



SHIRE OF DENMARK

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INFORMATION SHEET – PEACEFUL BAY

ASSIGNMENT OF ESTATE IN PROPERTY

The following is an outline of the process and costs involved in assigning estate(s) in a Peaceful Bay lease property.

This can be assigning the entire lease, removing lessee(s), adding lessees, or adjusting the interests in the estate between parties.

1. APPLYING FOR AN ASSIGNMENT

The assignee or assignor, or their agent, is to contact either the Rates officer and provide details of the proposed assignment.

The Shire will require the contact details of the assignee(s), including phone number and email address.

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. ASSIGNMENT DOCUMENTATION

The lessee will need to have a solicitor draw up the assignment documentation. The document must be in a format that is acceptable for lodgement with Landgate.

It is up to each lessee to choose who drafts their own legal documentation.

The lease assignment must have the approval of the Minister for Lands, as required by section 18 of the *Land Administration Act 1997* (WA).

The completed documentation must be signed by all parties and submitted to the Shire, in triplicate, for signing.

Once signed, the Shire will return one original, fully executed assignment to the lessee.

4. REGISTRATION AND CERTIFICATE OF TITLE

Not all Peaceful Bay property leases are registered on their associated Certificate of Title.

If the lease is registered on the Certificate of Title with Landgate, the Deed of Assignment will need be lodged with Landgate for registration by the lessee's representative or the Shire.

The lessee will be invoiced for any associated costs. The fees are determined by Landgate and can be found on the Landgate website.

If the lease is not registered, and the lessee (assignee) is required to have their interests registered on the Certificate of Title (for example, due to a mortgage). There may be additional costs involved in registering both the lease and the assignment with Landgate.

The lessee will be notified of successful registration, and should the lessee want, or require, a copy of the Certificate of Title, they will need to contact Landgate.

5. 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.

6. 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.