



Department of
Primary Industries
Lands

Domestic waterfront facility policy

2014



Boats at a Jetty - Figure 1



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1 Introduction

In NSW the Department of Primary Industries – Lands (the Department) has ownership, control and management of Crown land below the Mean High Water Mark (MHWM) and manages this land for the benefit of the people of NSW. Crown lands are administered under the *Crown Lands Act 1989* and the Crown Lands Regulation 2006.

Any development, occupation or use of Crown land requires the consent of the Department. Development of a domestic waterfront facility on Crown land can be a large investment requiring ongoing commitment and responsibility. Such a facility can also greatly enhance the use and enjoyment of NSW waterways.

The Department supports the ongoing use of domestic waterfront facilities for responsible recreational and water related purposes, however, the occupation of Crown land below the MHWM should not be seen as an inherent right of any adjoining landowner. The nature and extent of any such occupation will be balanced against the broader community needs and expectations for this public land.

This policy aims to facilitate the ongoing and future enjoyment of the state's waterways by establishing the criteria and requirements of the Department when considering applications to develop, occupy and use domestic waterfront facilities on Crown land.

This policy relates to all existing and proposed future domestic waterfront facilities where the adjoining terrestrial land is in:

- private ownership (ie the private land holder has a title to the MHWM); or
- public ownership (as Crown waterfront land).

The policy will also be used to guide decisions in relation to any domestic waterfront facilities that may be located in whole, or in part, on Crown land above the MHWM.

1.1 Land to which this policy applies

This policy applies to submerged Crown land (including the bed of rivers and estuaries) extending seawards to the state's territorial limit of three nautical miles, excluding land owned by NSW Roads & Maritime (Sydney Harbour, Botany Bay, Newcastle Harbour, Port Kembla Harbour and regional ports of Eden and Yamba).

The terrestrial land that adjoins submerged Crown land above the MHWM (for tidal lands) or the bank of the river, creek or lake is a mix of private land, Crown land, council land and other government owned land (eg national parks, state forests, nature reserves etc.).

1.2 Application of this policy

This policy is applied by the Department in assessing applications for landowner's consent (for the lodging of development, or other, applications); for issuing licences for the occupation of Crown land; for domestic waterfront facilities; and in managing these occupancies.

This policy does not apply to:

- waterfront occupations for commercial purposes
- waterfront occupations for public or community purposes
- swing moorings

Terms used in this policy are defined in Section 9.

1.3 Related policies

- Coastal Crown Lands Policy (January 1991)
- Domestic waterfront facility Policy (December 2013)
- Crown Lands Policy for Marinas and Waterfront Commercial Tenures (May 2005)

2 Policy objectives and strategies

2.1 Key policy objectives

The following policy objectives are established in respect of the application of this policy to the development and licensing of domestic waterfront facilities on Crown land.

- a) Crown waterfront land and submerged Crown land will remain in public ownership for long term public benefit.
- b) Public access to Crown waterfront land and submerged Crown land is facilitated and maximized and domestic waterfront facilities are not to obstruct, restrict or discourage existing and future safe and practical public access along and adjacent to this land.
- c) Domestic waterfront facilities will not adversely impact on the natural environment, including the natural flow of the waterway, water quality, marine vegetation and the effect of natural coastal processes.
- d) Shared domestic waterfront facilities are encouraged where it is appropriate or necessary to minimise the number of structures on Crown land and reduce cumulative impact. Parties subject to sharing arrangements receive separate licence agreements based on the area of occupation.
- e) Domestic waterfront facilities on Crown land must be for water dependant or water related recreational purposes that require location in or in close proximity to the waterway.
- f) Sublicensing of approved berthing areas to third parties is subject to Minister's consent.
- g) The location and design of the domestic waterfront facility is to harmonise with the appearance and scale of the landscape and is to maintain the visual quality of the surrounding foreshore and waterway environment.
- h) Domestic waterfront facilities will not adversely impact on the cultural environment and any existing structures and localities of cultural heritage importance are recognised.
- i) The two-part tariff comprising and annual rental and administration fee* are charged for the use and occupation of domestic waterfront facilities on Crown land as a return to the state for the use of this public asset. * refer to Section 9 for more information.
- j) The use and occupation of domestic waterfront facilities are monitored and managed by the Department.
- k) Licence holders are entitled to the use and occupation of waterfront structures subject to the terms and conditions of the licence agreement.

2.2 Strategies

The Department strategy documents relating to particular waterways provide a strategic approach to

domestic waterfront facility development in these waterways.

These strategies identify areas where domestic waterfront facilities may or may not be appropriate.

Further strategies may be developed by the Department to deal with compliance of unauthorised structures, or other areas of importance for domestic waterfront facilities.

2.3 Criteria to be used when assessing whether a proposal meets the objectives

A table setting out the criteria for assessing whether a proposal achieves the policy objectives is provided in Appendix A. A proposal must meet all the objectives and therefore satisfy the criteria in this table.

When assessing whether or not a proposal meets the policy objectives, the cumulative impact of that proposal in conjunction with other existing or future potential development will be considered by the Department.

3 The responsibilities of the Department

The Department is responsible for the administration of the *Crown Lands Act 1989*, the objects under this Act and the principles of Crown land management. In relation to domestic waterfront facilities, the Department is responsible for:

- assessing applications for the issue of landowner's consent prior to a proponent lodging a development application (DA) with local council under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the development of domestic waterfront facilities located on Crown land; and
- assessing applications as the determining authority under Part 5 of the EP&A Act for the development of domestic waterfront facilities on Crown land; and
- assessing applications for the issue of a licence to occupy and use Crown land for a domestic waterfront facility; and
- ongoing administration, management and regulation of the use and occupation of domestic waterfront facilities on Crown land.

4 Waterfront structures that are not acceptable on Crown land

On the basis of this policy and the policy objectives, new applications for the following types of structures are unlikely to receive approval from the Department.

- Any structure that interferes with public foreshore access.
- Boat lifts or lifting devices, including davits, except where the holder has a genuine need for a lifting device for the safe disembarking and embarking of a disabled person or for water access only locations.

- Boatsheds, except in locations where the only access to private land is by water and the only practical location for the boatshed is on Crown land, subject to practical public access along the foreshore not being restricted.

- Boat storage is not permitted below the MHWL unless in an approved boatshed or berthing area.
 - Domestic swimming enclosures.
 - Gates and locks that restrict entry to the jetty.
 - Pergolas, BBQs or similar structures.
 - Permanent berthing at a jetty, except where berthing is in a licensed berthing area.
 - Ramps, skids or slipways that do not conform to the natural foreshore levels and significantly obstruct practical public access.
 - Reclamations and retaining walls, unless foreshore erosion requires arresting and where no alternative strategy such as relocation is possible, or where a limit line of reclamation has been identified and adopted to conform with a smooth tidal flow.
 - Residences and other non-boating uses. Any boatsheds that have a residential or non-boating related use will be required to be removed or reinstated as a boatshed.
 - Seawalls.
 - Slipways that provide any type of storage on tidal or adjacent foreshore Crown land.
 - Solid-fill jetties unless required as groynes for the protection of the foreshore.
 - Structures where the adjoining foreshore land is a reserve for public recreation, a reserve for access, a foreshore reservation or other public land or Crown road.
- The Department will ultimately determine if any of the exceptions identified above are applicable for each specific application.

5 Reserve front waterfront occupations

The Department will not grant any new licences for any domestic waterfront facilities that adjoin reserved foreshore land and/or restricts public access,

This may include adjoining foreshore land that is a reserve for public recreation, a reserve for access, a foreshore reservation or other public land or Crown road. Facilities must not restrict public access, use and enjoyment of these public lands.

There are a number of existing reserve front waterfront occupations which have been granted in the past. Upon expiration of these occupancies or upon determination by the Minister, the Department will not issue a new licence for these facilities and will require the removal of these structures.

Where there is a change in ownership, the Department will consider transferring to the new owner for the remaining term of the licence or with conditions that the structure will be reviewed in the future.

6 Other required approvals

Applicants to the Department for the establishment of a domestic waterfront facility on Crown land should be aware of the following approvals that will generally be required from other authorities.

- Development consent from your local council.

- Approval from NSW Roads & Maritime in respect of whether the proposed structure is acceptable in terms of navigational requirements.
 - Approval from NSW Department of Industry and Investment (Fisheries) in respect of whether your proposed structure is acceptable in terms of the likely impact on fish habitat and fish breeding grounds.
- Please contact these authorities for more information on approval processes.

7 Application process

The steps below outline the process involved in applying to the Department for:

- landowner's consent for lodging a DA with the local council under Part 4 of the EP&A Act; and
- a licence to occupy Crown land for a new domestic waterfront facility.

To inform its decision when considering such applications, the Department must undertake a 'land assessment' of the subject Crown land. This is an assessment of the general capabilities of the land and its suitable and preferred uses.

STEP 1 - When you apply to the Department for landowner's consent to lodge a DA for a domestic waterfront facility, you must be the owner of the adjoining land or the owner of the benefited land.

You will need to provide to the Department:

- an application form and fee
- the DA
- written correspondence from the Department of Primary Industry (Fisheries) and NSW Roads & Maritime supporting the DA.

Refer to section 7.1 for further information on landowner's consent process.

STEP 2 - Once landowner's consent is provided by the Department, you are able to lodge a DA with local council (or application for approval with the determining authority if under Part 5 of the EP&A Act.

If there are any changes made to the DA, as part of the local council DA process, these will need to be reassessed by the Department for landowner's consent prior to re-lodging a revised DA with council.

STEP 3 - Once the DA has been approved, you will need to provide to the Department:

- a copy of the approved DA
- licence application and fee

Refer to section 7.2 for more information on the licence process.

STEP 4 - If your application is approved, a licence will be issued to you for your signature. Once a signed copy of your licence is received it will be signed and executed by the relevant departmental officer (as delegate of the Minister). A copy of this signed licence is then forwarded to you and a copy is held by the Department.

7.1 Landowner's consent

Landowner's consent from the Department is required before a DA for a domestic waterfront facility can be lodged with local council.

When the adjoining landowner contacts the Department seeking landowner's consent for a DA prior to lodging the DA with the local council, the Department requires certain documentation to accompany the request.

You will need to provide the Department with an application form and application fee, the DA and relevant supporting documentation which may include a detailed site plan and photos of the water frontage of the property showing the location of the proposed structure, written correspondence from both NSW Primary Industry (Fisheries) and NSW Roads & Maritime supporting the application for landowner's consent.

When evaluating a DA for landowner's consent, the Department must meet the obligations under the *Crown Lands Act 1989* in respect of the proper management of Crown land.

These obligations are different to the assessment process for any subsequent application for consent or other approval under the EP&A Act.

The proposal will be assessed for consistency with the objects and principles of Crown land management under the *Crown Lands Act 1989*, any relevant land assessments and objectives of this policy.

Where a new licence is agreed to in principle, landowner's consent to the lodgement of the DA will be given by the Department.

Landowner's consent is usually given on the condition that the DA is lodged in the form that has been approved by the Department within 12 months of landowner's consent being provided.

Should consent to the DA not be obtained from local council, a licence for the domestic waterfront facility will not be issued by the Department.

Where the local council deems that a DA is not required for domestic waterfront facilities under their Local Environmental Plan (LEP), the Department becomes the determining authority under Part 5 of the EP&A Act and the proposal for the domestic waterfront facility is assessed.

A review of the proposal is undertaken to determine the potential environmental impact of the proposal under Part 5 of the EP&A Act, before a licence application can be assessed.

It is important to note that granting of landowner's consent by the Department does not in itself authorise a person to occupy Crown land and commence construction on a development consent granted.

Occupation of Crown land must be in accordance with the conditions of the licence issued by the Department.

7.2 Licence

The Department issues licences for new and transferred domestic waterfront facilities. A licence is a holding granted under section 34 of the *Crown Lands Act 1989* and is the legal instrument that authorises the holder to use or occupy submerged Crown land, subject to the terms and conditions of the licence.

A signed and executed licence from the Department is required prior to the construction of any new structures on Crown land.

There are existing domestic waterfront facilities that are authorised under permissive occupancies. Permissive occupancies were granted under previous legislation and are no longer issued by the Department. These are progressively being replaced or terminated in favour of licences.

Parties sharing structures receive separate licence agreements. These arrangements allow tenants to share rental costs based on the area of occupation and receive separate land accounts.

Separate licences over shared structures are issued when there is a change of property ownership or upon request of a licence holder in writing, or for an agreed sharing arrangement.

Where an interest group (eg strata) apply for a licence, a principle must be nominated for the purpose of administering a licence agreement. Sharing arrangements then become a matter for the relevant parties.

Once a licence is issued, the Department creates a notation on the certificate of title of the adjoining land to show that there is Crown tenure with an associated rental connected to this land.

This alerts any prospective buyers to the existence of a licence for the domestic waterfront facility adjoining the land and allows the licence to be easily identified in any conveyancing process relating to the adjoining property.

7.2.1 Term of licence

Generally, licences are issued for a term of 20 years or alternatively the life of the structure (if less than 20 years). All new licences have a specified termination date however these may be revoked by the Department at any stage without compensation.

A licence holder may apply to the Department for a new licence when the current licence expires in order to continue to use and occupy the domestic waterfront facility.

The Department may need to assess the domestic waterfront facility in order to determine the life of the structure, whether there have been any additions made to the existing structure, whether the structure is in good condition and that the structure continues to comply with the *Crown Lands Act 1989* and policy. The Department may request further information from the applicant on the structure to inform this assessment.

A licence holder may request the Department to terminate a licence at any time. The Department will only terminate the licence once the structure has been appropriately removed from Crown land and the site is rehabilitated to the Department's satisfaction. Approval may also be required from local council via a DA prior to removal of the structure.

7.2.2 Holder's responsibilities

The licence sets out the terms and conditions for the use and occupation of the domestic waterfront facility and the holder of the licence is responsible for complying with these terms and conditions.

The holder has the responsibility of abiding by the terms and conditions of the licence, maintaining the facility in a

state of good repair and continuing to comply with any other federal, state or local government requirements that apply.

7.2.3 Transferring licences

In 2004, the Independent Pricing and Regulatory Tribunal of NSW (IPART) report on waterfront rentals recommended that holders be able to transfer their licence.

Since 2005, all new domestic waterfront facility licences issued by the Department include a condition dealing with transfers. The licence condition states that the licence is able to be transferred from one holder to another if the following criteria are met:

- The conditions of the licence specify that the licence can be transferred; and
- the licence specifies the parcel of land that benefits from the licence, called the 'benefited land'; and
- the licence is transferred to the owner or holder of the benefited land.

However, if at any time a transferable licence is held by a person who is not the owner or holder of the benefited land, the Minister may revoke that licence. In this situation the affected holder/s will be notified in writing and advised of the termination date.

Where adjoining land which benefits from a transferable licence is sold, lodgement of the transfer application and associated transfer fee, become the responsibility of the purchaser of the adjoining freehold land.

Upon enquiry or application for a tenure search with the applicable fee by a prospective buyer, their conveyancer or new landholder, the Department will provide advice on the existing tenure.

In some circumstances where there is little time left on the existing licence, it may be more appropriate to apply for a new licence. If the licence is to be transferred, the Department will notify the new landholders. Once the application and the transfer fee is received, the application will be processed.

All other existing domestic waterfront facility licences and permissive occupancies are not transferable. Where there is a change in ownership a new licence and relevant application fee applies.

8 Sublicensing berthing areas

With departmental approval, licence holders with a berthing area as part of their licensed domestic waterfront facility are able to sublicense their berthing area to a third party.

This allows more options and greater flexibility for holders. In providing this initiative the Department is addressing the need to rationalise waterfront structures and moorings, freeing up critical space in the state's waterways and directly benefiting the boating public. It also provides an opportunity for users to generate an income to maintain their facility.

The scheme is entirely voluntary and licence holders will be required to ensure they have the appropriate insurances in place.

Once an application and the associated documentation have been submitted the Department will review the application and if satisfied, advise the licence holder in

writing that an authority to sublicense will be added to vary the terms and conditions of the licence.

The minimum term for a sub licence agreement is 12 months. The maximum term is five years or the balance remaining on the domestic waterfront facility licence (if less than five years). In addition to the annual domestic waterfront licence rent, an annual charge for the authority to sublicense a berthing area applies.

The berthing area can only be used for a domestic purpose and private recreation. In accordance with the domestic waterfront facility licence, the licence holder and the third party are not authorised to carry out commercial activities on Crown land.

9 Rent

In 2012 the NSW Government accepted IPART's recommendations for changes to the rental calculations for domestic waterfront occupancies. The changes to rental calculations resulting from these recommendations commenced on 1 July 2012 and are summarised in the fact sheet [Domestic waterfront occupancies – 2012 changes in rent](#) published on the Department website.

All domestic waterfront occupancies* have a two-part tariff, comprising an annual administration fee (subject to CPI) and an annual rental charge. The administration fee applies to all tenures and annual charges are subject to GST. The rental charge covers the use and occupation of public land below the MHWL and is calculated using the four elements in the formula below;

Annual rent charge = precinct statutory land value (\$m²) x occupancy area (m²) x discount factor (50%) x precinct specific rate of return (updated annually by IPART).

9.1 Pensioner rebates

Eligible pensioners with a domestic waterfront facility adjoining their sole place of residence are granted a 50% rebate on the rent component only.

Rebates from rent are granted to licence holders who produce a current Pensioner Concession Card. The Pensioner Concession Card is issued by Centrelink and the Commonwealth Department of Veterans Affairs (DVA).

9.2 Water Access Only *(WAO) properties

Tenants with occupancies that are only accessible by water are exempt from the annual rental charge for the area of occupancy that is for the sole purpose of accessing the adjoining waterfront property. The annual administration fee applies to all tenures.

9.3 Hardship

Hardship relief is available to licence holders experiencing short term financial difficulties and provides assistance through payment plans, extensions to pay and in certain cases, waiving of interest on late payments.

Every hardship relief application is considered on a case-by-case basis and should be supported by documentary evidence of financial hardship.

Any personal information provided to the Department is used and held in accordance with the information protection principles of the *Privacy and Personal Protection Act 1998*.

It should be noted, in all cases where concessions or rebates are applied, it only applies to the rental component.

10 Compliance

The Department may monitor and inspect domestic waterfront facilities to ensure that licence holders are complying with the terms and conditions of their licence. The Department has a range of options to deal with non-compliance including the removal of a structure at the licence holders cost.

10.1 Unauthorised structures

Unauthorised structures are existing domestic waterfront facilities that have been erected, altered or added to, or on Crown land without having the relevant legislative approvals.

Unauthorised structures may not have a current licence for the occupation and use of that structure on Crown land. The detection of unauthorised structures will primarily be facilitated by the Department's continued liaison with other relevant authorities including local councils, NSW Roads & Maritime and Department of Primary Industry (Fisheries) and the use of surveillance mechanisms.

Where all or some structures on the benefited land are unauthorised, a licence will be issued for the total area of occupation. Details of the unauthorised structures will be noted in Schedule 1 and a Schedule 2 special condition will apply in respect of the licence holder's responsibility to have the structure/s authorised by the relevant authorities. Local Council and other authorities will be notified of the details to enable compliance action.

Unauthorised structures may not be covered by public liability and the jetty / adjoining land owner may be held liable for injury in the absence of a suitable insurance policy.

10.2 Authorised structures

Where an existing domestic waterfront facility is authorised by a tenure, the holder's responsibility is to comply with the authorisation as well as any relevant state and local government requirements.

Failure to comply may result in termination of the tenure and removal of the domestic waterfront facility and costs recovered from the licence holder.

10.3 Licence not entered into by new adjoining landowner

If the adjoining land is sold and the incoming purchaser declines to enter into a licence for the existing domestic waterfront facility on Crown land, or an existing licence holder declines to renew their licence, the Department may require the removal of the structure. Annual payments continue to apply until the tenure is terminated and the structure has been removed.

10.4 Failure to comply

Where a licence holder fails to comply with their licence terms and conditions, the Department may take any of the following actions.

- a) Serve a notice on the holder to cease using the structure.
- b) Serve a notice on the holder to remedy or rectify the non compliance.
- c) Remedy, rectify or remove the non-compliance and recover costs from holder.
- d) Terminate the existing licence.
- e) Commence legal action.

11 Review

The Department is committed to implementing this policy and will monitor and review its effectiveness on a regular basis. In the event that amendments are required to the policy, the policy will be updated and made available on the Department's website.

12 Further information

Further information on topics covered in this policy is available at: www.crownland.nsw.gov.au or on 1300 886 235

13 Definitions

For the purposes of this policy, the following definitions apply.

Adjoining landowner	Owner of the private residential land which directly adjoins Crown land (eg the owner of a waterfront property).
Berthing area	Area of water allocated for the wet storage of boats attached to a fixed or floating facility, allowing for walk-on access to the vessel.
Boat lift	A device used for lifting or steering a vessel out of the water.
Boatshed	A building or other structure used for the storage and routine maintenance of a boat or boats and which is associated with a private residence.
Crown waterfront land	Is Crown land (as defined under the <i>Crown Lands Act 1989</i>) that is located above the MHWM and adjoins submerged Crown land.
Davit	Mechanical device for lifting or lowering of a vessel from or into the water.
Domestic swimming enclosure	Means a net or other structure placed in the waterway for the purpose of providing a protected swimming area, but does not include a public water recreational facility.
Domestic waterfront facility	Includes jetties, boatsheds, berthing areas, boat ramps, slipways, pontoons, reclamation, seawalls for private use and occupation.

Foreshore land	Land that is directly adjacent to a waterway.
Holder	The person referred to as the holder of a domestic waterfront licence.
MHWM	The plane of the mean high water level of all ordinary local high tides that intersect the foreshore. Generally the mean high water mark (MHWM) is determined by a surveyor and any changes to the MHWM adjoining Crown land requires the consent of the Minister.
Occupancy	The area for which a domestic waterfront licence is issued and rental is charged.
Landowner's consent	Consent by the landowner for the lodging of a development application under clauses 8F or 49 of the Environmental Planning and Assessment Regulation 2000.
Permanent berthing	Berthing of a vessel at a domestic waterfront facility for a total period greater than six hours.
Permissive occupancy	Domestic waterfront facility agreement under the <i>Crown Lands (Continued Tenures) Act 1989</i> .
Pontoon	A floating structure used for access to the water that is supported by a jetty and ramp.
Practical public access	Right of members of the community to gain access along the intertidal zone and adjoining Crown foreshore land, where the existing landform permits access.
Reclamation	An area of submerged Crown land which has been filled or drained for the purposes of reclaiming the land.
Seawall	A structure along the land/water interface to protect the land from the sea or to stop accelerated erosion of the shoreline, but does not include a breakwater.
Slipway	Any structure, usually in the form of two supported parallel rails, on which a wheeled cradle is run to draw a vessel out of the water by means of a powered or manual winch, a block and tackle or the like.
Structure	A structure that makes up part or all of a domestic waterfront facility.
Submerged Crown land	Crown land as defined under the <i>Crown Lands Act 1989</i> that lies below the mean high water mark for tidal lands, including the inter tidal zone and the bed of the ocean, rivers, lakes and creeks.
Waterway	Means any river, stream, lake, creek, lagoon, swamp, wetlands, or tidal waters.

Appendix A

Criteria used when assessing whether a proposal meets the policy objectives. The table below provides the criteria used to assess if a proposal for a domestic waterfront facility is likely to achieve the policy objectives set out in section 2.1.

Objective	Criteria to be met
Public ownership and public access s2.1 (a) and (b)	<p>(i) Where private land directly adjoins submerged Crown Land</p> <p>Where there is no direct public access to submerged Crown land:</p> <ul style="list-style-type: none"> • domestic waterfront facilities may be acceptable. <p>Where public access to submerged Crown land is possible:</p> <ul style="list-style-type: none"> • domestic waterfront facilities may be acceptable if designed so that practical public access to this land is not obstructed, restricted or discouraged.
	<p>(ii) Where submerged Crown land adjoins Crown waterfront land and there is no immediately adjoining private land.</p> <ul style="list-style-type: none"> • new domestic waterfront facilities are not acceptable. • existing domestic waterfront facilities may remain where public access needs are reasonably provided for within the wider area and there are no obstructions. <p><i>Note: There is no guarantee prior sharing arrangements will continue where ownership of the adjoining or benefitted land changes</i></p>
	<p>(iii) Where submerged Crown land adjoins Crown waterfront land and there is nearby adjoining private land</p> <ul style="list-style-type: none"> • new domestic waterfront facilities are not acceptable. • existing domestic waterfront facilities may remain until expiration of licence or as otherwise determined by the Minister. • existing domestic waterfront facilities may be considered for transfer at the discretion of the Minister. <p><i>Note: There is no guarantee prior sharing arrangements will continue where ownership of the adjoining or benefitted land changes</i></p>
Impact on natural environment s2.1 (c)	<p>Impacts of the domestic waterfront facility on the natural environment and systems within the area are to be minimal. The Department will consider the following matters (but not limited to these):</p> <ul style="list-style-type: none"> - water flow and quality - marine and riparian vegetation - marine organisms - shoreline stability - natural coastal processes - retention of natural features, including the configuration of the bed of the waterway, natural rock formations and undeveloped areas. <p>Applicants are advised that separate approvals in this regard may be required from:</p> <ul style="list-style-type: none"> - NSW Department of Primary Industry (Fisheries) - NSW Roads and Maritime - Local council
Function and use s2.1 (d), (e) & (f)	<ul style="list-style-type: none"> • Domestic waterfront facilities are only to be used for water dependant or water related recreational purposes requiring location in or in close proximity to the waterway. • Domestic waterfront facilities are only to be used for domestic purposes. • Two or more persons may propose the shared use of a domestic waterfront facility and each party will be issued a separate licence. The Department encourages shared occupation in a locality where it is appropriate to reduce the overall number of waterfront structures, in particular to reduce cumulative impacts in a locality. • Licence holders are entitled to the private enjoyment of waterfront structures subject to the terms and conditions of the licence agreement. • Sublicensing of approved berthing areas to third parties is allowed subject to Minister's consent and applicable fees.
Appearance and	<ul style="list-style-type: none"> • The location and design of the domestic waterfront facility is considered by the local Council, when assessing any DA. The Department will also consider the capabilities of the land, its

aesthetics s2.1 (g)	<p>suitable and preferred uses in relation to the proposed domestic waterfront facility.</p> <ul style="list-style-type: none"> • Domestic waterfront facilities should not reduce the current or future public enjoyment of the Crown land because of inappropriate scale or form. These structures should be of a scale and form that is not disproportionate with or intrusive on the surrounding development and the natural and cultural environment.
Impact on cultural environment and cultural heritage s2.1 (h)	<p>New domestic waterfront facilities are not to disturb or impact on artefacts and relics in the area.</p> <p>Separate approval from the NSW Department of Environment, Climate Change and Water (Roads & Maritime) and the NSW Department of Planning (Heritage Branch) may be required to deal with these issues.</p> <p>Existing structures that are listed as part of the cultural heritage of the area are recognised by the Department. "Listed" means a listing under (but not limited to):</p> <ul style="list-style-type: none"> - the National Estate, or - the State Heritage Register, or - Heritage and Conservation Registers of NSW agencies, or - a planning instrument (SEPP or LEP)
Return for occupation and use of Crown land 2.1 (i)	<ul style="list-style-type: none"> • The occupation and use of Crown land are subject to an annual rent and administration fee (subject to CPI).

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (July 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Primary Industries - Lands or the user's independent advisor.

Domestic Waterfront Facilities Policy

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