

8. LEASES, LICENCES AND OTHER ESTATES

In accordance with Section 46A of the Local Government Act 1993 a plan of management is to specify in relation to Community Land any purpose for which a lease, licence or other estate may be granted. This section of the Plan of Management describes the leases, licences and other estates permitted on the land covered by this Plan, ie Community Land and Crown Land. Although such authorisations are not a requirement of the Crown Lands Act 1989, the authorisations have been provided to ensure a consistent approach to the management of the Refuge.

The Local Government Act requires Council to consider what activities may require granting of a lease, licence or other estate during the life span of a plan of management. The authorisation allows for the consideration, and granting if appropriate, of the prescribed activity. The Action Tables, Section 7.2 of this Plan of Management, detail the purposes for which buildings and improvements are permitted to be used and purposes, scale and intensity of any further development. Development must also be in accordance with the Local Government Act 1993, the Crown Lands Act 1989 and the Warringah Local Environment Plan 2000. The following Section provides information regarding existing lease and licences, restrictions to commercial activities and authorisations of leases, licences and other estates considered appropriate for the land covered by this Plan.

8.1 Existing Lease and Licence Details

Dee Why Surf Life Saving Club holds a Deed of Grant with Council that provides for the continuing use and occupation of the Dee Why Surf Life Saving Club - a two storey brick and concrete building located in the South East corner of James Meehan Reserve. The Deed does not incorporate the public toilets and dressing sheds and the upstairs function hall, although the Club has use of the hall and responsibility for hiring the hall to members of the public. The Deed commenced in April 1969 and is valid while Dee Why Surf Life Saving Club continues to exist or for the life of the building itself and any replacement building. The Deed was entered into prior to the Local Government Act 1993. Current legislative restrictions on the life of such a Deed (ie maximum of 21 years) are therefore not applicable.

There are no other current leases or licences held over the land covered by this Plan of Management.

8.2 Commercial Activities

A Interim Policy on the Management of the Commercial Use of Beaches, Reserves & Buildings/Facilities in Warringah has been developed to manage the commercial use of open space and the buildings thereon. The Policy provides a list of objectives and management principles to be considered when assessing commercial use applications. It also provides a number of conditions that can be selected as required to condition individual commercial use activities and an assessment system for determining the impact of commercial use activities. In general, only those activities that have a clear link between the recreational use, reservation or categorisation and values of the Refuge will be considered.



The Policy provides guidelines for what kind of activities may be considered appropriate for inclusion within a plan of management. Dee Why Lagoon Wildlife Refuge (excluding the developed area of James Meehan Reserve and Dee Why Beach) has been listed as a restricted area within the Policy. Under this restriction, commercial use of the Refuge (excluding the developed area of James Meehan Reserve and Dee Why Beach) may only be considered for educational activities. Where the commercial use requires the granting of a lease, licence or other estate it must be authorised within this Plan of Management.

In accordance with the Policy, the commercial use of the Refuge has been assessed. A guide for the level of commercial use of the Refuge is provided in Table Seven (overleaf). Commercial use of the area has been divided into two areas:

1. *Dee Why Beach* includes James Meehan Reserve and Dee Why Beach, from the entrance of Dee Why Lagoon to the rockpool. This area is covered by this Plan of Management and the draft Coastal Lands Plan of Management however the area is to be considered as one area when assessing commercial use applications against the scoring system described in Table Seven.
2. *The Wildlife Refuge* includes the bushland, dune, wetland and waterbody areas of the Refuge, excluding James Meehan Reserve, the Dee Why Surf Life Saving Club and Dee Why Beach.

The Dee Why Surf Life Saving Club is to be managed in accordance with the current Deed of Grant or lease should a lease be entered into.

A scoring system has been developed within the Interim Policy on the Management of the Commercial Use of Beaches, Reserves & Buildings/Facilities in Warringah. Applications are to be assessed and identified as being low (1), medium (2) or high (3) impact activities according to a list of criteria. A total impact score is then assigned for an area for a given period which allows for a number of various combinations of activities to proceed as long as the total score is not exceeded. The scores are intended as a guide only and the practicality of the system is to be reviewed with the review of the Policy. The proposed assessment system for determining the impact of one or a series of commercial use activities has been provided at Appendix E, which is an extract from the Policy.

Commercial use activities confined within the Dee Why Surf Life Saving Club building (eg. food and beverage outlet) are excluded from the scoring system. However, those activities based within the building, yet undertaken in the surrounding Reserve, will be considered in the total impact system.

The scores are to assist staff in determining the appropriate use, and levels of use, of the Refuge and Dee Why Beach and to determine the immediate and cumulative impacts of commercial use activities. The scores take into account seasonal demand of commercial use and community use of the area as well as the resilience of the natural areas of the Refuge and Dee Why Beach. A maximum score for any one day is provided along with a monthly maximum per season. A combination of low, medium and high impact activities may be carried out at any one time at Dee Why Beach. The only commercial activities permitted within the Refuge (ie bushland, dune, wetland and waterbody areas) are educational activities. It is recommended that only one low impact activity be carried out at any one time with a maximum of 5 low impact activities per month.



Table 7. Recommended upper limit of commercial use for Dee Why Lagoon Wildlife Refuge and Dee Why Beach (total impact scores developed in accordance with Interim Policy on the Management of the Commercial Use of Beaches, Reserves & Buildings/Facilities in Warringah).

High Use Period (Summer School Holidays*)	Shoulder Period (October to April*)	Low Use Period (May to September*)
<i>Dee Why Beach (includes James Meehan Reserve and Dee Why Beach, from the entrance of Dee Why Lagoon to the rockpool)</i>		
<p>Any day</p> <ul style="list-style-type: none"> • Maximum of 2 high impact activities for the period (up to 6 points for the period). • Maximum of 3 points per day for medium & low impact activities (up to 126 points for the period). • This represents 100% of the available days for the six week period for commercial use within the limits prescribed above. 	<p>Weekends</p> <ul style="list-style-type: none"> • Maximum of 1 high impact activity per month (up to 3 points per month). • Maximum of 3 points per day for medium & low impact activities (up to 24 points per month). • This represents 100% of the available weekend days per month for commercial use within the limits prescribed above. <p>Weekdays</p> <ul style="list-style-type: none"> • Maximum of 4 high impact activities per month (up to 12 points per month). • Maximum of 3 points per day for medium & low impact activities (up to 42 points per month). • This represents 60% of the available weekdays per month for commercial use within the limits prescribed above. 	<p>Any day</p> <ul style="list-style-type: none"> • Maximum of 4 high impact activities per month (up to 12 points per month). • Maximum of 3 points per day for medium & low impact activities (up to 18 points per month). • This represents 25% of the available days per month for commercial use within the limits prescribed above.
<i>Dee Why Lagoon Wildlife Refuge (includes bushland, dune, wetland and waterbody areas)</i>		
<ul style="list-style-type: none"> • Maximum of 1 point per day (up to 5 points per month). 	<ul style="list-style-type: none"> • Maximum of 1 point per day (up to 5 points per month). 	<ul style="list-style-type: none"> • Maximum of 1 point per day (up to 5 points per month).

* High use period is defined as that period that coincides with the summer school holiday period. This has been calculated on a six week period from mid – December to the end of January.



- * The Shoulder period is defined as the period that covers the beach patrol season by Council's professional lifeguards, from October to April, excluding the High period.
- * Low use period is defined as the non-patrol period of Council's professional lifeguards. This is generally May to September.

Dee Why Surf Life Saving Club

The location of Dee Why Surf Life Saving Club generates the potential for revenue raising activities. Operation of commercial activities within the building must be carried out in accordance with the Interim Policy on the Management of the Commercial Use of Beaches, Reserves & Buildings/Facilities in Warringah. Commercial use must ensure multi-use of the existing shared hall (function hall), or similar, and only those activities that are considered ancillary to the use of the area will be considered. A lease may need to be renegotiated with the Surf Life Saving Club in place of the current Deed of Grant before commercial activities can be carried out within the club building. Table Eight (overleaf) provides detailed authorisation for the granting of a lease, licence and other estate for commercial use activities within the club building.



Photo 10: Dee Why Surf Life Saving Club.

8.3 Authorisations

Table Eight (overleaf) provides a list of all leases, licences and grants of estates which are authorised through the Dee Why Lagoon Wildlife Refuge Plan of Management. These authorisations relate to the land covered by this Plan of Management. The granting of a lease, licence or other estate must:

- Be in keeping with the purpose, category and core objectives of the land;
- Have no negative impact on natural areas, threatened species, habitat, historical or cultural sites;
- Not alienate the reserve unreasonably;
- Be ecologically sustainable;
- Have a component of community benefit;
- Demonstrate a clear nexus between the activity and the Refuge;
- Not result in overuse of the area or conflict with community use of the area;
- Ensure traffic and parking implications are addressed; and
- Be in accordance with relevant Council policies and procedures governing the use of open space.



Additional conditions for licences for commercial purposes include:

- The level of use is managed in line with the guide shown in Table 7 (above) on impact assessment as developed through the Interim Policy on the Management of Commercial Uses of Beaches, Reserves and Buildings/Facilities in Warringah.
- Any commercial use licence is limited to 5 years including any renewal period.

Additional conditions for use of Dee Why Surf Life Saving Club include:

- The shared hall (function hall) area as defined in the existing Deed of Grant, must remain available to the public for general community use. Any use of the building must permit reasonable community use of the area allowing for activities such as parties, functions and community meetings on a regular basis for times including weekend use where not reasonably required for purposes associated with volunteer life saving.
- Where an application to Council is required for further commercial uses a business plan may be requested that includes, but is not limited to, detail regarding the financial viability of the proposal, demand for the service/activity and future cost and maintenance expectations.

Table 8: Authorisations of leases, licences and other estates for the land and buildings covered by this Plan of Management (to be read in conjunction with conditions listed above).

1. Dee Why Surf Life Saving Club	
1.1	This Plan of Management expressly authorises the granting of a lease, licence or other estate for purposes: <ul style="list-style-type: none"> • associated with the operation of a volunteer life saving and beach patrol service and associated training and club activities; • a food & beverage outlet; &/or • recreation uses such as a gym, beach equipment hire or similar.
2. Natural Areas of the Refuge	
2.2	This Plan of Management expressly authorises the granting of a licence or other estate for the purpose of educational activities. This would include activities such as educational walking tours and scientific research.
3. James Meehan Reserve	
3.1	This Plan of Management expressly authorises the granting of a licence or other estate for the purpose of weekday market activities from which there is significant public benefit. This activity is limited to two weekdays per month.
3.2	This Plan of Management expressly authorises the granting of a licence or other estate for the purpose of occasional cultural festivals/events.
4. James Meehan Reserve & Dee Why Beach	



4.1	This Plan of Management expressly authorises the granting of a licence or other estate for the purpose of recreational, social or educational activities. This would include activities such as educational walking tours, scientific research, sightseeing and lunch stops.
4.2	This Plan of Management expressly authorises the granting of a licence or other estate for the purpose of hiring of recreational equipment (eg surf craft, umbrellas, sun beds) or beach related services from which there is significant public benefit (eg learn to surf/ body board, water safety classes, fishing lessons, locker hire, mobile food & beverage vendors).
4.3	This Plan of Management expressly authorises the granting of a licence or other estate for the purpose of occasional beach related events, such as surf carnivals/contests, triathlons/fun runs, ocean swimming races, beach volleyball tournaments and school events.

8.4 Easements

There are currently no easements over the area covered by this Plan of Management.

This Plan of Management expressly authorises the granting of easements over the land for the purpose of providing pipes, conduit or other connections under the surface of the ground. This is limited to easements that connect premises adjoining Community Land to an existing water, sewer, drainage or electricity facility of Council or other public utility provider that is situated on Community Land

The granting of easements above, on or under the surface of Community Land or to land that is not Community Land is not within the authority of this Plan of Management. This includes but is not limited to:

- Piping to a natural watercourse;
- Piping to a facility through Community Land to a facility on land under private ownership; and
- Private access, vehicular or pedestrian.

