

COUNCIL POLICY

Reference Number	765930
Responsible Business Unit	Business Support
Responsible Officer	General Manager, Corporate Services
Legislation	Local Government Act 1999 Community Land Management Plans Local Government Land By-Law 2010 Crown Land Management Act 2009
Relevant Delegations	
Related Policies Management Guidelines Frameworks	Structures on Community Riverfront Reserve Management Guideline Draft Lease and Licence Policy Murray Bridge Riverfront Management Strategy
Link to Strategic Plan	3.1 Provide for appropriate open space for the community and visitors
Council resolution	Item 279.4
Date Adopted	14 December 2016
Review Date	December 2019
Previous Revisions	

POLICY STATEMENT

The Rural City of Murray Bridge has multiple riverfront reserves available for the community and visitors to the area to utilise as open space and for access to water and recreational based activities.

Property owners and leaseholders abutting these Reserves have previously installed infrastructures such as jetties, floating pontoons, boat ramps, retaining walls, trees, etc. on these Reserves.

The purpose of this policy is to ensure existing structures are only issued approvals where such structures are orderly and appropriate in accordance with relevant legislation, licenced by both the Crown (where appropriate) and the Rural City of Murray Bridge and are of benefit to the local community and visitors to the area.

New jetties, wharves or moorings (or other like structures) will be considered where they abut Council's Riverfront Reserves in line with Council's Strategic Plan to provide open space for the community and visitors to the areas. Council may also consider a request from a commercial venture to lease riverfront land or operate a commercial mooring licence through a report to Council.

OBJECTIVES

The objectives of this policy and the management guideline are to guide Administration with the approval process in assessing applications for Structures on Community Riverfront Reserves and the process for deeming structures unsafe or inappropriate including directions to applicants to remove unsafe or inappropriate structures.

SCOPE

This Policy will apply to the following Riverfront Reserves:

- Bells Landing Reserve
- Hann Road Reserve
- Queen Louisa Reserve
- River Vine Reserve
- Sunnyside Reserve
- Woodlane Shack and Riverfront Reserve

Any applications received for infrastructure on any other Reserve including but not limited to:

- Avoca Dell Reserve
- Hume Reserve
- Long Island Reserve
- Railway Lands
- Riverfront Road Reserve
- Sturt Reserve
- Thiele Reserve
- Wharf Precinct

will be at the discretion of the Council, and will be determined on merit upon application. This policy may be used to assist in the exercise of that discretion.

Structures can include (but are not limited to):

- Mooring Posts
- Commercial Moorings
- Suction/water infrastructure
- Domestic and irrigation pumps and associated pump sheds or housing
- Jetties
- Wharfs
- Retaining walls

The following structures will not be approved on Riverfront reserves:

- BBQ's
- outdoor settings
- landscaping to a sufficient degree that gives the impression of restricted public access
- Shade Structures

- Any other permanent or semi permanent structure.

PRINCIPLES

The key principles of the Policy can be summarised as:

- Providing an administrative mechanism for regularising development on community riverfront reserves;
- Enabling progressive removal of inappropriate and defective infrastructure;
- Providing non-transferable permits for approved infrastructure that are tied to the adjoining property of the permit holder, and
- Ensuring that prior to the sale of the property by the permit holder a review is undertaken as to whether the structure provides an ongoing benefit for the wider community.
 - If it does provide an ongoing benefit and it can remain, a new permit will be provided to the new owner
 - If it doesn't provide an ongoing benefit and should be removed, the existing owner will be requested to remove it.

This Structures on Community Riverfront Reserve Policy is generally consistent with the Crown Land – River Structures Policy (Department for Environment, Water and Natural Resources).

Public safety should not be put at risk through the installation of structures. Proposed structures considered inappropriate, such as a boat ramp where there are existing, available facilities in the locality, fences, shelters and any other structure or uses that restrict public access or create a potential public safety risk, will not be permitted.

Generally, permits are personal to the permit holder and are not transferable without specific consent. A Permit transfer application for an existing legal structure (appropriate or not) may be permitted under the same terms and conditions, as an exception to this policy, because this ensures responsibility and potential liability remains with the permit holder until the structures are removed and the land remediated. However, it is at the Chief Executive Officer's total discretion if the application for transfer is accepted or refused, particularly if it does not meet the criteria of this policy or the management guideline.

Applications will not be approved unless they meet the following (non-exhaustive) criteria:

- Free and unrestricted right of public access across the subject land must be maintained;
- Only in limited circumstances and for specific valid reasons, including public safety, may public access be restricted at permitted site/structure;
- Applicants are adjoining land owners (freehold or registered leasehold). Where a road splits the Reserve from the shacks, only front row land owners may apply for a permit/approval;
- Only one primary structure (e.g. only one jetty is permitted) associated with the adjoining land;

- Additional or secondary structures may be included in the same permit (for example a water pipe);
- Public liability insurance inclusive of the structure is maintained by the Permit Holder for not less than \$20 million;
- The structure is maintained at the applicant's risk and the applicant must agree to indemnify Council against any loss or damage arising from the existence of the structure on Council's land and its use;
- Applicants must permit Council access to the structure to do urgent works necessary to avert a public health or safety risk associated with the structure;
- Successful development approval under the Development Act 1993 has been obtained;
- The applicant agrees to remove the structure and remediate Council's Land to a satisfactory state at the end of the permit term (if the permit is not renewed or assigned).

For structures that were installed prior to the commencement of this policy, a retrospective development approval process will generally be required.

Second row shack owners that currently have a Crown Land licence for a particular structure will not be allowed to transfer the permit once the shack has been transferred or sold to new owners (exclusion for water pipelines/water pumps).

All relevant legislation will be adhered to when undertaking an application assessment including compliance with the relevant Community Land Management Plan for that reserve and Native Title requirements.

Applications and transfer applications attract an application fee as outlined within Council's Fees and Charges Schedule.

Permits are issued for a period of five years only. After five years a new application is required and a new application fee must be paid.

Council reserve the right to determine the individual terms of any permit granted under this policy.

Where jetties/structures have been found to be in need of major repair Council approval by a Development Application process is required. Where jetties/structures require minor maintenance or repair, approval may be granted under the access permit (Contracts Department).

IMPLEMENTATION

Through the implementation of this policy Council aims to ensure structure applications are assessed efficiently and consistently and it is transparent in its approvals.

DEFINITIONS

Structures: means structures installed by adjoining property owners or leaseholders on or abutting Council owned land or Crown land under Council's care and control.

Community Riverfront Reserve: means a parcel of land that abuts the River Murray that is owned by the Rural City of Murray Bridge or is under its care and control.