

Procedure for Site Assessments

1. Purpose

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

2. Commencement

This document commences on the day it is approved by the Chief Executive.

3. Other relevant policies

This document is subject to the *Commercial Lease Policy* (RMS), the provisions of the relevant Lease or Licence and the laws of New South Wales and the Commonwealth.

4. Impact on previous procedures

Subject to section 3 above, this document replaces previous procedures, directions or guidance notes that existed in relation to the assignment of RMS Commercial Leases and/or Licences prior to the commencement of this document.

5. Chief Executive approval required to depart from procedures

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

The Site Assessment will include both a physical assessment of the site and an assessment of preferred land uses.

RMS will prepare a Site Assessment Report after conducting the following two assessments:

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.

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:

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

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

7. Report

After the required assessments have been undertaken and any other relevant information gathered, a Site Assessment Report will be produced by RMS which recommends a preferred use or uses of the land. Site Assessment Report recommendations will be determined by the General Manager, Maritime Property Division and published on RMS's website.

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

Where a Site Assessment is initiated by RMS (other than at a lessee's request), costs associated with that Site Assessment will be borne by RMS.

Where a Site Assessment is conducted at the request of a lessee, costs will be borne by the lessee.

9. Determination and appeals

Determinations by RMS of requests to consent to assign a Commercial Lease or Licence will be issued in writing and signed by the General Manager, Maritime Property Division (or delegate).

A Lessee who is aggrieved by a decision made by RMS in accordance with this Document that affects their Lease may write to RMS within 28 days of the determination showing cause as to why the decision should be reviewed.

Appeals under this section will be determined by the Chief Executive.

10. Glossary

In this Document, all terms have the meaning given them in the *Commercial Lease Policy* (RMS).