

SHOALHAVEN CITY COUNCIL

EXTRA – ORDINARY MEETING

To be held on Wednesday, 12 June, 2013
Commencing at 4.00 pm.

City Administrative Centre
Bridge Road
NOWRA NSW 2541

12 June, 2013

Councillors,

NOTICE OF MEETING

You are hereby requested to attend the Extra-Ordinary Meeting of the Council of the City of Shoalhaven, **to be held in the Council Chambers at the City Administrative Centre, Bridge Road, Nowra on Wednesday, 12 June, 2013 commencing at 4.00 pm** for consideration of the following business.

R D Pigg
General Manager

Membership
All Councillors

BUSINESS OF MEETING

- 1. Apologies / Leave of Absence**
- 2. Declarations of Interest**
- 3. Report of the General Manager**
Finance & Corporate Services / Strategic Planning & Infrastructure – Sale of Land for Overdue Rates and Charges

Note:- This meeting has been called in accordance with section 366 of the Local Government Act.

Cell Phones:

Council's Code of Meeting Practice states that "All cell phones are to be turned off for the duration of the meeting".

LOCAL GOVERNMENT ACT 1993

Chapter 3

Section 8(1) - The Council's Charter

(1) The council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

REPORT OF GENERAL MANAGER

EXTRA ORDINARY MEETING

WEDNESDAY, 12 JUNE 2013

FINANCE AND CORPORATE SERVICES / STRATEGIC PLANNING AND INFRASTRUCTURE

1. Sale of Land for Overdue Rates & Charges

File 46605E

PURPOSE: Delivery Program Activity: 4.4.1.10

In accordance with Council's resolution on 29 January 2013, Council will be holding a public auction to sell fifteen (15) lots which comprise of fifteen (15) rating assessments where rates and charges have been outstanding for greater than five years or the rates & charges are greater than the current land value. The purpose of this report is to seek Council's direction to bid at this auction.

In accordance with Section 713 of the Local Government Act, 1993, Council may sell the land, at public auction, to recover the rates and charges overdue.

RECOMMENDED that:

- a) **Council proceed to sell by public auction, the properties nominated within the report for overdue rates and charges pursuant to Section 713 of the Local Government Act, 1993.**
- b) **Council resolve to bid at this public auction and purchase the fifteen (15) parcels of land all of which are within the Heritage Estates, up to the reserve price or an amount equal to the total of outstanding rates and charges, whichever is lower.**
- c) **The common seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager (or his delegate) is authorised to negotiate with the highest bidder if the reserve price is not met (if applicable) and sign any documentation necessary to give effect to this resolution.**
- d) **Any properties purchased by Council be donated as part of the Voluntary Heritage Estates Land Purchase project in accordance with Council's commitment to this important project.**

OPTIONS

1. Council not bid at the auction.
2. Council bid at the auction.

DETAILS

In recent years Council has bid for paper subdivision properties that have been auctioned for unpaid rates and charges in accordance with POL08/411. Numerous properties have been acquired in the Heritage Estates via this mechanism. Funding provided by the Commonwealth Government for the Voluntary Heritage Estates Land Purchase (HELP) project was partly on the basis that Council would donate its land within the Heritage Estates as resolved by Council on 17 May 2011 (MIN11.477). This commitment by Council has been an important factor in securing the \$5.5 million provided by the Commonwealth to help resolve this difficult and protracted matter.

A detailed report was prepared for Council on the proposed auction on 21 January 2013. At that time, twenty three (23) lots were eligible for including in the auction under Section 713 of the Local Government Act 1993. All processes have been followed as required under the Act. A number of affected landowners have since paid their outstanding rates and charges and their lots have been withdrawn.

When the matter was reported to Council in January 2013, it was understood that the Foundation for National Parks and Wildlife would participate in the auction as part of the HELP project. Hence, it was considered that there was no benefit in Council bidding.

However, on 11 June 2013, Council was advised that the Commonwealth Government is unable to allow its funds to be used for this purpose. Given this change of circumstances it is appropriate that Council bid on the properties, in accordance with previous auctions.

It should also be noted that funding for the HELP project was to expire on 30 June 2013, but has been extended six (6) months to give landowners who have not yet decided to accept the purchase offer, more time to consider their options. The extension of time potentially enables properties to be purchased at the auction and onsold to the Foundation for National Parks & Wildlife as part of the Voluntary HELP project for \$5,000 per lot.

The properties proposed for the sale are:

Owner	Property Address	Amount Owing	Vacant / Dwelling
L Ivanovska	Lot 93 DP 8772, Currana Ave, Worworing Heights	\$1,785.11	Vacant
G Scavera	Lot 125 DP 8772, Currana Ave, Worworing Heights	\$17,164.43	Vacant
A & A Djahit	Lot 137 DP 8772, Currana Ave, Worworing Heights	\$2,388.94	Vacant
A Politis	Lot 361 DP 8590, Eerebeenee Gr, Worworing Heights	\$15,977.40	Vacant

A Hares	Lot 259 DP 8591, Elouera Dr, Worrawing Heights	\$2,565.96	Vacant
S Bardouh	Lot 111 DP 8591, Kinkuna Cres, Worrawing Heights	\$3,251.87	Vacant
H P H Tran & State of New South Wales	Lot 142 DP 8591, Kinkuna Cres, Worrawing Heights	\$2,478.34	Vacant
N Politis	Lot 58 DP 8590, Nerreman St, Worrawing Heights	\$10,740.20	Vacant
T & T Gerasklis	Lot 97 DP 8770, Ooranye Gdn, Worrawing Heights	\$3,198.13	Vacant
S M Gaskell &C Scott	Lot 107 DP 8772, St George Ave, Worrawing Heights	\$2,563.61	Vacant
D & M Chiabrera	Lot 2 DP 8770, The Bindaree, Worrawing Heights	\$1,926.69	Vacant
K Naidu	Lot 18 DP 8770, The Bindaree, Worrawing Heights	\$2,218.27	Vacant
S & L Rokomaqisa	Lot 22 DP 8590, Wanawong Blvd, Worrawing Heights	\$3,495.59	Vacant
Est A Duggan & A Schaumann	Lot 225 DP 8772, Wyeboo Pl, Worrawing Heights	\$3,067.52	Vacant
A E Kocer	Lot 319 DP 8591 Yellagaga Pl, Worrawing Heights	\$2,918.65	Vacant

FINANCIAL IMPLICATIONS:

If Council acquires these properties, the outstanding rates and charges amounting to \$75,740.71 will need to be written off by Council. Council has made provision for Doubtful Debts (such as this) in its Annual Financial Statements.

COMMUNITY ENGAGEMENT:

In the current difficult economic climate the owners of properties within these estates have parcels of land which cannot be developed but are still required to make rates payments. Their decisions to allow the rates and charges to accrue for a 5 year period and to then sell their property by public auction, allows the owner's to minimize further losses on their properties.

P J Dun

DIRECTOR FINANCE & CORPORATE SERVICES

P L Adams

DIRECTOR STRATEGIC PLANNING & INFRASTRUCTURE

R.D Pigg

GENERAL MANAGER