

Lease Management - Current Issues and Future Directions



Leases

Leases

Leases provide exclusive use of lands. A lease provides a basis for another party to occupy the area without interruption for a stated period provided the lessee meets certain conditions as agreed to in the lease.

Authority to Grant Leases

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Two types of leases –

- **Section 100 leases – National Parks, conservation parks etc.**
- **Section 97 leases – State forest and timber reserves.**

Approval of leases requires:

- **conformity with section 33(3) of the Act**
- **consultation with the Conservation Commission**
- **approval of the Minister**

Purposes of State Forest

- **conservation**
- **recreation**
- **timber production on a sustained yield basis**
- **water catchment protection**
- **other purposes being a purpose prescribed by the regulations**

Checking Process

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- District Support
- Regional Endorsement
- Water Corporation/Water and Rivers Commission
- Soil and Land Conservation Commission
- Department of Indigenous Affairs
- Heritage Council
- Department of Minerals and Energy
- Swan River Trust
- Landscape Management/Recreation Design
- Local Authority
- Department of Planning and Infrastructure

More Checks

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In addition to the above referrals, there are a number of steps required for each lease proposal

1. Assess loss of forest values
2. Database entry
3. File preparation
4. Ensure consistency with management plans and proposed tenure changes
5. Ensure consistency with Policy Statement 18
6. Arrange for the lease area to be surveyed, and lease plan to be prepared
7. Preparation of lease agreement
8. Arrange execution of lease
9. Arrange tabling of lease at Parliament House
10. Arrange stamp duty assessment

Types of Leases

The Project and Property Unit manages a total of some 443 leasing arrangements. These include a range of purposes relating to:-

- agriculture – dam sites
-grazing
- gravel
- house rental
- tourism
- communications
- clubs and associations
- utilities/other

Pemberton Backpackers Recreation Camp



WELCOME TO
LAKE NAVARINO FOREST RESORT

8
KPH



WELCOME
to
ELLENBROOK
1857
Historic Site
RIVERVIEW PLACE
POWEN

WELCOME
← ELLENBROOK HOMESTEAD



FOREST HERITAGE
CENTRE









Matilda Bay Restaurant



Hamelin Bay Caravan Park



Coalmine Beach Caravan Park







NGUP

rest

**CARAVAN
PARK**



**CHALET
CAMPING**

DWELLINGUP
"Be Our Guest"

**CARAVAN
PARK**



OFFICE

SHOP

CONFECTIONERY

SOUVENIRS





Wellington Mill Cottages





Logue Brook Caravan Park



Woody Island









COLLIE TOURIST GUIDE



Other Tourism Leases Include:

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- Lions Dryandra Forest Village

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- Fleetwood Parks - Woodman Point
- Matilda Bay Kiosk

Current Clubs and Associations



UWA Boatshed - Matilda Bay



Perth Dinghy Sailing Club

A large, two-story white building with a prominent balcony and a large tree in the foreground. The building has a white roof and a balcony with a white railing. There are several windows on the ground floor and a staircase leading up to the balcony. The building is surrounded by a green lawn and trees. A large tree is in the foreground on the right side. The sky is blue and clear.

**Royal Freshwater Bay
Yacht Club**



Royal Perth Yacht Club







COLLIE
Motorcycle
CLUB

NOTICE
NO ENROLLS
ALLOWED
FOR THE MONTH

**PROHIBITED
TENT AREA**

CE

Other Clubs/Association Leases Include:

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- Lake Towerrining Ski Area

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- Nannup Motorcycle Course
- Aeromodelling Activities - Wanneroo

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- Aeromodelling Activities - Wanneroo
- Shooting and Recreation Facilities - Wanneroo

Other Clubs/Association Leases Include:

- Scouts Manjedal Campsite
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Other Clubs/Association Leases Include:

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- Pickering Brook Golf Fairway
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CURRENT MANAGEMENT OF LEASES

The Department's aims are to:

- 1. ensure that the visitor has a positive and rewarding experience**
- 2. ensure that the nature conservation values are protected**
- 3. ensure that the improvements are well maintained and treated as a State asset.**
- 4. Only consider leases where the facility cannot reasonably be provided off the Department – managed estate**

Role of the Lease Agreement

- **The lease agreement is drafted with suitable clauses to ensure:**
- **Preservation of nature conservation values within and near the lease area.**
- **Maintenance of improvements constructed within the lease area.**
- **Quality of the visitor experience.**
- **Safety and welfare of visitors to the lease area.**
- **Lessee's responsibilities and obligations under the lease.**
- **Ensuring the correct rental is paid.**
- **Ensuring the lessee has arranged for appropriate insurance and indemnity.**

Role of the Leases Section within The Property and Policy Unit

- Ensure that an adequate and workable lease exists between the Department and the lessee through
 - consultation with the District
 - consultation with the lessee
 - consultation with the Crown Solicitor's Office
- Arrange for the rent to be collected through the invoicing system
- Receive and process applications for development within the lease area, prepare and/or deal with legal instruments for assignments, variations, mortgages etc.
- Conduct negotiations of lease conditions etc.
- Arrange lease rent audits.
- Arrange for leases to be inspected and problems rectified.

Role of the District

To assist in ensuring that the lease conditions are met so the Department's aims are achieved in respect to each lease arrangement. An important aspect of this is lease maintenance.