

Information Guide-Maritime Property

Division of Waterway

This Information sheet clarifies the “Division of Waterway” (DoW) on Roads & Maritime land with respect to planning matters.

The DoW is defined by Roads & Maritime as follows:

- “a line, defined by Roads & Maritime, which equitably delineates the waterway fronting respective properties” - *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005*; and
- “a line which has been determined by Roads & Maritime and is plotted on plans to equitably apportion the areas of waterway relative to the frontages of foreshore land parcels. The DoW is entirely administrative in nature and used to avoid disputes... (it is not intended to confer any rights upon any adjoining landowner.”
– *Domestic Leasing Procedures (2007)*

In a planning context, Roads & Maritime considers a DoW when assessing the navigation safety impact of a proposed development. The DoW assists in determining whether a proposed development will unacceptably affect marine access to neighbouring facilities or properties.

In a leasing context, the DoW may be used to assess the potential boundaries of a subdivision surrounding a leased structure, for the purposes of registering a long term lease.

In either case, the DoW is purely administrative and does not of itself confer any rights upon adjoining landowners.

Unless otherwise determined by Roads & Maritime, the DoW is usually considered to extend either from the foreshore boundary to a distance of 30 metres from the shore, or from the foreshore boundary to a distance beyond the end of the existing or proposed structure sufficient to allow safe navigation for permissible vessels attempting to access that facility. So for example, if a jetty is 20m long and an additional 20m of open water is required to allow vessels to safely navigate to a berth alongside it, the DoW might extend for 40m in that instance.

Roads & Maritime determines a DoW for any particular area as required. Not all areas have a determined DoW, and consent authorities intending to consider a DoW as part of a development assessment should contact Roads & Maritime to obtain information about the status of any existing DoWs or to request that one be determined for a specific location.

Roads & Maritime may also redraw DoWs at any time and routinely does so where an approved or existing structure has crossed a previous DoW, or otherwise as required in the interests of navigation safety