the Queensland Government to prepare an investigation paper into the future management of Queensland's Coasts. As a result, a Green Paper, entitled *Coastal Protection Strategy — Proposals for Managing Queensland's Coast*, was released in 1991.

The Green paper proposed a coastal management strategy that involved governments and the community working together to plan for the future of the coast, the preparation of State and regional coastal management plans and a review of coastal legislation. Ultimately the findings and recommendations of the Green Paper lead to the development of the *Coastal Protection and Management Act 1995* (the Coastal Act), which is now the key legislation governing coastal management in Queensland.

COASTAL MANAGEMENT AT THE INTERNATIONAL AND NATIONAL SCALE

Australia participates in, or is party to, various global and bilateral agreements, conventions and treaties relevant to coastal management. The Department of the Environment and Water Resources' (DEW) is the key national agency who represents Australia and their involvement is guided by Australia's national interests, our internationally shared natural resources, species and ecosystems, and an understanding that countries and people face a diversity of needs and challenges. DEW engages internationally to address environmental issues through a variety of methods – from informal discussions and understandings, to cooperative activities, and formal agreements or legally binding instruments.

An international convention of specific relevance to coastal management is the Convention on Biological Diversity (CBD), which was signed at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992. The CBD specifically deals with ocean and coastal issues and under the agreement coastal nations committed themselves, among other things, to integrated management and sustainable development of coastal areas.

Other international treaties and conventions relevant to coastal management cover issues relevant to wetlands, migratory species, shipping, cultural heritage, world heritage areas, marine and coastal biological diversity, pests and ecological sustainable development. Under the Australian Constitution and other federal legislation, it is a requirement that all States and Territories comply with all relevant international agreements. It is therefore a requirement that coastal policy and legislation in Queensland appropriately addresses the matters set out in such international agreements and federal legislation.

In recognition these agreements, specifically those of the CBD, the Intergovernmental Coastal Advisory Group (ICAG), comprising of representatives from the Australian Government, each State/Territory government, and the Australian Local Government Association (ALGA) formed to develop a means by which to achieve a national integrated coastal zone management (ICZM). The Framework for a National Cooperative Approach to Integrated Coastal Zone Management (The Framework) was developed and released in October 2003. The Framework addresses both development and conservation challenges for coastal Australia that are of national scale and scope. It recognises the need for governments to support ongoing economic, social and environmental well being in the coastal zone. It sets the scene for national cooperation in managing coastal issues and ensuring effective and complementary arrangements within and across jurisdictions, and to better reflect the interests of coastal stakeholders.

COASTAL PROTECTION AND MANAGEMENT ACT

In accordance with the recommendations of the Green Paper, the Coastal Act establishes the framework for how coastal management is to be achieved in Queensland. In recognition of ICZM

the Coastal Act stipulates that Coastal management is to be achieved by coordinated and integrated planning and decision making. Specifically the objectives of the Coastal Act include:

- provide for the protection, conservation, rehabilitation and management of the coast, including its resources and biological diversity; and
- 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
- provide, in conjunction with other legislation, a coordinated and integrated management and administrative framework for the ecologically sustainable development of the coastal zone; and
- encourage the enhancement of knowledge of coastal resources and the effect of human activities on the coastal zone.

The Coastal Act stipulates that this is to be achieved via:

1. a broad object aimed at coordinating and integrating planning and management of the coastal zone in accordance with the principles of ecologically sustainable development
2. the establishment of a coastal planning process at the State and regional level supported by statutory advisory groups representing key stakeholders
3. the establishment of coastal management districts on the coast where the State can apply a range of regulatory powers.

The Coastal Act was amended in October 2003 to repeal previous legislation which governed development assessment and approval procedures for works undertaken in the coastal zone (namely the *Harbours Act 1955*, the *Canals Act 1958* and the *Beach Protection Act 1968*)

STATE COASTAL MANAGEMENT PLAN

The State Coastal Management Plan - Queensland's Coastal Policy (The State coastal plan or the Plan) commenced on 27 February 2002. The State coastal plan describes how the coastal zone is to be managed as required by the Coastal Act and in recognizing the findings of the *State of the Environment Report Queensland 1999*; the State coastal plan was developed based on the various coastal resources identified, their relative values and the pressures being forced upon these resources. The Plan then groups these pressures into 10 broad topic areas. Coastal management outcomes, principles and policies that seek to protect coastal resources and their values and manage the pressures placed upon these resources are set out for each of the 10 topics which include:

1. coastal use and development;
2. physical coastal processes (the effects of waves, tides, currents and coastal storms);
3. public access to the coast;
4. water quality;
5. Indigenous traditional owner cultural resources
6. cultural heritage;
7. coastal landscapes;
8. conserving nature;
9. coordinated management; and
10. research and information.

Relationship with the Integrated Planning Act

Under section 29 of the Coastal Act, the State Plan is recognised as a statutory instrument and therefore has the effect of a State planning policy under the *Integrated Planning Act 1997* (IPA). State Planning Policies (SPPs) are a way for the State government to express its interests in development-related economic, social, or environmental issues that can be implemented through planning schemes and development assessments. Having the effect of a SPP means that the State Plan must be regarded by all relevant parties during development assessment/application procedures, when making or amending a planning schemes and other government policy or legislation and when designating land for community infrastructure.

Area to which the State plan will apply

The area to which the Plan applies is the coastal zone, defined in section 11 of the Coastal Act as 'coastal waters and all areas to the landward side of coastal waters in which there are physical features, ecological or natural processes or human activities that affect, or potentially affect, the coast or coastal resources'. The determination of the coastal zone depends on the existence of a link with the coast or coastal resources. The coastal zone may include extensive catchment areas where activities have impacts on coastal resources, as well as all water and islands within 3 nautical miles of the territorial sea baseline.

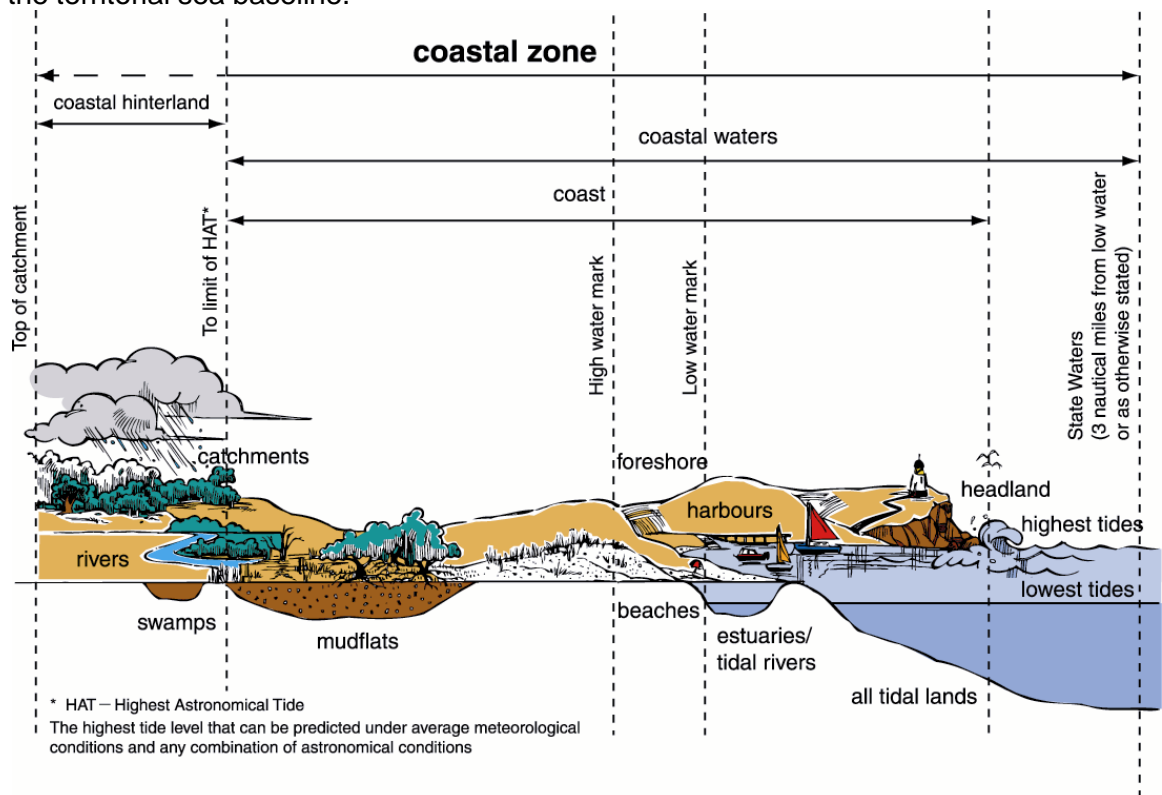


Figure 1 The coastal zone is the area within which the State Coastal Plan has affect

Implementation of the State Plan

The Coastal Act binds all persons, including the State and as far as the legislative power of the Parliament permits, the Commonwealth and other States. Given the State plan has statutory power under the Coastal Act and has the effect of a State Planning Policy under the IPA, all persons with responsibilities in the coastal zone will need to have regard to the provisions of the State plan.

The policies contained within the Plan are implemented by:

- State and local governments in making relevant planning and land management decisions for activities in the coastal zone that may adversely impact on coastal resources, including the preparation of regional coastal management plans;
- local governments:
 - through their coordination and integration of relevant sections of the State Coastal Plan into planning schemes developed under IPA;
 - in assessing applications for impact assessable development under the Integrated Development Assessment System (IDAS), where the State Coastal Plan has not been reflected in the planning scheme; and
- non-government groups undertaking a range of activities including environment and land management activities, preparing codes of practice, strategic industry programs and integrated catchment management plans and strategies.

The diagram below illustrates the respective roles of the Government and private sectors with relation to implementing the State Coastal Plan through existing and new planning and management frameworks.

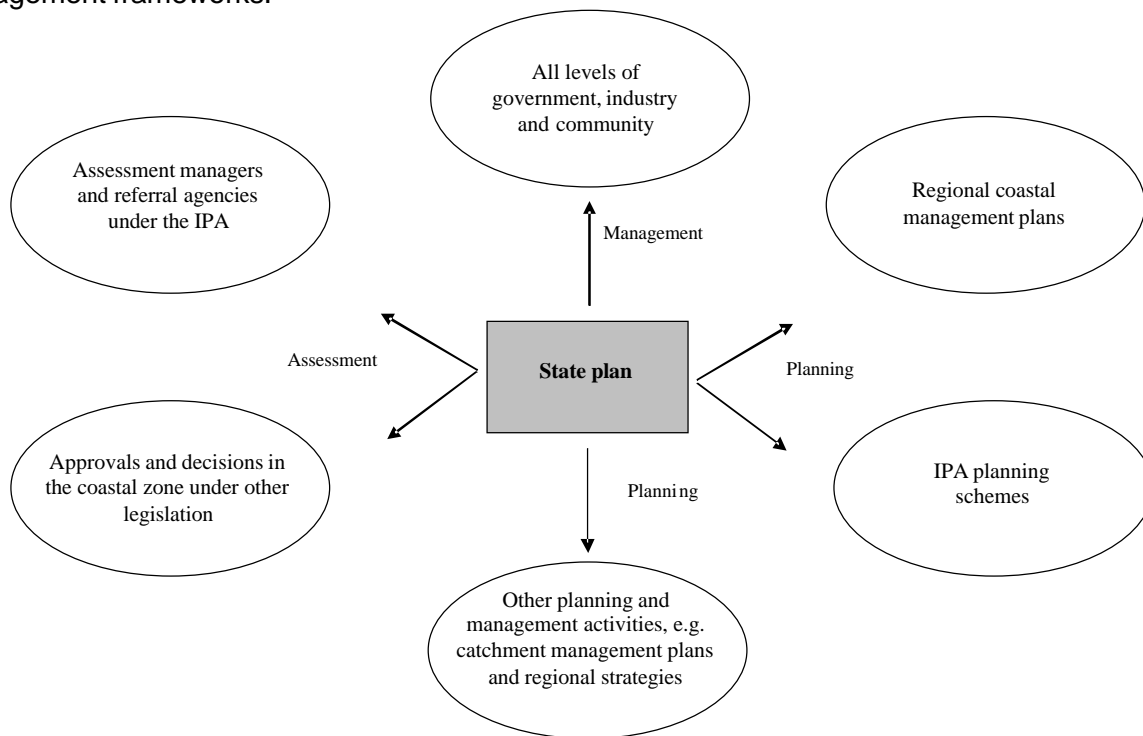


Figure 2 Relationship between State plan and other planning, management and assessment functions

The Coastal Act requires regional coastal management plans to be produced for each part of Queensland's coast. These plans must describe how the coastal zone is to be managed and identify the coastal management districts in particular regions. Regional coastal management plans implement the State Plan's policy framework at the regional level and identify key coastal sites requiring special management within the region. Regional coastal plans are designed to work in association with the State Plan and if an inconsistency was to occur, the provisions of the State Plan prevail.

The State Plan divides the Queensland coastline into eleven regions:

1. Gulf of Carpentaria
2. Cape York Peninsula Coast
3. Torres Strait
4. **Wet Tropical Coast (2003)**
5. **Cardwell-Hinchinbrook (2003)**
6. Dry Tropical Coast

7. Mackay-Whitsunday Coast

8. Capricorn Coast

9. **Curtis Coast (2003)**

10. Wide Bay Coast

11. **South-east Queensland Coast (2006)**

Regional Plans have been prepared for each of the regions highlighted in bold text and plans or regional coastal management district plans are currently being prepared for the regions underlined.

REVIEW OF THE STATE COASTAL PLAN

The Coastal Act states that the Minister must review each coastal plan within 7 years of its commencement. The State Coastal Management Plan commenced in February 2002 so to meet the requirements of the Coastal Act it must be reviewed by February 2009.

The review process is designed to ensure the State Coastal Management Plan remains relevant and effective. The review of the current Plan will commence in the near future. Public submissions will be invited as part of the review and comments sought from local governments and other key stakeholders. This input will be used to assess how the existing Plan can be improved.

TAKE HOME MESSAGE

Coastal management roles responsibilities and policies in Queensland can often be confusing and potentially inconsistent. However, it has been recognized at an international, national and now at a state and regional level (through the Coastal Act, the State Plan and the Regional Coastal Plans) that in order to effectively manage our coastlines and the vast values and pressures on these areas, we need to achieve integrated coastal management.

The State Coastal Plan and the regional coastal plans provide an excellent framework for coastal management in Queensland and with the impending review of the State Plan, this framework can only improve.

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