

Department of Environment and Heritage
National Competition Policy
Public Benefit Test Report
for the Beach Protection Legislation

1. Title of Legislation

The Beach Protection Act 1968, the Coastal Management Control Districts (Requirements for Buildings or other Structures) Regulations 1984.

2. Objectives of the legislation

2.1 The object of the act

The Act does not specifically state objectives, however the long title indicates the intent of the Act. The long title is 'An Act to provide for the regulation of and the provision of advice in respect of certain activities affecting the coast, to protect the amenity of the coast and, subject thereto, to minimise damage to property from erosion or encroachment by tidal water and for those purposes to establish an authority and to confer and impose upon it certain functions and powers.'

In other words, the object of the legislation is to protect the amenity of coast and, subject to this, reduce the impact of erosion on property. To do this the legislation creates a statutory authority, the Beach Protection Authority (BPA).

2.2 Why require specific coastal management arrangements?

Most of the coastal land in Queensland was subdivided before the coastal processes operating in Queensland were well understood. Usual practice was to allow a narrow esplanade, primarily as a future road reserve and then subdivide or allocate the land behind that. This practice was developed by administrators who had inherited systems developed for temperate climates with relatively stable shorelines. Queensland's coastline varies markedly with an open ocean coastline in the southeast; a lower energy coastline on the central and north coasts and the Gulf of Carpentaria coastline.

In the southeast there are active sand systems with a natural net movement north of approximately 500,000 cubic metres of sand per annum. Further north, the coasts become low energy mangrove dominated systems with high sediment loads interspersed with narrow sandy beaches which are sheltered from oceanic swells by the Great Barrier Reef. The whole coast is subject to intense tropical storms and cyclones which can cause severe erosion in a few hours and inundation by the sea because of storm tides.



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The sandy coasts are subject to short term natural fluctuation of hundreds of metres depending on a range of factors such as the size and slope of the dune and amount of vegetation cover. This area of potential fluctuation is known as the erosion prone area (EPA) and declared as such under the *Beach Protection Act 1968*. The EPAs in turn have been retained as control districts by the transitional provisions of the *Coastal Protection and Management Act 1995*.

Economic assets, such as buildings, constructed in this erosion prone area need to be protected, moved or sacrificed when the shoreline recedes. Protection means hard engineering solutions such as rock walls or groynes. It has been demonstrated that building a rock wall does not protect the beach, it only protects the property. The wave energy hitting the wall reflects and erodes the sand in front of the wall further reducing the amenity of the beach and compromising the structural integrity of the wall. The sand does not build up again after the storm as it would if a natural beach profile were retained. Normally, the wave energy is absorbed by the beach and sand which is being transported by a combination of waves and currents, is deposited on the beach.

(i) The Gold Coast Experience

In the late 1960s severe erosion of the Gold Coast beaches after significant storm events created an emergency situation where buildings actually collapsed on to the beach. Then, as now the economic base of the Gold Coast was tourism which depended on the beaches as the drawcard.

The project has a benefit/cost ratio of over 70 to 1 at an 8 per cent discount rate.² This indicates the value of beaches to the tourism market of the Gold Coast. The net present value of the project at an 8 per cent discount rate is \$522m.³

It is possible to retain beaches without these costs by not locating buildings in the erosion prone area in the first instance and allowing the shoreline to fluctuate naturally. It can be argued that the attraction of the Gold Coast is the proximity of the accommodation to the beach and that if the accommodation were at least 400m inland the attraction would be lost. While this may be the case, it is the maturity of the tourism industry on the Gold Coast which provides for the recurrent costs of maintaining the beaches. The Gold Coast caters to a particular segment of the tourism market, other parts of Queensland are focusing on the ecotourism market which relies on natural assets. Beaches with a natural setting will become an increasingly rare, yet sought after, commodity in the tourism market.

The mangrove coasts, including estuarine environments, were once considered inhospitable wastelands and were cleared and filled to make way for coastal developments. It is now well documented that they are essential nurseries of many marine species of significant environmental and economic value and also serve an essential ecological function in the process of forming and maintaining coasts by trapping sediments and buffering the land from the sea.

The economic value of these mangrove and estuarine coasts is best reflected in the valuing of the commercial fishing industry at \$400m for the Queensland economy.⁴ Further, recreational fishers are estimated to spend \$400m on fishing each year and own some \$450m worth of fishing equipment and boats and catch \$50m worth of fish.⁵

The interference with coastal processes is another key issue that coastal management policy must address. The building of structures such as groynes, reclaimed land and river mouth training walls that change the natural currents, wave climate or longshore movement of sand has the capacity to impact adversely on the coast. Such impacts can occur locally or many kilometres from that actual site. The Tweed River entrance is an interesting case in this regard.

(ii) The Tweed River Experience

Safe passage into the Tweed River has long been hindered by the periodic formation of sand shoals at the river entrance. River training works and dredging have been undertaken since late last century in an attempt to improve navigability. These works culminated in the extension of the training walls at the river entrance during 1962-65. Although extension of the training walls improved navigation for a period, the construction interrupted the northerly littoral drift of sand onto the southern Gold

² Northern Gold Coast Beach Protection Strategy: A Benefit-Cost Analysis. Raybould, M. and Mules, T. Centre for Tourism and Hotel Management, Griffith University. p ii

³ Northern Gold Coast Beach Protection Strategy: A Benefit-Cost Analysis. Raybould, M. and Mules, T. Centre for Tourism and Hotel Management, Griffith University. p ii

⁴ Queensland's Fisheries Resources Current Condition and Recent Trends 1988-1995. DPI Queensland. p2

⁵ Queensland's Fisheries Resources Current Condition and Recent Trends 1988-1995. DPI Queensland. p3

Coast beaches. Substantial accretion has occurred to the south of the southern training wall, resulting in a build up of sand along Letitia Spit and subsequent significant erosion has resulted along the southern Gold Coast beaches. In recent years the entrance bar has reformed and again created navigation difficulties. The consequences of not undertaking a sand bypassing project would be a progressive worsening of navigation at the Tweed River entrance and continued erosion of the southern Gold Coast beaches.

Continual and progressive shoaling at the river entrance would further restrict the operations of the local fishing and tourist industries whose operations are controlled by the condition of the entrance bar. Rescue services would also be placed under additional pressure during periods of bad weather or bar conditions. The reduced tidal flushing of the estuary may be expected to be associated with reduced water quality in the Tweed River.

Deterioration of beach amenity and surf quality would be anticipated with continual erosion of the southern Gold Coast beaches. A flow-on from this may be restricted growth of the local tourist industry as the beaches are a major attraction of the area.

The Tweed River Entrance Sand Bypassing Project was formulated following extensive negotiations between the New South Wales and Queensland state governments. Agreements between the two states were reached to carry out a joint project in order to achieve the project objectives which are to maintain a safe navigable entrance to the Tweed River and to restore and maintain the amenity of the beaches on the southern Gold Coast of Queensland. The project is being administered for NSW by the Department of Land and Water Conservation and for Queensland by the Department of Environment and Heritage with the support of the Gold Coast City Council.

Implementation of the proposed permanent sand bypassing and nourishment works is expected to provide a broad range of benefits to the local region. The project is estimated to cost \$13.5m in initial capital with \$2m per annum operating cost. This represents a \$53.41m net present value in 1991 values at a 7 per cent discount.

3. Potentially restrictive provisions of the legislation

Before the potentially restrictive provisions of the *Beach Protection Act 1968* are assessed, it is important to note that the Explanatory Notes to the Coastal Protection and Management Bill 1995 stated that the development assessment functions of the *Beach Protection Act 1968*, the *Canals Act 1958*, and those saved provisions of the *Harbours Act 1955* dealing with works in tidal waters, will be incorporated into the Coastal legislation using the Integrated Development Assessment System of the then proposed Planning, Environment and Development Assessment legislation. When that occurred, the *Beach Protection Act 1968* would be repealed.

The *Coastal Protection and Management Act 1995* is the subject of a separate Public Benefit Test Report. As the policy intent and approvals powers of the *Beach Protection Act 1968* will be retained in the Coastal legislation, it is appropriate to test

the public benefit of the *Beach Protection Act 1968* before its provisions are integrated into the *Integrated Planning Act 1997*.

The Beach Protection Act contains provisions which:

1. allow for the declaration of areas in which development approvals are required;
2. allow for the surrender of land in an EPA to the Crown as a condition of approval to rezone;
3. allow the declaration of restricted access areas over unoccupied Crown land in an EPA; and
4. allow an authorised person to enter or temporarily occupy land.

These potentially restrictive provisions are detailed in the Appendix and discussed in detail below. It is demonstrated that they are purely for natural resource management purposes in the public interest. They are to manage the impact of development and uses on beaches and limit the public liability to protect property from erosion. It has been shown above that beaches are a major asset to the tourism industry on the Gold Coast. This is also true in all other coastal tourism centres and in the overall marketing of Queensland as a national and international tourism destination. The beaches are also of great importance as a recreational asset to residents.

To achieve the purpose of the Act the BPA has adopted a Beach Protection Buffer Zones policy which is attached. This policy only applies to unoccupied Crown land and does not apply to freehold or leasehold land within an EPA or coastal management control district (CMCD).

3.1 Development controls

Experience such as that described above on the Gold Coast shows that without regulatory restraints the market will push developments into the areas of most advantage and highest short term returns to entrepreneurs without the full cost of the long term impacts to the environment being assessed. This is considered a market failure externality as the full cost of the development is not taken into account in the transaction. Current and future generations have to bear the additional community costs and the adverse effects to the environment of allowing unrestrained coastal development.

In deciding any restrictions on development or use in a coastal management plan the issues are about the retention of beach amenity, not the allocation of particular rights to specific enterprises or the particular conduct of individual concerns. The Authority's general policy concerning development in erosion prone areas is that development in such areas should be prevented and that where development already exists the level of development should not be permitted to increase.

The purpose of this policy is to allow, as far as possible, beaches to fluctuate naturally without the need for construction of costly property protection works such as boulder walls which can be damaging to beaches. Further, by not allowing the existing level of development to increase in erosion prone areas, this policy also provides for the coastal

management option of acquisition, at minimum cost, of such areas so that they can function as buffer zones in which beaches can fluctuate naturally.

In a particular area of coastal land within an EPA or CMCD restrictions would apply uniformly to all relevant activities both commercial and public. The criteria for CMCD's and Governor in Council approvals are given in the Appendix.

The Beach Protection Act allows for the declaration of CMCD (s.36) and the preparation of a coastal management plan for a CMCD (s.37). Twenty five CMCDs are declared in 16 different local government areas.

A plan may also be prepared for areas of the coast that the Beach Protection Authority considers are prone to erosion (s.41A). Erosion prone areas exist in all coastal local government areas. The width of an EPA is calculated using the formula adopted by the BPA.⁶ This formula was reviewed by Kinhill Cameron McNamara Pty Ltd in 1993.⁷

The approval of the Governor in Council is required for any building works in a CMCD where those works also require the consent of the local government (s.44). Four such permissions were issued in 1997-98.

The consent of the Governor in Council is required for the opening of a road or the subdivision of land within either a CMCD or EPA (s.45). In 1997-98 consent was granted 18 times.

If permission is refused under ss 44 or 45 that would otherwise have been approved by the local government or other authorities, then compensation is claimable (s.46)

Permission from the local government is required to depasture, stock or interfere with vegetation on unoccupied Crown land in an EPA (s.47(1)). As an aid to enforcing this provision the local government may issue a notice to the owner or occupier of land in an EPA which prohibits them from depasturing, having stock, damaging vegetation or interfering with sand etc.(s.47(2)).

The permission of the BPA is required to interfere with sand, rock, gravel etc on unoccupied Crown land in an EPA or to drain water across such land (s.47(1A)). In 1997-98 the BPA granted 94 permissions.

These development approvals are necessary to allow for the assessment of the impact of proposals on the coast and in particular the maintenance of beach amenity. They apply uniformly to all landholders.

⁶ The formula is $E = [(N \times R) + C + G](1 + F) + D$ where E = erosion prone area width (metres), N = planning period (years), R = rate of long term erosion (metres/year), C = short-term erosion from the design cyclone (metres), G = erosion due to greenhouse effect (metres), F = factor of safety for all short-term and long-term elements, D = dune scarp component to allow for slumping of the erosion scarp (metres)

⁷ 'Coastal Protection Strategy: Preparation of Guidelines for Assessing Buffer Zone Widths' Kinhill Cameron McNamara Pty Ltd, for Qld Department of Environment and Heritage 1993.

3.2 Land surrender

The BPA can recommend that the Governor in Council include as a condition of approval for a rezoning application, that all or part of the subject land within an EPA be surrendered to the State (s.41C). There is no compensation or appeal against this condition. Similarly a condition of the Governor in Council to consent to open a road or subdivide land can be the surrender to the Crown of land within the EPA (s. 45(7)). This provision was introduced to the Act in 1984 for s45 and extended to s 41 and made to apply to both CMCDs and EPAs in 1995.

The surrender of land is linked to the granting of increased development rights over land. If the applicant withdraws the proposal the surrender of land cannot still be required, it is only a condition of an approval. The basis for the surrender provisions is to regain areas prone to erosion in State ownership so as to enable the BPA buffer zone policy to operate. The lands in question are prone to erosion and as such, are not suitable for development unless a fully planned and funded scheme of works is available to protect the development from the erosion. However, it is now well understood that it is not feasible to protect a small section of the coast from erosion by protective works as the impacts are transferred to adjacent properties. Areas where coastal development is to occur in the EPA should be identified in regional coastal management plans so that proper planning for protective works can be undertaken. *Ad hoc* development in EPAs against the policy of the BPA will continue to be counter to sound coastal management principles. It is therefore considered that in return for development rights on coastal land, the contribution of land to the long term betterment of the coast is a fair contribution by developers.

3.3 Restricted access areas

Local governments may declare an area of unoccupied Crown land as a restricted access area to allow for management of human access to or within an area (s.48). As this provision only relates to unoccupied Crown land it would only be restrictive if an operator wished to access that area for business purposes. The section is designed to allow the exclusion of the public from areas undergoing dune rehabilitation or revegetation programs. Such programs on dunes always include the provision of properly constructed public access points, therefore the operator would not be restricted from the beach, only the dune. This restriction is only for the proper management of coastal resources and applies equally to all people.

3.4 Entry onto and temporary occupation of land

Sections 49 and 50 allow an officer of the BPA or other relevant body to enter and occupy land for the purposes of the Act.

The occupation of land may cause a landholder to lose commercial advantage or have restricted trading during the time of the occupation. Such an occupation would only be contemplated when necessary to implement a plan under the Act or in an emergency. Compensation is claimable for any damages as a result of the occupation. This provision is clearly only in the interests of coastal resource management.

4. How coastal management is achieved (analysis of current environment)

The Act applies to the entire 9,800⁸ km coast (including islands) of Queensland. Of land within 400m of the mean high water mark and south of the Bloomfield River⁹, approximately 21% of the coast is freehold, 47% is leasehold or other private allocation, and 32% is in a reserve or park. Therefore, development rights in some form exist over 68% of a 400m coastal strip.¹⁰

In 1997-98 the Beach Protection Authority agreed to 116 development applications, two of which resulted in land being surrendered to the State.

The coastal development market on the southern coast of Queensland is nearing saturation and therefore has limited growth. Development in this market is primarily limited to upgrading and renovating existing development sites. The north and central Queensland market still has a significant level of development potential.

Queensland tourism is significantly dependent on the coast and requires an appropriate compromise between development and preservation. The *Beach Protection Act 1968* regulates the entire coastline of Queensland, specifically the area prone to erosion. The Act also has the power to enforce compliance by developers to conduct business in a way that takes into account environmental factors and to incur environmental costs of business (such as construction of a buried rock wall discussed earlier). The Act also regulates development regardless of type within specific areas of the coast based on protecting the amenity of the beaches and protecting property from erosion or encroachment by tidal water.

The over-riding aspect of the *Beach Protection Act 1968* is its reduction of the transaction costs that would be incurred by market participants if there were no intervention. That is, without some form of intervention, the costs of negotiation and information gathering from consultation with stakeholders is too high and not necessarily recouped in the price of the coastal development. The *Beach Protection Act 1968* is imposed primarily in response to the high cost of negotiation and co-ordination of market participants given their often diverse nature and the characteristic of the product involved (coastal land and development). To ensure that the most efficient outcome is achieved at the least possible cost for all parties the government has intervened by ensuring the impact of development on beach amenity and coastal protection is fully assessed.

Additionally, the Act transfers costs previously imposed on the community onto the developers or owners of the land. The failure of business developers to include environmental costs in the cost of developing coast land is termed an externality and has led to the high costs of coastal maintenance borne by the community that could

⁸ This figure varies depending on the scale at which it is measured.

⁹ The Bloomfield River is the northern boundary of the Douglas Shire. This area (roughly Port Douglas to Coolangatta) is chosen as it represents the area of the Queensland coast subject to current diverse development pressures. The coast of Cape York and the Gulf of Carpentaria, while subject to specific proposals, does not have the population or market pressures to generate a consistent demand for coastal development locations.

¹⁰ These are indicative statistics derived from the DCDB.

have been significantly reduced by appropriate planning or initial outlay by developers on prevention methods.

5. Beach Protection - alternative approaches

5.1 No specific beach protection legislation

If there were no specific legislation dealing with beach protection, the assessment of coastal development proposals would be limited to local planning schemes. Most coastal local governments lack the specialised technical expertise, especially in coastal engineering, to fully assess all coastal development proposals or determine areas that are prone to erosion. There would be no specific controls on the protection of unoccupied Crown land prone to erosion resulting in increased risk of tidal inundation of coastal communities.

5.2 Integration with the Coastal Protection and Management Act 1995 and the Integrated Planning Act 1997

This option is foreshadowed in the Explanatory Notes to the Coastal Protection and Management Bill 1995. Integration will retain the assessment of proposals (in an EPA or CMCD) to include the intent of the *Beach Protection Act 1968* with consideration of other coastal assessment criteria, such as visual amenity, ecological and heritage issues.

This option still relies on the fundamental basis of assessing applications for certain proposals against a public policy objective of sound coastal management.

6. Identified stakeholders

6.1 Tourism developers

The coastal resort development industry is advised to site its infrastructure landward of the erosion prone area. However, there is a strong incentive for developers to maximise coastal landscape and seascape vistas from their developments. Where development is proposed in built-up areas and existing development is within the erosion prone area, opportunities may exist for the location of infrastructure along existing building lines, as property protection works such as seawalls may already exist. Resort developments in these locations are usually redevelopment proposals and are in long-established tourist locations such as the Gold Coast area.

There are many examples of resorts being developed in accordance with sound coastal management principles, such as Couran Cove on South Stradbroke Island, Rainbow Shores at Rainbow Beach, Mount Coolum Shores at Coolum, Kingfisher Bay on Fraser Island, Twin Waters at Maroochydore and Capricorn International Resort at Yeppoon.

6.2 Residential developers

Developers of residential subdivisions may be restricted from developing absolute beach front allotments through the provisions of the *Beach Protection Act 1968*. Allotments in these locations can command a premium selling price. However, in most

instances these are the very types of subdivisional development that lead to many of the problems of development too close to the shoreline. Instead, developers of coastal land are required, as conditions of approval, to retain the coastal strip in a natural state with the option for provision of some public amenities such as barbecues and swings. They may be required to install dune protection measures such as board and chain access points to the beach and to fence the dune to prevent the formation of uncontrolled access paths.

This approach has the positive effect of substantially reducing the risk to the rest of the development from the impact of: storms; storm tides; and erosion. A coastal buffer zone will eliminate the future need for costly property protection works, improve public access to the beach, and create a natural setting for recreational activities. The negative effects are the loss of premium-priced lots within the development. Examples of residential subdivisions that have been in accord with coastal management principles include Kawana Waters, Sunshine Beach, Point Lookout and Moore Park.

6.3 Coastal landholders

Private landholders of land in an EPA and/or CMCD are not affected by the *Beach Protection Act 1968* unless they wish to increase the development rights in the land by rezoning (s41B), or subdividing (s.44), or by building infrastructure which requires the consent of the relevant local government (s.44). If permission is refused under either sections 44 or 45, then "Compensation for injurious affection" is claimable. If the Governor in Council grants a permit under s.44 or gives consent under s.45, then conditions (including land surrender) may be imposed.

Private landholders benefit from the certainty that their neighbours will be subject to the provisions of the *Beach Protection Act 1968* as coastal works will be assessed under the provisions of the Act. It is critical if protection works become necessary, that neighbours act in concert if the works are to be effective. Coastal set-back provision in CMCD plans achieve this. It is also necessary to ensure that private coastal works do not transfer problems such as erosion to neighbouring properties.

6.4 Public

The public has a very keen interest in the beach. The beach is a favourite holiday destination and recreation site. Responses to the Coastal Protection Strategy Green Paper released in 1993 indicate that the public very clearly wants some areas of the coast retained in a natural state and continued public access to the coast. The *Beach Protection Act 1968* provides for the protection of the amenity of the coast.

The public will also benefit from reduced government expenditure to protect property from erosion.

7. Comparison with Legislation in other States

(i) Victoria

Victoria has a draft state coastal policy implemented by regional boards. However, most of Victoria's coast remains in public ownership with natural buffers in place and hence the issues are different from those in Queensland.

(ii) New South Wales

New South Wales has recently released a new coastal policy which sets out particular restrictions on development in certain circumstances. For example, the policy sets out the extent of shading a building can create over a beach and provides for protection of beaches, frontal dunes and undeveloped headlands from development by only permitting minor development for essential public purposes. Prescriptive setbacks for particular coastal areas, particularly estuaries, are in place as *Environment Protection Policies* under the *Environmental Planning and Assessment Act 1977* (NSW).

(iii) Western Australia

Western Australia does not have specific coastal legislation but does have a State coastal strategy to guide local planning. The *Conservation and Land Management Act 1984* (WA) provides that management must be in accord with a published management plan. Development is not permitted within 100m of the shore.

(iv) South Australia

South Australia has the *Coast Protection Act 1972* (SA) which established a Coast Protection Board and which provides advice to local government on coastal management. The Act is under review because of concerns regarding the present arrangements which are not resolving issues such as inappropriate subdivisions, building on undeveloped coastlines and control of protection works.

(v) Tasmania

Tasmania has a State coastal policy which guides local government coastal management and coastal approvals.

(vi) Summary

The common element across all the States is that management of the coast is enabled through various coastal planning instruments. The ability to control and limit certain uses and activities is provided in the interest of natural resource management for the public benefit. The head of power is either in a State instrument or through local planning guided by a State policy. Whatever instrument is used there is a statutory requirement for development proposals to be assessed.

8. Conclusion

In summary the *Beach Protection Act 1968*:

- provides for the protection of the State's beaches in the public interest;
- allows for natural resource management using State standards;
- reduces the potential impact of erosion on property in the public interest; and
- applies only to lands adjacent to the coast within declared areas, but applies equally to all landholders or users within those areas.
- does not set out to restrict competition.

It is therefore considered that no further review of the legislation is warranted beyond this Public Benefit Test Report.

Summary of sections of the *Beach Protection Act 1984*

Appendix

Section		Comment
Long title		to provide for regulation of certain activities, provision of advice, to protect the amenity of the coast
1	Short Title	<i>Beach Protection Act 1968</i>
3	Meaning of terms	Definitions
4	Interpretation	<i>Petroleum (Submerged Lands) Act 1967</i> prevails
5-29	The authority	Constitutes the Beach Protection Authority (BPA) and how it operates
34	Functions of BPA	(a) advice and reports (b) conducting investigations (c) planning (d) recording and evaluating (e) disseminating information (f) exercising powers
36	Coastal management control districts	CMCDs are declared by regulation. No criteria for inclusion or exclusion are stated.
37	Coast management plan	Plan may be prepared for a CMCD. No scope or purpose of plans is stated.
38	Approval of plan	Approved by Governor in Council
39	Implementation of plan	Arrangements with local government, port authority or river improvement trust
40	Works	Authority may carry out works
41	Amendment of plan	
41A	Erosion prone area plan	Authority may cause EPA plan to be prepared for any part of the coast.
41B	Authority's views	Local government to obtain Authority's view on a proposed town planning scheme or amendment
41C	Mandatory condition for rezoning approvals	This section applies for a rezoning application under LG(P&E) Act where all or part of the land is in a CMCD or EPA. Authority can recommend that the Governor in Council, as a condition of approval, require the surrender of land free of charge and without appeal. The surrender

Section		Comment
		only applies to the part of the land to which an erosion prone area plan relates. This is an impost on business. However it is a condition on approval of an increased development right
42	Application of Harbours Act	<i>Harbours Act 1955</i> continues to apply
43	Protection from wind erosion.	Owner of land in EPA must, at own cost protect property from wind erosion. Local government may (or may be required by the Authority to), issue a notice to the owner of land requiring specified actions be taken or not taken. Potential impost on business.
44	Control of building operations	If a building or structure requires the approval, consent or permission of the local government and is in a CMCD the Governor in Council may grant a permit.
44A	Regulations - building or other structures	Regulations can be made prescribing requirements for buildings or other structures in a CMCD.
45	Opening a road or subdivision of land	Consent of Governor in Council is required for opening a road or subdividing in a CMCD or area to which an EPA Plan relates. Governor in Council can as a condition require surrender of any or all of the land to which an EPA plan relates.
46	Compensation for injurious affection	Compensation is payable for refusal to grant a permit under s44 or s45.
47	Certain acts prohibited without a permit on unoccupied Crown land	Permit is required from local government for depasturing, damaging vegetation or interfering with works on unoccupied Crown land in an EPA. Permit is required from the BPA for interfering with sand, soil etc on unoccupied Crown land in an EPA. Local government may issue a notice to the occupier of land in an EPA prohibiting them from depasturing, damaging vegetation or interfering with sand etc.
48	Restricted access area	Local government can declare restricted access areas on unoccupied Crown land in an EPA.
49-53	Powers of entry - authorised persons	
54-59	Offences - evidence	
60.	Regulation making power	

Coastal Management Control Districts (Requirements for Buildings or other Structures) Regulation 1984

Section	Comment	
1-2	Title and commencement	
3	Building requirements	Requirements for building and other structures in the schedule must be complied with. Local government may alter the requirements in exceptional cases or where impracticable.
4	Plans open to inspection	
Schedule	Roof and stormwater drainage not to cause erosion of frontal dune Sand excavated from the site to be placed seaward of the site subject to local government direction. Building and structures subject to CMCD plan (inc. setbacks) listed in Table	
Table	List of CMCD Plans	