

Property Leasing Policy

NOTE: Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate, Governance & Strategy Branch. A hard copy of this electronic document is considered uncontrolled when printed.

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1. POLICY STATEMENT

The purpose of this policy is to set the guidelines for administering South Burnett Regional Council's ('Council's') land and facility assets that may be available for disposal or leasing.

2. SCOPE

This policy applies to all land and facilities located on Council owned or controlled lands.

This policy has been established to ensure that property, which is not required for Council's purposes, can be offered by way of lease, licence, or memorandum of understanding to a community organisation or commercial entity.

This policy applies in conjunction with Council's Disposal of Assets Policy and provides further clarification of an interest in land.

This policy excludes residential tenancies pursuant to the *Residential Tenancies and Rooming Accommodation Act 2008*.

3. GENERAL INFORMATION

The objectives of this policy are to ensure:

- the effective and efficient management of its leased real estate portfolio;
- the maximisation of use of Council's land and facilities; and
- the maximisation of the community benefit and supporting of economic development.

3.1. Principles

The principles to be considered when identifying a facility for lease and offering tenure are:

- to facilitate and promote equitable access to Council owned or controlled facilities and land;
- support community organisations to optimise the development, improvement and use of Council's owned and controlled facilities and land;
- to identify assets suitable for commercial tenants; and
- ensure disposal is in accordance with the *Local Government Regulation 2012*.

The standards to be considered when compiling a lease document are:

- ensure tenants have the financial capacity to contribute to the capital improvement, repairs and maintenance of the facility;
- ensure fair, consistent lease conditions between tenants and Council across all facilities;
- ensure that Council facilities are appropriately maintained, developed, and occupied in alignment with the purpose of the facility or land; and
- ensure that facilities are used in accordance with the local community's expectation of the asset.

The standards of administration of Council's leased assets are to:

- ensure sound financial management;
- ensure effective administration of Council's lease register;
- ensure that Council's properties are appropriately maintained, developed, and occupied in accordance with all relevant legislative requirements; and
- develop a partnership approach to the capital improvement, repairs, and maintenance of facilities through support for community organisations for project development, applications for grant funding from external funding bodies and community development support.

4. DEFINITIONS

Asset Disposal means the process whereby Council divests itself of any asset in an organised and authorised manner.

Capital Improvement means an expenditure that enhances a fixed asset to such an extent that the improvement can be recorded as a fixed asset.

Commercial Entity means any entity, sole person, company, or group that is undertaking a business or commercial activity.

Community Group means any group which is not-for-profit.

Council means the South Burnett Regional Council.

Lease Agreement means either a Lease or Licence or other tenure agreement which provides rights to a Commercial Entity or Community Group to occupy or use a property.

Property means any Council owned or controlled freehold or leasehold property or Reserve, whether vacant land or an improved property.

Repairs and Maintenance means costs that are incurred to ensure that an asset continues to operate.

Tenant means an occupier of land, facility, or premises by way of grant of tenure through a tenure agreement.

5. LEGISLATIVE REFERENCE

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Residential Tenancies and Rooming Accommodation Act 2008 (Qld)

6. RELATED DOCUMENTS

South Burnett Regional Council Corporate Plan 2021/2026

South Burnett Regional Council Disposal of Asset Policy – Statutory008

South Burnett Regional Council Employee Code of Conduct – Statutory011

7. NEXT REVIEW

As prescribed by legislation or December 2024

8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy	14 December 2022	2939984


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