



# Procedure

## for Site Assessments

**Commercial Lease Policy (NSW Maritime)**

**Issued: December 2009**  
Amended: May 2010

**NSW | MARITIME**



## 1. PURPOSE

- 1.1 This document has been developed to assist NSW Maritime in deciding whether to offer a site for a lease (new or renewed) and determine what category or categories of land use should be offered.

## 2. COMMENCEMENT

- 2.1 This Procedure commenced on 1 December 2009.

## 3. OTHER RELEVANT POLICIES

- 3.1 This document is subject to the *Commercial Lease Policy* (NSW Maritime), the provisions of the relevant Lease or Licence and the laws of New South Wales and the Commonwealth. Nothing in this Procedure obliges NSW Maritime to offer a commercial lease or licence, or to offer such a lease or licence on terms similar to those applicable in any other lease or licence.

## 4. IMPACT ON PREVIOUS PROCEDURES

- 4.1 Subject to section 3 above, this document replaces previous procedures, directions or guidance notes that existed in relation to site assessments for NSW Maritime commercial sites prior to the commencement of this document.

## 5. CHIEF EXECUTIVE APPROVAL REQUIRED TO DEPART FROM PROCEDURES

- 5.1 Any departure from the procedures set out in this document requires the prior written approval of the Chief Executive.

## 6. PROCEDURES UNDERTAKING A SITE ASSESSMENT

- 6.1 The Site Assessment will include both a physical assessment of the site and an assessment of preferred land uses.
- 6.2 NSW Maritime will prepare a Site Assessment Report after conducting the following two assessments:
- 6.3 1. Physical Assessment.

Outcome: Preparation of a list of potential land uses after considering:

- Permitted uses under the appropriate planning instruments (noting that existing use rights may permit the continuation of a use that would otherwise be prohibited)
- Navigation issues
- Physical constraints on the Land (eg access to the land, adjoining land ownership, access to the waterway); and

- Any constraints imposed by the Marine legislation, or more generally by the laws of New South Wales and the Commonwealth.
- Where relevant, the condition of existing structures.

#### 6.4 2. Preferred Land Use assessment.

Outcome: A determination of one (or more) preferred land uses from the list of potential uses established by the physical assessment, in accordance with:

- NSW Maritime and whole-of-government strategies for waterfront activities and the maintenance and expansion of a 'working harbour', including the objectives of the NSW Maritime Commercial Lease Policy (section 1.1); and
- the prospects for a commercial return for NSW Maritime

- 6.5 For new sites, NSW Maritime may consult with stakeholders including industry groups, the relevant local Council, the Department of Planning and/or other government agencies before finalising the Site Assessment.

For existing sites, NSW Maritime will consult with the existing lessee(s) and may consult with other agencies, stakeholder groups or individuals where appropriate.

## 7. REPORT

- 7.1 After the required assessments have been undertaken and any other relevant information gathered, a Site Assessment Report will be produced by NSW Maritime which recommends a preferred use or uses of the land. Site Assessment Report recommendations will be determined by the General Manager, Property, Planning & Governance and published on NSW Maritime's website.
- 7.2 The Site Assessment process, including review, consultation and report preparation should take no longer than 3 months. Site Assessments which take longer than three months will be brought to the attention of the General Manager, Maritime Property Division.

## 8. COSTS

- 8.1 Where a Site Assessment is initiated by NSW Maritime (other than at a lessee's request), costs associated with that Site Assessment will be borne by NSW Maritime.
- 8.2 Where a Site Assessment is conducted at the request of a lessee, costs will be borne by the lessee.

## 9. REQUESTS FOR REVIEW

- 9.1 A Lessee who is aggrieved by a decision made by NSW Maritime in accordance with this Procedure, where that decision reasonably affects their Lease, may write to NSW Maritime within 28 days of the determination showing cause as to why the decision should be reviewed. The Chief Executive may, at their discretion, determine to review and where appropriate, vary the decision.

## 10. GLOSSARY

- 10.1 In this Document, all terms have the meaning given them in the *Commercial Lease Policy* (NSW Maritime).

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