

CLONCURRY SHIRE COUNCIL

NOTICE OF INTENTION TO SELL LAND  
*Local Government Regulation 2012, section 140*

Date: 2 August 2023

TO: Charles John Alexander McInnes and Maree Anne McInnes (trustees)  
c/o O'Sheas Hotel Motel  
1 Bold Street  
WALKERSTON QLD 4751

This Notice of Intention to Sell Land ("**Notice**") is given to you by Cloncurry Shire Council ("**Council**") and relates to the property described as Lot 10 on SP100496 ("**the Land**").

**Background**

This Notice is given because rates and charges levied by Council on the Land are at least three years overdue.

Where rates and charges on a property are more than three years overdue, Council may sell the property at public auction and use the proceeds to discharge the overdue rates and charges.

**Formal Notice**

You are hereby notified that:

1. This document is a Notice of Intention to Sell Land under section 140 of the *Local Government Regulation 2012* ("**LGR**").
2. Council has, by resolution, decided under section 140 of the LGR to sell the Land for overdue rates and charges.
3. The resolution referred to in paragraph 2 above was made on 21 March 2023.
4. The terms of the resolution referred to in paragraph 2 above are as follows:
  1. That Council resolves to issue a "Notice of Intention to Sell" the land, assessment A372, property description Lot 10 on SP 100496, also known as 12 Ramsay Street, Cloncurry QLD 4824 being an area of 2,025m<sup>2</sup> in accordance with the *Local Government Regulation 2012 Chapter 4, Part 12, Division 3 Selling or acquiring land for overdue rates or charges*.
  2. That Council delegates authority pursuant to Section 257 of the *Local Government Act 2009* to the Chief Executive Officer to deal with all relevant matters to the process of sale of the land.
5. The Land is described in Council's Land Record as follows:

Assessment Number	Lot on Plan Description	Street Address	Size of Lot
A372	Lot 10 on SP100496	12 Ramsay Street, Cloncurry	2,025 m <sup>2</sup>

6. Details of all 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 and details of the interest that is owing on the rates and charges as at the date of this Notice, are shown in the table below:

Rating Period	Notice Issued	Due Date	Outstanding Levy	Outstanding Interest
1/1/2016 to 30/6/2016	11/02/2016	13/03/2016	\$442.24	
Interest charged				\$140.11
1/7/2016 to 31/12/2016	22/08/2016	22/09/2016	\$1,431.27	
Interest charged				\$230.16
1/1/2017 to 30/6/2017	22/02/2017	28/03/2017	\$1,431.27	
Interest charged				\$131.03
1/7/2017 to 31/12/2017	9/08/2017	18/09/2017	\$1,499.00	
Interest charged				\$214.95
1/1/2018 to 30/6/2018	5/03/2018	14/04/2018	\$1,499.00	
Interest charged				\$402.15
1/7/2018 to 31/12/2018	1/09/2018	6/10/2018	\$1,541.25	
Interest charged				\$437.48
1/1/2019 to 30/6/2019	29/04/2019	1/06/2019	\$1,541.25	
Interest charged				\$565.96
1/7/2019 to 31/12/2019	25/09/2019	29/10/2019	\$1,585.41	
Interest charged				\$650.43
1/1/2020 to 30/6/2020	4/03/2020	8/04/2020	\$1,585.41	
Interest charged				\$771.25
1/7/2020 to 31/12/2020	25/09/2020	30/10/2020	\$1,845.07	
Interest charged				\$600.66
1/1/2021 to 30/6/2021	5/02/2021	12/03/2021	\$1,802.20	
Interest charged				\$984.23
1/7/2021 to 31/12/2021	25/08/2021	1/10/2021	\$1,891.88	
Interest charged				\$291.86
1/1/2022 to 30/6/2022	24/02/2022	5/04/2022	\$1,891.88	
Interest charged				\$1,621.44
1/7/2022 to 31/12/2022	25/08/2022	5/10/2022	\$1,948.49	
Interest charged				\$1,168.99
1/1/2023 to 30/6/2023	13/02/2023	22/03/2023	\$1,948.49	
Interest charged				\$1,284.45
Total Outstanding - Levy			\$23,884.11	
Total Outstanding - Interest				\$9,495.15
<b>Total Balance</b>				<b>\$33,379.26</b>

Interest was applied at the following rates in the corresponding financial years:

(a)	2015/16	11.00%
(b)	2016/17	11.00%
(c)	2017/18	11.00%
(d)	2018/19	11.00%
(e)	2019/20	11.00%
(f)	2020/21	8.53%
(g)	2021/22	8.03%
(h)	2022/23	8.17%

7. Interest continues to accrue on the overdue amounts at a rate of 11.64% per annum.
8. Interest is calculated from (and including) the date after the due date for each rate and charge and is calculated as compound interest on daily rests.
9. The total amount of overdue rates and charges and the interest as at the date of this Notice is \$33,379.26.
10. 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 paragraph 6 calculated up to the date of payment, and all expenses incurred by Council for the intended sale, 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 paragraph 6 calculated up to the date of payment, and all expenses incurred by Council for the intended sale, 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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**Chief Executive Officer**  
**CLONCURRY SHIRE COUNCIL**



## SECTIONS 141 – 144

### LOCAL GOVERNMENT REGULATION 2012

#### LOCAL GOVERNMENT REGULATION 2012 - REG 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).



## LOCAL GOVERNMENT REGULATION 2012 - REG 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.

**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.

## LOCAL GOVERNMENT REGULATION 2012 - REG 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.
- (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.