

FRASER COAST COUNCIL
SUBSTITUTED SERVICE – NOTICE OF INTENTION TO SELL

Thursday, 14 August 2025

ATTN: DAVID READ, heirs and assigns

Fraser Coast Regional Council give notice to the abovenamed that it holds copies of a Notice of Intention to Sell Property under the provisions of the *Local Government Act 2009* and 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 saleofland@clhlawyers.com.au



03/06/2025

COMMERCIAL LITIGATION
DEBT RECOVERY
INSOLVENCY
PROPERTY LAW

OUR REF: 3553046

CLH: 1300 314 443

EMAIL: legalar@clhgroup.com.au

Private and Confidential - 3553046
DAVID READ
C/- DAVID J READ 4 MURRAY STREET
ALERSHOT QLD 4650

Dear Sir/Madam

**RE: FRASER COAST REGIONAL COUNCIL - SALE OF LAND
NOTICE OF INTENTION TO SELL LAND FOR UNPAID RATES**

We act for the **FRASER COAST REGIONAL COUNCIL**.

Please find **enclosed** the following documents:

1. Notice of Intention to Sell; and
2. Sections 140 to 147 of the *Local Government Regulation 2012* (**Regulation**)

Please note, the Notice of Intention to Sell will expire 90 days from the date of issue. We are instructed the property will only be removed from the Sale of Land Process once the balance has been paid in full inclusive of costs and statutory interest. Further costs and charges may be subsequently added. Please make contact prior to making payment, so that we may update the amount due.

This process may constitute grounds for early release of superannuation. You are encouraged to contact the Australian Taxation Office directly to determine your eligibility and for further guidance. If you have a mortgage or other registered encumbrance, they have also been notified of this process in accordance with Regulation 143(3). You are encouraged to contact those entities to discuss whether they can assist in payment of the outstanding balance.

If payment in full is not receipted within the aforementioned timeframe, we would expect instructions to issue an Auction Notice to sell the land at public auction. Sale proceeds will be distributed in accordance with the Regulation.

Please direct all enquires to our CLH team on 1300 314 443 quoting reference **3553046**.

Yours faithfully,

CLH LAWYERS

CLH Legal Group Pty Ltd ACN 096 845 117 trading as CLH Lawyers is an Incorporated Legal Practice

Brisbane PO Box 2087 Fortitude Valley BC QLD 4006

**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 28th May 2025, the Fraser Coast Regional 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. *Deem that this report and attachments are confidential documents and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the documents remain confidential unless Council decides otherwise by resolution.*
2. *Pursuant to section 140(2) of the Local Government Regulation 2012, sell the land referred to in the property numbers listed below and described in Schedule 1 attached, for overdue rates and charges; and*
3. *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 the land (including, for avoidance of doubt, the power to end sale procedures).*
4. *Delegate to the Chief Executive Officer its power to discontinue any sale proceedings commenced pursuant to Chapter 4, Part 12 Division 3 of the Local Government Regulation 2012 in circumstances where the Chief Executive Officer or the person delegated power to make decisions by the Chief Executive Officer determines on the facts available to them at the time that it would not be in the best interests of Council or would be unfair or unjust to the property owner to proceed with the sale or any auction of the property.*

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 8 percent per annum on the unpaid rates, compounded and calculated on a daily basis.

You are hereby notified that Fraser Coast Regional 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: 4 MURRAY STREET ALDERSHOT QLD 4650

Description:

Title Reference:

Area: (Ha)

Lot 288 RP 35490

16309161

0.1012

SCHEDULE TWO

Period	Levy
Older	\$964.51
2021 - 2022	\$1,244.00
2022 - 2023	\$1,251.00
2023 - 2024	\$1,717.70
2024 - 2025	\$1,370.90
Total Interest	\$1,244.30
Legal Fees	\$300.00
Total overdue rates, charges and interest as at 29th May 2025	\$8,092.41

Interest continues to accrue at the rate of 8 percent per annum. The interest accrued on the overdue rates is compound interest and is calculated on a daily basis. Copies of ss 141- 144 of the Regulation are attached.

DATED: This 3rd day of June 2025



Ken Diehm,
Chief Executive Officer
Fraser Coast Regional Council
Council Reference: 659748
CLH Lawyers Reference: 3553046

LOCAL GOVERNMENT REGULATION 2012

Reg 140 Notice of intention to sell land for overdue rates or charges

- (1) This section applies if—
- (a) there are overdue rates or charges on land; and
 - (b) the liability to pay the overdue rates or charges is not the subject of court proceedings; and
 - (c) some or all of the overdue rates or charges have been overdue for at least—
 - (i) generally—3 years; or
 - (ii) if the rates or charges were levied on vacant land or land used only for commercial purposes, and the local government has obtained judgment for the overdue rates or charges—1 year; or
 - (iii) if the rates or charges were levied on a mining claim—3 months.
- (2) The local government may, by resolution, decide to sell the land.
- (3) If the local government does so, the local government must, as soon as practicable, give all interested parties a notice of intention to sell the land.
- (4) A notice of intention to sell is a document, signed by the chief executive officer, stating—
- (a) that the local government has, by resolution, decided under this section to sell land for overdue rates or charges; 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 have been 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 payable on the rates or charges; and
 - (ii) a description of the way the interest is calculated; and
 - (g) the total amount of overdue rates or charges and the interest, as at the date of the notice; and
 - (h) a copy, or a general outline, of sections 141 to 144.

Reg 141 - When procedures for selling land must start and end

- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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).

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.

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.

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.

Reg 145 Procedures after sale of land

(1) This section applies if land is sold under this subdivision.

(2) The local government must give the registrar of titles an appropriate form stating—

- (a) that the land has been sold under this subdivision; and
- (b) the full description of the land; and
- (c) the full name and address of the purchaser of the land; and
- (d) the purchase price of the land.

(3) An **appropriate form** is a form approved by the registrar of titles for lodgement in the land registry to record the transfer of land to a purchaser.

(4) After receiving the appropriate form, the registrar of titles must register the transfer of the interest of the registered owner to the purchaser free of all encumbrances.

(5) The registrar of titles may register the transfer even though the appropriate form is not accompanied by the instrument of title for the land.

(6) Also, the registrar of titles—

- (a) need not inquire whether the local government has complied with this subdivision; and
- (b) is not affected by actual or constructive notice of any failure by the local government to comply with this subdivision.

Reg 146 Application of proceeds of sale

(1) The local government must use the proceeds of the sale of the land in the following order—

- (a) to pay any amount agreed for the release of a State encumbrance under section 138(4)(b) or (5);
- (b) to pay the expenses of the sale;

Example of expenses of the sale—

administrative costs incurred by the local government

- (c) to pay land tax owing on the day of sale;
- (d) to pay the overdue rates or charges for the land;
- (e) to pay any other amounts relating to the land that the owner of the land owed the local government immediately before the sale;
- (f) to pay any rates or charges, other than overdue rates or charges, for the land;
- (g) to pay any registered encumbrances, other than State encumbrances, in order of their priority under the Land Title Act;
- (h) to pay any body corporate fees that the owner of the land owed immediately before the sale;
- (i) to pay the person who owned the land immediately before the sale.

(2) If any of the proceeds of sale remain unclaimed after 2 years, the local government must pay the proceeds to the public trustee as unclaimed money.

Reg 147 Local government's failure to comply with this subdivision

(1) This section applies if a local government fails to comply with this subdivision.

(2) No person may make a claim against an indemnity fund that is administered by the State for—

- (a) any dealing with the land under this subdivision; or
- (b) the registration of an interest in the land under this subdivision.

(3) However, this section does not protect—

- (a) the local government from liability for any loss that is caused by the local government's failure to comply with this subdivision; or
 - (b) a person who commits fraud or wilful default from liability for any loss that is caused by the person's fraud or wilful default.
- (a)