

Policy – Maritime Property – Commercial Leases

1. Policy statement

Roads and Maritime Services may, at its discretion, offer opportunities to enterprises to utilise Maritime Property under a lease for commercial purposes.

2. Scope and coverage

This Policy is applicable to all new agreements (referred to here generically as Leases) issued over Maritime Property for structures and uses associated with a commercial purpose including commercial marinas, maritime industrial, registered club, or retail outlets.

This policy does not remove the requirement for the Lessee to obtain any necessary approvals under the *Environmental Planning and Assessment Act, 1979* or any other legislation. Normally Roads and Maritime Services will not enter into a lease unless it has documentary evidence that all necessary approvals have been secured.

Roads and Maritime Services is not obliged to grant a lease over its land, or to issue a new lease on similar terms as any existing or previous lease. In some instances Roads and Maritime Services may offer an agreement for lease, or similar, which sets out conditions which are to be met prior to the granting of a lease.

Given the complex nature of the leasing of Maritime Property, Roads and Maritime Services property staff will assist current and prospective Lessees with their enquiries and provide general information in accordance with the Roads and Maritime Services Customer Charter.

Roads and Maritime Services may determine to depart from this Policy to the extent necessary to comply with its legal obligations.

3. Purpose and intended outcomes

In making Maritime Property available under a commercial lease, Roads and Maritime Services aim to:

- Ensure that the commercial leasing of Maritime Property is consistent, transparent and impartial
- Encourage the ongoing development of existing and new waterfront facilities for the storage, maintenance, repair and use of watercraft

- Encourage adequate provision for the retention of foreshore land to meet existing and future demand for working harbour uses
- Encourage public access along foreshore land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes
- Promote and maintain water recreation and sport including boating, paddling, sailing and rowing
- Provide a commercial environment for lessees; and
- Deliver a market-referenced commercial return for Roads and Maritime Services.

While the provisions of this policy will normally be applied to Maritime Property commercial leases, it should be noted that any final lease offer will be on such terms and conditions as Roads and Maritime Services considers appropriate.

Adherence to this policy will ensure that commercial leases of Maritime Property are soundly based and effectively conducted to meet Roads and Maritime Services, Government and community requirements.

Review date: May 2019.