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APPROVAL OF STRUCTURES OVER TIDAL WATER

Classification of piers, boardwalks and floating pontoons

Piers, boardwalks and floating pontoons connected to land by a walkway are assessable development under the IPA and require development approval.

The most appropriate classification for these types of structures is class 10b (under Part A3 of the Building Code of Australia [BCA]). In some cases, the classifications referred to in Part A3 may not be appropriate in which case they could be treated as “special structures” under section 70 of the SBR.

Who is the Assessment Manager for this type of development?

The basic presumption of the IPA is that the local government for the area in which development is proposed is the assessment manager. However, in some situations development is proposed outside a local government area (e.g. over tidal waters).

Section 3.1.7 of the IPA states that the local government is the assessment manager for an application for development wholly within a local government area, unless another entity is prescribed under a regulation or by the Minister. As tidal waters are generally not within a local government area, the local government is not the assessment manager.

Schedule 1A of the Integrated Planning Regulation specifies ‘Alternative Assessment Managers’ for the purposes of section 3.1.7(1)(a) of the IPA. At the present time, an alternative assessment manager has not been specified for assessable development carried out over tidal waters.

The Department is currently examining this matter with a view to amending Schedule 1A to address this situation. In the meantime it is suggested any council affected, seek a determination from the Minister, to be nominated the assessment manager, on a case by case basis, under section 3.1.7 (1) (b) of the IPA.



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