

Coastal Crown land

If you propose to use or develop coastal Crown land (waterfront crown land), you must apply for tenure under the *Crown Land Management Act (2009)* from the Department of Environment, Water and Natural Resources (DEWNR).

This application process applies to all coastal Crown land, regardless of status of the land's development plan zoning and ensures that the government has the opportunity to represent the broader public interest in matters affecting the coast.

What is waterfront Crown land?

Waterfront Crown land is defined by the *Crown Land Management Act (2009)* as land that is comprised in an allotment that includes or abuts the high water mark on the seashore or the edge of any other navigable waterway or navigable body of water in the State.

Crown land use

The *Crown Land Management Act (2009)* ensures all Crown land is used in the manner consistent with ecologically sustainable land management practices, of natural and physical resources to meet the needs of future generations while aligning with the objectives of other legislation.

Littering or abandoning property

Depositing litter or abandoning property on Crown land is an offence.

Camping

You are permitted to camp on Crown land for up to 3 weeks. Camping or occupying Crown land for a period longer than 3 weeks without a permit is an offence. Some coastal areas may be managed by local council and other restrictions may apply.

Driving motor vehicles including Four Wheel drives and motorcycles

You are permitted to drive a motor vehicle on established roads or tracks only. Driving on any other part of Crown land is an offence. Local council or other rules with vehicle use may apply.

Excavation and disturbance

You are not permitted to conduct works on Crown land without approval, this includes excavating, prospecting, damaging or interfering with Crown land or any fixture on Crown land. If you wish to excavate or carry out other works on Crown land you will need to contact your local DEWNR regional office to apply for tenure i.e. a licence. Conducting works on Crown land without lawful authority is an offence.

Trees and other vegetation

You are not permitted to cut down, lop branches from or otherwise damage any tree or bush (whether alive or dead) on Crown land without approval. Interfering with any vegetation on Crown land without lawful authority is an offence. To arrange consent to remove vegetation please contact your local DEWNR regional office. Other consents under the *Native Vegetation Act (1991)* or the *Development Act (1993)* may be required.

Closing off or obstructing roads

You are not permitted to close off or obstruct roads or tracks on Crown land. This includes fencing, gates or any other obstruction. Obstructing a road or track is an offence.

Structures and works

You are not permitted to erect any structures or fixtures on Crown land without approval. If you need to build on Crown land please contact your local DEWNR regional office to apply for tenure. Other approvals may be required.



Is approval required for day to day maintenance activities?

Yes, approval is required for all use and development of all waterfront Crown land. Contact your local DEWNR regional office.

Penalties for offences

A person who commits any offence against the *Crown Land Management Act (2009)* may incur a fine/penalty of up to \$20,000 depending on the severity of the offence.

What works can I apply for?

An application for approval must be in writing. Applications can be made directly to your local DEWNR regional office. A copy of any required approval under the *Development Act (1993)* should be submitted with the application. Applicants must be the landowner of the adjoining land to the area where the works are being requested. You will need to pay for the occupation of the Crown land at a market rate.

Encroachment

Encroachment into a reserve includes extending lawns, unauthorised planning, creating access tracks, erecting buildings or storing items in public reserves. This land belongs to the public and should not be used for exclusive private use. If DEWNR detects any unlawful encroachment, you will be required to remove it. DEWNR will also notify the local council and you may face action under the *Development Act (1993)*.

Pathways

You cannot create private pathways. Other legislation may apply, such as the *Native Vegetation Act (1991)* for clearance of native vegetation or the *Development Act (1993)* for unauthorised development. If DEWNR detects any unlawful encroachment, you will be required to remediate.

Seawalls

The Coast Protection Board deals with protection works on the coast. The Board will not protect private property nor provide Councils with funds for this purpose unless there is an associated public benefit.

If you wish to apply for private protection works you will need to gain both Development Act approval and DEWNR approval to use the Crown land. Neither approval guarantees the other and you must obtain both before works can commence. You will need to pay for the occupation of the Crown land at a market rate. If approved, Native Title rights may exist on the land and you will need to negotiate compensation or enter into an Indigenous Land Use Agreement (ILUA).

An ILUA is a voluntary agreement between a Native Title group and others about the use and management of land and waters that allows people to negotiate flexible, pragmatic agreements to suit their particular circumstances. ILUAs can be made separately from the formal native title process but they may also be part of a native title determination, meeting the requirements under the *Native Title Act (1994)*

How will the application be assessed?

Applications will be assessed on a case-by-case basis. Applications for public events will require proof of the appropriate amount of public indemnity insurance before any permission can be given. Applications for other structures or use of the land that may restrict public use, create a potential risk, or create the perception of private ownership are not likely to be approved.



For more information

For enquiries, please contact the Department of Environment Water and Natural Resources:

DEWNR.CrownLandsEnquiries@sa.gov.au

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