



**Redland**  
CITY COUNCIL

**PREVIOUSLY  
CONFIDENTIAL  
INFORMATION**

**GENERAL MEETING**

**Wednesday, 15 May 2024**

**Item 20.1 Sale of Land for Overdue Rates and  
Charges**

**Released 3 June 2024**

## 20 CONFIDENTIAL ITEMS

### 20.1 SALE OF LAND FOR OVERDUE RATES AND CHARGES

**Objective Reference:** A8220475

**Authorising Officer:** Peter Paterson, Acting Executive Group Manager Financial Services & Chief Financial Officer

**Responsible Officer:** Peter Paterson, Acting Executive Group Manager Financial Services & Chief Financial Officer

**Report Author:** Lisa Horan, Team Leader Accounts Receivable

**Attachments:** 1. [Sale of Land Schedule 2024](#) [↓](#)

The Council is satisfied that, pursuant to Section 254J(3) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

- (g) *negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.*

#### PURPOSE

To seek a Council resolution to sell the land described in the attachment for overdue rates and charges in accordance with Chapter 4 Part 12 Division 3 Subdivision 2 of the *Local Government Regulation 2012* (the Regulation).

#### BACKGROUND

Section 140(1)(c) of the Regulation provides that land may be sold for unpaid rates and charges if some of the rates or charges have been overdue for at least three years, or one year if the land is vacant or used only for commercial purposes and judgment has been obtained.

The 38 properties listed in the attached schedule meet the requirements of section 140(1) of the Regulation. They are put forward to Council for it to resolve to sell, as collection and recovery action has failed to bring the accounts into order.

#### ISSUES

All properties presented in the attached schedule are considered non-recoverable by any other means. In each case the following applies:

- All cost-effective avenues have been explored to recover the overdue rates and charges.
- Communication has been attempted with the property owners and has resulted in no payments, or of payments of no consequential value to reduce the arrears and the arrears position continues to increase.
- Some of the rates and charges have been overdue for at least three years, or one year for vacant land and court judgment has been obtained.

The following tables provide an overview of the properties that are listed in the attached schedule:

Table 1 categorises the properties by use and identifies the number of properties where a mortgagee is listed on the Certificate of Title (Title).

- A local government may commence to sell the same land at any time after the previous procedures have ended in accordance with section 141(3) of the Regulation.
- The auction notice is published on the local government's website to notify the public about the sale of land.
- If the reserve price for the land is not reached at the auction, the local government may enter into negotiations with any bidder who attended the auction and the price for the land must not be less than the reserve price.
- The land is no longer deemed to be sold to the local government if it does not sell at the auction or by negotiation.
- After the auction, a local government can continue to offer the land for sale by another auction or negotiation. Section 144 of the Regulation sets out the procedure for selling land after the auction by another auction or negotiation. Therefore:
  - If being sold by another auction, the process from section 142(3) to 142(5) and 143 of the Regulation apply.
  - If being sold by negotiation, section 144 applies ensuring a written notice stating the land is for sale by negotiation and a full description of the land is provided.
- In accordance with sections 171 and 200 of the *Local Government Act 2009*, Councillors and employees must not use the information contained in this report and the attachment to gain an advantage or cause detriment or to release the information to another person.

#### **Risk Management**

Financial Services has consulted across the organisation prior to forming the final list of properties presented to Council. The report has been reviewed by the Team Leader Accounts Receivable with overview from the Acting Service Manager Financial Operations to ensure each property meets the eligibility criteria for sale of land for overdue rates and that all reasonable attempts to collect the outstanding arrears have been completed.

#### **Financial**

As at 4 April 2024, the total balance of rates and charges outstanding for the properties identified in the attached schedule is [REDACTED]. A further estimated [REDACTED] rates and charges will be levied in April, July and October 2024 which will be considered in the final balance prior to sale of land auction in November 2024.

Costs associated with the sale of land for overdue rates and charges have been requested in the 2024-2025 budget development process. Some costs are recoverable from properties that are sold at auction, such as advertising, auction expenses and title searches.

#### **People**

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

**OPTIONS****Option One**

That, pursuant to section 140(2) of the *Local Government Regulation 2012*, Council resolves as follows:

1. To sell the land described in the attachment for overdue rates and charges in accordance with Chapter 4 Part 12 Division 3 Subdivision 2 of the *Local Government Regulation 2012*.
2. That this report and attachment remains confidential until such time as required by any legal or statutory obligation, subject to maintaining the confidentiality of legal privileged, private and commercial in confidence information.

**Option Two**

That, pursuant to section 140(2) of the *Local Government Regulation 2012*, Council resolves as follows:

1. To note the content of the report and officers continue to attempt recovery of the outstanding rates and charges through collection activity such as telephone, letter and legal action.
2. That this report and attachment remains confidential until such time as required by any legal or statutory obligation, subject to maintaining the confidentiality of legal privileged, private and commercial in confidence information.

**OFFICER'S RECOMMENDATION**

That, pursuant to section 140(2) of the *Local Government Regulation 2012*, Council resolves as follows:

1. To sell the land described in the attachment for overdue rates and charges in accordance with Chapter 4 Part 12 Division 3 Subdivision 2 of the *Local Government Regulation 2012*.
2. That this report and attachment remains confidential until such time as required by any legal or statutory obligation, subject to maintaining the confidentiality of legal privileged, private and commercial in confidence information.



Attachment 1: Sale of Land Schedule 2024

Property No	Suburb	Street Address	Legal Description	Date Property Purchased	Mortgage	Zoning	Rates Balance as at 04/04/2024
	Russell Island			06/12/2018	No	CR - Character Residential	
	Russell Island			23/02/2021	No	CR - Character Residential	
	Russell Island			20/02/2017	No	CR - Character Residential	
	Russell Island			02/04/2020	No	CR - Character Residential	
	Lamb Island			24/04/1996	No	CR - Character Residential	
	Alexandra Hills			11/10/2023	Yes	LDR - Low Density Residential	
	Russell Island			19/10/2018	No	CR - Character Residential	
	Alexandra Hills			13/05/2003	Yes	LDR - Low Density Residential	
	Russell Island			01/03/2007	Yes	CR - Character Residential	
	Capalaba			29/05/2013	Yes	LDR - Low Density Residential	
	Russell Island			15/03/2001	No	CR - Character Residential	
	Alexandra Hills			14/10/2011	Yes	LDR - Low Density Residential	
	Macleay Island			31/05/2012	No	CR - Character Residential	
	Capalaba			23/10/2007	Yes	LDR - Low Density Residential	
	Russell Island			16/10/2015	No	CR - Character Residential	
	Wellington Point			24/03/2020	No	LDR - Low Density Residential	
	Mount Cotton			10/07/2003	Yes	LDR - Low Density Residential	
	Alexandra Hills			29/05/2009	Yes	LDR - Low Density Residential	
<b>Total Balance as of 4 April 2024</b>							