



Redland
CITY COUNCIL

PREVIOUSLY CONFIDENTIAL INFORMATION

GENERAL MEETING

Wednesday, 17 November 2021

Item 19.1

Voluntary Transfer of Land Concession

Released 11 October 2022

19 CONFIDENTIAL ITEMS**19.1 VOLUNTARY TRANSFER OF LAND CONCESSION****Objective Reference:** A5868788**Authorising Officer:** Deborah Corbett-Hall, Chief Financial Officer**Responsible Officer:** Deborah Corbett-Hall, Chief Financial Officer**Report Author:** Hayley Janes, Supervisor Accounts Receivable**Attachments:** 1. Voluntary Transfer Schedule November 2021 [↓](#)

The Council is satisfied that, pursuant to Section 254J(3) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

(d) rating concessions.

PURPOSE

To approve the voluntary transfer of unencumbered land in full or part payment of rates and charges identified in the attached schedule, VOL November 2021, 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 November 2021, meet the requirements to be accepted as a voluntary transfer in full satisfaction of unpaid rates and charges.

While both properties have a conservation zoning, one of the two properties has a valuation of [REDACTED]. This valuation is set by the Department of Natural Resources and Mines. The registered owner of this property has directed, through his appointed Power of Attorney to voluntary surrender the property to Council as it is causing him financial hardship. The registered owner has not paid rates since 2008.

ISSUES

The attached schedule VOL November 2021 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
	1
	1
	Total = 2

STRATEGIC IMPLICATIONS

Legislative Requirements

Chapter 4, Part 10, sections 119 to 126 of the *Local Government Regulation 2012 (Regulation)* detail 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 November 2021.

Financial

As at 15 November 2021, the total concession on rates and charges for the properties identified in the attached schedule is [REDACTED]

People

No 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

No 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

No 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.

Human Rights

No 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 Council's *Our Future Redlands – A Corporate Plan to 2026 and Beyond*:

Efficient and effective organisation objectives

- 7.1 Improve the efficiency and effectiveness of Council's service delivery to decrease costs, and enhance customer experience and community outcomes.
- 7.4 Demonstrate good governance through transparent, accountable processes and sustainable practices and asset management.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
	28 September 2021	Acknowledgement of application and required documentation.
	31 May 2021	Acknowledgement of application and required documentation.

OPTIONS**Option One**

That Council resolves as follows:

1. To grant a concession to the stated ratepayers detailed in the attached schedule, VOL November 2021, 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. To note the due date for payment of the rates and charges is detailed in the attached schedule, VOL November 2021.
3. That this report and attachment remains confidential until such time as required by any legal or statutory obligation, subject to maintaining the confidentiality of legal privileged, private and commercial in confidence information.

Option Two

That Council resolves as follows:

1. To not accept the transfer of land described in the attached schedule, VOL November 2021.
2. That this report and attachment remains confidential until such time as required by any legal or statutory obligation, subject to maintaining the confidentiality of legal privileged, private and commercial in confidence information.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. **To grant a concession to the stated ratepayers detailed in the attached schedule, VOL November 2021, 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. **To note the due date for payment of the rates and charges is detailed in the attached schedule, VOL November 2021.**
3. **That this report and attachment remains confidential until such time as required by any legal or statutory obligation, subject to maintaining the confidentiality of legal privileged, private and commercial in confidence information.**

Pages 5 through 27 redacted for the following reasons:
