

14 March 2022

Our reference: 1089003

Nerida R Phelts
Jens Pi Petersen
21 Donnelly Street
MOUNT PERRY QLD 4671

Dear Sir/Madam,

Notice of Intention to sell land for unpaid rates on property
Rate Assessment Number: 500560000000
Property Address: 21 DONELLY STREET, MOUNT PERRY

Reference is made to the amount that continues to remain outstanding for rates on the above property. As these rates have remained unpaid for a period in excess of three years, Council, at its meeting on 23 February 2022, resolved in accordance with the provisions of the Local Government Regulation 2012 to commence proceedings for the sale of this property at public auction in order to recoup the amount of rates and charges owing to Council.

Enclosed is a "Notice of Intention to Sell Land" which includes a schedule of the levies and interest remaining unpaid for this property together with a copy of sections 141 to 144 of the Regulation.

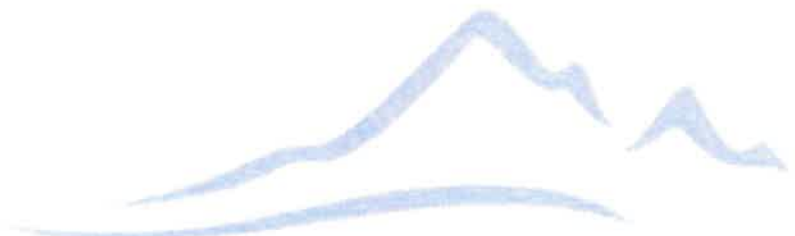
Council is required to give notice to the property owner providing details of its decision and allowing a final opportunity to pay the outstanding rates and charges. If these rates and charges are not paid within 3 months of this notice, then Council will be seeking to commence proceedings to put this property to auction within 6 months of this notice.

If you have any further enquiries regarding this matter, please call Council on 1300 696 272 and quote your reference number to be referred to the appropriate officer.

Yours faithfully



Susie Glasson
Acting Chief Executive Officer





Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: northburnett.qld.gov.au
ABN: 23 439 388 197

LOCAL GOVERNMENT ACT 2009 (SECTION 96)

LOCAL GOVERNMENT REGULATION 2012 (SECTION 140)

NOTICE OF INTENTION TO SELL LAND

14 March 2022

Nerida R Phelts
Jens Pi Petersen
21 Donnelly Street
MOUNT PERRY QLD 4671

This notice is given to you by North Burnett Regional Council, and relates to property described as Lot 1 on Plan SP205527, situated at 21 DONELLY STREET, MOUNT PERRY.

Background

- 1) This notice is given because rates or charges levied by the Council on the above property are at least three (3) years overdue. Where rates or charges on a property are more than three (3) years, the Council may sell the property at public auction and use the proceeds to discharge the overdue rates and charges.
- 2) The 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 or charges. If the overdue rates or charges are not paid within 3 months of the notice, the 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 or charges levied on the land, and all expenses incurred by the Council for the intended sale, are paid to it.
- 3) The 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 the final opportunity to pay the overdue rates or charges and prevent sale of the land by Council.

Formal Notice

- 4) You are hereby notified as follows:
 - a) The Council has decided, by resolution, to sell the land described above because an overdue rate or charge has remained unpaid.
 - b) This document is a Notice of Intention to Sell Land under section 140 of the *Local Government Regulation 2012*.
 - c) The date of the Council Meeting at which the resolution to sell the land was made was 23 February 2022, and the resolution in so far as it applies to the land was in the following terms:
Resolution Number 2022/28
 1. That Council receives and notes the information within the report
 2. That Council:
 - (a) Pursuant to section 140(2) of the *Local Government Regulation 2012* sell the land described in the attached "Schedule 1 – NBRC – Sale of Land List for Resolution Council Meeting 23 February 2022" for overdue rates and charges; and
 - (b) Delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to effect the sale of the land (including for avoidance of doubt, the power to end sale procedures).

- d) The land is described in the Council's land record as being located at 21 DONELLY STREET, MOUNT PERRY, and is described as Lot 1 on Plan SP205527. It has an area of 2255 sq m.
- e) Details of all overdue rates and charges for the land, as at the date of Council's resolution referred to in paragraph (c) above, are detailed in Attachment 1.
- f) Interest accrued on the overdue rates or charges to 23 February 2022 is \$13,347.03. Particulars of this interest are detailed in Attachment 1. Interest continues to accrue at the rate of 8.03% per annum.
- g) Interest is charged on all overdue rates as that term is defined in the *Local Government Regulation 2012* from (and including) the date after the due date for each rate, and is calculated as compound interest on daily rests.
- h) The amount of overdue rates or charges at the date of this notice is

Overdue Rates of Charges	\$45,783.33
Interest	\$13,347.03
Total	\$59,130.36

- i) A copy of Sections 141 to 144 of the *Local Government Regulation 2012* is attached. Attachment 2.

Your Rights

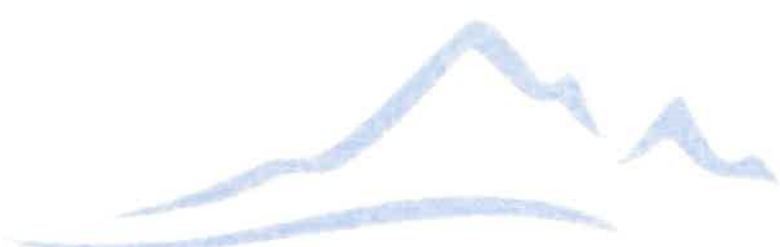
- 5) If you pay the amount of all overdue rates and charges referred to in this notice including interest as mentioned in paragraphs 4(f) and 4(g) calculated to the date of payment, and all expenses incurred by the Council for the intended sale, the Council must not sell the land. You will remain the owner of the land.

Consequences of non-payment

- 6) If you do not pay the amount of all overdue rates or charges referred to in this notice, together with interest as mentioned in paragraphs 4(f) and 4(g) calculated up to the date of payment, and all expenses incurred by the Council for the intended sale, the 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.

Yours faithfully

Susie Glasson
Acting Chief Executive Officer



Attachment 1

Assessment	Name	Postal Address							
5005600000000	Nerida R Phelts Jens Pi Petersen	21 Donelly Street Mount Perry Q 4671							
Property Location	Description	Area							
21 Donelly Street, Mount Perry Q 4671	Lot 1 SP205527	2255m2							
Property ID	Valuation	Valuation Date							
40837315	\$ 12,600.00	1/10/2018							
Details of Interest Accrued									
	Details of Interest Accrued at 11% per annum compounded daily from the date of account becoming overdue.	FY 2013-14							
	Details of Interest Accrued at 11% per annum compounded daily from the date of account becoming overdue.	FY 2014-15							
	Details of Interest Accrued at 11% per annum compounded daily from the date of account becoming overdue.	FY 2015-16							
	Details of Interest Accrued at 11% per annum compounded daily from the date of account becoming overdue.	FY 2016-17							
	Details of Interest Accrued at 11% per annum compounded daily from the date of account becoming overdue.	FY 2017-18							
	Details of Interest Accrued at 11% per annum compounded daily from the date of account becoming overdue.	FY 2018-19							
	Details of Interest Accrued at 9.83% per annum compounded daily from the date of account becoming overdue.	FY 2019-20							
	Details of Interest Accrued at 8.53% per annum compounded daily from the date of account becoming overdue.	FY 2020-21							
	Details of Interest Accrued at 8.03% per annum compounded daily from the date of account becoming overdue.	FY 2021-22							
	Total Interest	\$ 13,347.03							
Levy/Charge	Sum of Arrears Year Ending 30 June 2015	Sum of Arrears Year Ending 30 June 2016	Sum of Arrears Year Ending 30 June 2017	Sum of Arrears Year Ending 30 June 2018	Sum of Arrears Year Ending 30 June 2019	Sum of Arrears Year Ending 30 June 2020	Sum of Arrears Year Ending 30 June 2021	Rates and Charges Year Ending 30 June 2022	Total Rates and Charges at 23 February 2022
General Rate - Residential	\$ 450.00	\$ 476.00	\$ 354.50	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,280.50
General Rate - Vacant	\$ -	\$ -	\$ 354.50	\$ 737.00	\$ 763.00	\$ 778.00	\$ 793.00	\$ 817.00	\$ 4,242.50
Water Access	\$ 515.00	\$ 536.00	\$ 563.00	\$ 585.00	\$ 605.00	\$ 620.00	\$ 632.00	\$ 651.00	\$ 4,707.00
Residential Garbage	\$ 240.00	\$ 250.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 490.00
Environmental Levy	\$ 93.00	\$ 96.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 189.00
Water Consumption	\$ 7.50	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7.50
Local Disaster Management Levy	\$ 3.00	\$ 3.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 6.00	\$ 6.00	\$ 6.00	\$ 39.00
Natural Resource Management Levy	\$ -	\$ -	\$ 50.00	\$ 52.00	\$ 54.00	\$ 55.00	\$ 56.00	\$ 58.00	\$ 325.00
Landfill Management Levy	\$ -	\$ -	\$ 85.00	\$ 99.00	\$ 124.00	\$ 150.00	\$ 180.00	\$ 216.00	\$ 854.00
State Govt EMFR Levy	\$ 74.56	\$ 77.12	\$ 25.00	\$ 103.00	\$ 106.60	\$ 108.80	\$ 110.60	\$ 112.40	\$ 718.08
Entry Notice	\$ -	\$ -	\$ 32,930.75	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 32,930.75
Grand Total	\$ 1,383.06	\$ 1,438.12	\$ 34,367.75	\$ 1,581.00	\$ 1,657.60	\$ 1,717.80	\$ 1,777.60	\$ 1,860.40	\$ 45,763.33

Attachment 2 - Sections 141 to 144 of the *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.

