

ACQUISITION OF VALUELESS LAND FOR OVERDUE RATES AND CHARGES

Objective Reference: A2901362
Reports and Attachments (Archives)

Attachments:

1. [Schedule April 2018](#)
2. [Schedule for Valueless Land Resolution](#)

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Chief Financial Officer

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PURPOSE

To request Council resolves to acquire the land identified in the attached *Schedule April 2018* for overdue rates and charges.

BACKGROUND

Rate Notices are issued on a quarterly cycle to owners of the parcels of land identified in the attached *Schedule April 2018*. Rates and charges on each parcel have been outstanding for greater than three years and collection activity has been unable to yield payment.

ISSUES

The land identified in the attached *Schedule April 2018* is put forward for resolution to acquire as valueless land for overdue rates and charges because:

- collection activity is unable to yield payment;
- further recovery action (i.e. legal action) is not considered reasonable due to site values and zoning of the land;
- the land parcels are zoned Conservation with a sub-zone of CN1 or CN2, which is not considered acceptable for sale of land, but is acceptable for acquisition as valueless land;
- the site value is \$500;
- the outstanding rates are greater than the site value; and
- the land meets the criteria stated for the acquisition of land for overdue rates and charges stated in Section 148 of the *Local Government Regulation 2012*.

Under the *Local Government Regulation 2012* property owners are issued a Notice of Intention to Acquire Land. The property owner will have six months to pay the overdue rates and charges in full. If the rates and charges are not paid within this timeframe, transfer documentation will be submitted to the Registrar of Titles to record Redland City Council as the registered owner of the land.

A summary of each property identified is attached in the *Schedule for Valueless Land Resolution*.

STRATEGIC IMPLICATIONS

Legislative Requirements

Section 148 of the *Local Government Regulation 2012* (Regulation) sets out the criteria for the acquisition of land considered to be valueless for overdue rates and charges, namely:

- the liability to pay the overdue rates or charges is not the subject of court proceedings; and
- some of the overdue rates or charges have been overdue for at least three years; and
- the person who is liable to pay the overdue rates or charges has an interest in the land that a corporation is not prohibited from holding; and
- either of the following applies –
 - i. the total amount of the overdue rates or charges is more than the value of the land and the land is considered to be:
 - a. valueless
 - b. of so little value that, if it were sold, the proceeds of the sale would be less than the amount of the overdue rates or charges
 - ii. the total amount of the overdue rates or charges is more than the market value of the land.

Risk Management

The following risk management framework has been put into place.

Risk	Mitigation
Legal challenge by owner	Ensure all parcels meet the criteria for valueless land acquisition outlined in section 148 of the <i>Local Government Regulation 2012</i> .
Financial cost to Council	The ongoing cost to Council to maintain the land parcels after acquisition has been estimated under direction of City Planning and Assessment and accounted for in future budgets.
Consistency with Planning Scheme	The City Planning and Assessment Group and Environment and Regulation Group were consulted and it is considered the outcome of the recommendations in this report will not require any amendments to the Redlands Planning Scheme.

Financial

Overdue rates and charges for the 17 properties in attached *Schedule April 2018* total \$42,699.

The estimated financial implications impacting Council as a result of this report are:

Estimated One-off Costs	
Cost of substitute service (advertising, legal)	\$ 3,260
Cost to transfer ownership of land to Council	\$ 2,975
Total	\$ 6,235
Estimated Annual Costs	
Cost of on-going maintenance	\$3,440

People

Nil impact expected as the purpose of the report is to submit to Council a list of properties for resolution acquired as valueless land for overdue rates and charges.

Environmental

Nil impact expected as the purpose of the report is to submit to Council a list of properties for resolution acquired as valueless land for overdue rates and charges.

Social

Nil impact expected as the purpose of the report is to submit to Council a list of properties for resolution acquired as valueless land for overdue rates and charges.

Alignment with Council's Policy and Plans

This report has a relationship with the following items of the 2015-2020 Corporate Plan:

8. Inclusive and ethical governance

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

This report has been compiled after consultation with the following Council officers:

- General Manager Infrastructure and Operations
- General Counsel
- Group Manager Environment and Regulation
- Group Manager City Operations
- Service Manager Parks and Conservation
- Senior Conservation Officer
- Finance Manager Financial Operations

OPTIONS

Option One

Council resolves to acquire the land identified in the attached *Schedule April 2018 under Chapter 4, Part 12, Division 3, Subdivision 3 of the Local Government Regulation 2012* for overdue rates and charges.

Option Two

Council resolves not to acquire the land. The rates and charges will continue to be levied and remain unpaid.

OFFICER'S RECOMMENDATION

Council resolves to acquire the land identified in the attached *Schedule April 2018 under Chapter 4, Part 12, Division 3, Subdivision 3 of the Local Government Regulation 2012* for overdue rates and charges.

Schedule 63

PROPERTY OWNERS	ADDRESS	DESCRIPTION	PROPERTY USE	BALANCE
7621			Vacant Land	2,248.09
15356			Vacant Land	1,819.33
16132			Vacant Land	2,248.10
16411			Vacant Land	3,147.84
18930			Vacant Land	2,386.43
19276			Vacant Land	2,690.85
21346			Vacant Land	2,214.80
22270			Vacant Land	2,386.41
23736			Vacant Land	2,483.08
24687			Vacant Land	1,708.57
24906			Vacant Land	2,231.41
25270			Vacant Land	2,689.97
25299			Vacant Land	2,904.58
26281			Vacant Land	3,190.80
35710			Vacant Land	2,497.79
39783			Vacant Land	2,121.71
44992			Vacant Land	3,729.59
				\$42,699.35

Schedule of Valueless Land for Resolution

Property Number	Property Purchased	Last Payment Received	Comments	Valuation
7621	21/07/1987	3/02/2014	Owner previously requested voluntary transfer however unable to produce the original certificate of title. This property has been pending the valueless land acquisition process for some time.	\$500.00
15356	23/07/1986	18/11/2014	Solicitors have been waiting for the valueless land acquisition process due to CN-Conservation rating and low value.	\$500.00
16132	14/01/2011	26/08/2013	Notes indicate property has been waiting for the valueless land acquisition process due to CN-Conservation rating and low value. Collections to contact owner have been exhausted.	\$500.00
16411	20/02/1988	7/02/2014	Notes indicate property has been waiting for the valueless land acquisition process due to CN-Conservation rating and low value. Collections to contact owner have been exhausted. Mail for owner listed is being returned.	\$500.00
18930	4/06/2007	14/10/2013	Zoning CN1 currently 3 years 0 months - No contact details for owner, no new info on RP data or electoral role.	\$500.00
19276	16/07/1991	1/05/2013	Owner previously requested voluntary transfer however unable to produce the original certificate of title. This property has been pending the valueless land acquisition process for some time.	\$500.00
21346	17/04/2003	7/03/2015	Notes indicate property has been waiting for the valueless land acquisition process due to CN-Conservation rating and low value. Collections to contact owner have been exhausted.	\$500.00
22270	31/01/1996	21/11/2013	Notes indicate property has been pending valueless land acquisition for some time, collections exhausted. Arrears now exceed 3 years.	\$500.00
23736	28/01/1976	27/10/2014	Executors of the Estate have been waiting for the valueless land acquisition process due to CN-Conservation rating and low value.	\$500.00
24687	4/07/2011	11/11/2014	Owner previously requested voluntary transfer however unable to produce the original certificate of title. This property has been pending the valueless land acquisition process for some time.	\$500.00
24906	Data not available	17/01/2014	Notes indicate property has been waiting for the valueless land acquisition process due to CN-Conservation rating and low value. Collections to contact owner have been exhausted.	\$500.00
25270	13/11/1991	30/03/2013	Return mail, customer has not made payment in 3 years CN & valueless.	\$500.00
25299	9/09/1986	5/05/2014	No contact details for owner, no new info on RP data, pending 3 years.	\$500.00
26281	16/06/2016	6/11/2014	Solicitors have been waiting for the valueless land acquisition process due to CN-Conservation rating and low value.	\$500.00
35710	6/05/1982	14/11/2014	Owner has been waiting for the valueless land acquisition process due to CN-Conservation rating and low value.	\$500.00
39783	29/07/1992	22/10/2014	Owner previously requested voluntary transfer however unable to produce the original certificate of title. This property has been pending the valueless land acquisition process for some time.	\$500.00
44992	13/12/1988	23/04/2013	Owner previously requested voluntary transfer however unable to produce the original certificate of title. This property has been pending the valueless land acquisition process for some time.	\$500.00