

NOTICE OF INTENTION TO SELL LAND FOR OVERDUE RATES OR CHARGES

s.140 of the Local Government Regulation 2012

1. This is a Notice of Intention to Sell land for overdue rates or charges given by the Mount Isa City Council (the “Council”) pursuant to section 140(3) of the *Local Government Regulation 2012*.
2. The Council has resolved to sell the land described in paragraph 4 below because some of the overdue rates or charges for the land have been overdue for at least three years.
3. The resolution was made on 19 July 2023, and the terms of the resolution is as follows:

THAT Council resolves to:

- a) sell the land in the below Schedule pursuant to section 140(2) of the *Local Government Regulation 2012*; and
- b) delegate to the Chief Executive Officer its power to:
 - a. give a Notice of Intention to Sell the land to all interested parties under section 140(3) of the *Local Government Regulation 2012*; and
 - b. take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the *Local Government Regulation 2012* to effect the sale of the land.

Schedule

<i>Assessment No.</i>	<i>Description</i>
....
06682-00000-000	LOT 118 ON CROWN PLAN MPH40095
....

4. The description of the location and size of the land as shown in the Council’s land record is as follows:

Registered Owner	Property Number	Property Description	Property Address	Size
SEAN DAVID MARPLES AND KAREN LOUISE SPICER	06682- 00000-000	LOT 118 ON CP MPH40095	13 MILLEN CRESCENT, HEALY QLD 4825	942m ²

5. Details of the overdue rates and charges for the land, as at the date of this Notice, including details of the period for which the rates and charges have been unpaid are set out in **Attachment 1** to this Notice.
6. Details of the interest that is owing on the overdue rates and charges, as at the date of this Notice, are set out in **Attachment 1** to this Notice. The current interest accruing on all overdue rates and charges is calculated at a rate of 8.17% per annum on daily rests and as compound interest in accordance with section 133 of the *Local Government Regulation 2012*.
7. The total amount of overdue rates and charges and interest as at the date of this Notice is \$20,568.21.

8. If full payment of the overdue rates and charges and interest calculated up until the date of payment is not received within three months after the date this Notice is given to all interested parties for the land, the Council will commence procedures for the sale of the land under section 142 of the *Local Government Regulation 2012*. If Council commences procedures for the sale of the land, the overdue rates and charges include all expenses the Council incurs in attempting to sell the land.
9. A copy of sections 141 to 144 of the *Local Government Regulation 2012* is contained within **Attachment 2** to this Notice.

Signed on 23 October 2023 by the Chief Executive Officer of Mount Isa City Council.


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Tim Rose
Chief Executive Officer
Mount Isa City Council

ATTACHMENT 1

SCHEDULE OF OVERDUE RATES AND CHARGES

PROPERTY ADDRESS: 13 MILLEN CRESCENT
Assessment No.: 06682-00000-000

	Amount	Issue Date	Due Date
Period 01/01/2019 to 30/06/2019			
Legal Fees	\$ -	28/06/2019	28/06/2019
	<u>\$ -</u>		
Period 01/01/2019 to 30/06/2019			
Water Consumption Charges	\$ 171.39	29/07/2019	29/08/2019
	<u>\$ 171.39</u>		
Period 01/07/2019 to 31/12/2019			
General Rates	\$ 560.49	16/09/2019	17/10/2019
Garbage	\$ 166.50		
Sewer Charges	\$ 320.00		
Water Charges	\$ 581.50		
Environment Levy	\$ 28.25		
State Fire Service Levy	\$ 222.20		
	<u>\$ 1,878.94</u>		
Interest Charged between period 05/07/2019 to 14/03/2020	\$ 135.05		
Period 01/07/2019 to 31/12/2019			
Water Consumption Charges	\$ 363.66	28/01/2020	28/02/2020
	<u>\$ 363.66</u>		
Period 01/01/2020 to 30/06/2020			
General Rates	\$ 560.49	30/03/2020	30/04/2020
Garbage	\$ 166.50		
Sewer Charges	\$ 320.00		
Water Charges	\$ 581.50		
Environment Levy	\$ 28.25		
	<u>\$ 1,656.74</u>		
Interest Charged between period 15/03/2020 to 11/09/2020	\$ 77.79		
Period 01/01/2020 to 30/06/2020			
Water Consumption Charges	\$ 247.08	10/08/2020	11/09/2020
	<u>\$ 247.08</u>		
Period 01/07/2020 to 31/12/2020			

	Amount	Issue Date	Due Date
General Rates	\$ 574.01	21/09/2020	22/10/2020
Garbage	\$ 166.50		
Sewer Charges	\$ 320.00		
Water Charges	\$ 581.50		
Environment Levy	\$ 28.25		
State Fire Service Levy	\$ 226.00		
	<u>\$ 1,896.26</u>		
Interest Charged between period 12/09/2020 to 25/03/2021	\$ 275.52		
Period 01/07/2020 to 31/12/2020			
Water Consumption Charges	\$ 306.24	23/02/2021	26/03/2021
	<u>\$ 306.24</u>		
Period 01/01/2021 to 30/06/2021			
General Rates	\$ 574.01	09/04/2021	10/05/2021
Garbage	\$ 166.50		
Sewer Charges	\$ 320.00		
Water Charges	\$ 581.50		
Environment Levy	\$ 28.25		
	<u>\$ 1,670.26</u>		
Interest Charged between period 26/03/2021 to 07/10/2021	\$ 370.54		
Period 01/01/2021 to 30/06/2021			
Water Consumption Charges	\$ 227.94	02/08/2021	02/09/2021
	<u>\$ 227.94</u>		
Period 01/07/2021 to 31/12/2021			
General Rates	\$ 611.33	22/10/2021	22/11/2021
Garbage	\$ 172.75		
Sewer Charges	\$ 332.00		
Water Charges	\$ 603.50		
Environment Levy	\$ 29.31		
State Fire Service Levy	\$ 229.80		
	<u>\$ 1,978.69</u>		
Interest Charged between period 08/10/2021 to 11/03/2022	\$ 362.52		
Period 01/07/2021 to 31/12/2021			
Water Consumption Charges	\$ 264.60	07/02/2022	10/03/2022
	<u>\$ 264.60</u>		
Period 01/01/2022 to 30/06/2022			

	Amount	Issue Date	Due Date
General Rates	\$ 611.33	21/03/2022	20/04/2022
Garbage	\$ 172.75		
Sewer Charges	\$ 332.00		
Water Charges	\$ 603.50		
Environment Levy	\$ 29.31		
	<u>\$ 1,748.89</u>		
Interest Charged between period 12/03/2022 to 23/09/2022	\$ 608.14		
Period 01/01/2022 to 30/06/2022			
Water Consumption Charges	\$ 88.20	02/08/2022	01/09/2022
	<u>\$ 88.20</u>		
Period 01/07/2022 to 31/12/2022			
General Rates	\$ 648.04	10/10/2022	09/11/2022
Garbage	\$ 183.10		
Sewer Charges	\$ 352.00		
Water Charges	\$ 621.50		
Environment Levy	\$ 32.50		
State Fire Service Levy	\$ 235.40		
	<u>\$ 2,072.54</u>		
Interest Charged between period 24/09/2022 to 03/03/2023	\$ 589.36		
Period 01/07/2022 to 31/12/2022			
Water Consumption Charges	\$ 605.43	24/03/2023	23/04/2023
	<u>\$ 605.43</u>		
Period 01/01/2023 to 30/06/2023			
General Rates	\$ 648.04	27/03/2023	26/04/2023
Garbage	\$ 183.10		
Sewer Charges	\$ 352.00		
Water Charges	\$ 621.50		
Environment Levy	\$ 32.50		
	<u>\$ 1,837.14</u>		
Period 01/01/2023 to 30/06/2023			
Water Consumption Charges	\$ 252.03	11/08/2023	10/09/2023
	<u>\$ 252.03</u>		
Interest Charged between period 04/03/2023 to 31/08/2023	\$ 675.12		
Interest Charged between period 01/09/2023 to 23/10/2023	\$ 208.14		

	Amount	Issue Date	Due Date
Overdue rates and charges	\$ 17,266.03		
Interest charges to 23/10/2023	\$ 3,302.18		
Total Overdue Rates and Charges	\$ 20,568.21		

Attachment 2

Local Government Regulation 2012

Chapter 4 Rates and charges

[s 141]

141 When procedures for selling land must start and end

- (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 mentioned in section 142(4) for selling the land within 6 months after the local government gives the notice of intention to sell the land to the registered owner of the land.
- (3) The local government must end the procedures at the earliest of the following—
 - (a) the local government is paid—
 - (i) the amount of the overdue rates or charges; and
 - (ii) all expenses that the local government incurs in attempting to sell the land;

- (b) the land is sold;
 - (c) 1 year after the notice of intention to sell is given to the registered owner.
- (4) If the local government ends the procedures under subsection (3)(c), nothing in this section prevents the local government from deciding to sell the land again under section 140(2).

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) 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) publish the auction notice on the local government’s website; 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; and
 - (e) take all reasonable steps to publish the auction notice in another way to notify the public about the sale of the land.

Examples of other ways to publish the auction notice—

publish the auction notice in a newspaper that is circulating generally in the local government area or on a real estate trading website

- (5) 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.
- (6) In this section—
- auction notice*, for a sale of land by auction, means a written notice stating—
- (a) the day, time and place of the auction; and
 - (b) a full description of the land.

143 Conduct of auction

- (1) The local government must set a reserve price for the land at 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 for the land is not reached at the auction, the local government may enter into negotiations with any bidder who attended the auction to sell the land by agreement.
- (3) However, the price for the land under the agreement must not be less than the reserve price for the land.

144 Procedures for selling land by another auction or negotiation

- (1) The local government may, after the day of the auction, decide to continue to offer the land for sale by another auction, or sale by negotiation, under this section.

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- (2) The local government must end any negotiations entered into under section 143(2) when it makes a decision under subsection (1).
 - (3) Sections 142(3) to (5) and 143 apply to the preparation and conduct of any subsequent sale by auction under this section.
 - (4) The local government must prepare a sales notice if it decides to offer the land for sale by negotiation under this section.
 - (5) The local government must—
 - (a) give a copy of the sales notice to each interested party who was given a notice of intention to sell the land; and
 - (b) publish the sales notice on the local government's website; and
 - (c) display the sales notice in a conspicuous place in the local government's public office; and
 - (d) display the sales 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; and
 - (e) take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.

Examples of other ways to publish the sales notice—

publish the sales notice in a newspaper that is circulating generally in the local government area or on a real estate trading website

- (6) However, if—
 - (a) the land is a building unit; and
 - (b) it is not practicable to display the sales 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.

- (7) The local government must ensure that the price for land offered for sale by negotiation under this section 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.
- (8) In this section—
- sales notice*, for a sale of land by negotiation, means a written notice stating—
- (a) the land is for sale by negotiation; and
 - (b) a full description of the land.