

A black and white photograph of a forested shoreline. In the foreground, there is a body of water with ripples. A sandy or rocky bank leads up to a dense forest of trees. The text is overlaid on the right side of the image.

DEPARTMENT OF LANDS



CROWN LAND

FORESHORE TENURES

DRAFT POLICY

(NON-COMMERCIAL

OCCUPATIONS)

STATE CARE - TOTAL CATCHMENT MANAGEMENT

DEPARTMENT OF LANDS

CROWN LAND FORESHORE TENURES

DRAFT POLICY

(NON-COMMERCIAL OCCUPATIONS)

ISSUED DECEMBER, 1990

STATECARE - TOTAL CATCHMENT MANAGEMENT

FOREWORD

CROWN LAND FORESHORE TENURES DRAFT POLICY
(NON-COMMERCIAL OCCUPATIONS)

Substantial areas of tidal and adjacent foreshore lands in New South Wales are Crown Lands administered by the Department of Lands.

As a major landholder confronted with competing demands for access to and the use of Crown tidal and adjoining foreshore lands, the Department of Lands has prepared a draft policy statement dealing with the administration and management of domestic/recreational occupations over such lands.

The draft policy has been formulated to provide a sound basis for the responsible management and protection of these environmentally sensitive areas.

The policy which reflects the sound land management principles and lease/licence provisions of the recently commenced Crown Lands Act, 1989 and Crown Lands (Continued Tenures) Act, 1989, addresses such issues as the basis for licensing new structures/occupations and where appropriate, licensing existing unauthorised structures.

The policy has been prepared as a draft to give interested parties the opportunity to comment. Following the review of written submissions, the policy will be amended, if necessary, and submitted to the Minister for approval.

I commend the draft policy and invite you to make written comments and submissions to me by 22nd February, 1991.

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Crown Land Foreshore Tenures Draft Policy
(Non-Commercial Occupations)

INTRODUCTION

This policy has been formulated to provide a sound basis for responsible management and protection of environmentally sensitive areas. This policy is one of a series covering land management in coastal areas and addresses issues identified by the New South Wales Government's Statecare - total catchment management approach to the development and co-ordination of catchment wide natural resource management strategies.

The Crown Land Foreshore Tenures Draft Policy (Non-commercial occupations) sets the parameters for effective and appropriate administration of 'non-commercial' waterfront occupations of Crown and public lands below mean high water mark and for adjoining foreshore, in accordance with land management objectives of the Crown Lands Act, 1989.

Most tidal and foreshore lands in New South Wales are Crown lands held in the name of the State of New South Wales.

Like any other land in New South Wales, development and/or occupation of Crown land requires the consent of the owner and necessary statutory approvals of relevant government authorities. In addition to such approvals, the statutory land assessment provisions of the Crown Lands Act, 1989 and related community participation will be primary contributors to decision making in respect of the proposed use and occupation of Crown lands.

APPLICATION OF THE POLICY

The policy will apply to all 'non-commercial' waterfront occupations (i.e. occupations for domestic uses and/or recreation

purposes) of Crown tidal and adjoining foreshore lands administered by the Department of Lands.

Crown tidal lands generally being all lands below mean high water mark in tidal areas, including the inter-tidal zone and the bed of the ocean, (out to the three nautical miles limit of State responsibility), rivers, lakes and creeks. Crown foreshore lands generally being all Crown lands, reserved or otherwise, immediately above the mean high water mark.

The policy is complementary to the Government's Coastal Policy, the Coastal Crown Lands Policy and the requirements of Acts and Ordinances administered by other government authorities.

OBJECTIVES

1. To conserve and maintain the natural and cultural environment of Crown tidal and adjoining foreshore lands.
2. To facilitate the use of Crown tidal and adjoining foreshore lands consistent with sound environmental management.
3. To optimise public access to and the use of Crown tidal and adjoining foreshore lands.
4. To retain Crown tidal and adjoining foreshore lands in public ownership.
5. To administer existing and future occupations of Crown tidal and adjoining foreshore lands, consistent with objectives 1 to 4.

STRATEGIES

The following strategies will apply in respect of the future allocation, use, development or occupation of Crown tidal and

adjoining foreshore areas together with the associated licensing of 'non-commercial' occupations:-

1. Land Assessment

- 1.1 As required by the provisions of the Crown Lands Act, 1989, a land assessment is to be undertaken before the issue of a licence for a proposed new occupation and/or the erection of a structure, or the issue of a licence for an existing unauthorised occupation/structure over Crown tidal lands can be considered.
- 1.2 Structures, (whether currently authorised/licensed or not), which were in existence prior to 1st May, 1990, (i.e. prior to the commencement of the Crown Lands Act, 1989) will generally not be subject to the land assessment provisions of the Act, but will need to comply with other strategies contained in this policy, particularly relating to public access and safety.

2. Management and Conservation

- 2.1 Due to the sensitive nature of tidal lands, the primary consideration will be the management and conservation of the intrinsic qualities of the land, including existing native vegetation.
- 2.2 Significant cultural and heritage resources will be identified in order to preserve both their existence and environment.

3. Access

- 3.1 The provision of practical public access within the inter-tidal zone of Crown tidal waters and along the

adjoining Crown foreshore shall be prime considerations in the planning and management of such areas.

- 3.2 Licensing of occupations over and/or authorising the erection of structures on Crown tidal and adjoining foreshore lands will only occur where such occupation/structure is water dependent or water related, and will not significantly obstruct or restrict safe and practical public access along and adjacent to such lands. The need for public access having been identified in a land assessment as of major importance.
- 3.3 When considering and planning for occupation of Crown tidal and adjoining foreshore lands emphasis will be placed on providing practical public access linkages around the margin of the waterway in selected locations between access points to the waterway.

4. Land and Waterway Use

- 4.1 Licensing of occupations and the allocation of Crown tidal and adjoining foreshore lands for domestic use and/or recreation purposes will only occur where such activities have demonstrated a need for water or water related use and the proposed occupation is compatible with the natural environment of the area.
- 4.2 Planning of Crown tidal and adjoining foreshore lands will take into account the needs of amateur and commercial fishermen and oyster farmers.
- 4.3 Unauthorised occupations of Crown land that are found to be acceptable (i.e. comply with the strategies and objectives of this policy), and meet

the statutory requirements of related government agencies, will be licensed. Occupations/structures that either cannot be modified to meet requirements, or relocated to an adjoining freehold property, where practicable, will be required to be removed.

- 4.4 Existing boatsheds, currently authorised under the permissive occupancy provisions of the Crown Lands (Continued Tenures) Act, 1989, which are being used as residences or any purpose other than a boatshed, will not be licensed under the Crown Lands Act, 1989 unless the structure is reverted to boatshed use, or the necessary approvals are obtained in accordance with the relevant statutory planning and development codes.
- 4.5 Other existing authorised structures, including jetties and slipways, will be permitted to remain provided they comply with local planning requirements and are maintained in a state of good repair. Failure to do so will result in the withholding or cancellation of a licence and subsequent removal of the structure.
- 4.6 Extraction of materials, (i.e. extraction of sand, gravel and loam not being materials defined under the Mining Act, 1973), is generally "designated development" under the Environmental Planning and Assessment Act, 1979, and would require full environmental assessment, including land assessment under the Crown Lands Act, 1989. Extraction of materials of commercial value, whether for the improvement of navigation or not, will be subject of a commercial lease or licence in accordance with the statutory requirements of related government agencies. Extraction of materials for domestic/non-commercial purposes, will not be permitted unless it can be demonstrated that such action is designed to

improve local navigation or hydrological efficiency. Consents for extractive operations and/or associated licences will only be approved under stringent conditions covering the operations and rehabilitation of the site, in accordance with established environmental protection standards.

5. Development

- 5.1 Proposed structures and developments over coastal lands and waterways will be required to comply with the Government's Coastal Policy and Coastline Hazard Management Policy.
- 5.2 Structures and other development works will be sympathetically located and designed to harmonise with the landscape and maintain the visual quality of the foreshore and waterway environment.
- 5.3 When considering the authorisation and siting of new structures, preference will be given to locations that have been previously developed and demonstrate community acceptance.
- 5.4 Development proposals shall be fully documented to the standard normally required by the local government Council and shall be initially submitted to the local Regional Office of the Department of Lands to ensure the proposal conforms with policy guidelines contained herein. The relevant owner's consent, to the lodgment of a development application with the local government Council, may then be granted to allow the applicant to obtain development consent prior to the granting of any licence.

- 5.5 No new structures or licences will be permitted to any person who is not the owner of the adjoining foreshore land. Where such structures encroach onto the riparian interests of adjoining freehold owners over Crown tidal lands, the written concurrence of such adjoining owner should generally be obtained unless it can be demonstrated that such adjoining owner's interest will not be adversely prejudiced.
- 5.6 Structures will generally only be permitted to be constructed across the inter-tidal zone for access to and from the waterway, provided they do not damage the coastal/waterway landscape and/or contribute to coastal hazards, or impede the ebb and flow of the waterway, or divert the flow in such a way that might create unnecessary accretion or erosion.
- 5.7 The permitted size, length and design of structures to be erected over Crown tidal lands and/or adjoining Crown foreshore lands shall be determined in consultation with the Department of Lands-(Regional Director), the local government Council and other related government agencies. However all such structures shall comply with the Government's Coastal Policy and Coastline Hazard Management Policy where they are proposed within coastal areas.
- 5.8 The following new structures will generally not be permitted to encroach onto Crown lands below the mean high water mark:-
- * reclamation 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 and/or to conform

with a smooth tidal flow created by adjacent reclamation which has already been erected and/or approved);

- * residences;

- * boatsheds, (unless water is the only practical means of access, adjoining foreshore terrain is otherwise unsuitable, boat security can be demonstrated as essential and practical public access is not otherwise significantly obstructed or restricted);

- * private swimming enclosures;

- * solid fill jetties, (unless required as groynes for the protection of the foreshore);

- * elevated ramps and slipways;

- * slips that provide for any type of boat storage on tidal or adjacent foreshore Crown lands.

5.9 Licences will generally not be issued for private/individual occupations and/or structures over or fronting, tidal or adjoining Crown foreshore lands, where such lands comprise a reserve for public recreation, a 30.48 metre reservation (i.e. reserve for access), other public lands or public roads.

5.10 New public facilities on Crown land or over Crown tidal land, (such as boat launching ramps, wharfs, jetties and public swimming enclosures), which are generally provided by local government Councils, shall be subject to the land assessment provisions of

the Crown Lands Act, 1989 and will also require the concurrence of the Department of Lands.

- 5.11 Where appropriate, shared or communal arrangements for foreshore structures will be encouraged in order to minimise the number of structures and their cumulative impact on the local environment.

6. Administration

- 6.1 Existing permissive occupancies, which comply with this policy, will be progressively terminated in favour of leases or licences under the Crown Lands Act, 1989. In addition, where an existing permissive occupancy is terminated, on "transfer" of the adjoining freehold property to a new owner, a new licence or lease will issue. Such action will not require land assessment providing the originally approved purpose, activities and structures have not and would not change.
- 6.2 Where occupation or use of Crown land is required over tidal and/or adjoining foreshore lands for non-commercial domestic and/or recreation purposes, generally a licence under the Crown Lands Act, 1989 will issue, rather than a lease.
- 6.3 Consideration may be given to the issue of a lease over Crown tidal land and/or adjoining Crown foreshore lands under the Crown Lands Act, 1989 for domestic and/or recreation purposes where the:

- 6.3.1 level of investment in the structures erected or to be erected, warrants a more secure form of tenure and;

6.3.2 anticipated life of the structures or duration of land use is greater than that what would normally be expected for domestic structures or;

6.3.3 erection of a substantial structure (involving significant capital investment) is required to comply with development controls and where it is not intended that removal of the structures will be required in the short term; and

6.3.4 structures to be covered by the lease comprise the whole or part of an existing approved residence that is not required to be removed/relocated in the immediate future.

- 6.4 Where a Crown reserve trust (other than a local government Council) seeks to establish a waterfront facility, ancillary to the purpose of the reserve, on Crown land outside the boundary of the reserve, consideration will be given to the issue of a licence or lease under the Crown Lands Act, 1989. In cases where such facility is to provide a long term use consistent with the assessed use of the adjoining reserve and the adjoining reserve, being one of local significance, is subject of a Plan of

Management pursuant to the Crown Lands Act, 1989, consideration will be given to formally adding such land to the Crown reserve.

- 6.5 Issue of a proposed new licence or lease over Crown tidal and/or adjoining foreshore land will be subject to the land assessment provisions of the Crown Lands Act, 1989, the consent of the Minister and the concurrence of related government authorities,

including the N.S.W. State Fisheries, the Public Works Department, the Maritime Services Board and the local government Council.

- 6.6 Crown tidal lands and/or adjoining Crown foreshore lands will be granted by way of a licence for domestic and/or recreation purposes, generally by private treaty and without public competition where:

6.6.1 the land is suitable only for use by an adjoining or adjacent owner, or otherwise the merits of a particular case strongly support an applicant's request; and

6.6.2 it is unnecessary for the public at large to be given an opportunity to apply for a licence of the land by way of auction or tender.

- 6.7 New licence and lease agreements for domestic and/or recreation purposes will generally be at market rent having regard to market value of land in the vicinity and the purpose of the licence or lease. The terms of the licence or lease, unless otherwise stipulated, will provide for an annual rent to be payable in advance. In respect of a proposed lease or licence the proposed holder has no right of formal objection or appeal in respect of the initial market rent, other than to exercise the right not to proceed with the agreement and therefore forgo the proposed occupation. However in respect of subsequent redeterminations of the rent, generally at periods of 3 years but no greater than 5 years, the holder has a right of objection or appeal to any such redetermination.

- 6.8 At the discretion of the Department of Lands, a minimum rent, or in special circumstances, a concessional rent may be applied, or the rent may be periodically deferred in cases of genuine hardship.
- 6.9 Where a licence or lease contains terms and conditions regarding the use and occupation of a site, including erection or removal of structures and the rehabilitation of the land, a security against non-performance of these conditions will be required to be lodged prior to the issue of the licence or lease. Such security will take the form of a cash deposit (for which interest will not be payable), or a Bank Guarantee/Certificate, or an interest bearing deposit.
- 6.10 Licences will not contain provision for a "transfer" of interest in any such tenure to another party, or parties. Any proposal which purports to seek "transfer" of the interest in a licence, at the discretion of the Minister, may be revoked, (or terminated in the case of a permissive occupancy under the Crown Lands (Continued Tenures) Act, 1989), and a new licence issued as a separate entity to the new or prospective holder. Where the new licence is to occupy the previously approved land and structures, a land assessment will not be required.

7. Community Participation

- 7.1 Community participation will be encouraged in the planning of waterway management and will be facilitated through public comment on statutory land assessments in accordance with the Crown Lands Act, 1989.

- 7.2 Legislative requirements of the Crown Lands Act, 1989 provide considerable opportunity for public comment, without limiting any provisions of the Environmental Planning and Assessment Act, 1979, or other statutory opportunities for public input.

Crown Land Foreshore Tenures Draft Policy
(Non-Commercial Occupations)

Discussion Paper

INTRODUCTION

Substantial areas of tidal and adjacent foreshore lands in New South Wales are Crown lands administered by the Department of Lands in accordance with the provisions of the Crown Lands Act, 1989 and Crown Lands (Continued Tenures) Act, 1989.

Tidal lands and adjoining foreshore areas, because of their very diverse characteristics and in some cases sensitive environmental nature, require a responsible, co-ordinated, and sometimes flexible approach to their planning, management and administration.

The Crown Land Foreshore Tenures Draft Policy (Non-Commercial Occupations) was formulated as a guiding policy to set the parameters for the Department of Lands' administration of occupations over Crown tidal and adjoining foreshore lands for water related or water dependent domestic and/or recreation purposes. The policy will also rely upon continued inter-agency co-operation with other affected government organisations, including local government Councils, the Department of Agriculture and Fisheries, the Maritime Services Board, the Public Works Department, the Department of Minerals and Energy and the State Pollution Control Commission. Such inter-agency co-operation will contribute to effective planning, management and protection of the State's tidal waterways and adjoining foreshore lands.

While the objectives and strategies of this policy primarily set the scene for authorisation and licensing of future occupations, the policy also acknowledges the Government's/Department's responsibility to accommodate, where appropriate, the needs and expectations of that section of the community who currently enjoy

the benefit and use of existing occupations and structures over Crown tidal and adjoining foreshore lands. In this respect occupations/structures which were in existence prior to 1st May, 1990, (i.e. the commencement of the Crown Lands Acts), whether authorised or not, will generally not be subject to the land assessment provisions of the Crown Lands Act, 1989, and will be allowed to remain provided they meet basic standards, particularly relating to practical public access and safety and local Council's requirements as to development consent.

Occupations which began and structures which were erected after the commencement of the Crown Lands Act, 1989 will be subject to the land assessment provisions of the Act. In addition, the development and/or occupation of Crown tidal and adjoining foreshore lands will require the consent of the owner (Minister/Department of Lands) and necessary statutory approvals of affected government authorities. Community participation will be encouraged in the planning of waterway management and will be facilitated through public comment at the various statutory assessment stages.

This policy is one of a series covering Crown land management, particularly in coastal areas and addresses issues identified in the New South Wales Government's Statecare - Total Catchment Management approach to the development and co-ordination of catchment wide natural resource management strategies, and is compatible with the objectives of the Government's Coastal Policy.

APPLICATION OF THE POLICY

The policy is a statement of intent as to the way the Department of Lands will fulfil its responsibilities in relation to the planning for and management of the administration of licences for the non-commercial occupation of Crown tidal and adjoining foreshore lands. A non-commercial waterfront occupation being an

occupation over the waterway and/or adjoining foreshore for water related or water dependent domestic uses and/or recreation purposes.

For the purposes of this policy, Crown tidal lands mean all Crown lands administered by the Department of Lands, below mean high water mark in tidal areas, including the inter-tidal zone and the bed of the ocean, (out to the three nautical miles limit of State responsibility), rivers, lakes and creeks. Crown foreshore lands generally being all Crown lands, reserved or otherwise, immediately above the mean high water mark.

The policy will operate in accordance with the Environmental Planning and Assessment Act, 1979 and shall not in any way be construed to circumvent the need for development applications.

OBJECTIVES

Land management is one of two principal objectives incorporated in the Department's "Charter". The relevant section states:

"The Department of Lands will on behalf of the Government service in an effective and efficient manner, the changing social and economical needs of the community in relation to the State land resource by:

- * administering, managing and protecting the Crown estate.
....."

The following specific objectives have been formulated to give effect to responsible management and administration of occupations over Crown tidal lands and adjoining foreshore lands used for domestic and/or recreation purposes:-

1. To conserve and maintain the natural and cultural environment of Crown tidal and adjoining foreshore lands.

2. To facilitate the use of Crown tidal and adjoining foreshore lands consistent with sound environmental management.
3. To optimise public access to and the use of Crown tidal and adjoining foreshore lands.
4. To retain Crown tidal and adjoining foreshore lands in public ownership.
5. To administer existing and future occupations of Crown tidal and adjoining foreshore lands, consistent with objectives 1-4.

DISCUSSION OF ISSUES

Land Assessment

In the past tidal lands and waterways have often been characterised by a lack of overall co-ordinated planning. To ensure appropriate discharge of future responsibilities, the Department of Lands will undertake statutory land assessments in respect of all new occupations for Crown tidal and adjoining foreshore lands. Similarly land assessments will be required prior to any future reservations for public recreation or other usage.

Land assessments will be advertised and placed on public exhibition, for comment and amended where appropriate, prior to adoption.

While the Government/Department of Lands has a responsibility to manage, conserve and protect the natural environment, there is also a responsibility to provide for the community's future needs, especially in respect of a scarce resource where the demand is high and there are conflicting pressures for its use. Accordingly there is a need for continued responsible planning to preserve as many management options for the future as is practicable and possible. The land assessment provisions of the Crown Lands Act,

1989 will be an important factor in the future planning and management of Crown land and Crown waterways.

Management and Conservation

Tidal lands are a significant component of the coastal environment which are important for both natural and human reasons. Their importance is demonstrated by their diverse ecology, high level of community demand for both access to and use thereof, relatively high foreshore land values and the number of statutory provisions and government agencies regulating their protection and use.

Tidal lands range from lands below the open sea through to shallow coastal and estuarine lands. Such lands are the breeding and nurturing grounds for fish and benthic organisms and include the sensitively balanced ecological inter-tidal zone that encompasses areas such as estuarine wetlands.

There is a need to ensure the effective and appropriate future planning and management of these areas such that decisions as to their use are not merely based on land related issues but take into account the related water environment issues as well. This policy purports to direct future management towards recognising and planning for the intrinsic qualities of tidal lands and the importance of their conservation.

Access

In the early years of settlement in New South Wales, water was often either the only or easiest means of access. Land was often alienated along waterways with little regard for the need for public access. In more recent times, because of the community perception as to the importance of the foreshore and its linkage between land and water related activity, public and private access is essential and is in high demand. Approval for development will

generally only be given where unimpeded practical public access either to and/or along the foreshore can be retained.

The inter-tidal zone often provides the only access between areas around the margin of the waterway. Priority is to be given to retaining or enhancing this type of access, wherever possible. In this respect the Department of Lands will exercise initiative to ensure wherever possible that management plans relating to waterways and adjoining foreshore lands provide practical public access, particularly linking recreational or other areas for public gathering.

Access provided by the inter-tidal zone will also be managed in such a way that public safety is a prime consideration. While it is important that navigation of waterways not be obstructed, structures over waterways will need to be designed with due consideration to safety and in a way that the public is provided with unimpeded practical access.

Priority for Water Related or Water Dependent Uses

When planning for the allocation and future use of tidal lands, activities which are demonstrated to be dependent upon water, or are water related and are compatible with the natural environment will be given priority, as opposed to uses which might be best provided for on adjoining freehold or public lands.

Sectional interest groups will generally not be permitted to occupy Crown tidal land, unless their activities are directly dependent on the tidal environment and can demonstrate benefit for the community, (eg. water rescue organisations). In particular only those activities which rely on the proximity of the water should be accommodated below the adjoining foreshore land, (eg. rescue equipment as opposed to the rescue club change rooms or meeting facilities).

A policy of multiple use to maximise opportunities and the use of facilities will also be implemented.

The capability of the natural environment will be a major determinant of land use for activities such as dredging and removal of materials, (as such activities could destroy significant weed beds); works which may cause sedimentation and/or accretion; development which is likely to drastically alter the natural landscape.

While oyster leases and associated foreshore activities can represent an unwelcome intrusion along the waterways to that section of the community which is interested primarily in water based recreation, most oyster leases are located where conditions are most suitable for oyster cultivation. Where new or additional oyster leases are proposed to be located adjacent to public lands and reserves, the Department of Lands may exercise its right to object to the Department of Agriculture and Fisheries against such proposals.

Existing Occupations and Structures

In applying a policy, which is aimed at achieving effective management of the natural resource of Crown tidal lands, certain existing occupations and structures, whether currently licensed or not, may now be seen to be inconsistent with such policy. The Government/Department of Lands acknowledges it's responsibility to accommodate, where appropriate, the needs and expectations of that section of the community who have in the past and continue to enjoy the benefit and use of existing occupations and structures over Crown tidal and adjoining foreshore lands.

In this respect, occupations and/or structures which were in existence prior to the commencement of the Crown Lands Acts (i.e. 1st May, 1990), whether authorised or not, will generally not be the subject of the land assessment provisions of the Crown Lands Act, 1989 and will only be required to be removed as an

exception to the normal standards relating to navigation, public safety, provision of practical public access and development consent. Such structures will however be subject to evaluation as to their compatibility with the local environment and their state of repair. Basic standards relating to provision of practical public access along the tidal zone and public safety will be mandatory when considering the future of existing structures.

Where either an existing authorised or unauthorised occupation/structure is found to be incompatible with the local environment and significantly obstructing practical public access, or is unsafe, the occupation/structure may be required to be either removed, or relocated to the adjoining freehold land of the current holder/user, modified to eliminate any design faults or obstruction to practical public access, or where appropriate, upgraded to a state of good repair.

However it should be noted that because of the need for a transitional period in respect of implementation of this policy the removal of existing structures will be the exception, rather than the rule.

Encroachments and Unauthorised Occupations

The need to retain Crown tidal and adjoining foreshore lands free of unauthorised encroachments is an essential element of this policy. Unauthorised occupation of Crown tidal and adjoining foreshore lands will not be permitted to continue. Such occupations will be required to be authorised or removed.

Given the extensive nature of tidal and adjacent areas of Crown land, there is considerable difficulty in ensuring effective surveillance against unauthorised occupations and other encroachments. The tendency of some adjoining property owners to encroach upon these areas, including the incremental expansion of gardens, retaining walls, erection of structures such as jetties and swimming enclosures, all reduce available public open space

and public access to the waterways and adjoining foreshore. Over long periods of time the cumulative impact of many such encroachments has lead to a loss of public amenity and the resultant unauthorised exclusive use by some adjoining property owners. Administrative and management practices are being developed and implemented to detect such encroachments and action will be taken against such unauthorised occupations.

This policy, together with ongoing programs of public awareness, will contribute to raising the awareness of the community in respect of Crown tidal and adjoining foreshore lands and the need to carefully plan for their future management and enjoyment.

Removal of Materials

The extraction of materials from Crown tidal waters requires careful management due to their ecological sensitivity, the dynamic nature of the physical processes associated with the flow of tidal waters and the competing interests of development and conservation.

The Department of Lands has responsibility for administering extractive operations on Crown land, being the extraction of sand, gravel and loam, not being materials defined under the Mining Act, 1973. Extraction of materials being designated development under the Environmental Planning and Assessment Act, 1979, requires full environmental assessment, including land assessment under the Crown Lands Act, 1989.

The extraction of materials from Crown tidal waters to improve navigable waterways will generally be the subject of a commercial lease or licence issued by the Department of Lands and will be in accordance with the statutory requirements of related government agencies, including the Public Works Department, the Department of Agriculture and Fisheries and the Department of Planning.

The extraction of materials for domestic/non-commercial purposes, will not be permitted unless such activity is part of an approved program to improve local navigation or hydrological efficiency. Consents for extractive operations and/or associated licences will only be approved under stringent conditions covering the operations and rehabilitation of the site, in accordance with established environmental protection standards.

Heritage and Cultural Resources

The conservation of heritage and cultural resources is an essential component of responsible Crown land management.

Items of heritage and cultural value include features of significance to the Aboriginal community and descendants of early European settlement. Prior to the granting of a lease or licence over Crown tidal or adjoining foreshore lands, investigation will be undertaken to identify items and relics of cultural and/or heritage value. In most cases such investigations will be an integral component of the land assessment conducted in respect of proposed and new lease or licence agreements, in accordance with the Crown Lands Act, 1989.

Crown tidal and adjoining foreshore lands which are subject to proposed activities that may affect areas of cultural or heritage significance, where appropriate, will require detailed investigation by the Heritage Council of N.S.W., and/or the National Parks and Wildlife Service.

Structures and Development Proposals

The design and siting of various structures on tidal lands impacts on both the appearance and function of the local area. Future structures are to be located in a way which allows ready usage, but does not significantly detract from the coastal and tidal waterways landscape. Poor location, inappropriate designs and

choice of colour schemes and materials, are common problems which often characterised past waterway developments.

In future the aim will be to provide properly located structures which blend with the environment. Coastal hazards and their relationship to the siting of proposed structures and developments over Crown tidal and adjoining foreshore lands will be carefully considered in line with the objectives and strategies of the Government's Coastal Policy and Coastline Hazard Management Policy.

Preference will be given to the location of new structures to those sites which have previously been developed, subject to consideration of prevailing coastal hazards and general public acceptance.

Shared or communal arrangements for foreshore structures will be encouraged in order to minimise the number of structures and their cumulative impact on the local environment. Such a strategy represents a cost-effective alternative for adjoining property owners and could result in the reduction of both the visual cluttering and potential access obstructions along the foreshore.

In a positive attempt to strike an appropriate balance between the needs of the community, for the provision of water dependent or water related non-commercial/domestic and recreational occupations on Crown tidal and adjoining foreshore lands, and responsible management of the waterways environment, the following new structures will generally not be permitted to encroach onto Crown lands below the mean high water mark:

- * reclamation 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 and/or to conform with a

smooth tidal flow created by adjacent reclamation which has already been erected and/or approved);

- * residences;
- * boatsheds, (unless water is the only practical means of access, adjoining foreshore terrain is otherwise unsuitable, boat security can be demonstrated as essential and practical public access is not otherwise significantly obstructed or restricted);
- * private swimming enclosures;
- * solid fill jetties, (unless required as groynes for the protection of the foreshore);
- * elevated ramps and slipways;
- * slips that provide for any type of boat storage on tidal or adjacent foreshore Crown lands.

Licences will generally not be issued for private/individual occupations and/or structures over or fronting, Crown tidal or adjoining foreshore lands, where they are reserved for public recreation, or subject of a 30.48 metre reservation (i.e. reserve for access), other public lands or public roads.

Specific enquires concerning the proposed design and/or siting of structures, should be made to the Regional Director of the local region of the Department of Lands.

Community Participation

The Crown Lands Act, 1989 provides opportunities for the involvement of the community in both the planning and management of Crown lands, including Crown tidal and adjoining

foreshore lands. Generally such opportunities will arise as part of the land assessment provisions of the Crown Lands Act, 1989.

Land assessments will be placed on public exhibition.

Increased public awareness of possible unauthorised or unacceptable uses and occupation of Crown tidal and adjoining foreshore lands, that restrict public use and enjoyment, will be generated by advertising at the land assessment stage. Also local awareness programs, designed to encourage the community to participate in the responsible land use planning and management of Crown land, will be undertaken.

HEAD OFFICES

Department of Lands
23-33 Bridge Street
SYDNEY NSW 2000
Telephone: (02) 228 6111

Western Lands Commission
121 Macquarie Street
SYDNEY NSW 2000
Telephone: (02) 228 6111

LANDS OFFICES

Armidale Lands Office
108 Faulkner Street
ARMIDALE NSW 2350
Telephone: (067) 722308

Griffith Lands Office
157 Yambil Street
GRIFFITH NSW 2680
Telephone: (069) 627522

Dubbo Lands Office
142 Brisbane Street
DUBBO NSW 2830
Telephone: (068) 811222

Hay Lands Office
126 Lachlan Street
HAY NSW 2711
Telephone: (069) 931306

Goulburn Lands Office
159 Auburn Street
GOULBURN NSW 2580
Telephone: (048) 230665

Leeton Lands Office
Noel Hogan Centre
13-15 Kurrajong Avenue
LEETON NSW 2705
Telephone: (069) 534844

Grafton Lands Office
49 Victoria Street
GRAFTON NSW 2460
Telephone: (066) 420546

Maitland Lands Office
Cnr. Newcastle Road and Banks Street
EAST MAITLAND NSW 2323
Telephone: (049) 302777

Metropolitan Lands Office
Level 4, 22 Main Street
BLACKTOWN NSW 2148
Telephone: (02) 6718611

Moree Lands Office
Cnr. Frome and Heber Streets
MOREE NSW 2400
Telephone: (067) 525055

Nowra Lands Office
64 North Street
NOWRA NSW 2540
Telephone: (044) 219919

Orange Lands Office
Cnr. Kite and Anson Streets
ORANGE NSW 2800
Telephone: (063) 625122

Tamworth Lands Office
25-27 Fitzroy Street
TAMWORTH NSW 2274
Telephone: (067) 672276

Taree Lands Office
Victoria Street
TAREE NSW 2340
Telephone: (065) 520880

Wagga Wagga Lands Office
Johnston Street
WAGGA WAGGA NSW 2650
Telephone: (069) 212503
(069) 212130

DISTRICT OFFICES

Buronga District Office
Office 1
1 Silver City Highway
BURONGA NSW 2648
Telephone: (050) 231481

Bourke District Office
21 Mitchell Street
BOURKE NSW 2840
Telephone: (068) 722181

Broken Hill District Office
State Office Block
32 Sulphide Street
BROKEN HILL NSW 2800
Telephone: (080) 880257

Cobar District Office
74-76 Marshall Street
COBAR NSW 2835
Telephone: (068) 366632

Condobolin District Office
Agricultural Research Station
Trundle Road
CONDOBOLIN NSW 2877
Telephone: (068) 952099

Walgett District Office
136 Fox Street
WALGETT NSW 2832
Telephone: (068) 281272