



SUBSTITUTED SERVICE NOTICE

NOTICE OF INTENTION TO ACQUIRE LAND ***Local Government Regulation 2012***

- TO:** The owner of rateable land described as Lot 7 on Registered Plan 733958, Title References 21123002, 21101003, 21110046, 21138126, 21097061 and 21140213, located at Elms Road, Wondecla
- AND TO:** Phillip Mark Boutle and Sheryl Ann Boutle
122 Elms Road, Wondecla QLD 4887
- AND TO:** The Estate of Joyce Nita Fetherstonhaugh
20 Bushnell Road, Wondecla QLD 4887
- AND TO:** Peter Michael Masasso and Elizabeth Masasso
30 Bushnell Road, Wondecla QLD 4887
- AND TO:** Kevin William Hunt and Suzanne Patricia Hunt
40 Bushnell Road, Wondecla QLD 4887
- AND TO:** Joy Lucille Voce
66 Bushnell Road, Wondecla QLD 4887
- AND TO:** Herbert James Robinson and Catherine Robinson
56 Bushnell Road, Wondecla QLD 4887

Pursuant to section 239 of the *Local Government Act 2009*, Council hereby serves the Notice of Intention to Acquire Land contained in Annexure 1 of this Substituted Service Notice on the persons to whom this Notice is addressed.

A handwritten signature in black ink, appearing to read 'Gary Rinehart', is written in a cursive style.

Gary Rinehart
Chief Executive Officer

Annexure 1



NOTICE OF INTENTION TO ACQUIRE LAND *Local Government Regulation 2012*

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This Notice of Intention to Acquire Land (**Notice**) is hereby given to you by Tablelands Regional Council ("**Council**") and relates to the property described as Lot 7 on Registered Plan 733958, Title References 21123002, 21101003, 21110046, 21138126, 21097061 and 21140213 (**the Land**). A Current Title Search of the Land shows that the Land is held by the following landowners on the following basis, and this Notice is addressed and served upon each of these persons:

- Phillip Mark Boutle and Sheryl Ann Boutle as joint tenants inter se with a one-sixth interest. Council understands Phillip Mark Boutle is deceased and so it understands that Sheryl Ann Boutle is the sole remaining tenant holding this one-sixth interest;
- Joyce Nita Fetherstonhaugh as tenants in common with a one-sixth interest. Council understands that Ms Fetherstonhaugh is deceased;
- Peter Michael Masasso and Elizabeth Masasso as joint tenants inter se with a one-sixth interest;
- Kevin William Hunt and Suzanne Patricia Hunt as joint tenants inter se with a one-sixth interest;
- Joy Lucille Voce as tenants in common with a one-sixth interest;

- Herbert James Robinson and Catherine Robinson as joint tenants inter se with a one-sixth interest. Council understands Catherine Robinson is deceased and so it understands that Herbert James Robinson is the sole remaining tenant holding this one-sixth interest.

Background

This Notice is given because rates levied by Council on the Land are at least three (3) years overdue.

Where rates on land are more than three (3) years overdue, and the total amount of the overdue rates or charges is more than the market value of the land, Council may acquire the land to discharge the overdue rates and charges.

Formal Notice

You are hereby notified as follows:

- This document is a Notice of Intention to Acquire Land under section 149 of the *Local Government Regulation 2012 (LGR)*.
- Council decided, by resolution, on 22 February 2024 to acquire the Land for overdue rates and/or charges under section 149 of the LGR.
- The terms of the resolution referred to in paragraph 2 are as follows:

That Council resolve:

- Pursuant to section 149(1) of the Local Government Regulation 2012 (Qld), to acquire the land described in Schedule A to this resolution, by reason of the non-payment of overdue rates and charges which have been outstanding for more than 3 years, and authorises the taking of all necessary action to effect such acquisition in accordance with the Local Government Regulation 2012 (Qld):*

Schedule A:

<i>Assessment No.</i>	<i>Legal Description</i>	<i>Rates Balance as at 30/01/2024</i>
<i>34097</i>	<i>Lot 7 RP733958</i>	<i>\$1,201.55</i>

- To delegate to the Chief Executive Officer its power to take all further and necessary action pursuant to Chapter 4 Part 12 Division 3 of the Local Government Regulation 2012 (Qld), to effect the acquisition of the land as described in Schedule A to this resolution (including, for the avoidance of doubt, the power to end the acquisition procedures, including pursuant to section 150(3) of the Local Government Regulation 2012 (Qld).*
- To delegate to the Chief Executive Officer its power to take all further and necessary action to write off any remaining debt to enable properties acquired by this acquisition of land process to be free of all encumbrances on transfer of title as per section 151(3) of the Local Government Regulation 2012 (Qld).*

- The land is described in Council’s Land Record as follows:

Assessment Number	Lot on Plan Description	Street Address	Size of Lot
34097	Lot 7 RP733958	Elms Road, Wondecla	50m ²

5. Details of all 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 and details of the interest that is owing on the rates and charges as at the date of this Notice, are shown in the table below:

Rating Period	Notice Issued	Due Date	Outstanding Levy	Outstanding Interest
01-07-2015 to 31-12-2015	17/08/2015	17/09/2015	\$47.10	\$1.75
01-01-2016 to 30-06-2016	22/02/2016	24/03/2016	\$47.10	\$5.75
01-07-2016 to 31-12-2016	6/09/2016	7/10/2016	\$49.50	\$7.10
01-01-2017 to 30-06-2017	28/02/2017	31/03/2017	\$49.50	\$14.20
01-07-2017 to 31-12-2017	11/09/2017	12/10/2017	\$48.40	\$9.65
01-01-2018 to 30-06-2018	26/02/2018	28/03/2018	\$48.40	\$16.85
01-07-2018 to 31-12-2018	11/09/2018	12/10/2018	\$49.80	\$15.70
01-01-2019 to 30-06-2019	26/02/2019	28/03/2019	\$49.80	\$21.70
01-07-2019 to 31-12-2019	4/09/2019	4/10/2019	\$51.50	\$28.40
01-01-2020 to 30-06-2020	24/02/2020	25/03/2020	\$51.50	\$19.35
01-07-2020 to 31-12-2020	31/08/2020	30/09/2020	\$51.70	\$16.40
01-01-2021 to 30-06-2021	26/02/2021	29/03/2021	\$51.70	\$27.55
01-07-2021 to 31-12-2021	30/08/2021	30/09/2021	\$52.90	\$25.60
01-01-2022 to 30-06-2022	25/02/2022	29/03/2022	\$52.90	\$35.25
01-07-2022 to 31-12-2022	30/08/2022	30/09/2022	\$54.70	\$26.35
01-01-2023 to 30-06-2023	24/02/2023	27/03/2023	\$54.70	\$40.35
01-07-2023 to 31-12-2023	28/08/2023	28/09/2023	\$57.60	\$32.40
01-01-2024 to 30-06-2024	26/02/2024	27/03/2024	\$57.60	
Subtotal:			\$926.40	\$344.35
Total:			\$1,270.75	

Interest was applied at the following rates in the corresponding financial years:

- (a) 2016/2017 – 11.00%
- (b) 2017/2018 – 11.00%
- (c) 2018/2019 – 11.00%
- (d) 2019/2020 – 9.83%
- (e) 2020/2021 – 8.53%
- (f) 2021/2022 – 8.03%
- (g) 2022/2023 – 8.17%
- (h) 2023/2024 - 11.64%

Interest continues to accrue on the overdue amounts at a rate of 11.64% per annum.

- 6. Interest is calculated on daily rests on the overdue rates on the 22nd day after the rates and charges become overdue.
- 7. The amount of the overdue rates and charges, including interest, at the date of this Notice is \$1,270.75.
- 8. A copy of sections 149 to 151 of the LGR is attached.

YOUR RIGHTS

If you pay the amount of all overdue rates and charges referred to in this Notice, including interest as calculated up to the date of payment, and all expenses incurred by Council for the intended acquisition, Council must end the procedure for acquiring the land, and you will remain the owner of the land.

CONSEQUENCES OF NON-PAYMENT

If you do not pay the amount of all overdue rates and charges referred to in this Notice together with interest calculated up to the date of payment, and all expenses incurred by Council for the intended acquisition, within 6 months after Council gives this Notice, Council may acquire the land under section 151 of the LGR without further notice.



Chief Executive Officer
TABLELANDS REGIONAL COUNCIL

Dated: 16 April 2024

SECTIONS 149 – 151
LOCAL GOVERNMENT REGULATION 2012

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.