

PC

13 September 2019

GRAEME JOHN WILLIAMS
59 NORTON STREET
PORT NEILL SA 5604

NOTICE OF INTENTION TO SELL LAND FOR OVERDUE RATES OR CHARGES
L3 RP607937 : PAR MUTTABURRA

We enclose with this letter our Notice of Intention to Sell Land for overdue rates or charges.

Unless all overdue rates and charges are paid within three (3) months of the date of this letter and notice, your property will proceed to be auctioned on a date to be decided. You will be advised of the Auction date and time if payment is not made as outlined above.

If you wish to make the necessary payment to avoid the auction proceedings, please phone Paula Coulton on 4652 9999 to ascertain the correct amount of all overdue rates and charges and interest outstanding.

Yours faithfully,



SK Boxall
Chief Executive Officer

Notice of Intention to Sell Land

13 September 2019

This notice is given to you by Barcaldine Regional Council, and relates to property described as L3 RP607937 : PAR MUTTABURRA situated at 29 DEVON STREET MUTTABURRA QLD

Background

1. This notice is given because rates or charges levied by the Council on the above property are at least 3 years overdue. Where rates or charges on a property are more than 3 years overdue, the Council may sell the property at public auction and use the proceeds to discharge the overdue rates or charges.
2. The Council is required to give a final notice to the property owner giving details of its decision and giving the owner a final opportunity to pay the overdue rates or charges. If the overdue rates or charges are not paid within **3 months of the notice**, the Council will commence proceedings to sell the land under section 142 of the *Local Government Regulation 2012*. The sale proceedings will be discontinued if the amount of all overdue rates or charges levied on the land, and all expenses incurred by the Council for the intended sale, are paid to it.
3. The Council has decided to apply this procedure to your property described above. The document gives you notice of the matters which Council is required to notify under the *Local Government Regulation 2012* to give you a final opportunity to pay the overdue rates or charges and prevent sale of the land by Council.

Formal Notice

4. You are hereby notified as follows:-
 - (a) The Council has decided, by resolution, to sell the land described in the Schedule below because an overdue rate or charge has remained unpaid for more than 3 years.

Schedule

<i>Registered owner</i>	<i>Address</i>	<i>Description</i>	<i>Area</i>	<i>Assessment number</i>
GRAEME JOHN WILLIAMS	29 DEVON STREET MUTTABURRA QLD	L3 RP607937 : PAR MUTTABURRA	1012m ²	10361-00000-000

- (b) This document is a notice of intention to sell land under section 140 of the *Local Government Regulation 2012*.
 - (c) The date of the Council meeting at which the resolution to sell the land was made was 26 June 2019, and the resolution in so far as it is applicable to the property was in the following terms:-

That Council resolves to sell the blocks of land as follows for arrears of rates, pursuant to the Local Government Act 2009 (Section 96) and Local Government Regulation 2012 (Section 140) for all land that has rates and charges owing for three (3) years or more:

ASSESSMENT	TOTAL \$
10361-00000-000	\$6,465.38

- (d) The land is described in the Council's land record as being located at 29 DEVON STREET MUTTABURRA QLD, and is described as L3 RP607937 : PAR MUTTABURRA. It has an area of 1012m².

- (e) Details of all overdue rates or charges for the land, as at the date of this notice (13 September 2019) are detailed in **Attachment 1**

In each case, the time for which the rates or charges have remained unpaid is since the relevant due date.

- (f) Interest accrued on the overdue rates or charges to the date of 13 September 2019 is \$1,429.08. Particulars of this interest are detailed in **Attachment 1**.

- (g) Interest is charged on all overdue rates and charges as that term is defined in the *Local Government Regulation 2012* from (and including) the date after the due date for each rate. For the period prior to 1 July 2019, interest accrued at a rate of 11% per annum, calculated as compound interest on daily rests. For the period commencing 1 July 2019 onwards, interest has accrued at a rate of 9.83% per annum calculated as compound interest on daily rests.

- (h) The amount of all overdue rates or charges at the date of this notice (13 September 2019) is:-

Overdue rates or charges (paragraph 4(e)) \$ 5,036.30

Interest (paragraph 4(f)) up to 13.09.2019 \$ 1,429.08

Total: \$ 6,465.38

- (i) A copy of sections 141 to 144 of the *Local Government Regulation 2012* is attached as **Attachment 2**.

Your rights

5. If you pay the amount of all overdue rates or charges referred to in this notice, including interest as mentioned in paragraphs 4(f) and 4(g) calculated up to the date of payment, and all expenses incurred by the Council for the intended sale, the Council must not sell the land. You will remain the owner of the land.

Consequences of non-payment

6. If you do not pay the amount of all overdue rates or charges referred to in this notice, together with interest as mentioned in paragraphs 4(f) and 4(g) calculated up to the date of payment, and all expenses incurred by the Council for the intended sale, the Council will sell the land under section 142 of the *Local Government Regulation 2012* without further notice to you. The sale proceeds will be applied to discharge the overdue rates or charges and all expenses of sale.

S K Boxall
Chief Executive Officer



ATTACHMENT 1**SCHEDULE OF OVERDUE RATES AND CHARGES**

PROPERTY ADDRESS:

29 DEVON STREET MUTTABURRA QLD

Assessment No.:

10361-0000-000

	Amount	Issue Date	Due Date
Period 01/01/2015 to 30/06/2015			
General Rates	\$ 182.50	23/03/2015	22/04/2015
Emergency Management Levy	\$ 46.60		
Rural Fire-Vacant Land	\$ 12.00		
Water Charges	\$ 123.00		
Sewerage Charges	\$ 144.50		
Waste Management Charges	\$ 38.00		
	<u>\$ 546.60</u>		
Balance Carried Forward	\$ -		
Total Amount Due	\$ 546.60		
Interest Charged between period 3/08/2015 to 14/09/2015	\$ 13.68		
Period 01/07/2015 to 31/12/2015			
General Rates	\$ 186.50	21/09/2015	23/10/2015
Emergency Management Levy	\$ 48.20		
Rural Fire-Vacant Land	\$ 12.00		
Water Charges	\$ 125.50		
Sewerage Charges	\$ 147.50		
Waste Management Charges	\$ 39.00		
	<u>\$ 558.70</u>		
Interest Charged between period 1/10/2015 to 5/04/2016	\$ 52.77		
Period 01/01/2016 to 30/06/2016			
General Rates	\$ 186.50	11/04/2016	27/05/2016
Emergency Management Levy	\$ 48.20		
Rural Fire-Vacant Land	\$ 12.00		
Water Charges	\$ 125.50		
Sewerage Charges	\$ 147.50		
Waste Management Charges	\$ 39.00		
	<u>\$ 558.70</u>		
Interest Charged between period 3/05/2016 to 14/09/2016	\$ 89.34		
Period 01/07/2016 to 31/12/2016			
General Rates	\$ 186.50	19/09/2016	21/10/2016
Emergency Management Levy	\$ 49.80		
Rural Fire-Vacant Land	\$ 12.00		
Water Charges	\$ 127.40		
Sewerage Charges	\$ 149.70		
Waste Management Charges	\$ 39.60		
	<u>\$ 565.00</u>		
Interest Charged between period			

2/11/2016 to 18/04/2017 \$ 148.36

Period 01/01/2017 to 30/06/2017

General Rates	\$ 192.50	24/04/2017	26/05/2017
Emergency Management Levy	\$ 49.80		
Rural Fire-Vacant Land	\$ 12.00		
Water Charges	\$ 127.40		
Sewerage Charges	\$ 149.70		
Waste Management Charges	\$ 39.60		
	<u>\$ 571.00</u>		

Interest Charged between period
1/06/2017 to 11/09/2017 \$ 137.09

Period 01/07/2017 to 31/12/2017

General Rates	\$ 196.00	18/09/2017	23/10/2017
Emergency Management Levy	\$ 51.50		
Rural Fire-Vacant Land	\$ 12.00		
Water Charges	\$ 130.00		
Sewerage Charges	\$ 152.70		
Waste Management Charges	\$ 40.40		
	<u>\$ 582.60</u>		

Interest Charged between period
1/11/2017 to 17/04/2018 \$ 245.61

Period 01/01/2018 to 30/06/2018

General Rates	\$ 196.00	23/04/2018	28/05/2018
Emergency Management Levy	\$ 12.90		
Rural Fire-Vacant Land	\$ 12.00		
Water Charges	\$ 130.00		
Sewerage Charges	\$ 152.70		
Waste Management Charges	\$ 40.40		
	<u>\$ 544.00</u>		

Interest Charged between period
1/06/2018 to 12/09/2018 \$ 203.18

Period 01/06/2018 to 31/12/2018

General Rates	\$ 200.00	17/09/2018	22/10/2018
Emergency Management Levy	\$ 13.30		
Rural Fire-Vacant Land	\$ 12.00		
Water Charges	\$ 132.60		
Sewerage Charges	\$ 155.75		
Waste Management Charges	\$ 41.20		
	<u>\$ 554.85</u>		

Interest Charged between period
1/11/2018 to 16/04/2019 \$ 352.33

Period 01/01/2019 to 30/06/2019

General Rates	\$ 200.00	23/04/2019	27/05/2019
Emergency Management Levy	\$ 13.30		
Rural Fire-Vacant Land	\$ 12.00		
Water Charges	\$ 132.60		

Sewerage Charges	\$ 155.75
Waste Management Charges	\$ 41.20
	<u>\$ 554.85</u>
Interest Charged between period 3/06/2019 to 13/09/2019	\$ 186.72
Less Payments to Interest Charges	\$ -

Overdue Rates and Other Charges other than Overdue Water Usage Charges	<u>\$ 5,036.30</u>
Interest Charges to 13/09/2019	<u>\$ 1,429.08</u>
Total	<u>\$ 6,465.38</u>

Attachment 2

[s 141]

- (d) a description of the location and size of the land, as shown in the local government's land record; and
- (e) details of the overdue rates or charges for the land, as at the date of the notice, including details of the period for which the rates or charges have been unpaid; and
- (f) details of the interest that is owing on the overdue rates or charges, as at the date of the notice, including—
 - (i) details of the rate at which interest is payable on the rates or charges; and
 - (ii) a description of the way the interest is calculated; and
- (g) the total amount of overdue rates or charges and the interest, as at the date of the notice; and
- (h) a copy, or a general outline, of sections 141 to 144.

141 When procedures for selling land must be started

- (1) This section applies if—
 - (a) a local government decides to sell land under this subdivision for overdue rates and charges and gives the registered owner of the land a notice of intention to sell the land; and
 - (b) the overdue rates or charges are not paid in full within—
 - (i) generally—3 months after the local government gives the notice of intention to sell the land; or
 - (ii) if the rates or charges were levied on a mining claim—1 month after the local government gives the notice of intention to sell the land.
- (2) The local government must start the procedures under section 142 for selling the land within 6 months after the local government gives the notice of intention to sell the land.
- (3) However, the local government must end the procedures if the local government is paid—
 - (a) the amount of the overdue rates or charges; and

- (b) all expenses that the local government incurs in attempting to sell the land.

142 Procedures for selling land

- (1) This section sets out the procedures that a local government must follow when selling land for overdue rates or charges.
- (2) The local government must first offer the land for sale by auction.
- (3) The local government must prepare an auction notice.
- (4) An *auction notice* is a document stating—
 - (a) the time and place of the auction; and
 - (b) a full description of the land.
- (5) At least 14 days, but not more than 35 days, before the day of the auction, the local government must—
 - (a) give a copy of the auction notice to everyone who was given a notice of intention to sell the land; and
 - (b) advertise the auction notice in a newspaper that is circulating generally in the local government area; and
 - (c) display the auction notice in a conspicuous place in the local government's public office, until the day of the auction; and
 - (d) display the auction notice in a conspicuous place on the land unless it is not reasonably practicable to do so because the land is in a remote location or difficult to access.
- (6) However, if—
 - (a) the land is a building unit; and
 - (b) it is not practicable to display the auction notice in a conspicuous place on the land;the notice may be displayed in a conspicuous part of the common property for the building units.

143 Conduct of auction

- (1) The local government must set a reserve price for the auction that is at least—
 - (a) the market value of the land; or
 - (b) the higher of the following—
 - (i) the amount of overdue rates or charges on the land;
 - (ii) the value of the land.
- (2) If the reserve price is not reached at the auction, the local government may enter into negotiations with the highest bidder at the auction to sell the land by agreement.
- (3) However, the price for the land under the agreement must be more than the highest bid for the land at the auction.
- (4) If the highest bidder at the auction does not agree to buy the land, the land is taken to have been sold at the auction to the local government for the reserve price.
- (5) However, subsection (4) does not apply if the land is held on a tenure the local government is not competent to hold.

144 Procedures after sale of land to local government

- (1) This section applies if land is taken to have been sold at auction to the local government under section 143(4).
- (2) The local government must give the registrar of titles a general request form.
- (3) A *general request form* is a form that—
 - (a) is approved for a general request lodged in the land registry; and
 - (b) requests the local government be registered as owner of the land.
- (4) After receiving the general request form, the registrar of titles must register the transfer of the interest of the registered owner to the local government free of all encumbrances.

- (5) The registrar of titles may register the transfer even though the general request form is not accompanied by the instrument of title for the land.
- (6) Also, the registrar of titles—
 - (a) need not inquire whether the local government has complied with this subdivision; and
 - (b) is not affected by actual or constructive notice of any failure by the local government to comply with this subdivision.

145 Procedures after sale of land other than to local government

- (1) This section applies if land is sold at auction under this division, but is not taken to be sold at auction to the local government under section 143(4).
- (2) The local government must give the registrar of titles an appropriate form stating—
 - (a) that the land has been sold under this division; and
 - (b) the full description of the land; and
 - (c) the full name and address of the purchaser of the land; and
 - (d) the purchase price of the land.
- (3) An *appropriate form* is a form approved by the registrar of titles for lodgement in the land registry to record the transfer of land to a purchaser.
- (4) After receiving the appropriate form, the registrar of titles must register the transfer of the interest of the registered owner to the purchaser free of all encumbrances.
- (5) The registrar of titles may register the transfer even though the appropriate form is not accompanied by the instrument of title for the land.
- (6) Also, the registrar of titles—