

**19.1 VOLUNTARY TRANSFER OF LAND CONCESSION****Objective Reference:****Authorising Officer:** Deborah Corbett-Hall, Chief Financial Officer**Responsible Officer:** Deborah Corbett-Hall, Chief Financial Officer**Report Author:** Thomas Turner, Team Leader Accounts Receivable and Payments**Attachments:** 1. VOL March 2019 Schedule

The Council is satisfied that, pursuant to Section 275(1) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

- (h) *other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*

**PURPOSE**

To request Council resolves to accept the voluntary transfer of unencumbered land in full or part payment of rates and charges identified in the attached schedule, VOL March 2019, for overdue rates and charges.

**BACKGROUND**

Local government legislation provides an avenue for Councils to grant a concession to land owners to accept a transfer of unencumbered land in full or part payment of rates or charges. Unencumbered land is land that is not mortgaged or otherwise encumbered.

The properties put forward in the attached schedule, VOL March 2019, meet the requirements to be accepted as a voluntary transfer in full satisfaction of unpaid rates and charges.

**ISSUES**

The attached schedule VOL March 2019 contains a list of properties where the owners have requested to transfer the land to Redland City Council in full satisfaction of the unpaid rates and charges.

The following table provides detail of the site value and zoning of the accepted land.

Land Site Value	CN - Conservation
\$500	2
<b>Total</b>	<b>2</b>

**STRATEGIC IMPLICATIONS****Legislative Requirements**

Chapter 4, Part 10, sections 119 to 126 of the *Local Government Regulation 2012* (Regulation) details the legislative requirements of granting a concession by accepting a transfer of unencumbered land in full or part payment of the rates or charges.

- Section 119 of the Regulation states that, *“A local government may grant a ratepayer a concession for rates or charges for land only under this part.”*

- Section 120(c) of the Regulation sets out the criteria for granting a concession, *“The local government may grant the concession only if it is satisfied the payment of the rates or charges will cause hardship to the land owner.”*
- Section 121(c) sets out the types of concession, which for voluntary transfers the following applies, *“an agreement to accept a transfer of unencumbered land in full or part payment of the rates or charges.”*
- Section 122 sets out the required content of the resolution for granting a concession.
  - (1) *“The local government may grant the concession only by—*
    - a) *a resolution granting the concession to a stated ratepayer; or*
    - b) *if the concession is of a type mentioned in section 121(a) or (b)—a resolution granting the concession to a ratepayer who is a member of a stated class of ratepayers.*
  - (2) *The local government may make the resolution before the local government levies the rates or charges.*
  - (3) *The local government may make a resolution under subsection (1)(a) only if the ratepayer has applied for the concession in a way accepted by the local government.*
  - (4) *If the local government grants a concession by making a resolution under (1)(b), the concession may be granted only to the ratepayers whom the local government is satisfied are eligible for the concession.*
  - (5) *The resolution may include conditions for granting the concession to the ratepayer.*
  - (6) *Without limiting subsection (5), the conditions may include the following—*
    - a) *a condition requiring the ratepayer to show the local government particular information or documents or follow a procedure to be eligible for the concession.*
    - b) *a condition limiting the period for which the ratepayer is granted the concession.”*
- Section 126 sets out the special provision for an agreement to accept a land transfer.
  - (1) *“This section applies if a concession to a ratepayer for rates or charges includes an agreement to accept a transfer of unencumbered land in full or part payment of the rates or charges.*
  - (2) *The agreement must state the due date for payment of the rates or charges.”*

### **Risk Management**

Council meets the requirements under current legislation to resolve to accept the voluntary transfer of land listed in the attached schedule, VOL March 2019.

### **Financial**

As at 19 March 2019, the total concession on rates and charges for the properties identified in the attached schedule is \$2,526.60.

### **People**

Nil impact expected as the purpose of the report is to submit to Council a list of properties for resolution to provide a concession through the voluntary transfer of unencumbered land in full payment of rates and charges.

## Environmental

Nil impact expected as the purpose of the report is to submit to Council a list of properties for resolution to provide a concession through the voluntary transfer of unencumbered land in full payment of rates and charges.

## Social

Nil impact expected as the purpose of the report is to submit to Council a list of properties for resolution to provide a concession through the voluntary transfer of unencumbered land in full payment of rates and charges.

## Alignment with Council's Policy and Plans

This report has a relationship with the following items of the 2018-2023 Corporate Plan:

### 8. Inclusive and ethical governance

8.2 Council produces and delivers against sustainable financial forecasts as a result of best practice Capital and Asset Management Plans that guide project planning and service delivery across the city.

8.3 Implementation of the Corporate Plan is well coordinated across Council and through a delivery mechanism that provides clear line of sight, accountability and performance measurement for all employees

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
	17 January 2017	Request from property owners to commence voluntary land acquisition process.
	17 October 2018	Letter of Application for Voluntary Transfer of Land received.
	7 January 2019	Unencumbered Certificate of Title received from property owner.
	23 June 2018	Request from property owners to commence voluntary land acquisition process.
	17 October 2018	Unencumbered Certificate of Title received from property owner. Letter of Application for Voluntary Transfer of Land received.
Environmental Health Policy Adviser	18 October 2018	Confirmation that land is not on current EMR/CLE register.
Service Manager – Financial Operations	4 March 2019	Review of report content.

## OPTIONS

### Option One

That Council resolves to:

- grant a concession to the stated ratepayers detailed in the attached schedule, VOL March 2019, to accept the transfer of unencumbered land in full payment of the rates and charges, as pursuant to Section 121(c) of the *Local Government Regulation 2012*;
- note the due date for payment of the rates and charges is detailed in the attached schedule, VOL March 2019; and

3. maintain the report and attachments as confidential in accordance with sections 171(3) and 200(5) of the *Local Government Act 2009* and remain confidential unless Council decides otherwise by resolution, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

### **Option Two**

Council resolves not to accept the transfer of land described in the attached schedule, VOL March 2019.

### **OFFICER'S RECOMMENDATION**

That Council resolves to:

1. **grant a concession to the stated ratepayers detailed in the attached schedule, VOL March 2019, to accept the transfer of unencumbered land in full payment of the rates and charges, as pursuant to Section 121(c) of the *Local Government Regulation 2012*;**
2. **note the due date for payment of the rates and charges is detailed in the attached schedule, VOL March 2019; and**
3. **maintain the report and attachments as confidential in accordance with sections 171(3) and 200(5) of the *Local Government Act 2009* and remain confidential unless Council decides otherwise by resolution, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.**

Property	Property Owner	Property Address	Description	Concession	Due Date	Land Site Value	Zoning
2632				\$1,263.30	11-Feb-19	\$500	CN - Conservation
4017				\$1,263.30	11-Feb-19	\$500	CN - Conservation