

# LAND LEASES & LICENCES

CS60



NARRANDERA SHIRE COUNCIL POLICY

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## LAND LEASES

<b>Policy No:</b>	<b>CS60</b>
<b>Policy Title:</b>	<b>Land Leases &amp; Licenses</b>
<b>Section Responsible:</b>	<b>Corporate Services</b>
<b>Minute No:</b>	<b>14/216</b>
<b>MagiQ No:</b>	<b>8342</b>
<b>Next Review Date:</b>	<b>December 2019</b>

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### **Objective**

The utilisation and maintenance of small parcels of vacant land under Council's control.

### **Policy Statement**

Council owns or has control of a number of parcels of vacant land including closed or unused roads. These lands are usually surplus to Council's immediate requirements and should be leased or licensed so they may be maintained in reasonable order.

### **Scope**

This policy applies to entities wishing to lease or license small portions of vacant land owned or controlled by Council. (In many cases these will be the owners of land adjoining road reserves)

### **Definitions**

#### **Lease**

A contractual agreement by which one party conveys an estate in property to another party, for a limited period, subject to various conditions, in exchange for something of value, but still retains ownership.

#### **Licence**

A license is normally created where a person is granted the right to use premises without becoming entitled to exclusive possession of them. If the agreement is merely for the use of the property in a certain way and on certain terms while the property remains in the owner's possession and control, the agreement operates as a license. A license does not create any estate or interest in the property to which it relates. It only makes an act lawful which otherwise would be unlawful.

## Content

Proposed leases/licenses will be processed to comply with the provisions of the Local Government Act, Roads Act and Crown Lands Management Act.

Lease/Licence conditions generally cover the following unless a specific condition is warranted for a particular parcel of land:

1. Payment of an annual rental fee for the year ending 30 June that is subject to variation in annual revenue policy.
2. Notwithstanding Clause 1, Council reserves the right to terminate the lease/licence agreement by giving two (2) months notice in writing.
3. The Lessee/Licensee reserves the right to terminate the lease agreement by giving notice in writing.
4. Use of leased/licensed land will be restricted to approved activities e.g. grazing and agriculture.
5. No improvements other than fencing shall be undertaken without Council's approval, and no trees shall be removed.
6. The period of a lease or licence will be in accord with the provisions of the Local Government Act or Roads Act, relevant to the nature of the land.
7. Lessee shall be responsible for bush fire hazard reduction and eradication of any noxious weeds and feral animals on the land.

## Related Legislation/Guidelines/Narrandera Policies and Associated Procedures

Local Government Act, 1993

Local Government Regulations (General), 2005

Roads Act, 1993

Crown Lands Management Act, 2016

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### Policy History

Adopted	29 April 1997
Reviewed	25 March 2002
Reviewed	17 February 2009
Reviewed	11 December 2013
Adopted	19 August 2014
Reviewed	10 January 2018
Endorsed by ELT	15 January 2018
Adopted	15 January 2018



Signed: General Manager

Date: 15 January 2018