

P002 - Maritime Facilities Temporary Land Use Agreement Policy

Policy Statement

The Department of Transport and Major Infrastructure (**DTMI**) manages 29 maritime facilities across the state of Western Australia. These areas are vested in the Minister for Transport (Minister) under the *Marine and Harbours Act 1981* (WA) and can be described broadly as departmental land. DTMI is responsible for the planning, management and development of the coastal facilities under its control. This legislation also empowers the Minister, and under delegation the DTMI, to enter into third party agreements such as the Temporary Land Use Agreement (TLUA).

DTMI may, at its discretion, provide opportunities via the issue of a TLUA for the short-term use of departmental land for commercial or community purposes.

A TLUA for residential use will not be considered.

Adherence to this Policy will ensure that the uses of departmental land under a TLUA are soundly based and effectively conducted to meet DTMI, Government, business and community requirements.

Principles

This Policy is applicable for short-term use of departmental land. Short term is defined as a period of three (3) days or less, for activities associated with commercial and community purposes. A term of greater than three (3) days *may be* considered at the discretion of the department.

The Tenure Table provides a concise reference and serves as guide for interested parties as to the most suitable instrument.

Applicants are required to complete and submit an application form to DTMI and to confirm that they will adhere to all requirements as set out in the application.

Upon receiving an application for a TLUA, DTMI (or its agents) will:

1. Consider the proposed use of land including the risk of the operation both to the applicant and to other users in and around the harbour facility.
2. Act reasonably in considering the merit of an application, but parties should be aware that DTMI is not obliged to offer an agreement.
3. Consider alternative arrangements, and direct interested parties to pursue an alternative tenure such as a licence or lease, in circumstances where the department determines that a TLUA is not appropriate.
4. Determine if or what fees and charges are to be attached to the TLUA, based on all available information. DTMI may also, at its sole discretion, consider the waiver of fees and charges.

Should be read in conjunction with the supporting Application

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This Policy does not remove the requirement for the TLUA holder to obtain any necessary statutory approvals and insurances in addition to any requirements set out in the TLUA.

Objectives

- Provide a transparent, impartial and consistent governance framework for the administrative management of commercial and community agreements which are issued for short term use of land in maritime facilities managed by DTMI.
- Require the use of departmental land that is consistent with the Management Order issued under the *Land Administration Act 1997 (WA)* and the *Marine and Harbours Act 1981 (WA)*.
- Promote and maintain community use of departmental land including encouraging water-based recreation and sport such as boating, yachting, fishing and sailing under a TLUA.
- Deliver a fair and equitable return for the State of Western Australia for departmental land under a formal agreement.

May 2026

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