

# » *private structures within council owned (public) waterways*

*Outlines arrangements for approval and  
licensing of private water structures located within  
Council owned waterways*

PUBLISHED NOVEMBER 2017



## » **Background**

Council has recently adopted new arrangements for the approval and licensing of private waterway structures (boat ramps, jetties and pontoons) that are located within Council owned waterways, to align with relevant legislation. In particular:

- Local Government Act 1993
- Environmental Planning and Assessment Act 1979

These arrangements apply to private waterway structures located on the following Council owned (public) waterways:

- **Ballina Quays Canals**
- **Banyanda Lake**
- **Endeavour Lake**

The policy does not apply to the Richmond River or North Creek as these waterways comprise Crown land and structures placed within them are administered by the State Government, rather than Council.

Private waterway structures located within Council owned (public) waterways require authorisation from Council as a planning authority and as a landholder.

Planning approvals required are summarised below.

Licence requirements (relating to Council as a landholder) are outlined in the following sections.

### **1. New Structures**

Development Approval for the construction of the structure/s in accordance with the Environmental Planning and Assessment Act 1979. Development consent is required for any new structures proposed following the introduction of the policy. This will require the lodgement of a development application prior to any works commencing.

### **2. Pre-existing Structures**

Structures that are pre-existing (prior to the introduction of the policy) that have not received development consent will require authorisation in the form of a Building Certificate.

## » **What I need to do**

Owners of existing **approved structures** will need to enter into a licence agreement with Council for occupation of the Council owned (public) waterway.

Owners of existing **structures that are not approved** will need to obtain building certification in order to bring these structures into alignment with relevant legislation. Owners will then need to apply for legal tenure in the form of a licence to occupy the Council owned (public) waterway.

Owners applying for **new structures** will need to obtain development approval for the structure and then apply for legal tenure in the form of a licence to occupy the Council owned (public) waterway.

**Conditions** of holding a licence to occupy Council owned waterways with private structures include:

- The **structures must be maintained** in accordance with the relevant development approval or building certificate.
- The licence agreement must be **renewed triennially** with the **prescribed fee** paid annually.
- Owners must ensure that appropriate **insurance** coverage is maintained for the structure/s. Insurance costs are the responsibility of landholders.

Once issued, the licence is between Council and the landholder rather than being attached to the private property associated with the structure. As a consequence, Council will require the transfer of the licence agreement to a new landholder when a property is sold.



## »» What fees apply?

Structure owners will be required to pay the applicable fees prior to the completion of the licensing process. The fee for the 2017/18 year is waived in certain circumstances.

The fees payable will be adjusted annually in accordance with Council's usual fees and charges procedure.

Fee Type	Amount (inc GST)	When Payable
<b>Licence Application</b> (new) and <b>Licence Transfer</b> (change of ownership)	\$132	Upon application or request to transfer licence to new owner. Application fees will not be applied to licences for existing approved structures (fees apply upon property transfer).
<b>Licence Renewal</b> (per year)	\$110*	Upon issue or renewal of a licence.

\*Council reduced the licence issue and renewal fee from \$220 to \$110 at its November 2017 Meeting. The \$110 fee will apply up until June 2019.

## »» How does the application and renewal process work?

Where structures are approved landholders will need to fill out a 'Private Structures within Council Owned (Public) Waterways Licence Application Form' and lodge this with Council. This form is available on Council's website under 'Public Land Administration' and at Council's Customer Service Centre.

Once the licence application is assessed and approved, Council will issue a licence to occupy the area of Council owned (public) waterway occupied by your structure/s, which needs to be signed and returned to Council. The agreement will be subject to a renewal process every three years with licence fees payable on an annual basis.

In the case of a property transfer, the new owner of the property will need to fill out a 'Private Structures within Council Owned (Public) Waterways Licence Application Form' and lodge this with Council with payment of the licence transfer fee and payment of any outstanding annual licence fees. Council will issue a licence to occupy the area of Council owned (public) waterway occupied to the new owner, which needs to be signed and returned to Council.

## »» Further information

The **Private Structures within Council Owned Waterways Policy** can be viewed on Council's website under 'Policies, Codes and Guidelines'. Maps identifying the waterways subject to the policy can be viewed on Council's website under 'Land Register', and at Council's Customer Service Centre and the Ballina Library.

*Further details about the process in cases where a structure requires Council approval can be obtained by contacting Council (as noted below).*



**If you have any questions please contact:**

**Council's Community Property Officer**  
**Strategic and Community Facilities Group**  
**Ballina Shire Council**  
**Ph: 6686 1284 | Email: council@ballina.nsw.gov.au**

