



## **BUILDING NOTE**

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### **BUILDING LICENCES – PRIVATE JETTIES**

The Department of Local Government and Regional Development (DLGRD) has been asked to clarify whether private jetties require a building licence, or development approval, pursuant to the *Local Government (Miscellaneous Provisions) Act 1960* and the *Town Planning and Development Act 1928*.

The DLGRD has received advice from the Crown Solicitor's Office responding to the following questions.

#### **Question 1.**

**“Under what circumstances could a building licence be required for the construction of a private jetty?”**

*“In all circumstances where a person unassociated with the Crown is constructing a private jetty, a building licence under the *Local Government (Miscellaneous Provisions) Act 1960* will be required.”*

#### **Question 2.**

**“Is the tenure of land relevant to the requirements to issue a building licence?”**

*“The general answer to this query must be that the tenure is not relevant. For example, in situations where construction of a building is being carried out on or behalf of the Crown on private land, a building licence would not be required.”*

#### **Question 3.**

**“Do local government authorities have discretion to apply the *Town Planning Act and Development Act 1928* or the *Local Government Act 1960*, or both, to the construction of jetties?”**

*“Under the *Town Planning and Development Act 1928*, local governments may establish town planning schemes. These schemes may require the granting of development approval. This requirement could apply to the construction of jetties. I would assume that, in fact, by and large, town planning schemes of most local governments would require the making of an application in respect to the construction of jetties. Additionally, the building provisions of the *Local Government (Miscellaneous Provisions) Act 1960* will have application. Local*

*governments must enforce both the provisions of their town planning schemes and the building licence provisions of the Local Government Act.”*

A private jetty constructed outside the “land in a district” is exempt from requiring a building licence under section 374 (1) of the *Local Government (Miscellaneous Provisions) Act 1960*.

As a result of this legal opinion, it is recommended that a local authority’s district boundary should be clearly identified in relation to canals, waterways and marinas.

In addition, the DLGRD recommends that local authorities consider the following requirements when assessing proposals for the development of private jetties;

1. Determine whether, or not, the jetty is located within a local government boundary.
2. Require an application for a building licence.
3. Jetties built on Crown land or on behalf of the Crown are exempt from requiring building licences.
4. Ensure that the requirements of both the *Town Planning and Development Act 1928* and the *Local Government (Miscellaneous Provisions) Act 1960* are observed.



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