
CP008 – Leasing Council Property and Land

1. Intention

To set a standard lease term and fee structure for the lease of freehold land and Reserves vested in the Shire of Waroona to bodies exempt from the requirements of Section 3.58 of the *Local Government Act 1995* by Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

To assist community groups in improving facilities and increasing capacity within the Shire of Waroona that results in community strengthening and helps to build vibrant, inclusive and healthy communities.

2. Scope

This policy applies throughout the district.

3. Statement

Subject to Council and the Minister for Lands consent being obtained, the Chief Executive Officer is authorised to negotiate and renew lease agreements where a further period option is being exercised with groups defined as exempt bodies in Regulation 30(2)(b) of the *Local Government (Functions and General) Regulation 1996*.

The standard lease term for exempt bodies leasing land vested in, or owned by the Shire of Waroona is up to a maximum of ten years with a further period option of up to ten years.

The minimum annual fee for all lease agreements (excluding GST) and all other outgoings, including but not limited to power, water, gas or rubbish charges for:

1. Exempt groups/bodies without a liquor licence – is \$10.00 per annum.
2. Exempt groups/bodies with a permanent liquor licence – is \$500.00 per annum, plus the cost of preparing, executing or renewing a lease agreement.

An annual administration fee may also be levied on lease agreements.

When a further period option to renew a lease is exercised, the Chief Executive Officer may determine an increase in the lease fees specified above in line with the CPI changes, until the expiry of the agreement.

When a property or facility leased to an exempt body expires or is cancelled expressions of interest are to be publicly invited from exempt bodies in the district to lease the facility or property. When more than one expression of interest is received the decision to approve a new lease agreement shall be determined by Council.

All improvements to Council owned property and buildings with a value greater than \$5,000 are subject to:

- Prior approval from the Council for groups wishing to undertake such improvements;
- Supervision of works by an appropriate Council officers unless otherwise agreed by the Chief Executive Officer; and
- Copies of invoices for works carried out to be supplied to the Council on completion of works.

This policy applies to all works regardless of funding sources / grants and supervision arrangements.

4. Legislative and Strategic Context

The *Local Government Act 1995* and the associated subsidiary legislation provide the broad framework within which this policy operates.

5. Review

This policy is to be reviewed as required.

6. Associated Documents

Nil.

Division	Community				
Policy Number	CP008				
Contact Officer	Chief Executive Officer				
Related Legislation	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Shire of Waroona Local Government Local Property Local Law 2014				
Related Shire Documents	CMP005 – Leasing Council Property and Land C5 – Leasing Council Property and Land Application Form				
Risk Rating	Medium	Review Frequency	As required	Next Review	When required
Date Adopted	25/10/2016				OCM16/10/115

Amendments		
Date	Details of Amendment	Reference
18/12/2018	Updated as part of major review.	OCM18/12/126
22/06/2021	Consolidated related policies and reformatted.	OCM21/06/071
Previous Policies		
CORP023 – Renewal of Council Leases CORP049 – Improvements to Council Properties by External Groups 2.5 – Renewal of Council Leases		