

Crown land along the River Murray

Most of the land along the banks of the River Murray is reserved as Crown land. In a majority of locations, this is an area of approximately 30-50 metres from the water's edge, which may extend back further where there is a significant wetland or high conservation value. There are a few areas where private ownership exists to the water's edge. In all cases, the bed of the river is Crown land and is subject to the rules that apply Crown land.

Crown land is managed by the South Australian Government and exists for the benefit of the community. Specific rules apply to the use of Crown land, along with all other South Australian laws. Crown land can be accessed by the public on a casual basis; however occupation will require authorisation. This fact sheet provides information on the use of Crown land and how to ensure you have the correct authorisations if you wish to use the land.

Occupation (use) of Crown land

The *Crown Land Management Act (2009)* ensures all Crown land is used in a 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 waterfront 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.

Excavation and disturbance

You are not permitted to conduct works on Crown land without consent, 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 office to arrange appropriate consent 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 consent. Collection of firewood is not permitted. 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.

Note: River Red Gums (of any size) are not permitted to be cleared.



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

All occupation of Crown land is required by law to be authorised, this includes any of the structures listed which may affect the river bed.

Authorisation is usually by a *Licence to occupy Crown land*, for such purposes as:

- Pumps and pipelines
- Boat ramps, jetties and pontoons
- Permanent boat moorings and retaining walls

Appropriate permission must be sought before any excavation, works or development takes place on any parcel of Crown land, including development approval (if required).

What is a licence to occupy?

A *licence to occupy* Crown land gives a person the right to use a specified portion of Crown land for the purpose(s) specified in the licence document. A licence does not grant an exclusive right to the land and members of the public cannot be excluded from licensed Crown land. In some circumstances and for specific reasons, including public safety, public access may be restricted in areas licensed for some purposes. A licence is subject to a licence fee that is renewed on an annual basis.

How do I apply for a licence?

Application forms for licences are available on the DEWNR website [www.environment.sa.gov.au/managing-natural-resources/Land/Crown lands/Forms and fact sheets](http://www.environment.sa.gov.au/managing-natural-resources/Land/Crown%20lands/Forms%20and%20fact%20sheets)

Completed applications should be sent to your local DEWNR regional office with the application fee. In some cases, local councils manage Crown land and permission will need to be sought from the relevant council in addition to the licence.

How will the application be assessed?

Applications for essential services, such as pumps and pipelines are generally approved unless there is a specific impediment. Applications for purposes such as boat ramps, jetties, pontoons and permanent boat moorings will be assessed on a case-by-case basis. Applicants must be the landowner of the adjoining land to the area where the licence is being requested.

Applications for public events will require proof of the appropriate amount of public indemnity insurance before any permission can be given.

Licensing for other structures or use of the land that may restrict public use, create a potential public risk, or create the perception of private ownership are not likely to be approved.

The licence and your property

Some licences to occupy Crown land are connected to privately owned land meaning when the land is sold the licence must be transferred with the land. Application forms to transfer a licence are available on the DEWNR website [www.environment.sa.gov.au/managing-natural-resources/Land/Crown lands/Forms and fact sheets](http://www.environment.sa.gov.au/managing-natural-resources/Land/Crown%20lands/Forms%20and%20fact%20sheets)

Completed applications should be sent to your local DEWNR office with the application fee. It is recommended you keep a copy of your licence with your land title documents.

Responsibility of professionals

Members of the Real Estate Industry and conveyancing profession should advise clients of their legal obligations regarding the occupation of Crown land. Where unauthorised structures/occupation are identified, land owners should be counselled to ensure authorisation for the occupation is sought prior to selling their property.



Historical licences

Some structures erected under licences issued by the Department of Marine and Harbours still exist. Not all of these structures comply with current licence assessment rules of the Department of Environment, Water and Natural Resources but have been allowed to remain. A number of licences in this category are deemed to be non-transferable. This means any non-complying structures will need to be removed when the landowner wishes to sell the land connected to the licence, at the licensee's expense.

Penalties apply for unauthorised use of Crown land

Unauthorised use or occupation of Crown land is an offence against the *Crown Land Management Act (2009)* and penalties of up to \$20,000 apply. Misuse of the land includes the removal of vegetation, creation of new pathways and dumping of rubbish.

Works undertaken on Crown land without proper authorisation may contravene other legislation including the *Native Title Act (1993) (Cth)*, *Environment Protection and Biodiversity Conservation Act (1999) (Cth)*, the *Development Act (1993)* and the *Native Vegetation Act (1991)*. Within the River Murray Zone, unauthorised works may also contravene the *River Murray Act (2003)*. Removal of unauthorised developments, along with remediation of the land back to its original condition may be required. The cost for removal and remediation will be borne by the developer. Other penalties may apply.

Encroachment

Encroachment into a reserve includes extending lawns, unauthorised planning, erecting buildings, retaining walls, steps 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)*.

For more information

For enquiries, please contact the Department of Environment Water and Natural Resources:
DEWNR.CrownLandsEnquiries@sa.gov.au

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