

Purchasing a waterfront property

This fact sheet is designed to inform prospective purchasers of foreshore properties with existing waterfront structures of the considerations and requirements involved in the transfer or issue of a new domestic waterfront licence agreement.

Before you purchase

Before you purchase a waterfront property, it is important to:

- ask your conveyancing agent to undertake a **conveyancing search** to determine the purpose of the licence, the structures that are authorised under the licence and if any debts are outstanding. All debts need to be cleared at settlement otherwise the debt will transfer to the purchaser
- assess the land and all waterfront structures adjoining the property to confirm they are covered in the current licence agreement. If all structures are not covered in the licence agreement, you will need to raise this with the current licence holders (vendor) and resolve this issue prior to purchasing otherwise you may be responsible for the removal of any unauthorised or unsafe structures or you may be required to gain approval from the department to lodge a DA with your local Council at your expense. It is recommended that any unauthorised structure issues are resolved prior to settlement.

Shared structures

A property may be advertised as having access to shared waterfront facilities. If the waterfront structures do not directly adjoin the property you wish to purchase, it is possible that you will not be entitled to hold a licence.

Where waterfront structures wholly adjoin a neighbouring property, you can speak with the owner about setting up a deed of agreement to allow you to share the waterfront structures, however, this is totally at the discretion of that owner. This does not apply to water-access-only properties.

Why you need a licence

It is a requirement under the *Crown Land Management Act 2016* for owners of waterfront properties that benefit from the private use of public land to hold a current licence agreement from NSW Department of Industry to authorise the use and occupation of Crown land. Domestic waterfront licences are issued over Crown public land below the mean high water mark for a period of 20 years or the life of the structure.

Applying for a domestic waterfront licence

Purchasers are required to notify the NSW Department of Industry of the transfer of ownership within 28 days of settlement so that a licence can be issued to the new owners. The new owners must complete either the [Automatic transfer notification](#) form or [the revocation of existing domestic waterfront licence and issue of a new licence](#) form and provide the required supporting documents. The department will assess the transfer, and if appropriate, issue a licence agreement to the new owners.

Once a licence is in place, the licence holder is liable to pay annual rent and charges and will receive quarterly invoices. The terms and conditions of the licence must be complied with and any breach will attract compliance action.

More information

Each waterfront property has site specific considerations and you are encouraged to contact the waterfront tenures team to discuss your situation.

To find out more about domestic waterfront licences visit www.industry.nsw.gov.au/lands/use/licences/domestic-waterfront. To access domestic waterfront application forms visit www.industry.nsw.gov.au/lands/what-we-do/fees-and-forms/forms.

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