

COMMUNITY LAND AND LEASE POLICY

SCOPE

This Policy applies to the granting of tenure over Council owned or controlled land & assets. The granting of tenure for the Business Incubator, Council managed site in Biloela is not part of the scope of this Policy.

LEGISLATION

Local Government Act 2009

Land Act 1994

Land Title Act 1994

Property Law Act 1974

DEFINITIONS

Commercial Business	A sole trader, partnership, trust or corporation set up for the purpose of operating a business for profit.
Council Controlled Land	Land for which Council is the Trustee.
Lease	Includes a Trustee lease under the <i>Land Act 1994</i> .
Licence	A contractual right to occupy or use Council owned land without any legal right to exclude all others.
Management Agreement	Is a contracted agreement entered into by and between Council and a third party or group to manage the facility and provide other services as agreed.
Not-for-Profit Community Organisation	An association whose primary object is cultural, sporting, recreational, educational or community service purposes and whose constitution or rules provide that its income, profits and assets may only be applied to the promotion of its objects and may not be applied to the payment of dividends, distributions to its members or personal gain.
Organisation	An organised group of people with a particular purpose such as not-for-profit groups, for-profit business and government.
Tenure	The conditions under which land and buildings are held or occupied.

Trustees

Banana Shire Council is appointed by the Minister to manage Trust land consistent with achieving the purpose of the trust and other duties as required under the *Land Act 1994*.

POLICY

Banana Shire Council makes land and facility assets available to a broad range of community and commercial stakeholders to improve community participation, livability and development of the Shire.

Council applies a range of different tenures depending on the needs and objectives of the prospective stakeholders and Council. Tenure arrangements can include Leases, Licences, Permits & Management Agreements.

Applications for Tenure will be considered fairly and equitably in accordance with the *Local Government Act 2009* and *Local Government Regulation 2012* and granted on the terms specified within the supporting procedure to this Policy.

In acknowledgement of fundamental human rights, this Council Policy has been developed and acknowledges a commitment to recognise the importance and protection of human rights in creating policies and procedures that serve to develop overarching frameworks, standards, behaviours or actions that affect the ways in which Council services the community of the Banana Shire Council.

An assessment of this Policy against human rights determined that no human rights are limited or affected by this Policy. Any Council employee or elected member is free to take part in public life in their personal capacity.

PROCEDURE

Procedures will be issued by the Chief Executive Officer. These procedures are subject to further revision, amendment and issue by the Chief Executive Officer.

CERTIFICATION



CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL



DATE