

# Surrender of Land

## COUNCIL POLICY NO. 152

### 1. POLICY OBJECTIVE

The purpose of this policy is to support Council in its decision making in circumstances where ratepayers apply to surrender parcels of land within the Gannawarra Shire.

### 2. SCOPE

This Policy applies to ratepayers who have a parcel or parcels of land that they wish to surrender to Council.

The Policy allows Council to consider an application to change ownership of the land.

### 3. REFERENCES

- Local Government Act 1989 (the Act 1989)
- Local Government Act 2020 (the Act 2020)

### 4. APPLICATION PROCESS

Any offer to donate land to Council must be submitted in writing by the landowner or their legal representative and should be accompanied by the following:

- reasons for surrender of land
- rate notice copy
- copy of title
- property survey or sketch map that shows the location and approximate land size
- any other information about the land that may be of significance.

### 5. ASSESSMENT

Once an application has been received and all the required information has been confirmed, the Manager Financial Services will provide a report to Council in order to determine the application outcome.

When making its decision, Council will take into account the following issues:

- legal costs involved in transferring ownership of the land
- payment of future rates and related charges
- possible escalation into a Section 181 (the Act 1989) property sale
- payment of future Emergency Services and Volunteer Fund Levy – for both fixed and variable charges
- suitability for resale
- restrictions on property (building notices, chattels, caveats)
- previous land use and cost to rehabilitate (possible contamination, risk of mine shafts)
- capacity for development (land size, planning zones, contain effluent)
- site condition and any possessions remaining
- liability for maintenance of the vacant land which includes grass slashing and control of weeds if the property is not suitable for resale.

Only land with an identified potential future benefit to Council will be considered for surrender.

Council may also make a decision to pre-accept applications for designated locations that are deemed suitable for surrender if they comply with the relevant conditions set out in the Council resolution.

## 6. RELATED DOCUMENTS

*Local Government Act 1989* (the Act 1989)

*Local Government Act 2020* (the Act 2020)

025 – Outstanding Debt Policy

034 – Rate Relief Policy

085 – Asset Management Policy

128 – Asset Disposal and Rationalisation

## 7. POLICY REVIEW

Council will review this policy as required but always within two years after a general election of the Council.

At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## 8. FURTHER INFORMATION

Members of the public may inspect all policies at Gannawarra Shire Council's Kerang and Cohuna office or online at [www.gsc.vic.gov.au](http://www.gsc.vic.gov.au)

Any enquiries in relation to this policy should be directed to the Chief Executive Officer on (03) 5450 9333.

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