



Leasing Policy - Coastal Property Commercial Leases

Policy Statement

The Department of Transport (DoT) through its Maritime Business Unit (MBU) may, at its discretion, provide opportunities to lease Coastal Property for business and commercial purposes.

Principles

This Policy is applicable to all new agreements (referred to in this document generically as leases) issued over DoT Coastal Property for commercial harbour uses/purposes including marinas, fishing industry, resource industry, tourism, maritime industrial, maritime related registered clubs, or approved retail outlets.

This Policy does not remove the requirement for the lessee to obtain any necessary statutory approvals. DoT will not enter into a lease unless it has documentary evidence that all necessary statutory approvals have been secured.

Development on Coastal Property cannot commence until a lease has been executed.

The DoT is not obliged to grant a lease, or to issue a new lease on similar terms as any existing or previous lease. In certain instances the DoT may offer an agreement for lease, or similar, which sets out conditions which must be met prior to the granting of a lease.

Given the complex nature of the leasing of DoT Coastal Property, staff and/or any external agent appointed and authorised by the DoT to manage Coastal Property on its behalf, will assist current and prospective lessees with their enquiries and provide general information in accordance with the DoT Leasing Information and Guidelines.

Objectives

In making Coastal Property available, under a commercial lease or licence, the DoT aims to:

- Ensure that the commercial leasing of Coastal Property is consistent and impartial;

Should be read in conjunction with the DoT Leasing Information and Guidelines document (June 2019) located at www.transport.wa.gov.au/irmarine/leasing-opportunities.asp.

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- Require the use of Coastal Property that complies with the Management Order issued under the Land Administration Act 1997, and the Marine and Harbours Act 1981 Proclamation, providing DoT with control of land;
- Encourage the use of waterfront land to meet existing and future demand for essential waterfront activities;
- Encourage public access along foreshore land. Where Coastal Property is leased for industrial or commercial maritime purposes and access for the public may create an unsafe situation for the public, such public access shall not be provided;
- Deliver a market-referenced return for the State of Western Australia for the lease of Coastal Property.

While the provisions of this Policy will normally be applied to DoT Coastal Property commercial Leases, it should be noted that any final lease offer will be on such terms and conditions as the DoT deems appropriate. Residential use will not be considered.

Adherence to this Policy will ensure that commercial Coastal Property leases of the DoT are soundly based and effectively conducted to meet DoT, Government and community requirements.

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