



Shire of Denmark

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INFORMATION SHEET – PEACEFUL BAY

APPLYING FOR A NEW LEASE

The following is an outline of the process and costs involved in requesting a new Peaceful Bay lease, should you be eligible to under the Shire of Denmark's *Peaceful Bay Lease Renewal Policy*.

1. APPLYING FOR A NEW LEASE

An application must be made in writing for a new lease in accordance with the Council's *Peaceful Bay Lease Renewal Policy*.

The Shire will require the lessee(s) (purchasers) full legal name(s) and contact details.

2. PROPERTY INSPECTION

An inspection of the property is required to be conducted to ensure that the property is in a satisfactory condition and that there are no compliance issues relating to building, planning, health or the environment.

There are **two methods** of inspection, self-assessment followed by an in-house review and approval by a Shire Officer, or a Shire Officer onsite inspection and approval.

SELF ASSESSMENT

This type of assessment requires the completion of an Assessment Form (available upon request from the Shire) and is usually at a reduced cost, as the information provided is assessed in house.

The completed form must be submitted with the required assessment fee.

SHIRE OFFICER ONSITE INSPECTION

This type of assessment is available upon request and requires a site visit, and access, to the property by a Shire Officer who will undertake the inspection. The inspection fee must be paid prior.

Following the inspection / assessment, the lessee will be advised of the outcome. Once approved, the assignment can progress.

3. PROPERTY INFORMATION (ORDERS & REQUISITIONS)

The lessee can request orders and requisitions from the Shire, for a scheduled fee, that:

- a) provides information such as:
- b) rates (including rubbish collection fees, Emergency Services Levy, etc);

- c) planning (development provisions pertaining to the land etc.);
- d) building (permits etc.);
- e) local law enforcement (bush fire management, cats, and dogs, etc.); and
- f) infrastructure (easements, drainage, etc.).

The fee for the orders and requisitions must be paid prior to the notice being prepared and provided.

If only financial information is required, it can be purchased separately for a reduced fee. Please contact the Shire's Rates Officer.

4. APPROVED APPLICATION

The Shire will be reasonable in giving or refusing its consent.

- 2.1 If the application is approved by the Shire's Chief Executive Officer, the Shire will draft a new lease, in a format consistent with Landgate registration requirements.
- 2.2 The Shire will seek the consent of the Minister for Lands as required by section 18 of the *Land Administration Act 1997* (WA).
- 2.3 Once the letter of consent is received from the Minister for Lands, the Shire will send the applicant three (3) copies of the lease for signing.
- 2.4 The fully executed lease will be sent to Landgate for registration by the Shire or the lessee's representative. The lessee will be invoiced for any associated costs, including requisition notices, if required.
- 2.5 The Shire will provide the lessee with one of the original copies of the lease.
- 2.6 Should the lessee want, or require, a copy of the Certificate of Title, they will contact Landgate. The registration process can take a number of weeks or months.

5. REMOVING PREVIOUS LEASE FROM THE TITLE

- 3.1 If the previous lease is registered on the Certificate of Title, the Shire will need to remove the interest prior to registering the new lease on the title.
- 3.2 All costs associated with this process will be invoiced to the applicant.

6. DECLINED APPLICATION

The Shire will be reasonable in giving or refusing its consent.

Should the application be declined, the applicant will be informed of the decision, and the reasons for the decision.

7. APPEAL AGAINST DECISION

- 5.1 The applicant can appeal the Chief Executive Officer's decision by requesting that the matter be referred to the Council for final determination.

8. BUILDING AND PLANNING REQUIREMENTS

Lessees are reminded that the Peaceful Bay Leasehold area has heritage significance and there are specific requirements regarding development, modifications (including materials, demolition and fencing).

Lessees and assignees should familiarise themselves with the following two planning policies that relate specifically to Peaceful Bay, noting that they do not cover the entire development and building framework for the Denmark local government area.

- Policy No. 35 – Peaceful Bay Heritage Precinct Conservation Plan
- Policy No. 35 – Peaceful Bay Conservation Plan Development Guidelines

Both of the policies can be found on the Shire's website at <https://www.denmark.wa.gov.au/build-plan-develop/planning-building-services/local-planning-framework.aspx>

It is the responsibility of the lessee and/or assignee to ensure that any development on the leasehold site is approved by the Shire, as the statutory planning and building authority and the lessor. This includes any works that may have occurred prior to taking on the lease.

Unauthorised and/or non-compliant building or development works can potentially result in the requirement to rectify or remove, which can include the need to apply for retrospective planning and building consent. In serious instances, penalties may apply.

For information, please contact the Shire's Planning Team on (08) 9848 0300.