
Small Lot Rural Subdivisions - Dealing with Unpaid Rates and Charges

Policy Number: POL16/247 • **Adopted:** 27/02/2007 • **Amended:** 29/10/2009, 8/09/2015 • **Reaffirmed:** 9/05/2017 • **Minute Number:** MIN07.283, MIN09.1488, D15/266998, MIN17.378 • **File:** 16401E • **Produced By:** Planning, Environment & Development Group • **Review Date:** 1/12/2020

1. PURPOSE

This policy relates to **small lot rural subdivisions (i.e. paper subdivisions)** and the transfer of land in lieu of unpaid rates. The purpose of the policy is to consolidate a number of relevant Council decisions into a single accessible document for use by Council and the public.

2. STATEMENT

Statutory Requirements

The requirements of Sections 31(2), 34, 570 and 713 of the Local Government Act 1993, (LGA) and the general provisions of the Conveyancing Act, 1919 apply.

A council may accept a transfer of the land in respect of which rates or charges are or accrued interest is due and payable in full satisfaction of the rates, charges or accrued interest (Section 570, LGA).

A council may sell any land (including vacant land) on which any rate or charge has remained unpaid for more than five (5) years from the date on which it became payable (Section 713, LGA).

Council may also sell any *vacant land* on which any rate or charge has remained unpaid for more than one (1) year from the date on which it became payable if:

- Council obtains a valuation of the land from the Valuer-General; and
- the total amount of unpaid rates or charges on the land exceeds the valuation, and
- the land is sold within 6 months of the date of the valuation.

Council Resolutions

This policy statement is based on the following Council resolutions:

- MIN97.1909
- MIN04.879
- MIN05.432
- MIN09.323
- MIN06.407
- MIN06.714
- MIN07.283
- MIN09.870

Related policies

- Sale of Land to Recover Unpaid Rates and Charges
- Development and/or Disposal of Council Lands
- Jerberra Payment Relief Policy

Land to which this Policy applies

This policy applies to land in small lot rural subdivisions which is or was categorised as “Residential, Non-Urban” for rating purposes. This includes land within Jerberra and Verons Estates which is now rated as ‘Residential’ as a result of it being rezoned to enable development.

3. PROVISIONS

Recovery action

Council will take all necessary steps to recover unpaid rates and charges on all properties to which this policy applies.

Transfer of land

Council will, if requested by the landowner or the landowner’s representative, accept the transfer of land under this policy in full satisfaction of unpaid rates and charges. Council will meet all legal costs associated with the transfer of the land in accordance with this policy and Section 570, LGA.

Sale of land

Property owners subject to debt recovery action will have thirty (30) days to respond to a request to settle the debt either by full payment, an agreed repayment schedule or by a request to transfer the land to Council ownership in accordance with Section 570, LGA. If no response is received, Council may move to enact the provisions of Section 713, LGA to sell by Public auction, properties where rates and charges have been unpaid for more than five (5) years or one (1) year if the land is vacant.

Classification of Land

Land transferred to Council in accordance with this policy shall be classified as follows in accordance with Section 31(2) of the LGA:

- Land identified through rezoning investigations as potentially suitable to accommodate development will be classified as “operational”.
- Where the rezoning investigations have not progressed sufficiently (e.g. the Woollamia Farmlots) to ascertain whether or not the land has development potential, the land will be classified as “operational”. The classification of this land will be reviewed when the rezoning potential has been determined.
- Other land would generally be classified as “community – natural area” unless an operational need is evident or likely.

The General Manager is authorised to publish a public notice of the proposed classification (Section 34, LGA).

3. IMPLEMENTATION

The policy will be implemented by the Finance, Corporate and Community Services Group by the identification of properties within small lot rural subdivisions where there are unpaid rates and charges.

The Property Unit, Assets and Works Group is responsible for ensuring that property transfers are completed in accordance with the provisions of the Conveyancing Act, 1919.

4. REVIEW

This policy will be reviewed within one year of the election of every new Council, or earlier if required.

5. APPLICATION OF ESD PRINCIPLES

It is good governance to classify land that is known to be environmentally sensitive as 'community' provided it is not required for operational purposes.