

NOTICE OF INTENTION TO ACQUIRE LAND FOR OVERDUE RATES OR CHARGES
s.149 of the Local Government Regulation 2012

8 February 2021

1. This is a Notice of Intention to Acquire land for overdue rates and charges given by the Diamantina 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 and charges is more than the market value of the land.
3. The resolution was made on 18 January 2021, and the terms of the resolution were as follows:

"That Council resolves to:

 - (a) acquire the land located at 25 Ironstone St, Birdsville QLD 4482 (described as Lot 19 on SP107134) for overdue rates and 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 19 on SP107134;
 - (b) Address: 25 Ironstone Street, Birdsville QLD 4482;
 - (c) Size of the land – 1000m²
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. For the period prior to 1 July 2018, interest accrued at a rate of 11% per annum, calculated on daily rests as compound interest. For the period commencing 1 July 2018 to 30 June 2020, interest accrued at a rate of 8% per annum calculated on daily rests as compound interest. For the period commencing 1 July 2020 to 30 June 2021, interest accrued at a rate of 6.75% per annum calculated on daily rests as compound interest.
7. The total amount of overdue rates and charges and interest as at the date of this Notice is **\$7,211.90**.

FOR ENQUIRIES PLEASE CONTACT:
Amanda Schnitzerling

IN REPLY PLEASE QUOTE:
LL:AS:20210204:134059

YOUR REFERENCE:

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 8 February 2021 by the Chief Executive Officer of Diamantina Shire Council.



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Leon Love
CHIEF EXECUTIVE OFFICER
Diamantina Shire Council

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

PROPERTY ADDRESS: 25 Ironstone Street, Birdsville QLD 4482

Assessment No.: A325

	Amount	Issue Date of Rate Notice /Supplementary Rate Notice	Due Date
Period 1/7/2013 to 30/6/2014		16/10/2013	16/12/2013
General Rates 8 – Industrial (Minimum Charge)	\$375.00		
Vacant Water	\$105.00		
Sewerage - Connected	\$43.00		
State Government Emergence Services Levy	\$45.10		
	<u>\$568.10</u>		
Interest Charged between period 17/12/2013 to 16/9/2014	\$45.02		
Period 1/7/2014 to 30/6/2015		6/03/2020	05/05/2020
General Rates 8 – Industrial (Minimum Charge)	\$500.00		
Vacant Water	\$300.00		
State Government Emergence Services Levy	\$93.20		
	<u>\$893.20</u>		
Period 1/7/2015 to 30/6/2016		6/03/2020	05/05/2020
General Rates 8 – Industrial (Minimum Charge)	\$525.00		
Vacant Water	\$308.56		
State Government Emergence Services Levy	\$96.40		
	<u>\$929.96</u>		
Period 1/7/2016 to 30/6/2017		6/03/2020	05/05/2020
General Rates 8 – Industrial (Minimum Charge)	\$540.00		
Vacant Water	\$317.84		
State Government Emergence Services Levy	\$96.40		
	<u>\$954.24</u>		

Period 1/7/2017 to 30/6/2018	6/03/2020	05/05/2020
General Rates 8 – Industrial (Minimum Charge)	\$556.20	
Vacant Water	\$327.36	
State Government Emergence Services Levy	\$103.00	
	<u>\$986.56</u>	
Period 1/7/2018 to 30/6/2019	6/03/2020	05/05/2020
General Rates 8 – Industrial (Minimum Charge)	\$585.00	
Vacant Water	\$421.50	
State Government Emergence Services Levy	\$106.60	
Environmental Levy Separate Charge	\$100.00	
	<u>\$1,213.10</u>	
Period 1/7/2019 to 30/6/2020	6/03/2020	05/05/2020
General Rates 8 – Industrial (Minimum Charge)	\$602.55	
Vacant Water	\$434.10	
State Government Emergence Services Levy	\$108.80	
Environmental Levy Separate Charge	\$103.00	
	<u>\$1,248.45</u>	
Interest charged between period 6/5/20 to 8/2/21	\$373.27	
Period 1/7/2020 to 30/6/2021	2/10/2020	7/12/2020
General Rates 8 – Industrial (Minimum Charge)	\$614.60	
Vacant Water	\$442.80	
State Government Emergence Services Levy	\$27.40	
Environmental Levy Separate Charge	\$105.06	
	<u>\$1,189.86</u>	
Overdue Rates and Charges	\$6,793.61	
Interest charges on overdue rates and charges	\$418.29	
Rates and charges levied on 2/10/20 (not yet overdue)	\$1,189.86	
Less Payments	\$0.00	
Total Overdue Rates and Charges	<u>\$7,211.90</u>	

Attachment 2

Local Government Regulation 2012
Chapter 4 Rates and charges

[s 149]

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.
- (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.

Part 13 Land record of local government

Division 1 Land record

153 What pt 13 is about

- (1) This part is about a local government's land record.
- (2) A local government uses a land record to identify who is responsible for paying rates or charges for land.