



Purchasing a property with a waterfront licence in NSW

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If you are considering purchasing a property on the foreshore in NSW, it is important to understand the following:

1. Any area below the mean high-water mark is owned and managed by Crown Lands;
2. To build infrastructure, such as a jetty, you must hold a Domestic Waterfront Licence;
3. Once the Domestic Waterfront Licence has been granted to you, you must comply with the terms and conditions imposed by Crown Lands; and
4. Even once you are holding the Domestic Waterfront Licence, you must provide public access to and along the foreshore and to all underwater Crown Land.

In this blog, we explore:

- What land is owned by Crown Lands; and
- Domestic Waterfront Licences, as required by Crown Lands when owning waterfront property.

What is Crown Land NSW?

Crown Land accounts for nearly 50% of all land in NSW and is any public land held by the Crown on behalf of the people. It is managed by the NSW the Department of Industry (Crown Lands).

The current legislation relating to Crown Lands is the *Crown Land Management Act 2016* (NSW). This legislation provides a framework for the administration and management of all Crown Land.

One of the many roles of Crown Lands is to determine water boundaries, in addition to protecting foreshores and conserving natural resources such as water.

What is a Domestic Waterfront Licence and why do I need one?

In order to make use of the Crown Land in front of your purchased property, you are required to hold a Domestic Waterfront Licence granted by Crown Lands.

The licence allows occupation of the land for a specific term and purpose. For example, to make use of a jetty or boat ramp. Importantly, it does not provide for exclusive use or possession of the land.

What happens if I do not have a Domestic Waterfront Licence?

If you do not hold a Domestic Waterfront Licence, Crown Lands may require you to remove any unauthorised structures erected on the Crown Land at your own cost.

How can I apply for a Domestic Waterfront Licence?

Generally, upon having a Contract for the Sale of Land reviewed by your lawyer, they will undertake a search on your behalf to discover:

1. Whether the current property owner holds a Domestic Waterfront Licence;
2. What structures are covered under the licence (for example, any jetty or boat ramp); and
3. Whether there are any outstanding notices or debts owed by the current owner.

Once the property has been transferred to you on completion of your purchase, you must notify Crown Lands and either apply for a new Domestic Waterfront Licence, or complete a transfer notification for the licence.

You can find more information on how to [obtain a Domestic Waterfront Licence on the NSW Crown Lands website](#), including the following:

- Fact sheets on Domestic Waterfront Licences; and
- The application process for a Domestic Waterfront Licence.

What happens once the Domestic Waterfront Licence is in place?

Once the Domestic Waterfront Licence is in place, you are required to pay annual rent to Crown Lands and comply with the terms and conditions of the Licence in order to continue to make use of the Crown Land.

How can a property lawyer help?

At E&A Lawyers, our property team has extensive experience in matters with Crown Lands and can assist you in preparing this every step of the way.

Contacting E&A Lawyers

For more information or to arrange a consultation with a lawyer, you can call or email us.

[02 9997 2111](tel:0299972111)

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- [Crown Land leases and subleases NSW](#)
- [Buying or selling property in NSW – when to involve your lawyer](#)
- [Calculating all the costs when buying and selling property](#)

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