

Waterways structures

This information sheet explains the requirements and details about repairs, maintenance and other work to existing waterway structures that can be undertaken as exempt or complying development.

Important note

This information sheet is for guidance only and may not contain all the information relevant to every property in NSW. Applicants should refer to the [relevant planning controls](#)¹ before beginning work, or seek professional advice on how the planning controls apply to their property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State wide exempt and complying development policy (the policy). View the policy at the [Exempt and Complying Development Policy website](#)².

Exempt development is minor building work that does not need planning or building approval. [Information sheet 1.1](#)³ provides more information about exempt development.

Complying development is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)⁴ provides more information about complying development.

Note: As identified in Information Sheets 1.1 and 1.2 exempt and complying development cannot be carried out on certain land.

¹ <https://maps.planningportal.nsw.gov.au/Terms>

² www.planning.nsw.gov.au/exemptandcomplying

³ www.planning.nsw.gov.au/exemptandcomplyingoverview

⁴ www.planning.nsw.gov.au/exemptandcomplyingoverview

Exempt development

Waterways structures

Minor alterations, repairs and maintenance to existing boatsheds, jetties, marinas, pontoons, water recreation structures and wharf or boating facilities can be carried out as exempt development. This includes the following:

- repairs or replacement of decking, handrails, ladders, or other non-load bearing elements,
- non-structural internal or external alterations to a boat shed,
- installation of emergency lighting and other equipment (such as lifebuoys), and service pedestals, and
- painting and other surface treatments to protect structures from corrosion or weathering.

Exempt development standards for waterways structures

The development standards are:

- development must be consistent with the terms of any applicable development consent,
- when repairing or replacing non-load bearing members:
 - use members of similar dimensions to those being repaired or replaced,
 - do not modify the footprint of the structure concerned, and
 - use materials that are equivalent to the quality of the existing materials being repaired or replaced.
- any non-structural internal or external alterations to a boat shed should not affect the load bearing capacity of the structure,

- surfaces of pontoons, ramps or jetties (including the tops of piles) must be either untreated, stained or painted in recessive colours sympathetic to the existing natural landscape and built form, unless otherwise required for safety reasons,
- installation of lighting must be to aid pedestrian movement and:
 - be fixed to the existing structure at a height of no more than 1.5m above the surface used for pedestrian movement,
 - not exceed 15 lux, and
 - not affect safe navigation or cause any nuisance to neighbours or users of the waterway,
- service pedestals are to be:
 - attached to an existing structure,
 - not be installed higher than 1.4m above any wharf or decking, and
 - not exceed a width or depth of 300mm.

The development must not:

- increase the area of the any existing footprint and not reduce in the amount of light penetration to water below,
- disturb or damage the bed of any waterway or marine vegetation as defined in the *Fisheries Management Act 1994*,
- change the classification of any building under the Building Code of Australia, and
- result in any pile being left exposed within the waterway, as it is a navigational hazard. The removal or replacement of damaged or degraded piles may be carried out as complying development.

Also, any relevant approvals must be obtained under the *Fisheries Management Act 1994*, and any relevant licence under the *Protection of the Environment Operations Act 1997*.

Complying development Waterways structures

Complying development provides for certain structural repairs, replacement of elements, and the carrying out of other maintenance works to

davits, slipway rails, cranes, winches, as well as existing boat sheds, jetties, marinas, pontoons, water recreation structures, wharf and boating facilities. The replacement of damaged or degraded piles may also be carried out as Complying Development.

Complying development standards for waterways structures

Further to the development standards for exempt development noted above, the development standards for complying development require that the development:

- must not increase the height or site coverage of the building concerned,
- the replacement of any crane, davit, slipway rails or winch, must not be larger in size or capacity than the one being repaired or replaced, and
- comply with *AS 3962—2001, Guidelines for design of marinas* and *AS 4997—2005, Guidelines for the design of maritime structures*.

The removal or replacement of damaged or degraded piles may require other approvals from the Roads and Maritime Services, and must:

- use silt curtains or similar effective methods to control pollution, and
- not dispose spoil or waste in the waterway or cause deterioration in water quality.

What else do I need to consider?

- Works must comply with the Building Code of Australia and be installed in accordance with the manufacturer's specifications.
- If you propose to remove or prune any existing trees or vegetation, you should contact your council first to make sure you don't need approval for this.
- Any structures that would be located on public land or on or over a public road (including temporary structures) require separate approval from the relevant council or Roads and Maritime Services under the *Roads Act 1993* and the *Local Government Act 1993*.

If your proposal doesn't meet the required standards for either exempt or complying development, you may still be able to do the work, but you must get development approval first. In this case, you should contact your local council to discuss your options.

Further Information

For more information visit the [Exempt and Complying Development Policy website](#)⁵ or contact the Department's Exempt and Complying Development Team on 1300 305 695 or by [email](#)⁶.

Electronic Housing Code

The Electronic Housing Code website helps applicants determine whether the proposed development qualifies as exempt or complying development and the standards that must be met.

Applications for complying development can also be lodged and tracked online for those council areas which are using the Electronic Housing Code. Visit the [Electronic Housing Code website](#)⁷ to find out if it is used by your local council or for more details.

⁵ www.planning.nsw.gov.au/exemptandcomplying

⁶ codes@planning.nsw.gov.au

⁷ www.electronichousingcode.com.au/