



# **Sale of Land for Unpaid Rates and Charges Policy**

<b>Date policy was adopted by Council:</b>	28 September 2011
<b>Resolution number:</b>	252/11
<b>Previous Policy review date:</b>	November 2013
<b>Next Policy review date:</b>	July 2016
<b>Reference number:</b>	C1185050

## **1. OBJECTIVE**

*The objective of this policy is to ensure that the Queanbeyan City Council meets its obligation and carries out the correct procedures in respect of the disposal of private property for the non payment of rates and charges*

## **2. PRINCIPLES**

Any sales of land for unpaid rates and charges will:-

- be undertaken in compliance Chapter 17, Part 2, Division 5 of the Local Government Act 1993 - **Sale of land for unpaid rates and charges**
- be consistent with Council's economic, social and environmental objectives,
- occur only after consultation with affected property owners and taking into account all relevant comments and representations,
- be through a fair and open process in accordance with any ICAC guidelines
- be open to public scrutiny while maintaining appropriate levels of commercial confidentiality.

## **3. AREA TO WHICH THE POLICY APPLIES**

This Policy covers all of the Queanbeyan City Council Local Government area.

It should be noted that the Council has a separate policy for the sale of Council land.

## **4. SALE OF LAND FOR UNPAID RATES AND CHARGES**

### **i) Sale of Land**

- (a) The Council may consider the sale land for non payment of rates and charges where rates and charges that are due and payable are unpaid and overdue.
- (b) Where any other land, including residential property has rates and charges outstanding that have remained unpaid for more than five years from the dates due the land can be sold subject to:
  - (i) A valuation for the land must be obtained from the Valuer-General, and
  - (ii) the total amount of unpaid rates or charges on the land exceeds the valuation, and
  - (iii) the council sells the land within 6 months after the date when the council received the valuation

### **ii) Qualifications relating to the sale of land**

Prior to the sale of land the General Manager or the Public Officer must certify in writing:

- (a) what rates and charges (including overdue rates and charges) are payable on the land, and
- (b) when each of those rates and charges was made and how it was levied, and
- (c) when each of those rates and charges became payable, and
- (d) what amounts are payable by way of overdue rates and charges on the land, and
- (e) what amounts are payable by way of rates and charges (other than overdue rates and charges) on the land.

In the case of adjoining parcels of land (whether in the same or different ownerships) The Council may elect for the properties to be sold :

- (a) separately or as a single parcel and under whatever conditions of sale it considers proper, and

- (b) do such things as it considers appropriate for the purpose of selling the land at its full value.

**iii) Report to Council to Sell Land**

**iv) Consultation Process**

Advertisements must include a legal property description and a local name by which the property is known (if any) together with all other relevant details in relation to the sale e.g. price, special conditions. Statutory advertising will be placed with Council's regular print media outlets.

**v) Methods of Disposal**

Sale of land shall proceed in the following manner:

- Public Competitive Sale (Auction or Agent)
- Private Treaty
- Other Sales.

**vi) Public Competitive Sale**

After Council approval and completing the process required under the *Local Government Act 1993*, and where relevant the *Environmental Planning & Assessment Act 1979* the following procedures should apply:

- (a) The Council may invite expressions of interest from prospective buyers for the sale of the property or;
- (b) The Council may appoint the Queanbeyan Real Estate Institute to dispose of the property.
- (c) The General Manager in consultation with the Mayor shall determine whether sale is by auction or direct negotiation and whether any terms and conditions apply
- (d) The General Manager in consultation with the Mayor shall determine the reserve price if the sale is by auction or by negotiation
- (e) If reserve is met then sale proceeds
- (f) If reserve is not met, then any offer or proposal to amend reserve be referred to the General Manager for consideration.

**vii) Private Treaty**

- (a) If land fails to sell at public auction, the General Manager, or an officer authorised by the General Manager is empowered to negotiate with prospective purchaser/s.
- (b) The General Manager in consultation with the Mayor shall approve the final sale price and any terms or conditions of sale.

**viii) Other Sales**

If any sales fall outside the guidelines above then Council approval will be required prior to acceptance of any offer to purchase.

**ix) Contracts of Sale**

All Contracts of Sale are to be prepared by Council's legal advisors and executed by the General Manager under delegation.


**5. APPLICATION OF PURCHASE MONEY**

Moneys derived from the sale of land for unpaid rates shall be applied in accordance with relevant provisions of the *Local Government Act 1993*.

That a report to Council be prepared at the end of the process.

POLICY:-	
<b>Policy No:</b>	
<b>Policy Title:</b>	Sale of Land for Unpaid Rates and Charges Policy
<b>Date Policy was adopted by Council:</b>	28 September 2011
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<b>Previous Policy Review Date:</b>	November 2013
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PROCEDURES/GUIDELINES:-	
<b>Date Procedure/Guideline (if any) was developed:</b>	Nil
RECORDS:-	
<b>Container Reference in TRIM: Policy</b>	SF100114
<b>Container Reference in TRIM: Procedure</b>	Nil
<b>Other locations of Policy:</b>	Intranet (linked to TRIM Container)
<b>Other locations of Procedures/Guidelines:</b>	Intranet (linked to TRIM Container)
DELEGATION (if any):-	
Nil	
RESPONSIBILITY:-	
<b>Draft Policy developed by:</b>	Executive Manager - Legal and Internal Services
<b>Committees (if any) consulted in the development of the Draft Policy:</b>	Nil
<b>Responsibility for Implementation:</b>	Revenue Accountant
<b>Responsibility for Review of Policy:</b>	Revenue Accountant

INTEGRATED PLANNING FRAMEWORK:	
<b>Community Strategic Plan:</b>	Strategic Priority No. 6
<b>Delivery Program Title:</b>	Legal and Internal Services
<b>Operational Plan:</b>	Program No. 130

<b>Senior Authorising Officer</b>	<b>Position</b> General Manager	<b>Signature/Date</b>  29 September 2011
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<b>ACTION</b>	<b>COUNCIL MEETING DATE</b>	<b>RESOLUTION NUMBER</b>	<b>REPORT ITEM NUMBER</b>
<b>NEW/RECONFIRMED/ AMENDED</b>			
New	28 September 2011	252/11	Item 5

<b>DATE REVIEWED</b>	<b>REVIEWER POSITION</b>	<b>REVIEWER NAME</b>
November 2013	General Manager	Gary Chapman