

NOTICE OF INTENTION TO ACQUIRE LAND FOR OVERDUE RATES OR CHARGES

s.149 of the Local Government Regulation 2012

5 November 2024

1. This is a Notice of Intention to Acquire land for overdue rates and charges given by the McKinlay Shire Council (the "Council") pursuant to section 149(2) of the *Local Government Regulation 2012*.
2. The Council has, by resolution, decided to acquire the land under section 149(1) of the *Local Government Regulation 2012* because:
 - (a) some of the overdue rates and charges for the land have been overdue for at least three years; and
 - (b) the total amount of the overdue rates or charges is more than the market value of the land.
3. The resolution was made on 15 October 2024, and the terms of the resolution were as follows:


Resolution No. 084/2425

Council resolves to:

- (a) acquire the land located at Nelia Street, Julia Creek (described as Lot 8 on CP N6311 (Assessment: 00465-00000-000) ("the Land")) for overdue rates or charges pursuant to section 149(1) of the Local Government Regulation 2012; and*
 - (b) delegate to the Chief Executive Officer its powers to give a Notice of Intention to Acquire the Land to all interested parties, and power to take all further steps required under sections 149, 150 and 151 of the Local Government Regulation 2012 to effect the acquisition of the Land.*
4. The description of the location and size of the land as shown in the Council's land record is as follows:
 - (a) Lot 8 on N6311;
 - (b) Address: Nelia Street, Julia Creek QLD 4823;
 - (c) Size of the land – 2023m².

5. Details of the 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 are set out in **Attachment 1** to this Notice.
6. Details of the interest that is owing on the overdue rates and charges, as at the date of this Notice, are set out in **Attachment 1** to this Notice. Interest is calculated from the day after the due date for payment. The current interest accruing on all overdue rates and charges is calculated at a rate of 11% per annum on daily rests and as compound interest in accordance with section 133 of the *Local Government Regulation 2012*.
7. The total amount of overdue rates and charges and interest as at the date of this Notice is \$8,781.59.
8. If full payment of the overdue rates and charges and interest which continues to accrue on the overdue rates and charges is not received within six months after the date this Notice of Intention to Acquire is given to all interested parties, the Council will commence procedures to acquire the land under section 151 of the *Local Government Regulation 2012*.
9. A copy of sections 149 to 151 of the *Local Government Regulation 2012* is contained within **Attachment 2** to this Notice.

Signed on 5 November 2024 by the Chief Executive Officer of McKinlay Shire Council.

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Trevor Williams
Chief Executive Officer
McKinlay Shire Council

ATTACHMENT 1**SCHEDULE OF OVERDUE RATES AND CHARGES**

PROPERTY ADDRESS: NELIA STREET, JULIA CREEK QLD 4823
Assessment No: 00465-00000-000

	Amount	Issue Date	Due Date
Period 01/01/2012 to 30/06/2012			
General Rates	\$ 127.42	8/02/2012	9/03/2012
Water Charges	\$ 32.55		
Emergency Management Fire Levy	\$ -		
	<u>\$ 159.97</u>		
Credit brought forward	\$ (25.66)		
Period 01/07/2012 to 31/12/2012			
General Rates	\$ 133.79	8/08/2012	7/09/2012
Water Charges	\$ 33.89		
Emergency Management Fire Levy	\$ -		
	<u>\$ 167.68</u>		
Period 01/01/2013 to 30/06/2013			
General Rates	\$ 133.79	8/02/2013	10/03/2013
Water Charges	\$ 33.89		
Emergency Management Fire Levy	\$ -		
	<u>\$ 167.68</u>		
Period 01/07/2013 to 31/12/2013			
General Rates	\$ 138.21	12/08/2013	11/09/2013
Water Charges	\$ 35.24		
Emergency Management Fire Levy	\$ -		
	<u>\$ 173.45</u>		
Period 01/01/2014 to 30/06/2014			
General Rates	\$ 138.21	12/02/2014	30/06/2014
Water Charges	\$ 35.24		
Emergency Management Fire Levy	\$ 11.40		
	<u>\$ 184.85</u>		
Period 01/07/2014 to 31/12/2014			
General Rates	\$ 172.00	20/08/2014	19/09/2014
Water Charges	\$ 36.05		
Emergency Management Fire Levy	\$ 11.70		
	<u>\$ 219.75</u>		

	Amount	Issue Date	Due Date
Period 01/01/2015 to 30/06/2015			
General Rates	\$ 172.00	4/02/2015	29/05/2015
Water Charges	\$ 36.05		
Emergency Management Fire Levy	\$ 11.70		
	<u>\$ 219.75</u>		
Period 01/07/2015 to 31/12/2015			
General Rates	\$ 175.78	25/08/2015	24/09/2015
Water Charges	\$ 36.85		
Waste Management Charges	\$ 15.75		
Emergency Management Fire Levy	\$ 12.10		
	<u>\$ 240.48</u>		
Period 01/01/2016 to 30/06/2016			
General Rates	\$ 175.78	11/02/2016	25/05/2016
Water Charges	\$ 36.85		
Waste Management Charges	\$ 15.75		
Emergency Management Fire Levy	\$ 12.10		
	<u>\$ 240.48</u>		
Period 01/07/2016 to 31/12/2016			
General Rates	\$ 179.12	24/08/2016	23/09/2016
Water Charges	\$ 37.66		
Waste Management Charges	\$ 16.05		
Emergency Management Fire Levy	\$ 12.50		
	<u>\$ 245.33</u>		
Period 01/01/2017 to 30/06/2017			
General Rates	\$ 179.12	15/02/2017	17/03/2017
Water Charges	\$ 37.66		
Waste Management Charges	\$ 16.05		
Emergency Management Fire Levy	\$ 12.50		
	<u>\$ 245.33</u>		
Period 01/07/2017 to 31/12/2017			
General Rates	\$ 184.49	19/07/2017	18/08/2017
Water Charges	\$ 38.88		
Waste Management Charges	\$ 16.53		
Emergency Management Fire Levy	\$ 12.90		
	<u>\$ 252.80</u>		
Period 01/01/2018 to 30/06/2018			
General Rates	\$ 184.49	14/02/2018	16/03/2018
Water Charges	\$ 38.88		
Waste Management Charges	\$ 16.53		

	Amount	Issue Date	Due Date
Emergency Management Fire Levy	\$ 12.90		
	<u>\$ 252.80</u>		
Period 01/07/2018 to 31/12/2018			
General Rates	\$ 190.02	15/08/2018	14/09/2018
Water Charges	\$ 39.96		
Waste Management Charges	\$ 17.03		
Emergency Management Fire Levy	\$ 13.30		
	<u>\$ 260.31</u>		
Period 01/01/2019 to 30/06/2019			
General Rates	\$ 190.02	29/03/2019	24/06/2019
Water Charges	\$ 39.96		
Waste Management Charges	\$ 17.03		
Emergency Management Fire Levy	\$ 13.30		
	<u>\$ 260.31</u>		
Period 01/07/2019 to 31/12/2019			
General Rates	\$ 193.82	3/09/2019	3/10/2019
Water Charges	\$ 40.77		
Waste Management Charges	\$ 17.37		
Emergency Management Fire Levy	\$ 13.50		
	<u>\$ 265.46</u>		
Period 1/01/2020 to 30/06/2020			
General Rates	\$ 193.82	19/02/2020	20/03/2020
Water Charges	\$ 40.77		
Waste Management Charges	\$ 17.37		
Emergency Management Fire Levy	\$ 13.50		
	<u>\$ 265.46</u>		
Period 1/07/2020 to 31/12/2020			
General Rates	\$ 198.67	24/08/2020	23/09/2020
Water Charges	\$ 41.85		
Waste Management Charges	\$ 17.80		
Emergency Management Fire Levy	\$ 13.70		
	<u>\$ 272.02</u>		
Period 1/01/2021 to 30/06/2021			
General Rates	\$ 198.67	15/02/2021	17/03/2021
Water Charges	\$ 41.85		
Waste Management Charges	\$ 17.80		
Emergency Management Fire Levy	\$ 13.70		
	<u>\$ 272.02</u>		

	Amount	Issue Date	Due Date
Interest Charged between period 12/10/2020 to 11/02/2021	\$ 188.49		
Period 1/07/2021 to 31/12/2021			
General Rates	\$ 203.63	25/08/2021	24/09/2021
Water Charges	\$ 42.93		
Waste Management Charges	\$ 18.25		
Emergency Management Fire Levy	\$ 13.90		
	<u>\$ 278.71</u>		
Interest Charged between period 22/03/2021 to 24/08/2021	\$ 202.38		
Period 1/01/2022 to 30/06/2022			
General Rates	\$ 203.63	16/02/2022	18/03/2022
Water Charges	\$ 42.93		
Waste Management Charges	\$ 18.25		
Emergency Management Fire Levy	\$ 13.90		
	<u>\$ 278.71</u>		
Interest Charged between period 30/09/2021 to 15/02/2022	\$ 193.91		
Period 1/07/2022 to 31/12/2022			
General Rates	\$ 209.74	16/08/2022	15/09/2022
Water Charges	\$ 44.01		
Waste Management Charges	\$ 18.80		
Emergency Management Fire Levy	\$ 14.20		
	<u>\$ 286.75</u>		
Interest Charged between period 31/03/2022 to 15/08/2022	\$ 219.82		
Period 1/01/2023 to 30/06/2023			
General Rates	\$ 209.74	7/02/2023	9/03/2023
Water Charges	\$ 44.01		
Waste Management Charges	\$ 18.80		
Emergency Management Fire Levy	\$ 14.20		
	<u>\$ 286.75</u>		
Interest Charged between period 20/09/2022 to 6/02/2023	\$ 232.10		
Period 1/07/2023 to 31/12/2023			
General Rates	\$ 227.80	16/08/2023	15/09/2023
Water Charges	\$ 46.71		
Waste Management Charges	\$ 19.92		

	Amount	Issue Date	Due Date
Emergency Management Fire Levy	\$ 14.60		
	<u>\$ 309.03</u>		
Interest Charged between period 16/03/2023 to 15/08/2023	\$ 285.12		
Period 1/01/2024 to 30/06/2024			
General Rates	\$ 227.80	29/02/2024	1/04/2024
Water Charges	\$ 46.71		
Waste Management Charges	\$ 19.92		
Emergency Management Fire Levy	\$ 14.60		
	<u>\$ 309.03</u>		
Interest Charged between period 25/09/2023 to 29/02/2024	\$ 429.17		
Period 1/07/2024 to 31/12/2024			
General Rates	\$ 239.19	20/08/2024	19/09/2024
Water Charges	\$ 49.14		
Waste Management Charges	\$ 20.92		
Emergency Management Fire Levy	\$ 14.60		
	<u>\$ 323.85</u>		
Interest Charged between period 10/04/2024 to 20/08/2024	\$ 416.52		
Interest Charged between period 20/09/2024 to 5/11/2024	\$ 200.98		
Overdue rates and charges	\$ 6,413.10		
Interest charges to 05/11/2024	\$ 2,368.49		
Less Payments	\$ -		
Total Overdue Rates and Charges	\$ 8,781.59		

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- (e) either of the following applies—
 - (i) the total amount of the overdue rates or charges is more than the value of the land and the land is considered to be—
 - (A) valueless; or
 - (B) of so little value that, if it were sold, the proceeds of the sale would be less than the amount of the overdue rates or charges;
 - (ii) the total amount of the overdue rates or charges is more than the market value of the land.

149 Requirements for notice of intention to acquire land

- (1) The local government may, by resolution, decide to acquire the land.
- (2) If the local government does so, the local government must, as soon as practicable, give all interested parties a notice of intention to acquire the land.
- (3) A *notice of intention to acquire* is a document, signed by the chief executive officer, stating—
 - (a) that the local government has, by resolution, decided to acquire land for overdue rates or charges, under this section; and
 - (b) the day on which the resolution was made; and
 - (c) the terms of the resolution; and
 - (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 are 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 accruing; and

- (ii) a description of the way that the interest is calculated; and
- (g) the total amount of the overdue rates or charges and the interest, as at the date of the notice; and
- (h) a copy, or general outline, of this section and sections 150 and 151.

150 Time to start procedures to acquire

- (1) This section applies if—
 - (a) a local government gives, under section 149, a notice of intention to acquire land for overdue rates or charges; and
 - (b) the overdue rates or charges are not paid in full within 6 months after the local government gives the notice of intention to acquire the land.
- (2) The local government may start the procedures for acquiring the land.
- (3) However, the local government must end the procedures for acquiring the land 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 acquire the land.

151 Acquisition procedures

- (1) This section sets out the procedures that a local government must follow when acquiring land for overdue rates or charges.
- (2) The local government must—
 - (a) discharge the overdue rates or charges payable for the land; and
 - (b) give the registrar of titles a request, in the appropriate form, to record the local government as the registered owner of the land.

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- (3) After receiving the request, the registrar of titles must record the local government as the registered owner of the land free of all encumbrances other than any State encumbrances.
 - (4) The registrar of titles—
 - (a) may record the local government as the registered owner of the land even if the request is not accompanied by the instrument of title for the land; and
 - (b) need not inquire whether the local government has complied with this subdivision; and
 - (c) is not affected by actual or constructive notice of any failure by the local government to comply with this subdivision.
 - (5) When the registrar of titles has recorded the local government as the registered owner of the land, the local government must remove the reference to the land from the land record.
 - (6) In this section—

appropriate form see the Land Title Act, schedule 2.

Division 4 State pays overdue rates or charges

152 Satisfaction on termination of tenure

- (1) This section applies if—
 - (a) a local government is owed rates or charges on land; and
 - (b) the tenure of a holding is terminated for all or part of the land; and
 - (c) the State receives an amount from an incoming holder of all or part of the land.
- (2) After retaining any amount owing to the State, the State may pay the local government an amount for the rates or charges.