

# POLICY



**Date adopted:** 26/06/2018  
**File no:** 566378-1  
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**Policy title:** RENTAL OF COUNCIL OWNED OR CONTROLLED LAND FOR AGISTMENT PURPOSES

**Directorate:** ORGANISATIONAL SERVICES

**Branch:** ADMINISTRATION

**Policy objective:** To provide a cost effective approach to utilising land identified as suitable for agistment purposes until such time as that land is required for its designated use.

**Policy scope:**

1. This policy should be read in conjunction with the Subordinate Local Law 4.1 (Animal Management) 2002 and the *Biosecurity Act 2014, Brands Act 1915, Local Government Act 2009, Land Act 1994, Animal Care and Protection Act 2001* and Biosecurity Regulation 2016.
2. From time to time, Logan City Council (Council) has the opportunity to agist parcels of Council owned or controlled land. The purpose of these agistments is to ensure that land is made available for a suitable use for an interim period until its intended use is activated.
3. This policy allows members of the local community to use these parcels to graze livestock, namely cattle and horses, and at the same time assist with maintaining the properties free of noxious weeds and long grass, reducing the costs to Council in holding those parcels.
4. This policy is formulated on the basis of ensuring openness, transparency, effective competition, value for money, ethical behaviour and fair dealing in making these parcels available to members of the community.
5. This policy will apply to all applications for a permit to occupy Council owned or controlled land for agistment purposes. This policy seeks to provide a consistent process for the grant and renewal of an Agistment Permit.

**Definitions:**

| TERM                      | DEFINITION  |
|---------------------------|---|
| Agistee                   | An individual, partnership or organisation agisting land for non-commercial purposes and holding the permit to use the land according to this policy.   |
| Agistment Permit          | A permit granted to an Agistee in accordance with this policy.  |
| Application for Agistment | An application for agistment provided by Council (as amended from time to time).  |
| Certificate of Currency   | A certificate identifying an insurance policy number, insurance policy holder, an amount of insurance and a start and expiry date for public liability insurance in the sum of no less than \$20 million in respect of any one event. |

| <b>TERM</b>     | <b>DEFINITION</b>  |
|-----------------|--|
| Council         | Logan City Council.  |
| Council Land    | Council owned or controlled land made available (at the request of the custodian of that land) for the purposes of agistment under this policy.  |
| Electric Fence  | A fence that supplies an electric charge (DC) by metal wire, conductive tape or conductive cord.   |
| Livestock       | Cattle, horses, donkeys, alpacas and llamas but excluding goats and sheep.   |
| Mandatory Terms | means the requirements of the Agistment Permit in respect of: <ul style="list-style-type: none"> <li>• payment of the applicable fee;</li> <li>• maintenance of the required insurances;</li> <li>• maintenance of the Land in accordance with the requirements of the Agistment Permit; and</li> <li>• compliance with the terms and conditions of the Agistment Permit.</li> </ul> |
| NLIS            | The National Livestock Identification Scheme, Australia’s system for the identification and traceability of cattle, sheep and goats.   |
| PIC             | Property Identification Code issued pursuant to the NLIS.  |
| The Minister    | The Minister administering the <i>Land Act 1994</i> (Qld).   |

**Policy statement:**

The following procedure is to be undertaken for this policy:

**(A) Application Process**

1. Council will maintain a waiting list for community members interested in agisting Livestock on Council Land. Community members can apply at any time to have their name recorded on the waiting list by completing and providing to Council an Application for Agistment.
2. Information will be made available to all community members (via Council's website) of the waiting list, including the Application for Agistment.
3. During January-February every year, Council will advise community members (by way of the local and social media) of the ability to register on the waiting list for agistment properties.

**(B) Grant of a New Agistment Permit**

1. Subject to clauses 3 and 4, when a parcel of land becomes available for agistment, Council will advise each of the community members on the waiting list of the particular parcel of Council Land and ask them to advise (within a date no later than 21 days after the notification) whether they would like to be considered for an Agistment Permit in respect of the identified parcel of Council Land.
2. In determining an application for an Agistment Permit, priority will be given to applications which demonstrate:
  - (a) proximity of the applicant to the particular parcel of Council Land;
  - (b) an appropriate number and species of Livestock for the particular parcel of Council Land;
  - (c) an appropriate proposal for management of the Council Land throughout the term; and

- (d) the applicant's previous experience with agistment (including references submitted in respect of previous agistment arrangements).
- 3. Where it is considered that because of the location, restricted access, size, shape, topography or history of the Council Land there is unlikely to be interest from the community, other than an adjoining owner or existing occupier, the Administration Manager may waive the need for that Council Land to be offered to each of the community members on the waiting list.
- 4. When the fee for a particular parcel of Council Land (when calculated having regard to the fees set by Council in the Register of Cost-Recovery Fees and Schedule of Commercial and Other Charges as part of the budget process each year) is equal to or more than the limit set by Council having regard to the disposal of a valuable non-current asset (or in the absence of a limit being set by Council, by the limit established by the *Local Government Regulation 2012* (\$10,000) and the term of the Agistment Permit exceeds one year, that particular parcel of land must be offered for agistment by way of auction or tender.
- 5. Council is not obliged to grant an Agistment Permit if the Administration Manager considers that none of the applications are in the best interests of Council, particularly having regard to Council's future requirements for the Council Land.

**(C) Renewal of an Agistment Permit**

- 1. At least three months prior to the expiry of any Agistment Permit, Agistees will be asked to advise whether they seek a renewal of the Agistment Permit for a further term.
- 2. If the Agistee wishes to renew the Agistment Permit for a further term, provided that it has paid all Agistment Fees and continues to comply with the Mandatory Terms, the Administration Manager may renew the Agistment Permit for the further term.
- 3. If the Agistee does not wish to renew the Agistment Permit, the process for "Grant of a New Agistment Permit" will be undertaken.

**(D) Terms and Conditions of an Agistment Permit**

- 1. Agistees will generally be granted a permit in accordance with Council's standard Agistment Permit as amended from time to time.
- 2. The term of the Agistment Permit shall be for a maximum of one (1) year, expiring on 30 June in any given year.
- 3. Within fourteen days of the Agistment Permit being issued by Council, the Agistee must:
  - (a) return the signed Agistment Permit;
  - (b) provide a copy of a Certificate of Currency; and
  - (c) advise Council of the Agistee's PIC.
- 4. The Council Land is to be used for agistment purposes only and the use of the land for any other purpose is strictly prohibited.
- 5. The Agistment Permit does not grant the Agistee an interest in the Council Land.

**(E) Agistment Fees**

- 1. The Agistment Fee payable by an Agistee will be the fee set by Council in the Register of Cost-Recovery Fees and Schedule of Commercial and Other Charges as part of the budget process each year.
- 2. The Agistment Fee will be reviewed each year as part of the budget process to ensure that the fee reflects an appropriate value for the land being offered for agistment.

Related policies/legislation/other documents:

| DOC ID                  | DOCUMENT TYPE           | DOCUMENT NAME  |
|-------------------------|-------------------------|--|
| <a href="#">8420472</a> | Delegation of Authority | Determination of Commercial and Other Charges          |
|                         | Subordinate Local Law   | Subordinate Local Law No. 4.1 (Animal Management) 2002 |
|                         | Legislation             | <i>Local Government Act 2009</i>                       |
|                         | Legislation             | <i>Land Act 1994</i>                                   |
|                         | Legislation             | <i>Animal Care and Protection Act 2001</i>             |
|                         | Legislation             | <i>Biosecurity Act 2014</i>                            |
|                         | Regulation              | <i>Biosecurity Regulation 2016</i>                     |
|                         | Legislation             | <i>Brands Act 1915</i>                                 |