

Waterway structures

Rules for exempt and complying development

This fact sheet explains the requirements and details for repairs, maintenance and other work to existing waterway structures that you can do as exempt or complying development.

Check planning controls first

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

The majority of the development that can be done as exempt or complying development in NSW is identified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the policy). View the policy at the [Exempt and complying development policy web page](#).

Exempt development is minor building work that does not need planning or building approval. Fact sheet *Understanding exempt development* 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.

Exempt and complying development cannot be carried out on certain land.



Photo credit: NSW Department of Planning and Environment / Don Fuchs

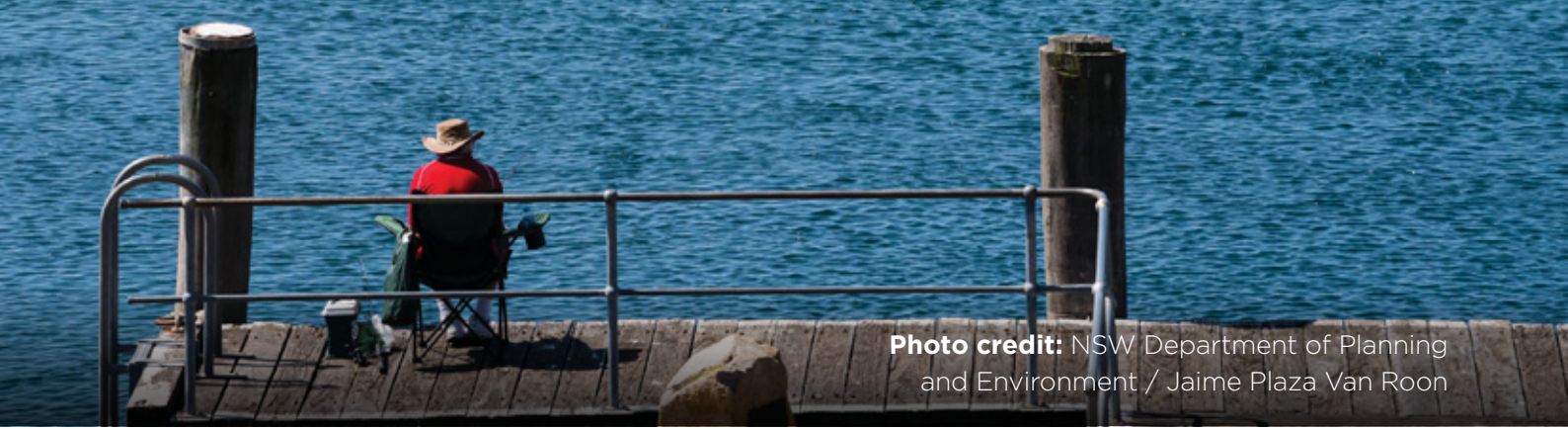


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Exempt development

You can carry out minor alterations, repairs and maintenance to existing boatsheds, jetties, marinas, pontoons, water recreation structures and wharf or boating facilities 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
- 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 you are repairing or replacing
 - do not change the footprint of the structure
 - use materials that are equivalent to the quality of the existing materials you are repairing or replacing.
- 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.

- If you install lighting, it must aid pedestrian movement and:
 - be fixed to the existing structure at a height of no more than 1.5 m above the surface used for pedestrian movement
 - not exceed 15 lux (a unit of measurement for illumination)
 - not affect safe navigation or cause any nuisance to neighbours or users of the waterway.
- Service pedestals must:
 - be attached to an existing structure
 - not be installed higher than 1.4 m above any wharf or decking
 - not exceed a width or depth of 300 mm.

The development must not:

- increase the area of the any existing footprint
- reduce the amount of light penetration to any 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
- leave any pile 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.

You must also get any relevant approvals under the *Fisheries Management Act 1994* and any relevant licence under the *Protection of the Environment Operations Act 1997*.



Photo credit: NSW Department of Planning and Environment / Jaime Plaza Van Roon

Complying development

Complying development allows you to do certain structural repairs, to replace elements, and to carry out other maintenance works to davits, slipway rails, cranes and winches, as well as existing boat sheds, jetties, marinas, pontoons, water recreation structures, wharf and boating facilities. You can also replace damaged or degraded piles as complying development.

Complying development standards for waterway structures

In addition to the standards for exempt development above, the development must meet the following standards for complying development:

- The development must not increase the height or site coverage of the building.
- Any replacement crane, davit, slipway rails or winch must not be larger in size or capacity than the one being repaired or replaced.
- The development must comply with *AS 3962—2020, Marina design and AS 4997—2005, Guidelines for the design of maritime structures*.

You may require other approvals from Roads and Maritime Services to remove or replace damaged or degraded piles. The piles must:

- use silt curtains or similar effective methods to control pollution
- not dispose spoil or waste in the waterway or reduce the water quality.
- Works must comply with the Building Code of Australia and be installed in accordance with the manufacturer's specifications.

Other things to consider

- Contact your council before removing or pruning any existing trees or vegetation. You may need council approval.
- Under the *Roads Act 1993* and the *Local Government Act 1993*, you will need separate approval from the relevant council or Roads and Maritime Services for any structures (including temporary ones) that would be on public land, or on or over a public road.

If your proposal does not 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.

More information

To find out more, visit the [Exempt and complying development web page](#) or call the department's Codes Team on 02 8289 6600 or email codes@planning.nsw.gov.au.

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