

## Notice of Intention to Sell Land

10 October 2019

**TO:** Wayne Matthew Starr

This notice is given to you by Cairns Regional Council and relates to property described as **LOT 171 on RP 729083**, situated at **14 Kavieng Street TRINITY BEACH, Queensland 4879**.

### Background

This notice is given because rates or charges levied by Cairns Regional Council on the above property are at least 3 years overdue. Where rates or charges on a property are more than 3 years overdue, Cairns Regional Council may sell the property at public auction and use the proceeds to discharge the overdue rates and charges.

Cairns Regional Council is required to give a final notice to all interested parties giving details of its decision and providing a final opportunity to pay the overdue rates and charges. If the overdue rates and charges are not paid within 3 months of this notice, Cairns Regional Council will commence proceedings to sell the property without further reference to you. The sale proceedings will be discontinued if the amount of all overdue rates and charges levied on the land, and all expenses incurred by Cairns Regional Council for the intended sale, are paid to it.

Cairns Regional Council has decided to apply this procedure to the 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 and charges and prevent sale of the land by Council.

### Formal Notice

You are hereby notified as follows: -

- (a) Cairns Regional Council proposes to sell the land described above because some of the overdue rates and charges have remained unpaid for at least three years.
- (b) This document is a notice of intention to sell land under section 140 of the *Local Government Regulation 2012*.
- (c) The date of Cairns Regional Council meeting at which the resolution to sell the land was made under section 140 of the *Local Government Regulation 2012* was **9 October 2019** and the resolution was in the following terms:-

**Resolves to sell the following property in accordance with the *Local Government Regulation 2012; Chapter 4, Part 12, Division 3, Selling or Acquiring Land for Overdue Rates and Charges* and Council's Debt Recovery Policy and approves the property to be issued with Notice of Intention to Sell and delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters relevant to the process of sale or acquisition.**

Assessment Number	Division
485292	9

- (d) The land is described in Cairns Regional Council's land record as **LOT 171 RP 729083**, situated at **14 Kavieng Street TRINITY BEACH QLD 4879**. It has an area of **825m<sup>2</sup>**.

- (e) Details of all overdue rates and charges for the land, as at the date of this notice are listed in the **attached** Schedule of Overdue Rates and Charges.
- (f) Interest continued to accrue on the overdue rates and charges for the land at the rate of 11% per annum until 30/06/2019 and continues to accrue thereafter at a rate of 9.83% per annum. Interest is calculated from (and including) the date after the due date for each rate, and is calculated as compound interest on daily rests.
- (g) The total amount of all overdue rates and charges for the land at the date of the notice is **\$14,222.60** inclusive of:

Overdue Rates and Charges (paragraph (e)):	\$10,915.87
Interest (paragraph (f)):	<u>\$3,306.73</u>
<b>Total:</b>	<b><u>\$14,222.60</u></b>

- (h) A copy of sections 141 to 144 of the *Local Government Regulation 2012* is **attached**.

### **Your rights**

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

### **Consequences of non-payment**

If you do not pay the amount of all overdue rates and charges referred to in this notice, together with interest as mentioned in paragraphs (f) and (g) calculated up to the date of payment, and all expenses incurred by Cairns Regional Council for the intended sale, Cairns Regional Council will sell the land under section 142 of the *Local Government Regulation 2012*. The sale proceeds will be applied to discharge the overdue rates and charges.



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Christine Posgate  
Acting Chief Executive Officer  
Cairns Regional Council



## SCHEDULE OF OVERDUE RATES AND CHARGES

Rates and Charges	Amount	Issue Date	Due Date
<b>Period 01/07/14 to 31/12/14</b>			
General Residential A	\$566.88	25/07/2014	25/08/2014
Water Access Charges Residential	\$124.29		
Sewerage Charges Residential	\$367.79		
Cleansing Charges	\$176.17		
State Emergency Management	\$94.90		
	<u>\$1,330.03</u>		
Payment 26/09/2014	<b>-\$763.15</b>		
Interest Charged between period 29/08/14 to 15/01/15	\$30.02		
<b>Period 01/01/15 to 30/06/15</b>			
General Residential A	\$566.88	23/01/2015	23/02/2015
Water Access Charges Residential	\$124.29		
Sewerage Charges Residential	\$367.79		
Cleansing Charges	\$176.17		
State Emergency Management	\$94.90		
	<u>\$1,330.03</u>		
Payment 02/02/2015	<b>-\$587.00</b>		
Interest Charged between period 27/02/15 to 23/07/15	\$61.02		
<b>Period 01/07/15 to 31/12/15</b>			
General Residential A	\$594.90	31/07/2015	01/09/2015
Water Access Charges Residential	\$126.15		
Sewerage Charges Residential	\$373.30		
Cleansing Charges	\$178.81		
State Emergency Management	\$98.20		
	<u>\$1,371.36</u>		
Payment 24/08/2015	<b>-\$597.65</b>		
Interest Charged between period 04/09/15 to 21/01/16	\$104.24		
<b>Period 01/01/16 to 30/06/16</b>			
General Residential A	\$594.90	29/01/2016	01/03/2016
Water Access Charges Residential	\$126.15		
Sewerage Charges Residential	\$373.30		
Cleansing Charges	\$178.81		
State Emergency Management	\$98.20		
	<u>\$1,371.36</u>		
Payment 09/02/2016	<b>-\$597.65</b>		
Interest Charged between period 04/03/16 to 28/07/16	\$160.18		

<b>Rates and Charges</b>	<b>Amount</b>	<b>Issue Date</b>	<b>Due Date</b>
<b>Period 01/07/16 to 31/12/16</b>			
General Residential A	\$556.11	05/08/2016	07/09/2016
Water Access Charges Residential	\$128.04		
Sewerage Charges Residential	\$378.90		
Cleansing Charges	\$181.50		
State Emergency Management	\$101.60		
	<u>\$1,346.15</u>		
Payment 24/08/2016	<b>-\$608.00</b>		
Interest Charged between period 16/09/16 to 19/01/17	\$195.65		
<b>Period 01/01/17 to 30/06/17</b>			
General Residential A	\$556.11	27/01/2017	01/03/2017
Water Access Charges Residential	\$128.04		
Sewerage Charges Residential	\$378.90		
Cleansing Charges	\$181.50		
State Emergency Management	\$101.60		
	<u>\$1,346.15</u>		
Interest Charged between period 10/03/17 to 27/07/17	\$303.17		
<b>Period 01/07/17 to 31/12/17</b>			
General Residential A	\$565.84	07/08/2017	07/09/2017
Water Access Charges Residential	\$130.28		
Sewerage Charges Residential	\$385.53		
Cleansing Charges	\$184.68		
State Emergency Management	\$105.10		
	<u>\$1,371.43</u>		
Interest Charged between period 13/09/17 to 18/01/18	\$368.37		
<b>Period 01/01/18 to 30/06/18</b>			
General Residential A	\$565.84	29/01/2018	01/03/2018
Water Access Charges Residential	\$130.28		
Sewerage Charges Residential	\$385.53		
Cleansing Charges	\$184.68		
State Emergency Management	\$105.10		
	<u>\$1,371.43</u>		
Interest Charged between period 06/03/18 to 18/07/18	\$482.03		
<b>Period 01/07/18 to 31/12/18</b>			
General Residential A	\$575.46	30/07/2018	30/08/2018
Water Access Charges Residential	\$132.49		
Sewerage Charges Residential	\$392.08		
Cleansing Charges	\$187.82		
State Emergency Management	\$108.70		
	<u>\$1,396.55</u>		
Interest Charged between period 04/09/18 to 17/01/19	\$587.15		

<b>Rates and Charges</b>	<b>Amount</b>	<b>Issue Date</b>	<b>Due Date</b>
<b>Period 01/01/19 to 30/06/19</b>			
General Residential A	\$575.46	25/01/2019	27/02/2019
Water Access Charges Residential	\$132.49		
Sewerage Charges Residential	\$392.08		
Cleansing Charges	\$187.82		
State Emergency Management	\$108.70		
	<u>\$1,396.55</u>		
Interest Charged between period 06/03/19 to 18/07/19	\$686.68		
<b>Period 01/07/19 to 31/12/19</b>			
General Residential A	\$604.11	30/07/2019	30/08/2019
Water Access Charges Residential	\$134.48		
Sewerage Charges Residential	\$397.96		
Cleansing Charges	\$190.63		
State Emergency Management	\$111.10		
	<u>\$1,438.28</u>		
Payment 04/10/2019	<b>-\$1,000.00</b>		
Interest Charged between period 02/09/19 to 10/10/19	\$328.22		

<b>Overdue Rates and Charges:</b>	<b>\$10,915.87</b>
<b>Interest Charges to 10/10/19:</b>	<b>\$3,306.73</b>
<b>Total:</b>	<b>\$14,222.60</b>

- (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—