



MAPOON ABORIGINAL SHIRE COUNCIL AS TRUSTEE

Leasing Policy



26TH JULY 2017
MAPOON ABORIGINAL SHIRE COUNCIL AS TRUSTEE
30 Main Street Mapoon, Qld 4874

Policy Adopted: 26 July 2017

Introduction

- A. This Policy deals with 99 year home ownership leases in Council's local government area.
- B. This Policy does not derogate from, or otherwise change the effect of, any legal documentation Council enters into with any party, including, for example, a CATL or a Lease.
- C. This Policy is designed to add certainty around certain steps Council is required to make when receiving and considering EOIs.
- D. In this Policy:
 - "CATL" means a Conditional Agreement to Lease;
 - "Council" means Mapoon Aboriginal Shire Council (as trustee of the Land);
 - "Eligibility Criteria" means the criteria set out in the ILUA, the Aboriginal Land Act 1991, and any other legislation or document which governs who is eligible to apply for a Lease.
 - "EOI" means an expression of interest for a Lease;
 - "ILUA" means the Mapoon Indigenous Land Use Agreement;
 - "Land" means a lot of land within the Deed of Grant in Trust dedicated to Council as trustee;
 - "Lease" means a 99 year home ownership lease of Land;
 - "Policy" means this Leasing Policy.

Eligibility criteria

1. If an applicant does not satisfy the Eligibility Criteria, Council will reject the EOI.

Receiving Expressions of Interest

1. Council will only consider applications for leases if the applicant makes an EOI in the approved form.
2. The approved form for an EOI can be requested from Council at its offices in Mapoon. Council may also decide to make the approved form available on its website.
3. At any point when considering the EOI, Council may request further information from the applicant that Council believes is appropriate in order to enable Council to consider the EOI. Council will provide the applicant with a reasonable timeframe for a response. The applicant must respond to any requests made by Council for further information within the time requested by Council.
4. If more than one EOI is made over the same area ("**the Competing Area**"), then Council will reject all EOIs relating to the Competing Area and will not consider any further EOIs until Council is satisfied that any disputes about the Competing Area have been resolved.
5. When submitting an EOI to Council, the Applicant acknowledges and agrees that Council may disclose the name of the EOI applicant and the location of the Competing Area to other Applicants who have also made an EOI over the Competing Area, so that those applicants have the opportunity to effectively resolve any issues associated with the Competing Area and their respective EOIs
6. Any EOIs made over the same area that is subject to a CATL or a Lease will not be considered by Council.

7. Applicants may amend their EOI at any time before a CATL is signed. However, if the applicant amends their EOI, Council may request an EOI amendment fee of \$..... (Including GST).

Application Fees

1. The application fee for an EOI is \$..... (including GST)
2. The application fee must be paid at the same time as the EOI is submitted.
3. If an EOI is submitted without payment of the application fee, the EOI will be returned to the applicant and will not be considered any further.
4. If an EOI is rejected at any stage of the process, then Council is not required to refund the application fee, in whole or in part (even if the EOI is rejected through no fault of the applicant's own).
5. For EOIs that were submitted on or before the date this Policy is adopted, the application fee must be paid before Council signs a CATL.

Community Consultation

1. Council will undertake public consultation on each EOI received.
2. The public consultation process is as follows:
 - Council will prepare a notice disclosing the name of the EOI applicant, the address of the land proposed to be leased and a plan showing the land proposed to be leased, and will invite submissions from the community about the EOI;
 - The notice will be posted on the community notice boards at Council's offices, the Health Clinic and the Shop, and on Council's website.
 - Council will allow a notice period of not less than 3 weeks for interested community members to make submissions on the EOI.
3. If Council receives submissions that do not support the lease, and Council considers those submissions are not frivolous or vexatious, Council must defer any further consideration of the EOI until the objections have been resolved.

Unsuccessful Applicants

1. Council reserves the right to accept or reject any EOI, having regard to:
 - the existing uses of the Land;
 - the purpose for which the Land has been dedicated;
 - the outcome of public consultation;
 - the requirements of the Department of Housing and Public Works;
 - any other matter that Council acting reasonably considers to be appropriate.
2. If Council rejects an EOI, Council shall notify the applicant that their EOI has been rejected, and shall provide a brief description of why the EOI is rejected.

Formal Documentation

1. Council will prepare formal documentation for applicants to review and sign prior to the grant of a Lease. This formal documentation may include a CATL and a Lease, in Council's approved form, and any other documents Council considers to be appropriate to formally record the arrangement.

Amending Policy

1. Council may, at any time and without notice, amend this Policy without reference to past, existing or prospective applicants for EOIs.

2. It is the responsibility of all applicants for EOIs to ensure they have read and understand this Policy in its current form.