

## Notice of Intention to Sell Land

8 February 2019

Romley Stewart Stover  
30 Magee St  
AEROGLEN QLD 4870

This notice is given to you by Cairns Regional Council and relates to property described as **LOT 326 on Crown Plan NR 2760**, situated at **30 Magee Street AEROGLEN, Queensland 4870**.

### Background

This notice is given because rates and charges levied by Cairns Regional Council on the above property are at least 3 years overdue. Where some of the overdue rates or charges for a property are at least 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 the property owner giving details of its decision and giving the owner 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 the property owner. 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 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 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 **23 January 2019** and the resolution was in the following terms:-

**That Council resolves to sell the following properties 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.**

**That Council approves these properties be issued with Notices of Intention to Sell and delegates authority under the *Local Government Act 2009* to the Chief Executive Officer to deal with matters relevant to the process of sale or acquisition.**

Properties with at least three years of rates and charges outstanding after the due date of the last issue being 30 July 2018 plus interest subsequently accrued:

Assessment Number	Division	Rates outstanding	Water outstanding	Total outstanding
277780	5	\$17,540.77	\$8,906.81	\$26,447.58

- (d) The land is described in Cairns Regional Council's land record as **LOT 326 on Crown Plan NR 2760**, situated at **30 Magee Street AEROGLEN, Queensland 4870**. It has an area of **1441 m<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 continues to accrue on the overdue rates and charges for the land at the rate of 11% 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 as at the date of this notice is **\$26,680.40** inclusive of:

Overdue Rates and Charges other than Water Usage Charges (paragraph (e))	\$13,691.80
Interest (paragraph (f))	\$3,949.54
<b>Total:</b>	<b>\$17,641.34</b>

Overdue Water Usage Charges (paragraph (e))	\$5,912.54
Interest (paragraph (f))	\$3,126.52
<b>Total:</b>	<b>\$9,039.06</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. You will remain the owner of 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* without further notice to you. The sale proceeds will be applied to discharge the overdue rates and charges.

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John Andrejic  
Chief Executive Officer

## SCHEDULE OF OVERDUE RATES AND CHARGES

### Overdue Rates and Charges other than Overdue Water Usage Charges

	Amount	Issue Date	Due Date
<b>Period 01/07/14 to 30/12/14</b>			
General Rates	\$750.03	25/07/2014	25/08/2014
Water Access Charges Residential	\$124.29		
Water Access Charges Commercial	\$122.86		
Sewerage Charges Residential	\$367.79		
Cleansing Charges	\$176.17		
State Emergency Management	\$94.90		
	<u>\$1,636.04</u>		
Balance Carried Forward	-\$734.53		
31/07/2014 Payment	-\$100.00		
14/08/2014 Payment	-\$100.00		
Total Amount Due	\$701.51		
Interest Charged between period 29/08/14 to 15/01/15	\$30.45		
<b>Period 01/01/15 to 30/06/15</b>			
General Rates	\$750.03	23/01/2015	23/02/2015
Water Access Charges Residential	\$124.29		
Water Access Charges Commercial	\$122.86		
Sewerage Charges Residential	\$367.79		
Cleansing Charges	\$176.17		
State Emergency Management	\$94.90		
	<u>\$1,636.04</u>		
Interest Charged between period 27/02/15 to 23/07/15	\$117.04		
<b>Period 01/07/15 to 30/12/15</b>			
General Rates	\$682.15	31/07/2015	01/09/2015
Water Access Charges Residential	\$126.15		
Water Access Charges Commercial	\$124.70		
Sewerage Charges Residential	\$373.30		
Cleansing Charges	\$178.81		
State Emergency Management	\$98.20		
	<u>\$1,583.31</u>		
Interest Charged between period 04/09/15 to 21/01/16	\$207.58		
<b>Period 01/01/16 to 30/06/16</b>			
General Rates	\$682.15	29/01/2016	01/03/2016
Water Access Charges Residential	\$126.15		
Water Access Charges Commercial	\$124.70		
Sewerage Charges Residential	\$373.30		
Cleansing Charges	\$178.81		
State Emergency Management	\$98.20		
	<u>\$1,583.31</u>		
Interest Charged between period 04/03/16 to 28/07/16	\$321.06		

	Amount	Issue Date	Due Date
<b>Period 01/07/16 to 30/12/16</b>			
General Rates	\$696.99	05/08/2016	07/09/2016
Water Access Charges Residential	\$128.04		
Water Access Charges Commercial	\$126.57		
Sewerage Charges Residential	\$378.90		
Cleansing Charges	\$181.50		
State Emergency Management	\$101.60		
	<u>\$1,613.60</u>		
Interest Charged between period 16/09/16 to 19/01/17	\$399.35		
<b>Period 01/01/17 to 30/06/17</b>			
General Rates	\$696.99	27/01/2017	01/03/2017
Water Access Charges Residential	\$128.04		
Water Access Charges Commercial	\$126.57		
Sewerage Charges Residential	\$378.90		
Cleansing Charges	\$181.50		
State Emergency Management	\$101.60		
	<u>\$1,613.60</u>		
Interest Charged between period 10/03/17 to 27/07/17	\$551.44		
<b>Period 01/07/17 to 30/12/17</b>			
General Rates	\$709.19	07/08/2017	07/09/2017
Water Access Charges Residential	\$130.28		
Water Access Charges Commercial	\$128.78		
Sewerage Charges Residential	\$385.53		
Cleansing Charges	\$184.68		
State Emergency Management	\$105.10		
	<u>\$1,643.56</u>		
Interest Charged between period 13/09/17 to 18/01/18	\$625.61		
<b>Period 01/01/18 to 30/06/18</b>			
General Rates	\$709.19	29/01/2018	01/03/2018
Water Access Charges Residential	\$130.28		
Water Access Charges Commercial	\$128.78		
Sewerage Charges Residential	\$385.53		
Cleansing Charges	\$184.68		
State Emergency Management	\$105.10		
	<u>\$1,643.56</u>		
Interest Charged between period 06/03/18 to 18/07/18	\$779.82		
<b>Period 01/07/18 to 30/12/18</b>			
General Rates	\$721.25	30/07/2018	30/08/2018
Water Access Charges Residential	\$132.49		
Water Access Charges Commercial	\$130.97		
Sewerage Charges Residential	\$392.08		
Cleansing Charges	\$187.82		
State Emergency Management	\$108.70		
	<u>\$1,673.31</u>		

	<b>Amount</b>	<b>Issue Date</b>	<b>Due Date</b>
Interest Charged between period 04/09/18 to 17/01/19	\$917.19		

<b>Overdue Rates and Charges other than Overdue Water Usage Charges</b>	<b>\$13,691.80</b>
<b>Interest Charges to 17/01/2019</b>	<b>\$3,949.54</b>
<b>Total</b>	<b>\$17,641.34</b>

**Overdue Water Usage Charges**

	<b>Amount</b>	<b>Issue Date</b>	<b>Due Date</b>
<b>Period 17/09/10 to 25/01/11</b>			
Water Usage	\$163.20	17/02/2011	22/03/2011
Interest Charged between period 22/03/11 to 04/07/11	\$4.80		
<b>Period 25/01/11 to 19/05/11</b>			
Water Usage	\$177.60	02/06/2011	05/07/2011
Interest Charged between period 05/07/11 to 07/11/11	\$12.93		
<b>Period 19/05/11 to 23/09/11</b>			
Water Usage	\$172.71	06/10/2011	08/11/2011
Interest Charged between period 08/11/11 to 19/03/12	\$21.25		
<b>Period 23/09/11 to 06/02/12</b>			
Water Usage	\$170.69	16/02/2012	20/03/2012
Interest Charged between period 20/03/12 to 09/07/12	\$24.35		
<b>Period 06/02/12 to 26/05/12</b>			
Water Usage	\$179.78	07/06/12	10/07/2012
Interest Charged between period 10/07/12 to 05/11/12	\$33.42		
<b>Period 26/05/12 to 24/09/12</b>			
Water Usage	\$211.05	04/10/2012	06/11/2012
Interest Charged between period 06/11/12 to 18/03/13	\$47.42		
<b>Period 24/09/12 to 29/01/13</b>			
Water Usage	\$214.20	14/02/2013	19/03/2013
Interest Charged between period 19/03/13 to 08/07/13	\$48.67		

	<b>Amount</b>	<b>Issue Date</b>	<b>Due Date</b>
<b>Period 29/01/13 to 24/05/13</b>			
Water Usage	\$159.60	06/06/2013	09/07/2013
Interest Charged between period 09/07/13 to 05/11/13	\$59.53		
<b>Period 24/05/13 to 16/09/13</b>			
Water Usage	\$211.46	04/10/2013	06/11/2013
Interest Charged between period 06/11/13 to 17/03/2014	\$77.69		
<b>Period 16/09/13 to 24/01/14</b>			
Water Usage	\$270.32	13/02/2014	18/03/2014
Interest Charged between period 18/03/14 to 14/07/14	\$81.87		
<b>Period 24/01/14 to 26/05/14</b>			
Water Usage	\$246.34	12/06/2014	15/07/2014
Interest Charged between period 15/07/14 to 17/11/14	\$99.64		
<b>Period 26/05/14 to 01/10/14</b>			
Water Usage	\$231.99	16/10/2014	18/11/2014
Interest Charged between period 18/11/14 to 30/03/15	\$118.77		
<b>Period 01/10/14 to 09/02/15</b>			
Water Usage	\$263.07	26/02/2015	31/03/2015
Interest Charged between period 31/03/15 to 20/07/15	\$112.70		
<b>Period 09/02/15 to 01/06/15</b>			
Water Usage	\$227.55	18/06/2015	21/07/2015
Interest Charged between period 21/07/15 to 23/11/15	\$139.91		
<b>Period 01/06/15 to 06/10/15</b>			
Water Usage	\$249.73	22/10/2015	24/11/2015
Interest Charged between period 24/11/15 to 28/03/16	\$153.62		
<b>Period 06/10/15 to 08/02/16</b>			
Water Usage	\$329.96	25/02/2016	29/03/2016
Interest Charged between period 29/03/16 to 18/07/16	\$155.06		
<b>Period 08/02/16 to 30/05/16</b>			
Water Usage	\$329.96	16/06/2016	19/07/2016

	<b>Amount</b>	<b>Issue Date</b>	<b>Due Date</b>
Interest Charged between period 19/07/16 to 21/11/16	\$192.75		
<b>Period 30/05/16 to 04/10/16</b>			
Water Usage	\$256.45	20/10/2016	22/11/2016
Interest Charged between period 22/11/16 to 03/04/17	\$222.07		
<b>Period 04/10/16 to 10/02/17</b>			
Water Usage	\$346.15	02/03/2017	04/04/2017
Interest Charged between period 04/04/17 to 17/07/17	\$192.54		
<b>Period 10/02/17 to 29/05/17</b>			
Water Usage	\$303.60	15/06/2017	18/07/2017
Interest Charged between period 18/07/17 to 13/11/17	\$237.03		
<b>Period 29/05/17 to 26/09/17</b>			
Water Usage	\$257.40	12/10/2017	14/11/2017
Interest Charged between period 14/11/17 to 19/03/18	\$270.40		
<b>Period 26/09/17 to 31/01/18</b>			
Water Usage	\$341.64	15/02/2018	20/03/2018
Interest Charged between period 20/03/18 to 09/07/18	\$260.63		
<b>Period 31/01/18 to 23/05/18</b>			
Water Usage	\$306.54	07/06/2018	10/07/2018
Interest Charged between period 10/07/18 to 12/11/18	\$315.90		
<b>Period 23/05/18 to 25/09/18</b>			
Water Usage	\$291.55	11/10/2018	13/11/2018
Interest Charged between period 13/11/18 to 06/02/19	\$243.57		

<b>Overdue Water Usage Charges</b>	<b>\$5,912.54</b>		
<b>Interest Charges to 06/02/2019</b>	<b>\$3,126.52</b>		
<b>Total</b>	<b>\$9,039.06</b>		

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**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.