

KELLEHERS AUSTRALIA

In-House Memorandum

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“Unloved Land”

There exist throughout Victoria many parcels of unloved and unallocated land. Many have a complex history. Some have been standing since Victorian times in the name of the Crown, an old public authority, a long deceased individual (sometimes with an English address) or the “Mayor and Councillors” of the local council.

It is important to examine the land’s occupation, whether it has been used to pass and re-pass, any infrastructure, buildings or works located on it and its status on Council’s Road Register. Such land may pre-date land titles and need to be brought under the operation of the *Transfer of Land Act 1958*, an application that can be complex and can only be made by the person entitled to the land’s fee simple, in law or in equity. A Council generally has power to sell land registered or vested in it at current market value. Council powers are extremely broad as to choice of buyer, but except in limited circumstances, the *Local Government Act 1989* (Vic) requires a valuation to be obtained and public notice of proposed sale to be given, with the public entitled to make submissions.

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