

**Land Lease and Licence
Policy 2024
POL027**



Policy No:	POL027
Policy Title:	Land Leases and Licences Policy
Section Responsible:	Governance
Minute No/Ref:	24/140
Doc ID:	8342

1. INTENT

Council recognises that it is the registered owner of, or manages parcels of land or spaces, which are not required in the short term but have the potential to be of benefit in the future.

2. SCOPE

This policy applies to entities wishing to lease or license portions of vacant land or unused spaces owned or controlled by Council (In most cases the applicants will be the owners of land adjoining road reserves). This policy is also intended for other permits issued by Council such as an Agreement Permit for the use of land or a Memorandum of Understanding for the occupation of space.

3. OBJECTIVE

The utilisation and maintenance of parcels of vacant land or unused spaces under the control of Council.

4. POLICY STATEMENT

Council owns or has control of a many parcels of vacant land or unused spaces including closed or unused roads. These lands or spaces are usually surplus to Council's immediate requirements but have the potential to be used at a later date, in the short-term consideration should be given to potential leasing/licencing or occupation opportunities.

In some instances, Council is the Manager for Crown Reserves with the *Crown Land Management Act*, 2016 requiring Council to consider environmental, social, cultural heritage and economic considerations before making decisions about leasing/licencing or other occupation tenures.

5. PROVISIONS

5.1 COMPLIANCE

Proposed leases/licenses or other tenures will be processed to comply with the provisions of the *Local Government Act 1993*, *Local Government (General) Regulation, 2021*, *Real Property Act, 1900*, *Roads Act 1993*.

Where the land is Crown Land, additional investigation will be required to determine the status of any Aboriginal Land Claim over the land or if a Native Title Claim has been lodged in respect of the land. Legislation applicable for Crown Land is the *Crown Land Management Act, 1993*, the *Aboriginal Land Rights Act, 1983* and the *Native Title Act, 1993*.

5.2 CONDITIONS

Lease/Licence/Permit/Memorandum of Understanding conditions generally cover the following; however, each application will be assessed on an individual basis and appropriately conditioned:

1. Term will generally be on a 12 monthly basis with the payment of an annual fee for the year ending 30 June that is subject to variation based on the annually adopted Schedule of Fees and Charges or adjusted by a fixed percentage annually or by another agreed method.
2. Lessee/Licensee/Permit Holder/MoU Partner must hold and maintain public liability insurance of not less than 20 million dollars.
3. Notwithstanding Clause 1, Council reserves the right to terminate the lease/licence/permit agreement by giving two (2) months' notice in writing.
4. The Lessee/Licensee/Permit Holder/MoU Partner reserves the right to terminate the agreement by providing Council with two (2) months' notice in writing.
5. Use of leased/licensed/permit occupied/MoU space will be restricted to approved activities such as private access to a property, agistment or other approved activities.
6. No improvements other than fencing works shall be undertaken without the approval of Council.
7. No existing structures or vegetation such as trees are to be removed.
8. No excavation works of greater than 300mm from the natural surface level are to be undertaken.
9. The period of a lease/licence/permit or MoU will be in accordance with the provisions contained within the *Local Government Act 1993*, *Roads Act 1993* also the *Crown Land Management Act, 1993*.
10. The Lessee/Licensee/Permit Holder/MoU Partner shall be responsible for bush fire hazard reduction and eradication of any weeds and feral animals on the land where applicable.

6. DEFINITIONS

- **Aboriginal Land Claim:** Is a process of applying for the return of certain Crown Lands to Aboriginal peoples as compensation for dispossession.
- **Lease:** A lease arises when a landlord grants a tenant a legal right to exclusive possession of premises for a specified period of time in return for the payment of rent.
- **Licence:** A licence arises when a licensor grants a licensee a contractual right to occupy premises in return for the payment of a licence fee.
- **Memorandum of Understanding:** An agreement formalising the terms of a relationship or set an agreed way of operating between two parties.
- **Native Title Claim:** Native title is the name Australian law gives to the traditional ownership of land and waters that have always belonged to Aboriginal people according to their traditions, laws and customs.
- **Permit:** A permit arises when the property owner grants permission to another person or entity for a non-invasive but specific purpose, generally issued to an adjoining land owner for the grazing of stock.
- **Council:** Narrandera Shire Council.

7. ROLES AND RESPONSIBILITIES

- Corporate and Community Services for the receipt of an application, initial assessment to determine the status of the land, referral to Infrastructure Services, reporting to Council and/or other authorities. The final processes involve statutory advertising if necessary then finalisation of the application by issuing a document for signature by both parties, advising debtors of the new invoicing arrangement and updating of the Council land register Doc ID 54467.
- Infrastructure Services provide advice on the application such as; does the land/space contain essential infrastructure or is the land/space proposed for future road widening or extension purposes. The comments to be reported back to Corporate and Community Services should contain recommendations and details of any conditions to be applied.

8. RELATED LEGISLATION

- *Aboriginal Land Rights Act, 1983*
- *Local Government Act, 1993*
- *Local Government (General) Regulation, 2021*
- *Native Title Act, 1993*
- *Real Property Act, 1900*
- *Roads Act, 1993*
- *Crown Lands Management Act, 2016*

9. RELATED POLICIES AND DOCUMENTS

- Annual Schedule of Fees and Charges
- Council land register

10. VARIATION


Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- CS60 Land Leases & Licences Policy.
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POLICY HISTORY

Responsible Officer	Governance & Engagement Manager		
Approved by	General Manager		
Approval Date	27/07/2024		
GM Signature <i>(Authorised staff to insert signature)</i>	 George Cowan		
Next Review	01/06/2027		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	-	-	29/04/1997
2 Reviewed	-	11/12/2013	25/08/2014
3 Reviewed	15/01/2018	-	15/01/2018
4 Reviewed	5/07/2024	27/07/24	21/10/2024

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12. Acknowledgement of Training Received (if required)

I hereby acknowledge that I have received, read and understood a copy of Council's Land Leases & Licences Policy.	
Employee Name	
Position Title	
Signature	
Date	