



Water Recreation Structures FACT SHEET

This fact sheet outlines the approval requirements for constructing a water recreation structure (e.g. pier, wharf, jetty or boat ramp) within the Clarence Valley area.

What is a water recreation structure?

Water recreation structures are defined under the *Clarence Valley Local Environmental Plan 2011 (CVLEP)* as:

a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

Do I need development approval from Council to construct a water recreation structure?

Yes, water recreation structures other than within the Yamba canal areas require development approval from Council.

Water recreation structures are permitted with development consent in Council's R2 residential zone, RU1 & RU2 rural zones, B1, B2, B3 business zones, IN4, SP3, RE1, RE2, W1, W2 & W3 zones. This is obtained through the lodgement of a Development Application (DA) and Construction Certificate Application (CC) with Council for consideration.

If your land is not in one of the above listed zones, please discuss your proposal with one of Council's planning officers.

For water recreation structures within the Yamba canal areas please see below.

What other approvals are required?

In addition to Council there are other agencies/organisations that must consider and/or issue an approval/permit for the structure. It is recommended you consult the below listed agencies to confirm what approvals you require prior to lodging an application with Council to prevent potential delays in the assessment process.

- NSW Department of Primary Industries (DPI) Lands - Consent from DPI Lands as owner of the land is required to be able to lodge a DA with Council.
- DPI Fisheries - A permit is required under the *Fisheries Management Act 1994* for dredging or reclamation work in any waters, and removal or damage to marine vegetation. Generally, DPI Fisheries will not support any waterfront development that causes or has the potential to cause damage (includes shading) to marine vegetation or that will detriment fish passage. See also note below.
- DPI Water - A permit is required under the *Water Management Act 2000* for works within 40m of a waterway. See also note below
- NSW Roads & Maritime Services (RMS) – Council may notify RMS of applications for water recreation structures. Matters considered by RMS include; structures not to extend further into the navigable zone than adjoining structures, obstruction of navigation channels and impact on fish hauling grounds. You are also advised to consider the NSW Maritime Engineering Standards and Guidelines for Maritime Structures.

- **Native Title** – Parts of the bed of the Clarence River and its tributaries are subject to Native Title or under Native Title Claim. For land subject to a Native Title Determination or currently under Native Title Claim, please discuss Native Title with DPI Lands when seeking their consent.

Note: If approval from DPI Fisheries & DPI Water is required, you will need to apply for an integrated development approval by selecting that option on the DA form. A cheque made out to each integrated agency is to be submitted with the DA as well as an administrative fee for processing. The application and cheque will be forwarded by Council to the agency. An integrated determination from Council and the agency(s) can then be issued.

What information do I need to submit with my application?

A DA Information Pack is available for collection from Council's offices or on Council's webpage. The pack contains relevant guides, fact sheets and application forms for lodging a DA.

Detailed plans of the structure, including site plan, elevation plans and structural engineering plans are required to assess the proposal. A copy of any correspondence received from the above listed agencies is also to be submitted.

What about water recreation structures within the Yamba canals?

Water recreation structures in the Yamba canal areas are exempt development under the CVLEP and do not require a DA if the exempt provisions can be met. To be exempt the structure:

- (1) must only be erected on canals and waterways in Yamba that are within Zone R2 Low Density Residential or W2 Recreational Waterways.*
- (2) must be structurally adequate.*
- (3) jetties (including any pontoons) must have a maximum length of 13m.*
- (4) pontoons must have a maximum width of 8m.*

However, for any structure to be erected in a canal owned by Council, a licence from Council is required. A licence can be considered by lodging a 'Jetty Application - Application for licence to erect a boating structure'. A site plan, elevation plans and structural engineering plans of the proposed structure are to be submitted with the application. Please refer to Council's *Jetty, Pontoon and Boat Ramp Construction Policy* for further information regarding the process and requirements.

Not all land in the canals is owned by Council. For privately owned land in the canals no licence or approval from Council is required if the exempt provisions can be met.

For all water recreation structures in Yamba canals (including those that do not require a licence from Council) a permit from DPI Water is required for the works. A copy of the DPI Water permit is to be provided to Council with any licence application.

Please contact Council if you require any clarification regarding your proposal.

Disclaimer:

This information is provided in good faith as a guide. The relevant legislation and planning documents take precedent over the information in this fact sheet.