

MAREEBA SHIRE COUNCIL
SUBSTITUTED SERVICE – NOTICE OF INTENTION TO SELL

Thursday, 29 May 2025

ATTN: MELISSA JADE SNOOK

Mareeba 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 Mareeba Shire Council also give notice of a Notice of Intention to Sell Property under the provisions of the *Local Government Act 2009* and it's 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 1300 314 443 or legal@clhgroup.com.au

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 19 March 2025, the Mareeba Shire Council resolved under 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:

That Council:

- 1 *Sell the land listed below due to the rates and charges which have accrued on the rateable lands remaining unpaid for three (3) years or longer, in accordance with section 140 of the Local Government Regulation 2012; and*
- 2 *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 sale of land (including, for avoidance of doubt, the power to end sale procedures including the authority to remove a property where circumstances arise whereby the continuation of this action is considered unwarranted or inappropriate).*

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 Mareeba Shire Council intends to proceed with the sale of the land described in Schedule One pursuant to ss 141-143 of the Regulation unless the overdue rates, charges, interest and expenses described in Schedule Two are paid in full immediately.

SCHEDULE ONE

Address: Lot 9 Euluma Creek Road JULATTEN QLD 4871

Description:	Title Reference:	Area m²
Lot 9 RP 909807	50190320	502,200

SCHEDULE TWO

Period	Levy
Older	\$0.00
2021 - 2022	\$194.57
2022 - 2023	\$3,792.20
2023 - 2024	\$3,939.90
2024 - 2025	\$2,112.65
Legal fees	\$300.00
Interest owing	\$1,507.00
Total overdue rates, charges and interest as at 20th day of March 2025	\$11,846.32

Copies of ss 141- 144 of the Regulation are attached.

DATED this 20th day of March 2025



Peter Franks
Chief Executive Officer
Mareeba Shire Council
Council Reference: 20612
CLH Lawyers Reference: 3542376

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.