

## Use of Council Land for Agistment Purposes Policy

Policy Type	Governance Policy	Version:	3.0
Responsible Officer	Manager Development & Governance	Date Approved:	19/06/2024
Review Officer:	Director Corporate & Community Services	Review Due:	19/05/2028
Author:	Coordinator Governance & Compliance	Commencement:	19/06/2024

### 1. PURPOSE

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To provide a framework for the equitable assessment of requests received from members of the community for the use of Council owned or controlled vacant land for agistment purposes. An additional purpose is to assist Council with land management of vacant land parcels.

### 2. SCOPE

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This Policy applies across Council.

### 3. POLICY STATEMENT

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The following principles will apply to the assessment of requests under this policy:

- Applications for the use of vacant land for agistment must be made in writing and include a proposal for management of the land, fencing of the land and a rental consideration;
- Applications will be considered for the use of vacant land under this policy only where such land is not subject to an existing lease or permit under a current statutory instrument;<sup>1</sup>
- Council assessment of applications will have regard to the level of demand expressed by the community for the use of the subject land and any resulting escalated requirement for calling of expressions of interest by the wider community;<sup>2</sup>
- Applications may be subject to approval by resolution of Council;
- Assessment of applications will have regard to the impact upon the subject vacant land to ensure that agistment is not likely to:
  - a) Introduce a declared pest onto the land;
  - b) Spread a declared pest on the land;
  - c) Degrade the land;
  - d) Adversely affect road safety; and that
  - e) Stock to be agisted are not affected by a notifiable disease.
- Priority consideration will be afforded to landowners adjoining the subject vacant land who are affected by drought, fire or flood;
- Where the vacant subject land is a local government controlled Reserve, the intended use must be consistent with the formally gazetted Reserve purpose;

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<sup>1</sup> As may exist for example under the *Land Act 1994*.

<sup>2</sup> In accordance with requirements under the *Local Government regulation 2012 s 236*.

- Where the vacant subject land is freehold land, the assessment will be subject to any requirements under Council's current Planning Scheme and any applicable statutory requirements governing use of the land;
- Any administrative costs associated with permit issue will be borne by the applicant;
- Tenure for use of vacant land will be offered via issue of a Land Occupy Permit;
- Permits will be issued for a default term of 12 months however may be issued for a longer term as determined by Council on a case-by-case basis;
- annual permit rental payment minimum amounts will be calculated using the 'percentage of land valuation method' to determine fair rental amounts. The minimum commencing percentage will be five percent (5%) of unimproved usable land value as applied following the determination of current Estimated Land Valuation/Appraisal or such other amount as determined from time to time via resolution of Council;
- Annual permit rental applicable to a twelve-month period will be payable to Council in advance.

#### 4. REPORTING

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Nil reporting required

#### 5. DEFINITIONS

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**Council** - means all elected representatives, officers, employees, contractors and volunteers of the Mareeba Shire Council as well as committee members and to all Council activities, including entities which Council has direct ownership, management, sponsorship or financial control.

**Council owned or controlled land** - means land for which Council is either assigned as Trustee by the State of Queensland or land that is owned by Council under freehold title.

**Vacant subject land/vacant land** - means the land which is the subject of the application for tenure and use and which holds no structures and no or minimal infrastructure upon the land surface.

**Reserve Land** (Council Controlled) - Land for which Council is Trustee and which holds a defined gazetted purpose under the *Land Act 1994* (Qld).

**Council Freehold Land** - Land owned by Council under freehold title.

#### 6. RELATED DOCUMENTS AND REFERENCES

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*Land Act 1994* (Qld)

*Local Government Act 2009* (Qld)

*Local Government Regulation 2012* (Qld)

#### 7. REVIEW

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It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.