

- * current chemical control orders made under the *Environmentally Hazardous Chemicals Act 1985*;
- * a list of policy statements and strategies adopted by the EPA;
- * a list of the preliminary regional environmental improvement plans published by the EPA;
- * a list of policy documents not published by the EPA, but which have been adopted as policy by the EPA

These policy documents and a summary of the statement of affairs can be inspected at the Environment Protection Authority's offices. You can contact the Chatswood office (Library) to arrange inspection of these documents:

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Coastal Protection And Management Act

General

The Coastal Protection and Management Act 1995 (the "CPM Act") has been passed by the Queensland Parliament and will commence on a date to be fixed by proclamation.

Key Terminology

In the CPM Act, the term "coastal zone" encompasses:

- * Queensland waters to the high water mark; and
- * all areas:
 - * on the landward side of the high water mark; and

- * in which there are physical features, ecological or natural processes or human activities that affect - or potentially affect - the "coast" or "coastal resources".

"Coast" is defined to mean all areas within or neighbouring the intertidal zone between the high and low water marks. "Coastal resources" is defined to mean the natural and cultural resources of the coastal zone.

Coastal Management Plans

State Coastal Management Plan

The CPM Act requires the Minister to prepare a State Coastal Management Plan to describe how the coastal zone is to be managed. This State plan is intended to include statements of principle and policy by which the coastal zone is to be managed. The State plan may also make provision for offences for contraventions of the plan.

The State plan takes effect upon approval by the Governor in Council.

Regional Coastal Management Plans

The CPM Act also requires the Minister to prepare more geographically focussed Regional Coastal Management Plans to describe how a particular region covered by a regional plan is to be managed and to show the control districts in each region.

A regional plan may include, for example:

- * statements of principle, policy and requirements by which the coastal zone will be managed;
- * a description of a scheme of coastal management works; and
- * provision for key coastal sites requiring special coastal management (in which case identification of those sites must be based on natural and cultural resources of the coastal zone).

As for the State plan, a regional plan takes effect upon approval from the Governor in Council.

Control Districts

Establishment

Control districts can be declared by a regional plan or (where an area in need of protection has no regional plan) by a regulation.

However, a control district may only be declared:

- * over coastal waters;
- * over the intertidal zone and over land up to 400 metres inland from the high water mark along the intertidal zone;
- * at a river mouth or estuarine delta - over land up to 1000 metres inland from the highwater mark at the river mouth or estuarine delta;
- * along tidal rivers, saltwater lakes and other bodies of internal tidal water - over land up to 100 metres from the highwater mark along the river, lake or body of water;
- * over an island in Queensland waters; or
- * all or part of a coastal wetland, dune system or "key coastal site" (as identified in a regional plan) and up to 100 metres from that wetland, system or site.

Before an area is declared a control district, the CPM Act requires the following things to be considered:

- * the area's vulnerability to erosion by the sea or to wind induced effects;
- * whether the area should be kept in an undeveloped state to maintain or enhance the coast or natural/cultural resources;
- * public access to the area;
- * foreseeable human impacts and natural hazards in the area;
- * the existing tenure of, interest in, and rights to, land in the area;
- * Aboriginal tradition and Island custom of Aboriginal and Torres Strait Islander people particularly concerned with land in the area¹;
- * planning and development management of the area.

Regulation of Activities

The CPM Act seeks to regulate activities in a control district through the use of coastal protection notices, tidal works notices and coastal building lines.

Coastal Protection Notices

A coastal protection notice can require a person to stop an activity specified in the notice (where the chief executive of DEH considers the activity is likely to have a significant effect on "coastal management" or cause wind erosion) or to take any reasonable action which is specified in the notice.

("Coastal management" includes the protection, conservation, rehabilitation, management and ecologically sustainable development of the coastal zone.)

Amongst other things, a coastal protection notice may require a person:

- * to build or maintain works;
- * not to alter the geographical features of land;
- * to do anything else necessary to protect land from wind erosion; or
- * restore land.

Tidal Works Notices

The chief executive of the Department of Environment and Heritage may issue a tidal works notice where the chief executive forms the opinion that works - either on the intertidal zone or on land under tidal water - need repair, are abandoned or should be removed.

Such a notice can include an order to remove the works and restore the site to its former condition or to repair the works. The notice may be served on the owner of the land, the person responsible for the works or the person responsible for the maintenance of the works.

Coastal Building Line

As an additional control, a "coastal building line" may be declared for a control district.

The effect of such a line is that building approval cannot be given to build a structure which is, in any part, seaward of the coastal building line. The only exception to this is where the Minister is satisfied that:

- * the structure is not contrary to the State or regional plan for the district; and
- * the building of the structure is not likely to have a detrimental impact on coastal management.

Remedies

The CPM Act allows the Planning and Environment Court to issue restraint orders to remedy or restrain offences. Typical offences include failing to comply with State or regional plans.

affected by the matter or any other person (if that person obtains the leave of the Court).

Transitional Matters

The *Beach Protection Act* establishes "coastal protection control districts" and "erosion prone areas". Each of these is deemed to be a control district under the CPM Act.

Also, the *Coastal Management Control Districts (Requirements for Buildings and Other Structures) Regulation* lists plans which specify setback requirements. Those setback requirements are taken to be coastal building lines under the CPM Act.

Environmental Amendment Legislation

The *Environmental Legislation Amendment Bill (No 2) 1995* (the "ELA Bill") has been passed by the Queensland Parliament, but has not yet been proclaimed into force. Although the ELA Bill deals with a number of matters, there are two of particular significance.

Responsibility For Waste Management

The ELA Bill will transfer the legislative responsibility for waste management from the *Health Act 1937* to the *Environmental Protection Act 1994*. This will make the Department of Environment and Heritage the lead agency for waste in Queensland.

This transfer of responsibility is achieved by repealing those sections of the *Health Act 1937* which give the Department of Health the power to make the Refuse Management Regulations (which currently regulate the removal, collection, transport, deposit, storage and disposal of waste). The Department of Environment and Heritage then becomes the lead agency for waste management through its current ability to regulate waste under the *Environmental Protection Act 1994*. That ability to regulate waste comes from the *Environmental Protection (Interim) Regulation*. That Regulation provides that the disposal, recycling, transport, treatment and storage of certain wastes are environmentally relevant activities. As such, environmental authorisations are required to carry out those activities.

Increased Penalties For Waste Discharges

To address issues raised by the Criminal Justice Commission inquiry into the improper disposal of liquid waste in South-East Queensland, the *ELA Bill* will significantly increase penalties for the prohibited discharge of liquid waste into sewage or storm water systems.

Under the ELA Bill's amendments to the *Sewerage and Water Supply Act 1949*, it will be an offence to discharge "trade waste" into sewerage (unless authorised by a trade waste permit issued by a local government) or into stormwater drainage. "Trade waste" will include all water-borne waste from business, trade or manufacturing premises other than "prohibited substances", human waste or stormwater.

"Prohibited substances" is to be defined in the Standard Sewerage Law, although no definition has not yet been included. However, prohibited substances can be expected to include substances which are flammable, corrosive or at high temperatures. The amendments in the ELA Bill impose a complete prohibition on the discharge of "prohibited substances" into sewerage or into stormwater drainage.

Previously, the maximum penalty for the discharge of trade waste or substances expected to be prohibited was \$2,000. Under the amendments in the ELA Bill, the maximum penalties will increase to \$60,000 for an individual and \$300,000 for a corporation.

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¹ These people are "concerned with land in the area" where they are members of a group that has a particular connection with the land under Aboriginal tradition or Island custom or they live on or use the land or neighbouring land.