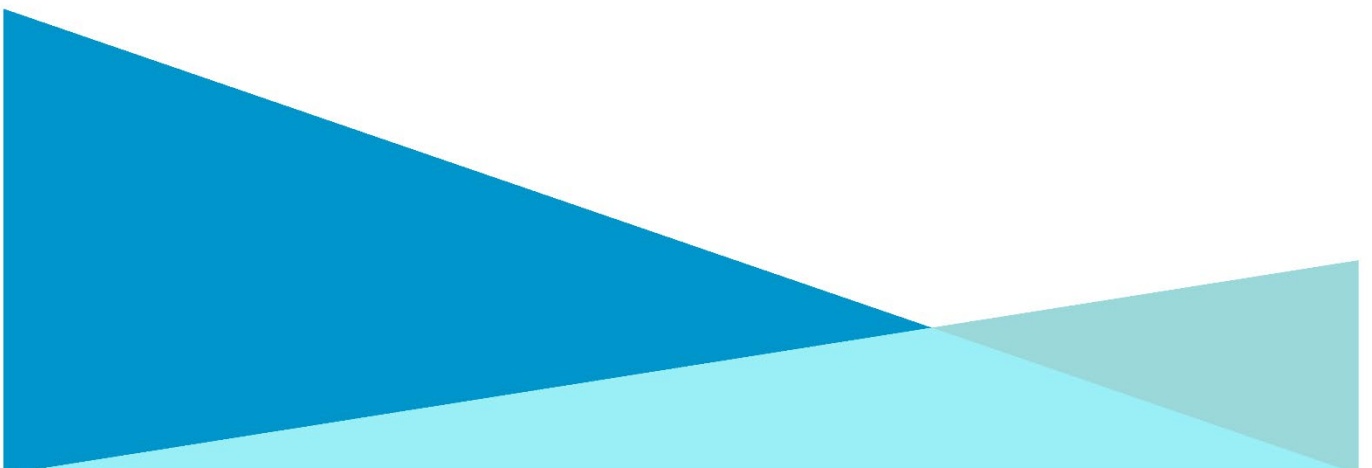




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Planning
Development
Assessment
Code



Document control sheet

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Document sign-off

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Development Assessment Code

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Structure

The *Development Assessment Code* (the **Code**) is structured in four parts:

Part 1	Application	1.1 Regulatory context	
		1.2 When this Code applies	
Part 2	Assessment benchmarks	2.1 Purpose	
		2.2 Performance outcomes and acceptable outcomes	<i>2.2.1 Development involving tidal works</i>
			<i>2.2.2 Development involving dredging and disposing of dredge spoil or other solid waste material in tidal waters</i>
			<i>2.2.3 Development involving reclamation of tidal land</i>
			<i>2.2.4 Development involving constructing a canal if the canal relates to reconfiguring a lot</i>
Part 3	Interpretation	3.1 Other GCWA policies and guides	
		3.2 Definitions	
		3.3 Standard drawings, maps, notes, editor's notes, and footnotes	
		3.4 Punctuation	
		3.5 How this Code applies	
		3.6 Purpose and overall outcomes	
		3.7 Performance outcomes	
		3.8 Acceptable outcomes	
Part 4	Definitions		

Part 1 Application

1.1 Regulatory context

The *Planning Regulation 2017* (the **Planning Regulation**) provides that the Gold Coast Waterways Authority (**GCWA**) must assess a **development application** against the purposes of the *Gold Coast Waterways Authority Act 2012* (**GCWA Act**).¹

Section 3 of the **GCWA Act** provides that—

- (1) *The main purpose of this Act is to deliver the best possible management of the Gold Coast waterways at a reasonable cost to the community and government, while keeping government regulation to a minimum.*
- (2) *Other purposes of this Act are to do the following—*
 - (a) *plan for and facilitate the development of the Gold Coast waterways over the long term in a way that is sustainable and considers the impact of development on the environment;*
 - (b) *improve and maintain navigational access to the Gold Coast waterways;*
 - (c) *develop and improve public marine facilities relating to the Gold Coast waterways;*
 - (d) *promote and manage the sustainable use of the Gold Coast waterways for marine industries, tourism and recreation;*
 - (e) *facilitate the implementation of the Spit master plan through the development and delivery of a program for community infrastructure and public realm works.*

In addition, the **Planning Regulation** provides that, as a **referral agency**, **GCWA** must also assess a **development application**:

- (a) *against the following matters:*
 - (i) *the laws administered by the referral agency;*
 - (ii) *the policies that are reasonably identifiable as policies applied by the referral agency²; and*
- (b) *having regard to, relevantly:*
 - (i) *a local planning instrument applying to the premises;*
 - (ii) *the regional plan, to the extent it is not identified in the planning scheme as being appropriately integrated in the planning scheme;*
 - (iii) *the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;*
 - (iv) *for premises that are designated premises—the designation;*
 - (v) *any temporary State planning policy applying to the premises;*
 - (vi) *any development approval applying to the premises; and*
 - (vii) *material about the application received by the referral agency, including material received before the application was made.³*

¹ *Planning Regulation 2017*, schedule 10, part 17, division 3, table 3, item 4

² *Planning Regulation 2017*, section 22(2)

³ *Planning Regulation 2017*, section 22(3)

After assessing a **development application**, **GCWA** must decide—

- (a) to tell the assessment manager that **GCWA** has no requirements for the application; or
- (b) to direct the assessment manager to do any or all of the following—
 - (i) to give any development approval subject to stated development conditions;
 - (ii) to give any development approval for only a stated part of the application;
 - (iii) to give any development approval only as a preliminary approval;
 - (iv) to impose a stated currency period for a development approval given; or
- (c) to direct the assessment manager to refuse the application for stated reasons.⁴

As **GCWA** is a **referral agency**, the **assessment manager's** decision must comply with **GCWA's referral agency response**. If **GCWA's referral agency response** requires conditions to be imposed on a **development approval**, then the **assessment manager** must include the conditions exactly as stated in **GCWA's** response.⁵

1.2 When this Code applies

This **Code** applies to any development application that is triggered for assessment by **GCWA** as a **referral agency** under schedule 10, part 17, division 3, table 3 of the **Planning Regulation**.

Specifically, this **Code** applies to **operational work** that is for:

- (a) **tidal works**; or
- (b) disposing of dredge spoil or other solid waste material in **tidal water**; or
- (c) reclaiming land under **tidal water**; or
- (d) constructing a **canal**, if the **canal** relates to **reconfiguring a lot**.

When using this **Code**, the **assessment benchmarks** for the proposed works requiring referral to **GCWA** are included in the following tables:

- **Table A** – Development involving tidal works;
- **Table B** – Development involving dredging and disposing of dredge spoil or other solid waste material in tidal water;
- **Table C** – Development involving reclamation of tidal land; and
- **Table D** – Development involving constructing a canal if the canal relates to reconfiguring a lot.

More than one table may apply to each **development application**, depending on the nature of the proposed **tidal works**.

Part 2 Assessment benchmarks

2.1 Purpose

- (1) The purpose of this **Code** is to ensure **development** is consistent with the purposes of the **GCWA Act** to deliver the best possible management of the **Gold Coast waterways**, and to plan for and facilitate the development of the **Gold Coast waterways** over the long term in a way that is sustainable.

⁴ *Planning Act 2016*, section 56

⁵ *Planning Act 2016*, section 62

- (2) The **Code** will achieve this purpose through the following overall outcomes:

Overall outcome 1: Development improves and maintains navigational access in the Gold Coast waterways

Development:

- (a) minimises congestion and avoids conflicts on the **navigable waterway**;
- (b) avoids direct and cumulative adverse impacts to the **navigable waterway**;
- (c) remains clear of **aids to navigation**, anchorages, **buoy mooring areas**, the **GCWA channel network** and **public marine facilities**, or clearly demonstrates how to suitably mitigate any potential adverse impact;
- (d) remains consistent with **water allocation areas**, **term lease areas**, **quay lines** and surrounding **marine infrastructure**, or clearly demonstrates how to suitably mitigate any potential adverse impact;
- (e) demonstrates a functional requirement for siting of amenities, **ancillary structures**, or facilities in, on or above **tidal land** rather than on land; and
- (f) through its design and siting, does not result in adverse impacts to public safety or the character of the surrounding area.

Overall outcome 2: Development does not impact on the GCWA channel network

Development:

- (a) avoids any adverse impact that alters **coastal processes** or physical characteristics of the **Gold Coast waterways**, which in turn, may impact on access to, or the operation or maintenance of, the **GCWA channel network**, or where it is demonstrated that avoiding impacts is not reasonably possible, suitably mitigates any potential adverse impact;
- (b) maintains public access to foreshores and navigational access to the **Gold Coast waterways**, or suitably mitigates any potential adverse impact;
- (c) avoids any adverse impact on maintenance **dredging** of the **GCWA channel network** or maintenance of banks, **canals**, or foreshores, or suitably mitigates any potential adverse impact;
- (d) wherever possible, minimises **dredging** operations in the **Gold Coast waterways**, or suitably mitigates any potential adverse impact on access and use of the **Gold Coast waterways**; and
- (e) involving **reclamation of tidal land**—
 - (i) demonstrates the need to occur and there is no feasible alternative; and
 - (ii) wherever possible, maximises use of dredged sand resources for foreshore nourishment or other beneficial use.

Overall outcome 3: Development promotes, manages and supports sustainable use of the Gold Coast waterways for marine industries, tourism, and recreation

Development:

- (a) comprises **waterways related development** (e.g., **marine industries**, or waterways related tourism or waterways related recreation);
- (b) supports **waterways related development**;
- (c) demonstrates a marine access purpose (i.e., a **marine access structure**);
- (d) appropriately connects, both in terms of functional relationship and physical interface, with related

shore-based industries and services;

- (e) maintains access to **public marine facilities**, **public marine infrastructure**, or other infrastructure for waterways users; and
- (f) demonstrates a functional requirement for being in, on or above **tidal land** (that is, development for **marine industries**, or waterways-related tourism, or waterways-related recreation).

Note—

Development that must be fixed in place in, on or above **tidal land** and comprises **air services**, **bar**, **club**, **dwelling house**, **dwelling unit**, **food and drink outlet**, **function facility**, **hotel**, **nightclub entertainment facility**, **office**, **resort complex**, **sales office**, **shop**, or **showroom**, is not considered **development** to promote and manage the sustainable use of the **Gold Coast waterways for marine industries**, or waterways-related tourism, or waterways-related recreation.

Overall outcome 4: Development involving tidal works, dredging and disposal of dredge spoil or other solid waste material, or reclamation of tidal land is consistent with *The Spit Master Plan*

Development:

- (a) involving **tidal works**, **dredging** and disposal of dredge spoil or other solid waste material, or **reclamation of tidal land** within the **Spit master plan area** must be consistent with the **Spit master plan**.

Village Centre South

- (b) for an **ancillary structure** for use in, on or above **tidal land** within **Village Centre South**, the **ancillary structure**:
 - (i) must achieve policy outcomes of the relevant **Board policy**;⁶
 - (ii) must be sited as close as practicable to the foreshore or water's edge;
 - (iii) must predominantly support a **marine industry**, or waterways related tourism, or waterways related recreation;
 - (iv) must not include any structure that must be fixed in place in, on or above **tidal land** for aircraft take-off or landing; and
 - (v) must not result in total loss of water area for marina berths within a term lease exceeding—
 - (A) 800m² **site cover**; or
 - (B) three percent **site cover**,whichever is the lesser, unless otherwise approved by the Chief Executive Officer in writing.

Notes—

Development must meet the following standard and guideline as relevant:

- (a) *Australian Standard AS 3962:2020 Marina design*; or
- (b) *Report No. 134 – 2013: Design and Operational Guidelines for Superyacht Facilities*, published by World Association for Waterborne Transport Infrastructure (PIANC).

GCWA may require further information to demonstrate compliance with the **Code** in accordance with the **Technical Information Guide**.

2.2 Inconsistency

To the extent of any inconsistency between overall outcomes 1, 2, 3 and 4, overall outcome 4 prevails.

⁶ *Board Policy—Tidal works*, policy outcomes 1, 2, 3 and 4. To the extent of an inconsistency between policy outcomes 3 and 4, policy outcome 4 prevails.

2.3 Performance outcomes and acceptable outcomes

Development involving tidal works

Table A – Performance outcomes and acceptable outcomes for development involving tidal works	
<p>Note— Table A applies to all <i>development</i> for <i>tidal works</i> (except for <i>reclamation</i> of <i>tidal land</i> and <i>dredging</i>) in the <i>Gold Coast waterways</i>.</p>	
Performance outcome	Acceptable outcome
Waterways related development	
<p>PO1 <i>Development</i> does not occur within <i>Gold Coast waterways</i> unless the <i>development</i> is for <i>waterways related development</i>.</p>	No acceptable outcome
<p>PO2 A <i>marina</i> is designed to ensure it is functional, well-organised, and maximises the long term sustainable and efficient use of <i>Gold Coast waterways</i>.</p> <p>Note— Development must comply with section 3 of <i>Australian Standard AS 3962:2020 Marina design</i>, as relevant.</p>	<p>AO2.1 The design of a <i>marina</i> should:</p> <ol style="list-style-type: none"> designate a maximum number of individual marina berths, including clear dimensions of vessel <i>length overall</i> and <i>vessel beam</i> of allowable <i>watercraft</i>; demonstrate that all <i>watercraft</i> berthing areas, associated infrastructure, services, and their equipment are within a <i>water allocation area</i> or <i>term lease area</i>; demonstrate that any adjoining <i>water allocation area</i> or <i>term lease area</i> is not relied upon for access to the <i>marina</i>; and comply with section 3 of <i>Australian Standard AS 3962:2020 Marina design</i>, where relevant. <p>Notes— The applicant must provide a site and layout plan to demonstrate compliance with AO2.1 in accordance with the <i>Technical Information Guide</i>. The applicant must submit a waste management strategy in accordance with the <i>Technical Information Guide</i> for a <i>marina</i> or commercial berthing or mooring facility. Section 3 of <i>Australian Standard AS 3962:2020 Marina design</i> provides industry best practice.</p>
Spit master plan	
<p>PO3 <i>Development</i> involving <i>tidal works</i>, <i>dredging</i> and disposal of dredge spoil or other solid waste material, or <i>reclamation</i> of <i>tidal land</i> within the <i>Spit master plan area</i> is consistent with the <i>Spit master plan</i>.</p>	No acceptable outcome

Table A – Performance outcomes and acceptable outcomes for development involving tidal works

Note—

Table A applies to all *development* for *tidal works* (except for *reclamation* of *tidal land* and *dredging*) in the *Gold Coast waterways*.

Performance outcome	Acceptable outcome
<p>PO4 An ancillary structure in, on or above tidal land within Village Centre South of the Spit master plan:</p> <ul style="list-style-type: none"> (a) must achieve policy outcomes 1, 2 and 3 of the <i>Board Policy—Tidal works</i>; (b) must be sited as close as practicable to the foreshore or water’s edge; (c) must predominantly support a marine industry, or waterways related tourism, or waterways related recreation; (d) must not include any structure that must be fixed in place in, on or above tidal land for aircraft take-off or landing; and (e) must not result in total loss of water area for marina berths within a term lease exceeding— <ul style="list-style-type: none"> (i) 800m² site cover; or (ii) three percent site cover, whichever is the lesser, unless otherwise approved by the Chief Executive Officer in writing. <p>Notes— For the <i>Board Policy—Tidal works</i> and PO4, to the extent of any inconsistency between policy outcome 3 and policy outcome 4, policy outcome 4 prevails.</p>	<p>No acceptable outcome</p>
<p>Navigational access</p> <p>Note— GCWA will assess an application having regard to tidal works requirements at the time the application is made. GCWA will not consider existing approved structures that do not comply with current requirements and standards as a precedent for proposed new structures. An applicant must consider the <i>Technical Information Guide</i>, which provides additional information to support the implementation of the <i>Code</i>.</p>	
<p>PO5 Development:</p> <ul style="list-style-type: none"> (a) avoids the navigable waterway; and (b) does not impede access to, or result in direct or cumulative adverse impacts on, the operation of the navigable waterway. <p>Notes— The navigable waterway is shown in the <i>tidal works mapping</i>.</p>	<p>AO5.1 Development adjoining land with a defined quay line does not extend past the quay line.</p> <p>AND</p> <p>AO5.2 Development is designed and sited to allow for:</p> <ul style="list-style-type: none"> (a) safe movement of watercraft at all times; and (b) all watercraft to enter and exit the navigable

Table A – Performance outcomes and acceptable outcomes for development involving tidal works

Note—

Table A applies to all *development* for *tidal works* (except for *reclamation* of *tidal land* and *dredging*) in the *Gold Coast waterways*.

Performance outcome	Acceptable outcome
<p>Development must comply with <i>Australian Standard AS 3962:2020 Marina design</i>, as relevant.</p> <p>GCWA may require the applicant to provide a vessel traffic management plan in accordance with State Development Assessment Provisions supporting guideline—<i>State code 7—Maritime safety</i> to demonstrate compliance with PO08.</p>	<p>waterway in a forward direction at all times.</p> <p>AND</p> <p>AO5.3 All watercraft that berth, moor, or use the structure or works, do not extend beyond the vessel envelope.</p> <p>AND</p> <p>AO5.4 Development remains clear of aids to navigation, anchorages, buoy mooring areas and public marine facilities.</p> <p>Notes—</p> <p>The applicant must provide a site and layout plan to demonstrate compliance with the above AOs in accordance with the Technical Information Guide.</p> <p>GCWA may require an aid to navigation management plan where a proposed development has the potential to interfere with or obstruct an aid to navigation, in accordance with the Technical Information Guide.</p> <p>The foreshore envelope, pontoon envelope, vessel envelope and quay line are shown in the tidal works mapping.</p>
<p>PO6 Development does not:</p> <p>(a) impede access to, or operation of a water allocation area; or</p> <p>(b) rely on vessel access across an extended side boundary.</p> <p>Note—</p> <p>For further information regarding water allocation areas, please refer to the document titled <i>Preparing a water allocation area for tidal works in natural waterways – Guideline for coastal development</i>, published by the Department of Environment, Science and Innovation.</p>	<p>AO6.1 Development does not conflict with a nearby water allocation area or extended side boundary.</p> <p>AND</p> <p>AO6.2 Development is sited within a water allocation area, unless within a reduced designated inset defined within a master plan.</p> <p>Notes—</p> <p>A water allocation area in a master planned area relates to the area specifically designated for a structure to moor a watercraft with varying levels of information about length overall and vessel beam, or any inset from the extended side boundary.</p> <p>The applicant must provide a site and layout plan to demonstrate compliance with the above AOs, in accordance with the Technical Information Guide.</p> <p>The applicant must carefully consider the water allocation area for a constrained lot.</p>
<p>PO7 A T-head structure requires:</p> <p>(a) for a watercraft less than 15 metres, a minimum clearance of 1.5 metres between the watercraft and extended side boundaries; or</p> <p>(b) for a watercraft greater than 15 metres length</p>	<p>No acceptable outcome</p>

Table A – Performance outcomes and acceptable outcomes for development involving tidal works

Note—

Table A applies to all *development* for *tidal works* (except for *reclamation* of *tidal land* and *dredging*) in the *Gold Coast waterways*.

Performance outcome	Acceptable outcome
<p>overall, a separation between watercraft of 0.2 x length overall.</p> <p>Notes—</p> <p>Where the proposed watercraft exceeds 15m length overall, the combined neighbouring insets of 1.5m from the extended side boundary no longer satisfy industry best practice (<i>Australian Standard AS 3962:2020 Marina design</i>) for “space between alongside vessel berths”.</p> <p>In these instances, the lot proposing the watercraft greater than 15m must make up the difference to satisfy the length overall x 0.2. (e.g., 17m x 0.2 = 3.4m). The neighbouring lot generally has an inset of 1.5m. The applicant’s lot must provide an inset of 1.9m to demonstrate a minimum space between berthed watercraft of 3.4m.</p> <p>The applicant must provide a site and layout plan to demonstrate compliance with PO7, in accordance with the Technical Information Guide.</p>	
<p>PO8 Development located in the Gold Coast waterways:</p> <ul style="list-style-type: none"> (a) demonstrates safe use by watercraft; (b) does not restrict watercraft access to the navigable waterway or an approved structure for other waterway users; and (c) maintains the navigable waterway for water traffic navigation and movements. <p>Editor’s note—</p> <p>The Gold Coast waterways have a large proportion of canals that lack a bulbous end for turning.</p> <p>Notes—</p> <p>Development must comply with <i>Australian Standard AS 3962:2020 Marina design</i>, as relevant.</p> <p>GCWA may require the applicant to provide a vessel traffic management plan in accordance with <i>State Development Assessment Provisions supporting guideline—State code 7—Maritime safety</i> to demonstrate compliance with PO08.</p>	<p>AO8.1 A watercraft using the development:</p> <ul style="list-style-type: none"> (a) must achieve a turning circle of 1.5 x length overall without relying on use of another vessel envelope; (b) must not adversely impact other user’s access to the navigable waterway from adjacent lots or nearby infrastructure; and (c) must not adversely impact use of the navigable waterway. <p>Note—</p> <p>The applicant must provide a site and layout plan to demonstrate compliance with AO8.1, in accordance with the Technical Information Guide.</p>
<p>PO9 Development and use of the development does not impede safe movement of water traffic:</p> <ul style="list-style-type: none"> (a) to and within the GCWA channel network; (b) to infrastructure, including public marine facilities; or (c) mooring of watercraft within a buoy mooring 	<p>AO9.1 Development and use of that development does not:</p> <ul style="list-style-type: none"> (a) enter into the GCWA channel network; and (b) limit the movement of watercraft accessing the GCWA channel network; or (c) limit the movement of watercraft within the

Table A – Performance outcomes and acceptable outcomes for development involving tidal works

Note—

Table A applies to all *development* for *tidal works* (except for *reclamation* of *tidal land* and *dredging*) in the *Gold Coast waterways*.

Performance outcome	Acceptable outcome
<i>area</i> .	<p>GCWA channel network.</p> <p>AND</p> <p>AO9.2 Development and use of that development is designed and sited to ensure that its operation does not reduce the capacity of any adjacent:</p> <p>(a) public marine facility; or</p> <p>(b) buoy mooring area.</p>

Development involving dredging and disposal of dredge spoil or other solid waste material in tidal water

Table B – Performance outcomes and acceptable outcomes for development involving dredging and disposal of dredge spoil or other solid waste material in tidal water

Note—

Table B applies to all *development* involving:

- *tidal works (dredging)* in the *Gold Coast waterways*; or
- disposal of dredge spoil or other solid waste material in *tidal water*.

Performance outcome	Acceptable outcome
<p>Dredging</p> <p>Note—</p> <p>The following section applies to <i>development</i> involving <i>tidal works</i> for <i>dredging</i>.</p>	
<p>PO10 Dredging operations avoid adverse impacts on the use of the Gold Coast waterways by water traffic.</p>	<p>AO10.1 Dredging operations are managed to maintain the function, safe passage, and unimpeded access of the Gold Coast waterways for water traffic.</p> <p>Notes—</p> <p>The applicant must provide a water traffic management report or plan, and a site and layout plan clearly showing where dredging operations are proposed in relation to the Gold Coast waterways, in accordance with the Technical Information Guide.</p> <p>This report must include, but is not limited to, the location of any watercraft, barges, floating pipelines, anchor buoys, and any other equipment associated with the dredging operations that may impact on use of the Gold Coast waterways by water traffic during the day and at night.</p> <p>GCWA may require details of the proposed dredging works, including, but not limited to, the location, duration, nature of works, and contact person.</p>

Table B – Performance outcomes and acceptable outcomes for development involving dredging and disposal of dredge spoil or other solid waste material in tidal water

Note—

Table B applies to all *development* involving:

- *tidal works (dredging)* in the *Gold Coast waterways*; or
- disposal of dredge spoil or other solid waste material in *tidal water*.

Performance outcome	Acceptable outcome
	AND AO10.2 Any debris encountered during <i>dredging</i> operations must be removed from the <i>Gold Coast waterways</i> .
Disposal of dredge spoil or other solid waste material	
Note— The following section applies to <i>development</i> involving the disposal of dredge spoil or other solid waste material in <i>tidal water</i> .	
PO11 Disposal of dredge spoil or other solid waste material does not impede access to or cause adverse impacts on the operation of the <i>navigable waterway</i> . Note— A suitably qualified Registered Professional Engineer of Queensland (RPEQ) with expertise in hydrodynamics must provide a statement to certify that the disposal of dredge spoil or other solid waste material will not cause adverse impacts on navigational access in the <i>Gold Coast waterways</i> .	No acceptable outcome
PO12 Disposal of dredge spoil or other solid waste material does not reduce access to <i>public marine facilities</i> or other infrastructure for waterway uses. Note— The applicant must provide a site and layout plan to demonstrate compliance with PO12, in accordance with the <i>Technical Information Guide</i> .	No acceptable outcome

Development involving reclamation of tidal land

Table C – Performance outcomes and acceptable outcomes for development involving reclamation of tidal land

Note—

Table C applies to all *development* involving *reclamation of tidal land*.

Performance outcome	Acceptable outcome
PO13 <i>Reclamation of tidal land</i> does not occur within the <i>Gold Coast waterways</i> unless the	No acceptable outcome

Table C – Performance outcomes and acceptable outcomes for development involving reclamation of tidal land

Note—

Table C applies to all *development* involving *reclamation of tidal land*.

Performance outcome	Acceptable outcome
<p><i>reclamation of tidal land</i> is:</p> <ul style="list-style-type: none"> (a) for <i>waterways related development</i>; (b) within the <i>Spit master plan area</i> and consistent with the <i>Spit master plan</i>; or (c) by <i>City of Gold Coast</i> for significant community infrastructure and <i>City of Gold Coast</i> demonstrates to <i>GCWA's</i> satisfaction that— <ul style="list-style-type: none"> (i) there is no feasible alternative; and (ii) <i>reclamation</i> includes <i>waterways related development</i>. 	
<p>PO14 <i>Reclamation of tidal land</i> does not cause adverse impacts on public access to the <i>Gold Coast waterways</i>, existing infrastructure, and use of the <i>navigable waterway</i>.</p>	<p>AO14.1 <i>Reclamation of tidal land</i>:</p> <ul style="list-style-type: none"> (a) does not occur in a <i>navigable waterway</i>; and (b) does not impede access to, or impact on the operation of, a <i>navigable waterway</i>. <p>Notes— The applicant must provide a site and layout plan with details of the proposed <i>reclamation</i> to demonstrate compliance with AO14.1. The applicant for the proposed <i>reclamation</i> can obtain the requirements for the site and layout plan from <i>GCWA</i>.</p>
<p>PO15 <i>Reclamation of tidal land</i>:</p> <ul style="list-style-type: none"> (a) integrates with adjoining waterway uses, access and operations of the <i>navigable waterway</i>; and (b) does not impede safe movement of <i>water traffic</i> to, or reduce the capacity of: <ul style="list-style-type: none"> (i) the <i>GCWA channel network</i>; (ii) infrastructure, including <i>public marine facilities</i>; or (iii) mooring of <i>watercraft</i> within a <i>buoy mooring area</i>. 	No acceptable outcome
<p>PO16 <i>Reclamation of tidal land</i> does not:</p> <ul style="list-style-type: none"> (a) adversely impact <i>coastal processes</i>; or (b) adversely affect the operation or maintenance 	No acceptable outcome

Table C – Performance outcomes and acceptable outcomes for development involving reclamation of tidal land

Note—

Table C applies to all *development* involving *reclamation of tidal land*.

Performance outcome	Acceptable outcome
<p>of the GCWA channel network.</p> <p>Note— A suitably qualified RPEQ with expertise in hydrodynamics must provide a statement to certify that the reclamation of tidal land avoids impacts that alter coastal processes which, in turn, may adversely affect the operation or maintenance of the GCWA channel network.</p>	

Development involving constructing a canal if the canal relates to reconfiguring a lot

Table D – Performance outcomes and acceptable outcomes for development involving constructing a canal if the canal relates to reconfiguring a lot

Note—

Table D applies to *development* for a reconfiguration of a lot involving the construction of a *canal*.

Performance outcome	Acceptable outcome
<p>PO17 Development involving constructing a canal that relates to reconfiguring a lot must not:</p> <p>(a) adversely impact hydrodynamics of the Gold Coast waterways; or</p> <p>(b) adversely affect the operation or maintenance of the GCWA channel network.</p> <p>Note— A suitably qualified RPEQ with expertise in hydrodynamics must provide a statement to certify that the development does not impact on hydrodynamic values of the Gold Coasts waterways which, in turn, may adversely affect the operation or maintenance of the GCWA channel network.</p>	<p>No acceptable outcome</p>
<p>PO18 Development involving constructing a canal that relates to reconfiguring a lot maximises functional and well-organised long term sustainable and efficient use of the Gold Coast waterways.</p>	<p>AO18.1 Development involving constructing a canal that relates to reconfiguring a lot should identify for each lot:</p> <p>(a) designated quay line and water allocation area; and</p> <p>(b) fairway width and maximum dimensions (i.e., length overall and vessel beam) for watercraft that can berth inside the new canal in accordance with industry best practice and Australian standards where applicable; and</p> <p>(c) for watercraft that can berth, how the</p>

Table D – Performance outcomes and acceptable outcomes for development involving constructing a canal if the canal relates to reconfiguring a lot

Note—

Table D applies to *development* for a reconfiguration of a lot involving the construction of a *canal*.

Performance outcome	Acceptable outcome
	<p>watercraft achieves a turning circle of 1.5 x length overall without relying on use of another vessel envelope, or affecting other user’s access to the navigable waterway from adjacent lots or nearby infrastructure; and</p> <p>(d) for all watercraft, how the watercraft always enter and exit the navigable waterway in a forward direction; and</p> <p>(e) where there is no provision for a water allocation area or a structure.</p> <p><i>Notes—</i></p> <p>The applicant must provide a site and layout to demonstrate compliance with AO18.1.</p> <p>The applicant for the development can obtain the requirements for the site and layout plan from GCWA.</p> <p>For further information regarding water allocation areas, please refer to the document titled <i>Preparing a water allocation area for tidal works in natural waterways – Guideline for coastal development</i>, published by the Department of Environment, Science and Innovation.</p>

Part 3 Interpretation

3.1 Other GCWA policies and guides

This **Code** is intended to be read in conjunction with relevant legislation, **Board policies** and other **GCWA** information, including but not limited to:

- (a) purposes of *Gold Coast Waterways Authority Act 2012 (GCWA Act)*;
- (b) *Board Policy–Tidal works*;
- (c) *Board Policy–Reclamation of land under tidal water*;
- (d) **Technical Information Guide**;
- (e) **tidal works mapping**; and
- (f) any other **GCWA** factsheets or checklist, as relevant.

3.2 Definitions

The words and terms used within this **Code** have the meaning given in Part 4, or as defined by relevant legislation.

The words or terms in ***bold italics*** have the meanings defined in the ***GCWA Act***, a ***Board policy***, or Part 4 of this ***Code***.

Where there is any discrepancy between this ***Code*** and an Act, the definition provided in this ***Code*** shall prevail.

Where a hyperlink is available, the text appears in the following style [hyperlink](#).

3.3 Standard drawings, maps, notes, editor's notes, and footnotes

Where this ***Code*** contains reference to figures, schedules, tables, other guides, or an Australian standard, this information will be considered as part of the performance or acceptable outcomes respectively and are part of this ***Code***.

GCWA's tidal works mapping provides information to support the outcomes and are part of this ***Code***.

Notes are identified by the words "Note" or "Notes" and are part of this ***Code***.

Editor's notes and footnotes are extrinsic material, as provided by the *Acts Interpretation Act 1954*. They are identified by the words "Editor's note" or as a footnote and are provided to assist in the interpretation of this ***Code***. They do not have the force of law.

3.4 Punctuation

A word followed by ";" or ";" and" is considered to be "and".

A word followed by ";" or" means either or both options can apply.

3.5 How this Code applies

This ***Code*** applies only to those matters that align with ***GCWA's*** legislated purposes and it is structured to complement existing mandatory requirements.

Matters such as compliance with ***water allocation area*** guidelines and dimensional insets from ***extended side boundaries*** can be found in other external documents, such as the ***prescribed tidal works code*** and the document titled *Preparing a water allocation area for tidal works in natural waterways – Guideline for coastal development*, published by the Department of Environment, Science and Innovation.

Editor's note—

There is currently no guideline for ***water allocation areas*** within Gold Coast artificial waterways. However, as ***assessment manager, City of Gold Coast*** advises that applicants may use the document titled *Preparing a water allocation area for tidal works in natural waterways* as a tool to satisfy ***City of Gold Coast's*** assessment benchmark requirements under the ***prescribed tidal works code***.

This ***Code*** contains the following hierarchy of assessment criteria:

1. Purpose and overall outcomes;
2. Performance outcomes; and
3. Acceptable outcomes.

In simple terms:

- (a) if a ***development application*** complies with the relevant acceptable outcomes of this ***Code***, then it complies with the performance outcomes, and the purpose and overall outcomes of this ***Code***, and therefore the ***Code*** itself;
- (b) if a ***development application*** does not satisfy (a) above, or there is no acceptable outcome nominated, yet complies with the relevant performance outcomes of this ***Code***, then it complies with the purpose and overall outcomes of this ***Code***, and therefore with the ***Code*** itself;

- (c) if a **development application** complies with some, but not all, relevant performance outcomes of this **Code**, then **GCWA** will determine, on balance, whether it complies with the purpose and overall outcomes, and therefore the **Code** itself;
- (d) if **GCWA** determines that a **development application**, on balance, complies with the purpose and overall outcomes of this **Code**, then the application complies with the **Code**, and **GCWA** may issue a **referral agency response** directing the **assessment manager** to give a **development approval** (with or without relevant conditions);
- (e) if a **development application** does not comply with the purpose and overall outcomes of this **Code**, it does not comply with the **Code** itself and **GCWA** may refuse the **development application**, directing the **assessment manager** for the **development application** to refuse the **development application**; or
- (f) if a **development application** complies with this **Code**, it is also taken to comply with a **Board policy** and the purposes of the **GCWA Act**.

This **Code** is to be applied with **assessment benchmarks** read cumulatively where multiple performance outcomes are applicable.

3.6 Purpose and overall outcomes

The purpose and overall outcomes of this **Code** are the highest order criteria for a **development application** to be assessed against.

Development will comply with this **Code** if it can be shown to meet, on balance, the **Code's** purpose and overall outcomes.

The purpose and overall outcomes provide the overall context for this **Code** and define what this **Code** seeks to improve, maintain, and manage.

3.7 Performance outcomes

Performance outcomes serve as the practical criteria for **development** to be assessed against and identify the aspects or features of a relevant matter of interest to **GCWA**.

Performance outcomes define what may constitute an acceptable or tolerable impact on a matter of interest to **GCWA**, or the minimum standards required to manage impacts.

If a **development application** does not comply with one or more performance outcomes, then **GCWA** will determine, on balance, whether the application complies with purpose and overall outcomes or not.

3.8 Acceptable outcomes

Acceptable outcomes are provided for some, but not all, performance outcomes, and identify ways in which performance outcomes can be met.

A **development application** that complies with an acceptable outcome is considered to satisfy the corresponding performance outcome.

If a **development application** does not comply with one or more of the applicable acceptable outcomes, the applicant must demonstrate compliance with the performance outcome in an alternative manner.

Where this **Code** provides multiple acceptable outcomes as a means of achieving compliance with a performance outcome, they are to be read in the following way:

- (a) if there is an "AND" provided between each acceptable outcome, this means all of the acceptable outcomes apply if they are relevant to the application;

- (b) if there is an “OR” between each acceptable outcome and there are only two acceptable outcomes, this means one-or-the-other apply if they are relevant to the application;
- (c) if there are three or more acceptable outcomes provided and there is an “AND” provided between the first two or more acceptable outcomes, then an “OR” provided between the last two acceptable outcomes, this means that all of the first two acceptable outcomes apply and one-or-the-other of the last two acceptable outcomes apply;
- (d) if there are three or more acceptable outcomes provided and the words “OR all of the following acceptable outcomes apply” or “OR both of the following acceptable outcomes apply”, this means that either the first acceptable outcome applies, or all other acceptable outcomes apply.

DRAFT

Part 4 Definitions

Term/Acronym	Definition
aid to navigation	<p>as defined in the <i>Transport Operations (Marine Safety) Act 1994</i>, section 104.</p> <p>For convenience, the definition is reproduced below—</p> <p>104 Meaning of aid to navigation</p> <p>(1) <i>An aid to navigation is a device designed to be used for navigation or the guidance of mariners, including a device to help in—</i></p> <p>(a) <i>fixing a ship’s position; or</i></p> <p>(b) <i>deciding a safe course for a ship; or</i></p> <p>(c) <i>warning a ship of dangers or obstructions.</i></p> <p><i>Examples—beacon, buoy, light, lighthouse, marine mark, radio aid or signal</i></p> <p>(2) <i>An aid to navigation includes any structure or equipment ancillary to the aid to navigation.</i></p> <p><i>Examples—</i></p> <ol style="list-style-type: none"> <i>the battery house providing a lighthouse with power</i> <i>lifesaving equipment that is part of an aid to navigation</i> <p>(3) <i>However, an aid to navigation does not include a device on board a ship.</i></p>
air services	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
anchor	means that part of a vessel’s own equipment, used, or intended to be used to anchor the vessel, or hold the vessel fast, to the seabed.
ancillary structure	means a structure necessarily associated with a particular development but incidental and subordinate to that development’s primary use or activity.
assessment benchmarks	as defined in the <i>Planning Act 2016</i> , section 43(1)(c).
assessment manager	as defined in the <i>Planning Act 2016</i> , section 48.
bar	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
Board policy	<p>means a strategic policy approved by the GCWA Board:</p> <ul style="list-style-type: none"> • <i>Board Policy—Tidal works; and</i> • <i>Board Policy—Reclamation of land under tidal water.</i>
buoy mooring	<p>as defined in the <i>Transport Operations (Marine Safety) Act 1994</i>, schedule 1.</p> <p>For convenience, the definition is reproduced below—</p> <p>buoy mooring means something, other than the ship’s own equipment, used, or intended to be used, for mooring a ship, that consists of each of the following—</p> <p>(a) <i>a device attached to or sitting on the seabed or the bed of other Queensland</i></p>

Term/Acronym	Definition
	<p>waters;</p> <p>(b) a system involving cables, chains or ropes that is attached to the device mentioned in paragraph (a);</p> <p>(c) a buoy or other float on the surface of the water, that is attached to the system mentioned in paragraph (b) and marks the location of the device and system.</p>
buoy mooring area	means those areas identified on GCWA’s website as buoy mooring areas, which can be found here Buoy mooring areas .
canal	<p>as defined in the <i>Coastal Protection and Management Act 1995</i>, section 9.</p> <p>For convenience, the definition is reproduced below—</p> <p>9 Meaning of canal</p> <p>(1) Canal means an artificial waterway—</p> <p>(a) connected, or intended to be connected, to tidal water; and</p> <p>(b) from which boating access to the tidal water is not hindered by a lock, weir or similar structure.</p> <p>(2) Canal includes a canal surrendered to the State under the <i>Canals Act</i>, section 13(4).</p> <p>(3) However, canal does not include any part of tidal water containing facilities that are used commercially or by members of a club or association for 1 or more of the following—</p> <p>(c) boat launching, landing, berthing or storing;</p> <p>(d) boat repairs of a minor nature;</p> <p>(e) boat provisioning, fueling or servicing;</p> <p>(f) recreation, comfort and convenience of persons who own or use boats.</p> <p>(4) Also, canal does not include an artificial waterway that intersects, or is connected to, inundated land or leased land if a registered proprietor of the land or lessee of the leased land may restrict or prohibit the use or movement of vessels in water on the land.</p> <p>(5) In this section—</p> <p>registered proprietor, of land, means a person recorded in the freehold land register under the <i>Land Title Act 1994</i> as a proprietor of the land.</p>
City Plan	means the planning scheme for the Council of the City of Gold Coast, as amended for alignment with the <i>Planning Act 2016</i> .
City of Gold Coast	means the Council of the City of Gold Coast.
club	as defined in the <i>Planning Regulation 2017</i> , schedule 24.

Term/Acronym	Definition
coastal processes	<p>as defined in the <i>State Development and Assessment Provisions, State code 8: Coastal development and tidal works</i>.</p> <p>For convenience, the definition is reproduced below—</p> <p>Coastal processes means the natural processes of the coast, including:</p> <ol style="list-style-type: none"> 1. sediment transport to and along the coast; 2. wind, waves, tides and currents which transfer energy to the coast and drive sediment transport; 3. fluctuations in the location and form of landforms and the foreshore and associated ecosystems from sediment transport (erosion and land building); and 4. changes in sea level; ecological processes (including growth and spread of native plants); and the natural water cycle (for example coastal wetlands' role in filtration and flood mitigation).
Code	means this <i>Development Assessment Code</i> .
constrained lot	<p>means a lot with a distance between the extended side boundaries of 3 metres or less at the seaward boundary due to meanders or bends in the waterway, or the position of the lot side boundaries.</p> <p><i>Note—</i> Typically, constrained lots are formed by tight bends within a waterway or the end of a canal.</p>
development	as defined in the <i>Planning Act 2016</i> , schedule 2.
development application	as defined in the <i>Planning Act 2016</i> , schedule 2.
development approval	as defined in the <i>Planning Act 2016</i> , section 49.
dredging	<p>means the mechanical removal of dredged material from below tidal water.</p> <p><i>Note—</i> Dredging excludes minor adjustments to the seabed surface to level troughs and peaks, or local redistribution of seabed material, commonly called bed levelling.</p>
dwelling house	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
dwelling unit	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
extended side boundary	<p>as defined in the <i>Coastal Protection and Management Regulation 2017</i>, schedule 3.</p> <p>For convenience, the definition is reproduced below—</p> <p>extended side boundary, of a lot connected to prescribed tidal works, means a notional boundary worked out by extending a side boundary of the lot into tidal water—</p>

Term/Acronym	Definition
	<p>(a) in a continuing straight line; or</p> <p>(b) if extending the side boundary into tidal water in a continuing straight line would reduce the width of navigable access to, or egress from, an adjoining lot to less than 3m or cause a significant adverse effect to navigational safety—at an angle that ensures—</p> <p>(i) the width of navigable access to, or egress from, any adjoining lot is not reduced to less than 3m; and</p> <p>(ii) no significant adverse effect is caused to navigational safety.</p>
finger structure	means a jetty or pontoon with the vessel berth generally perpendicular to the shore.
food and drink outlet	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
function facility	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
GCWA	means the Gold Coast Waterways Authority.
GCWA Act	means the <i>Gold Coast Waterways Authority Act 2012</i> .
GCWA channel network	<p>means the Gold Coast channel network prepared by GCWA and shown on GCWA's channel network mapping layer.</p> <p><i>Note—</i> The GCWA channel network can be found on GCWA's website here Tidal Works Mapping.</p>
GCWA tidal works mapping	<p>means the information shown on GCWA's tidal works mapping layer to assist applicants in preparing a development application for prescribed tidal works in Gold Coast waters.</p> <p><i>Note—</i> The tidal works mapping can be found on GCWA's website here Tidal Works Mapping.</p>
Gold Coast waters	<p>as defined in the <i>Gold Coast Waterways Authority Act 2012</i>, section 7(1).</p> <p>For convenience, the definition is reproduced below—</p> <p>7 Meaning of Gold Coast waters and Gold Coast waterways</p> <p>(1) <i>The Gold Coast waters are all of the waters within the following areas—</i></p> <p>(a) <i>the Gold Coast City local government area;</i></p> <p>(b) <i>the area near the mouth of Currumbin Creek described in schedule 1, section 1;</i></p> <p>(c) <i>the area near the Gold Coast Seaway described in schedule 1, section 2;</i></p> <p>(d) <i>the area near the mouth of Tallebudgera Creek described in schedule 1, section 3.</i></p>
Gold Coast waterways	as defined in the <i>Gold Coast Waterways Authority Act 2012</i> , section 7(2).

Term/Acronym	Definition
	For convenience, the definition is reproduced below— 7 Meaning of Gold Coast waters and Gold Coast waterways (2) <i>The Gold Coast waterways are all of the waterways in Gold Coast waters.</i>
government supported transport infrastructure	means infrastructure for transport that is— (a) materially funded by the State or Commonwealth; or (b) provided by a person, other than under a development approval or infrastructure agreement, on terms that— (i) are agreed to by the State or Commonwealth; and (ii) are intended to support the commercial viability of the infrastructure.
hotel	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
landing	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
length overall	means the overall length of a vessel including any bow sprit or bow rail in the foremost part of the vessel, and any davit, duck board or outboard motor at the stern (rear) of the vessel. It includes any part of a vessel or thing that may impede safe and equitable use of the waterway.
marina	as defined in the <i>Gold Coast Waterways Authority Act 2012</i> , section 42(4).
marine access structure	means a structure in, on or above tidal land to facilitate watercraft access for people between land and a navigable waterway (e.g., a jetty, landing, mooring, pontoon, and boat ramp, but excludes a deck and boardwalk).
marine industry	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
marine infrastructure	means a boat ramp, jetty, landing, marina, mooring, pontoon or the like that can be used by watercraft.
master plan	means detailed historical plans held by GCWA for a master planned area.
master planned area	means those estates as described below and sanctioned developments that have a master plan prepared for the canal— (a) Calypso Bay, Jacobs Well – master planned development; (b) River Links, Helensvale; (c) Hope Island (flood mitigation) canal, Hope Island – City of Gold Coast master planned development; (d) Coomera Waters – master planned development; (e) Coomera Quays – master planned development; (f) Sovereign Islands – master planned development; (g) Ephraim Island – apart from the marina, there is no identified quay line at

Term/Acronym	Definition
	<p>Ephraim Island for private structures – for enquiries, please contact the body corporate;</p> <p>(h) Harbour Town, Biggera Waters – master planned development.</p> <p><i>Note—</i> GCWA keeps master plan records electronically and may provide information on request by an applicant.</p>
moor	means to moor or berth a vessel to a fixed structure with lines or ropes by hand in the usual sense of securing a vessel to prevent the vessel drifting or moving.
navigable waterway	<p>means waters with sufficient depth and width for water traffic navigation and movements to allow safe passage by all vessel sizes and types that frequently use the area.</p> <p><i>Note—</i> The navigable waterway is mapped on GCWA's Tidal Works Mapping.</p>
nightclub entertainment facility	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
office	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
operational work	as defined in the <i>Planning Act 2016</i> , schedule 2.
Planning Act	means the <i>Planning Act 2016</i> .
Planning Regulation	means the <i>Planning Regulation 2017</i> .
port services	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
prescribed tidal works	<p>as defined in the <i>Coastal Protection and Management Regulation 2017</i>, section 15.</p> <p>For convenience, the definition is reproduced below—</p> <p>15 Tidal works that are prescribed tidal works—Act, s 167</p> <p>(1) Subject to subsection (2), the following works are prescribed tidal works for section 167(5)(d) of the Act—</p> <p>(a) works that consist only of tidal works;</p> <p>(b) works that consist of both—</p> <p>(i) tidal works; and</p> <p>(ii) other work that is not tidal works if the other work is an integral part of the tidal works.</p> <p>(2) The following works are not prescribed tidal works—</p> <p>(a) tidal works within a State managed boat harbour;</p> <p>(b) tidal works for a new or existing structure used for the operation of—</p>

Term/Acronym	Definition
	<p>(i) a port authority or port operator; or</p> <p>(ii) a public marine facility constructed by or for the Gold Coast Waterways Authority, Queensland Transport, a port authority or a port operator;</p> <p>(c) tidal works for any of the following—</p> <p>(i) creating or changing the configuration or characteristics of a navigational channel;</p> <p>(ii) an inlet or outlet for development for aquaculture if the development is carried out on land and is made accepted development under the local government’s planning scheme or is development requiring code assessment under the Planning Act;</p> <p>(d) tidal works the subject of—</p> <p>(i) a deemed approval; or</p> <p>(ii) a development approval given under the repealed Integrated Planning Act 1997 on or before 20 October 2003.</p> <p>(3) In this section—</p> <p>aquaculture see the Fisheries Act 1994, schedule 1.</p> <p>Queensland Transport means the department in which the Transport Operations (Marine Safety) Act 1994 is administered.</p> <p>State managed boat harbour see the Transport Infrastructure (Public Marine Facilities) Regulation 2011, schedule 4.</p>
prescribed tidal works code	means the Code for assessable development that is prescribed tidal works in the Coastal Protection and Management Regulation 2017, schedule 3.
public marine infrastructure	means infrastructure for public use that requires a location in tidal water to function (including public jetties, pontoons, boat ramps, and any queuing beaches associated with that use).
public marine facility	as defined in the Transport Infrastructure Act 1994, schedule 6.
quay line	<p>means the line defining how far a structure may extend out into a waterway as shown by—</p> <p>(a) GCWA’s tidal works mapping;</p> <p>(b) a master plan; or</p> <p>(c) in all other circumstances, as decided in writing by GCWA.</p>
reclamation	<p>as defined in the Coastal Protection and Management Act 1995, Dictionary.</p> <p>For convenience, the definition is reproduced below—</p> <p>reclamation, of land under tidal water, means raising the land above high-water mark, whether gradually and imperceptibly or otherwise, by carrying out works, including dredging and the depositing of solid material.</p>

Term/Acronym	Definition
referral agency	as defined in the <i>Planning Act 2016</i> , section 54(2)
referral agency response	as defined in the <i>Planning Act 2016</i> , section 56(4)
reconfiguring a lot	as defined in the <i>Planning Act 2016</i> , schedule 2.
resort complex	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
sales office	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
shop	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
showroom	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
site cover	means the portion of the term lease over water, or proposed term lease over water, expressed as area or percentage, that will be covered by a structure, measured to its outermost projection, after the development is carried out.
Spit master plan	as defined in the <i>Implementation of The Spit Master Plan Act 2020</i> .
Spit master plan area	means the master plan area under the <i>Implementation of The Spit Master Plan Act 2020</i> .
Technical Information Guide	means GCWA's <i>Technical Information Guide for the Development Assessment Code</i> , which provides additional technical information to assist with demonstrating compliance with this <i>Code</i> .
T-head structure	means a jetty or pontoon with the vessel berth generally parallel with the shore. <i>Note—</i> A T-head structure includes an L-head structure.
term lease area (also referred to as a seabed lease or wet lease)	means an approved lease area over unallocated state land that is inundated by tidal water. <i>Note—</i> Department of Resources issues and administers term leases.
tidal land	means— (a) land under tidal water; or (b) land that will or may be under tidal water.
tidal water	as defined in the <i>Coastal Protection and Management Act 1995</i> , Dictionary. For convenience, the definition is reproduced below— tidal water means— (a) the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides; or

Term/Acronym	Definition
	<i>(b) the water downstream from a downstream limit as defined under the Water Act 2000.</i>
tidal works	<p>as defined in the <i>Coastal Protection and Management Act 1995</i>, Dictionary.</p> <p>For convenience, the definition is reproduced below—</p> <ol style="list-style-type: none"> 1. <i>Tidal works means any of the following—</i> <ol style="list-style-type: none"> (a) <i>works in, on or above—</i> <ol style="list-style-type: none"> (i) <i>land under tidal water; or</i> (ii) <i>land that will or may be under tidal water because of development on or near the land;</i> (b) <i>works that are—</i> <ol style="list-style-type: none"> (i) <i>an integral part of works mentioned above (the principal works); and</i> (ii) <i>carried out in, on or above land directly adjacent to the land in, on or above which the principal works are carried out;</i> (c) <i>works designed to be exposed to tidal water because of shoreline fluctuations;</i> (d) <i>works designed to prevent the erosion of land by the sea (whether or not within the ebb and flow of the tide at spring tides);</i> (e) <i>works within the boundaries of a canal, whether above or below high-water mark.</i> 2. <i>Tidal works includes—</i> <ol style="list-style-type: none"> (a) <i>the construction or demolition of a basin, boat ramp, breakwater, bridge, dam, dock, dockyard, embankment, groyne, jetty, pipeline, pontoon, powerline, seawall, slip, small craft facility, training wall or wharf; and</i> (b) <i>works in tidal water necessarily associated with the construction or demolition mentioned in paragraph (a); and</i> (c) <i>the reclamation of land under tidal water.</i> 3. <i>Tidal works does not include—</i> <ol style="list-style-type: none"> (a) <i>the erection of a sign or other structure, including, for example, a navigational aid or sign for maritime navigation, under a direction made under another Act; or</i> (b) <i>the construction of an open drain that—</i> <ol style="list-style-type: none"> (i) <i>is less than 1 m deep; and</i> (ii) <i>has a cross sectional area less than 2.5m²; or</i> (c) <i>works that are assessable development, carried out within a coastal management district, of any of the following types—</i> <ol style="list-style-type: none"> (i) <i>the disposal of dredge spoil or other solid waste material in tidal water;</i> (ii) <i>the construction of an artificial waterway; or</i> (d) <i>the removal of quarry material that has accumulated within the boundaries of,</i>

Term/Acronym	Definition
	<p><i>or in an area adjoining, a previously approved tidal work to allow the work to be used for the function for which it was approved; or</i></p> <p><i>(e) the removal of quarry material from land under tidal water, if the removal is for no other purpose than the sale of the material or use of the material to reclaim land; or</i></p> <p><i>(f) the construction of buoy moorings.</i></p>
tidal works mapping	<p>means the information shown on GCWA's tidal works mapping layer to assist applicants in preparing a development application for prescribed tidal works in Gold Coast waters.</p> <p><i>Note—</i> The tidal works mapping can be found on GCWA's website here Tidal Works Mapping.</p>
tourist attraction	as defined in the <i>Planning Regulation 2017</i> , schedule 24.
vessel	<p>see watercraft.</p> <p><i>Note—</i> For this Code, the terms vessel and watercraft are inter-changeable.</p>
vessel beam	means the dimension of a vessel at its widest point.
vessel envelope	<p>means the length and width of an area of water outside the quay line where a vessel or vessels using a structure may berth or moor, except finger structures.</p> <p>The length of the vessel envelope is generally realised by extending the water allocation area side boundary.</p> <p><i>Note—</i> The vessel envelope is commonly referred to as a wet berth.</p>
Village Centre South	see the <i>Spit master plan</i> , page 76.
water allocation area	<p>as defined in the <i>Coastal Protection and Management Regulation 2017</i>, schedule 3.</p> <p>For convenience, the definition is reproduced below—</p> <p>water allocation area, for a lot, means an area of State tidal land designated by the State, a local government, or the Gold Coast Waterways Authority, as an area in relation to which a development application for prescribed tidal works connected to the lot may be made.</p> <p><i>Note—</i> For general guidance, see the document titled <i>Preparing a water allocation area for tidal works in natural waterways – Guideline for coastal development</i>, published by the Department of Environment, Science and Innovation, and found online here Preparing a water allocation area for tidal works in natural waterways.</p>
watercraft	<p>as defined by the <i>Transport Infrastructure Act 1994</i>, schedule 6.</p> <p>For convenience, the definition is reproduced below—</p>

Term/Acronym	Definition
	watercraft includes anything that is water traffic or a device, for example, a sailboard, used for the movement of persons who are on or in water.
water traffic	as defined by the <i>Transport Infrastructure Act 1994</i> , schedule 6. For convenience, the definition is reproduced below— water traffic includes a hovercraft and a vehicle, person, aircraft or other craft on or in water. <i>Note—</i> Water traffic does not include a structure or device that is fixed in place in, on, or above tidal land.
waterways management program	as defined in the <i>Gold Coast Waterways Authority Act 2012</i> , section 19(1).
waterways management strategy	as defined in the <i>Gold Coast Waterways Authority Act 2012</i> , section 15(1).
waterways related development	means: (a) development that, in order to function, must be located in Gold Coast waterways or be able to access Gold Coast waterways; and (b) may include, but is not limited to— (i) ports, harbours, and navigation channels and facilities; (ii) aquaculture involving marine species, tidal generators, and coastal protection functions; (iii) works for erosion control structures and beach nourishment; (iv) private marine access purposes; (v) public marine facilities; (vi) boat ramps, boat ramp queuing beaches, jetties, pontoons, and wharves; (vii) tourism facilities for marine (boating) purposes; (viii) community or sporting facilities that require access to tidal water in order to function, such as diving facilities, marine rescue organisations, or rowing, sailing and surf clubs; or (ix) co-located residential and tourist uses that are part of an integrated development proposal (e.g. mixed-use development) incorporating a marina, if these uses are located directly landward of the marina; but (c) does not include- (i) residential development, including canal development, as the predominant use; or (ii) transport infrastructure, other than for access to the waterways.

Review

GCWA will review of this **Code** biennially (every two years).

However, material changes to legislation or other circumstances may warrant earlier review if those changes or circumstances impact upon the **Code's** effectiveness.

GCWA will publish this **Code** on its website.

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