

CLONCURRY SHIRE COUNCIL
SUBSTITUTED SERVICE – NOTICE OF INTENTION TO SELL

Monday, 12 May 2025

ATT: JUDITH MAY SIMPSON & SHANE DAVID SIMPSON

Cloncurry Shire Council give notice to the abovenamed that it holds copies of rates and charges notices for the period 2021-2025 having been issued to you pursuant to the *Local Government Act 2009*, and which are available for inspection and/or may be obtained upon request and pursuant to section 239 of the *Local Government Act 2009*. **They are not published here for privacy reasons.**

On their basis, the Cloncurry Shire Council also give notice of a Notice of Intention to Sell Property under the provisions of the *Local Government Act 2009* and regulations for unpaid rates and charges as per the attached Notice.

It is necessary for Council to serve the attached document by substituted service in accordance with section 239 of the *Local Government Act 2009*, as Council does not know the current address of the landowners.

This notice is issued pursuant to section 239(3)(a) of the Local Government Act 2009 and comprises service of the Notice upon the Landowner.

For further information, please contact Council's Director of Corporate Services on 07 4742 4100 or GaryP@cloncurry.qld.gov.au.

Chief Executive Officer
CLONCURRY SHIRE COUNCIL



COMMERCIAL LITIGATION
DEBT RECOVERY
INSOLVENCY
PROPERTY LAW

OUR REF: 3541205

CLH: 1300 314 443

EMAIL: derrick.cashin@clhlawyers.com.au

15/01/2025

Private and Confidential - 3541205

JUDITH MAY SIMPSON
64 RAMSAY STREET
CLONCURRY QLD 4824

Dear Sir/Madam

RE: CLONCURRY SHIRE COUNCIL - SALE OF LAND

We act for the **CLONCURRY SHIRE COUNCIL**.

Please find **enclosed** the following documents:

1. Notice of Intention to Sell; and
2. Sections 141 to 144 of the *Local Government Regulation 2012* ("**Regulation**")

Please direct all enquires to our CLH team on 1300 314 443 quoting reference **3541205**.

Yours faithfully,

CLH Lawyers

CLH LAWYERS

**NOTICE OF INTENTION TO SELL
Local Government Regulation 2012**

This is a Notice of Intention to Sell under section 140 of the Local Government Regulation 2012 (Qld) ("the Regulation").

On 17 December 2024, the Cloncurry Shire Council resolved pursuant section 140(2) of the Regulation to sell the land described in Schedule One for overdue rates and charges. The terms of the resolution were:

1. That Council proceed with action to sell the properties as listed below (Assessment No's provided) for overdue rates as provided for in 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 to the Chief Executive Officer, pursuant to Section 257 of the Local Government Act 2009, to deal with all relevant matters required to progress the sale of the properties identified in the table above.

Schedule Two details all overdue rates, interest and other amounts owing at the date of this Notice. Interest has accrued, and continues to accrue, at the rate of 12.35 percent per annum on the unpaid rates, compounded and calculated on a daily basis.

You are hereby notified that Cloncurry Shire Council intends to proceed with the sale of land described in Schedule One under sections 141 to 143 of the Regulation unless all overdue rates, charges, interest and expenses described in Schedule Two are paid in full immediately.

SCHEDULE ONE

Address: 64 RAMSAY STREET, CLONCURRY QLD 4824

Description:	Title Reference:	Area:
Lot 1 RP700283	20656161	1163 M2
Lot 197 Crown Plan C1961		

SCHEDULE TWO

Period	Levy
Older	\$25,634.93
2021 - 2022	\$2,664.89
2022 - 2023	\$5,711.10
2023 - 2024	\$3,210.20
2024 - 2025	\$1,651.16
Legal fees	\$300.00
Interest owing	\$29,106.23
Total overdue rates, charges and interest as at 8th January 2025	\$68,278.51

Interest continues to accrue at the rate of 12.35 percent per annum. The interest accrued on the overdue rates is compound interest and is calculated on daily rests.

Attached are copies of sections 141 to 144 of the Regulation.

DATED this 14th Day of January 2025



Philip Keirle
Chief Executive Officer
Cloncurry Shire Council
Council Reference: A391
CLH Lawyers Reference: 3541205

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.

LOCAL GOVERNMENT REGULATION 2012 - REG 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.

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.