

ETHERIDGE SHIRE COUNCIL
SUBSTITUTED SERVICE - NOTICE OF INTENTION TO SELL LAND
Local Government Act 2009, section 239

TO: THE ESTATE OF PHILLIP HERRITS (deceased)

On 16 February 2022, Etheridge Shire Council (“**Council**”) resolved to issue a Notice of Intention to Sell Land (“**Notice**”) for overdue rates and charges to The Estate of Phillip Herrits (deceased). A summary of the Notice is that it is issued in respect of Lot 5 on CP MPH 14048, located at 9 Fourth Street, Forsyth Qld 4871, for overdue rates and charges (including interest). The Notice is dated 2 March 2022. The total sum of overdue rates, charges and interest is \$9,110.34 as at the date of the Notice. If the amount of all overdue rates and charges referred to in the Notice, together with interest as mentioned in the Notice calculated up to the date of payment, and all expenses incurred by Council for the intended sale, is not paid, Council will sell the land under section 142 of the *Local Government Regulation 2012* (“**LGR**”). The sale proceeds will be applied to discharge the overdue rates and charges.

The Notice has been issued pursuant to Chapter 4, Part 12, Division 3, Subdivision 2 of the LGR and states the matters set out in section 140 of the LGR. A full copy of the Notice may be obtained from Council and has been published on Council’s website.

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

Chief Executive Officer
ETHERIDGE SHIRE COUNCIL

ETHERIDGE SHIRE COUNCIL

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

2 March 2022

TO: The Estate of Philip Herrits (deceased)
c/- Elizabeth Arthur
12 Manya Close
MANDURAH WA 6210

TO: The Estate of Philip Herrits (deceased)
c/- Susan Knapton
8 Crossland Street
CARNAVON WA 6701

This Notice of Intention to Sell Land ("**Notice**") is given to you by Etheridge Shire Council ("**Council**") and relates to the property described as Lot 5 on CP MPH14048 ("**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 16 February 2022.
4. The terms of the resolution referred to in paragraph 2 above are as follows:

That pursuant to section 140(2) of the Local Government Regulation 2012, Council resolve to commence proceedings to sell the following properties for arrears of rates: -

Assessment No.	Property Description	Street Address
00021-50000-000	L209 E5081	Daintree Street, Einasleigh
00068-70000-000	L1766 CP846531	6 Sixth Street, Einasleigh
00109-10000-000	L5 MPH14048	9 Fourth Street, Forsayth
00209-00000-000	L71 GB111	2 North Street, Georgetown
00210-00000-000	L2 MPH22959	8 High Street, Georgetown
00243-00000-000	L11 GB112	9-13 Haldane Street, Georgetown
00254-20000-000	L4 MPH40897	17 Crampton Road, Georgetown
00265-17000-000	L22 SP217469	22 Collins Street
00287-00000-000	L1MPH33279	4 Short Street

5. The Land is described in Council's Land Record as follows:

Assessment Number	Lot on Plan Description	Street Address	Size of Lot
00109-10000-000	Lot 5 CP MPH14048	9 Fourth Street, Forsyth Qld 4871	1214 m2

6. Details of all overdue rates and charges for the land as at the date of this Notice, including 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
01-07-2017 to 30-06-2018	24-01-2018	26-02-2018	\$249.60	\$11.70
01-07-2018 to 30-06-2019	10-08-2018	10-09-2018	\$2,100.66	\$103.35
	11-02-2019	13-03-2019	\$60.00	\$143.57
01-07-2019 to 30-06-2020	09-08-2019	09-09-2019	\$1,900.58	\$171.58
	24-01-2020	24-02-2020	\$10.61	\$266.71
01-07-2020 to 30-06-2021	07-08-2020	21-09-2020	\$1,521.58	\$609.64
01-07-2021 to 30-06-2022	10-09-2021	25-10-2021	\$1,623.82	\$336.94
SUBTOTAL:			\$7,466.85	\$1,643.49
TOTAL OF RATES AND CHARGES AND INTEREST:			\$9,110.34	

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

- (a) 2017/2018 11.00%
- (b) 2018/2019 11.00%
- (c) 2019/2020 9.83%
- (d) 2020/2021 8.53%
- (e) 2021/2022 8.03%

Interest continues to accrue on the overdue amounts at a rate of 8.03% per annum.

- 7. 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.
- 8. The total amount of overdue rates and charges and the interest as at the date of this Notice is \$9,110.34.
- 9. 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
ETHERIDGE SHIRE COUNCIL

SECTIONS 141 – 144
LOCAL GOVERNMENT REGULATION 2012

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.
- (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.