

Policy – Maritime Property – Domestic Leases & Licences

1. Policy statement

Roads and Maritime Services may, at its discretion, offer domestic waterfront property owners the opportunity to utilise Maritime Property for structures and uses associated with private and non-commercial purposes.

Where a landowner does not wish to lease the reclaimed land adjoining their property, Roads and Maritime Services may deny the adjoining landowner access to the reclaimed land, or may use it for any purpose it considers appropriate in the circumstances.

2. Scope and coverage

This Policy is applicable to all new agreements (referred generically as Leases) issued over Roads and Maritime Services land for structures and uses associated with a private residence and used for a private, non-commercial purpose.

Certain occupations of Maritime Property may be the subject of an occupation licence rather than a Lease. This applies only to minor occupations of an insignificant area of land and only when the adjoining landowner does not have any other structures over the subject land. Examples of minor occupations include those required for storm water drains/pipes, small anti-scour aprons and small revetment mattresses. RMS will determine, at its discretion, whether occupations are sufficiently minor to warrant being the subject of an occupation licence. An occupation licence will be issued for a nominal amount (if demanded) and may incorporate insurance, indemnity and maintenance obligations.

This policy does not remove any requirement for the Lessee or Licensee 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 new agreement unless it has documentary evidence that all necessary approvals have been obtained.

Roads and Maritime Services is not obliged to grant a new agreement over its land, or to issue a new agreement on similar terms as any existing or previous agreement. 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 new agreement.

Roads and Maritime Services property staff will assist current and prospective Lessees or Licensees with their enquiries and provide general information.

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 domestic lease or licence, Roads and Maritime Services aim to:

- Ensure the domestic leasing of Maritime Property is consistent, transparent, impartial and provides domestic lessees with certainty and security of tenure
- Encourage the ongoing development of existing and new domestic waterfront facilities for the storage and use of recreational vessels used by adjoining land owners
- Encourage development which protects, maintains and enhances the natural assets and unique visual and environmental qualities of Sydney Harbour and its foreshores
- Promote and maintain water recreation and sport including passive boating, paddling, sailboat racing and rowing;

While the provisions of this policy will normally be applied to Maritime Property domestic leases and licences, it should be noted that any new agreement will be on such terms and conditions as Roads and Maritime Services considers appropriate.

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

Review date: May 2019.