

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Meeting to be held at the Committee Room, Level 4, Civic Centre, 10 Watson Terrace,  
Mount Gambier on Monday 9<sup>th</sup> November 2015 at 5.30 p.m.

AGENDA

**8. CONSIDERATION FOR EXCLUSION OF PUBLIC**

moved that the following item(s) be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act, 1999 and an order be made that the public (with the exception of other Council Members and Council Officers now present) be excluded from the meeting in order for the item(s) to be considered in confidence as the Council (or Committee) is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act:

| <b>ITEM NO.</b> | <b>SUBJECT MATTER</b>   | <b>S90(3) GROUNDS</b> |
|-----------------|---|-----------------------|
| 9.              | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates</u></b> | (b)                   |
| 10.             | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates</u></b> | (b)                   |
| 11.             | <b><u>CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL</u></b>  |                       |

seconded

**10. SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/490**

*Goal: Governance*

*Strategic Objective: Evaluate the effectiveness of all service delivery initiatives against the returns and/or benefits to the community.*

The Director, Corporate Services reported:

(a) Section 184(1) of the Local Government Act, 1999 provides a power for Council to sell land if an amount payable by way of rates in respect of land has been arrears for three (3) years or more;

(b) A property situated at:

13 Bray Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,067.90.

(c) the rates have now become outstanding for a period exceeding three (3) years and Council should exercise its right pursuant to Chapter 10, Part 1, Division 9 of the Local Government Act, 1999 to seek to sell the land for non payment of Council rates, fines etc;

(d) in terms of the disbursement of any funds as a result of the sale of the property, Section 184 (11) of the Local Government Act 1999 provides:

*“(11) Any money received by the council in respect of the sale of land under this section will be applied as follows:*

Corporate and Community Services Committee Agenda, Monday 9<sup>th</sup> November, 2015 cont'd...

- (a) *firstly - in paying the costs of the sale and any other costs incurred in proceeding under this section;*
- (b) *secondly - in discharging any liabilities to the council in respect of the land;*
- (c) *thirdly - in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;*
- (d) *fourthly - in discharging any liabilities secured by registered mortgages, encumbrances or charges;*
- (e) *fifthly - in discharging any other mortgages, encumbrances and charges of which the council has notice;*
- (f) *sixthly - in payment to the owner of the land."*

moved it be recommended:

- (a) the report be received;
- (b) the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the following property for non payment of rates and other charges due to Council, in accordance with the provision of Chapter 10, Part 1, Division 9 of the Local Government Act, 1999.

Address

13 Bray Street, Mount Gambier  
Lot 1 DP 35308 CT 5097/728

Three years to 19/10/2015

Rates, Fines, Interest,  
Legal Fees  
\$4,067.90

- (c) Mayor and Chief Executive Officer be authorised to sign and affix the common seal to any contract and transfer affecting the sale of the allotment being disposed of by Council, as vendor, for non payment of rates should such a sale be finally necessary;
- (d) the Chief Executive Officer be empowered to engage legal counsel or agent to act on Councils behalf in this matter;
- (e) should Council be required to appoint an Agent in respect of the sale then Council approach 3 Agents to ascertain their respective fees etc.;
- (f) pursuant to the powers contained in Section 44 of the Local Government Act 1999, Council hereby delegates to the Chief Executive Officer the power to determine the date, time and place for the conduct of the public auction subject to compliance with Section 184 of the Act.

seconded

11. **CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document in relation to items 9 and 10 which have been considered by the Corporate and Community Services Committee on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

| ITEM NO. | SUBJECT MATTER  | ELEMENTS TO BE KEPT CONFIDENTIAL | DURATION, CIRCUMSTANCES OR REVIEW |
|----------|---|----------------------------------|-----------------------------------|
| 9.       | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates</u></b> | All details                      | 6 months                          |
| 10.      | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates</u></b> | All details                      | 6 months                          |

seconded

Meeting closed at \_\_\_\_\_ p.m.

FM

## CORPORATE AND COMMUNITY SERVICES COMMITTEE

Minutes of meeting held in the Committee Room Level 4, Civic Centre, 10 Watson Terrace,  
Mount Gambier on Monday 9<sup>th</sup> November, 2015 at 5.30 p.m.

**8. CONSIDERATION FOR EXCLUSION OF PUBLIC**

Mayor Lee moved that the following item(s) be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act, 1999 and an order be made that the public (with the exception of other Council Members and Council Officers now present) be excluded from the meeting in order for the item(s) to be considered in confidence as the Council (or Committee) is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act:

| ITEM NO. | SUBJECT MATTER   | S90(3) GROUNDS |
|----------|--|----------------|
| 9.       | <u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)            |
| 10.      | <u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)            |
| 11.      | <u>CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL</u>  |                |

Cr Persello seconded

Carried

10.

**SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land  
for Non-Payment of Council Rates - Ref. AF15/490**

*Goal: Governance*

*Strategic Objective: Evaluate the effectiveness of all service delivery initiatives against the returns and/or benefits to the community.*

The Director, Corporate Services reported:

- (a) Section 184(1) of the Local Government Act, 1999 provides a power for Council to sell land if an amount payable by way of rates in respect of land has been arrears for three (3) years or more;
- (b) A property situated at:  
  
13 Bray Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,067.90.
- (c) the rates have now become outstanding for a period exceeding three (3) years and Council should exercise its right pursuant to Chapter 10, Part 1, Division 9 of the Local Government Act, 1999 to seek to sell the land for non payment of Council rates, fines etc;
- (d) in terms of the disbursement of any funds as a result of the sale of the property, Section 184 (11) of the Local Government Act 1999 provides:



“(11) Any money received by the council in respect of the sale of land under this section will be applied as follows:

- (a) firstly - in paying the costs of the sale and any other costs incurred in proceeding under this section;
- (b) secondly - in discharging any liabilities to the council in respect of the land;
- (c) thirdly - in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;
- (d) fourthly - in discharging any liabilities secured by registered mortgages, encumbrances or charges;
- (e) fifthly - in discharging any other mortgages, encumbrances and charges of which the council has notice;
- (f) sixthly - in payment to the owner of the land.”

Cr Persello moved it be recommended:

- (a) the report be received;
- (b) the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the following property for non payment of rates and other charges due to Council, in accordance with the provision of Chapter 10, Part 1, Division 9 of the Local Government Act, 1999.

|   |  |
|---|--|
| <u>Address</u>  | <u>Three years to</u><br><u>19/10/2015</u>                 |
| 13 Bray Street, Mount Gambier<br>Lot 1 DP 35308 CT 5097/728 | Rates, Fines, Interest,<br>Legal Fees<br><u>\$4,067.90</u> |

- (c) Mayor and Chief Executive Officer be authorised to sign and affix the common seal to any contract and transfer affecting the sale of the allotment being disposed of by Council, as vendor, for non payment of rates should such a sale be finally necessary;
- (d) the Chief Executive Officer be empowered to engage legal counsel or agent to act on Councils behalf in this matter;
- (e) should Council be required to appoint an Agent in respect of the sale then Council approach 3 Agents to ascertain their respective fees etc.;
- (f) pursuant to the powers contained in Section 44 of the Local Government Act 1999, Council hereby delegates to the Chief Executive Officer the power to determine the date, time and place for the conduct of the public auction subject to compliance with Section 184 of the Act.

Cr Lovett seconded

Carried

11. **CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

Mayor Lee moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document in relation to items 9 and 10 which have been considered by the Corporate and Community Services Committee on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

| ITEM NO. | SUBJECT MATTER  | ELEMENTS TO BE KEPT CONFIDENTIAL | DURATION, CIRCUMSTANCES OR REVIEW |
|----------|---|----------------------------------|-----------------------------------|
| 9.       | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES</u></b> - Notice of Intention to Sell Land for Non-Payment of Council Rates | All details                      | 6 months                          |
| 10.      | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES</u></b> - Notice of Intention to Sell Land for Non-Payment of Council Rates | All details                      | 6 months                          |

Cr Lovett seconded

**Carried**

Meeting closed at 5.54 p.m.  
FM

CONFIRMED THIS                      DAY OF    2015.

.....  
PRESIDING MEMBER

CITY OF MOUNT GAMBIER

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 17<sup>th</sup> November, 2015 at 6.00 p.m.

AGENDA

**CONSIDERATION FOR EXCLUSION OF PUBLIC**

moved that the following items be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of other Council Members and Council Officers now present) be excluded from the meeting in order for the item to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

- S.90(3)(b) - information the disclosure of which:
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is:
    - conducting business; or
    - proposing to conduct business; or
    - would prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which could confer a commercial advantage on a person with whom the council is conducting or proposing to conduct business, or would prejudice the commercial position of the council, in that the Council is proposing to negotiate with respondent(s) to an Expression of Interest process and the disclosure of financial and other information and the terms and conditions of a subsequent engagement could reasonably be expected to confer an advantage on the respondent(s) and prejudice the Council’s commercial position during negotiations.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the disclosure of Council’s commercial position may prejudice Council’s ability to be able to negotiate the best proposal for the benefit of the Council and the community in this matter.

| <u>Item No.</u>                                   | <u>Subject Matter</u>  | <u>S90 (3) Grounds</u> |
|---|--|------------------------|
| <b>Corporate and Community Services Committee</b> |  |                        |
| 8.  | <u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)                    |
| 9.  | <u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)                    |

seconded

9. **SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/490**

*Goal: Governance*

*Strategic Objective: Evaluate the effectiveness of all service delivery initiatives against the returns and/or benefits to the community.*

The Director, Corporate Services reported:

(a) Section 184(1) of the Local Government Act, 1999 provides a power for Council to sell land if an amount payable by way of rates in respect of land has been arrears for three (3) years or more;

(b) A property situated at:

13 Bray Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,067.90.

(c) the rates have now become outstanding for a period exceeding three (3) years and Council should exercise its right pursuant to Chapter 10, Part 1, Division 9 of the Local Government Act, 1999 to seek to sell the land for non payment of Council rates, fines etc;

(d) in terms of the disbursement of any funds as a result of the sale of the property, Section 184 (11) of the Local Government Act 1999 provides:

*“(11) Any money received by the council in respect of the sale of land under this section will be applied as follows:*

*(a) firstly - in paying the costs of the sale and any other costs incurred in proceeding under this section;*

- (b) *secondly - in discharging any liabilities to the council in respect of the land;*
- (c) *thirdly - in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;*
- (d) *fourthly - in discharging any liabilities secured by registered mortgages, encumbrances or charges;*
- (e) *fifthly - in discharging any other mortgages, encumbrances and charges of which the council has notice;*
- (f) *sixthly - in payment to the owner of the land."*

**Cr Persello moved it be recommended:**

- (a) **the report be received;**
- (b) **the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the following property for non payment of rates and other charges due to Council, in accordance with the provision of Chapter 10, Part 1, Division 9 of the Local Government Act, 1999.**

**Address**

**13 Bray Street, Mount Gambier  
Lot 1 DP 35308 CT 5097/728**

**Three      years      to  
19/10/2015**

**Rates, Fines, Interest,  
Legal Fees  
\$4,067.90**

- (c) **Mayor and Chief Executive Officer be authorised to sign and affix the common seal to any contract and transfer affecting the sale of the allotment being disposed of by Council, as vendor, for non payment of rates should such a sale be finally necessary;**
- (d) **the Chief Executive Officer be empowered to engage legal counsel or agent to act on Councils behalf in this matter;**
- (e) **should Council be required to appoint an Agent in respect of the sale then Council approach 3 Agents to ascertain their respective fees etc.;**
- (f) **pursuant to the powers contained in Section 44 of the Local Government Act 1999, Council hereby delegates to the Chief Executive Officer the power to determine the date, time and place for the conduct of the public auction subject to compliance with Section 184 of the Act.**

**Cr Lovett seconded**

**Carried**

**CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

moved that an order be made pursuant to Section 91 (7) of the Local Government Act 1999 that the document(s) in relation to the following items which have been considered by Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

| <b><u>Item No.</u></b>                  | <b><u>Subject Matter</u></b>  | <b><u>S.90(3) Grounds</u></b> | <b><u>Element To Be Kept Confidential</u></b> | <b><u>Duration</u></b> |
|---|---|-------------------------------|---|------------------------|
| <b>Corporate and Community Services</b> |   |                               |   |                        |
| 8.                                      | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES</u></b> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)                           | All details                                   | 6 months               |
| 9.                                      | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES</u></b> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)                           | All details                                   | 6 months               |

seconded

MINUTES OF THE MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON TUESDAY, 17<sup>TH</sup> NOVEMBER, 2015 AT 6.00 P.M.

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## **CONSIDERATION FOR EXCLUSION OF PUBLIC**

Cr Greco moved that the following items be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of other Council Members and Council Officers now present) be excluded from the meeting in order for the item to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

- S.90(3)(b) - information the disclosure of which:
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is:
    - conducting business; or
    - proposing to conduct business; or
    - would prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which could confer a commercial advantage on a person with whom the council is conducting or proposing to conduct business, or would prejudice the commercial position of the council, in that the Council is proposing to negotiate with respondent(s) to an Expression of Interest process and the disclosure of financial and other information and the terms and conditions of a subsequent engagement could reasonably be expected to confer an advantage on the respondent(s) and prejudice the Council's commercial position during negotiations.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the disclosure of Council's commercial position may prejudice Council's ability to be able to negotiate the best proposal for the benefit of the Council and the community in this matter.

| <b><u>Item No.</u></b>                            | <b><u>Subject Matter</u></b>  | <b><u>S90 (3)</u></b><br><b><u>Grounds</u></b> |
|---|---|--|
| <b>Corporate and Community Services Committee</b> |   |  |
| 8.  | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES</u></b> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)  |
| 9.  | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES</u></b> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)  |

Cr Lynagh seconded

**Carried**

9. **SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/490**

*Goal:* Governance

*Strategic Objective:* Evaluate the effectiveness of all service delivery initiatives against the returns and/or benefits to the community.

The Director, Corporate Services reported:

- (a) Section 184(1) of the Local Government Act, 1999 provides a power for Council to sell land if an amount payable by way of rates in respect of land has been arrears for three (3) years or more;
  
- (b) A property situated at:

13 Bray Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,067.90.

- (c) the rates have now become outstanding for a period exceeding three (3) years and Council should exercise its right pursuant to Chapter 10, Part 1, Division 9 of the Local Government Act, 1999 to seek to sell the land for non payment of Council rates, fines etc;
- (d) in terms of the disbursement of any funds as a result of the sale of the property, Section 184 (11) of the Local Government Act 1999 provides:

*“(11) Any money received by the council in respect of the sale of land under this section will be applied as follows:*

- (a) firstly - in paying the costs of the sale and any other costs incurred in proceeding under this section;*
- (b) secondly - in discharging any liabilities to the council in respect of the land;*
- (c) thirdly - in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;*
- (d) fourthly - in discharging any liabilities secured by registered mortgages, encumbrances or charges;*
- (e) fifthly - in discharging any other mortgages, encumbrances and charges of which the council has notice;*
- (f) sixthly - in payment to the owner of the land.”*

Cr Persello moved it be recommended:

- (a) the report be received;
- (b) the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the following property for non payment of rates and other charges due to Council, in accordance with the provision of Chapter 10, Part 1, Division 9 of the Local Government Act, 1999.

Address

13 Bray Street, Mount Gambier  
Lot 1 DP 35308 CT 5097/728

Three years to 19/10/2015

Rates, Fines, Interest,  
Legal Fees  
\$4,067.90

- (c) Mayor and Chief Executive Officer be authorised to sign and affix the common seal to any contract and transfer affecting the sale of the allotment being disposed of by Council, as vendor, for non payment of rates should such a sale be finally necessary;

- (d) the Chief Executive Officer be empowered to engage legal counsel or agent to act on Councils behalf in this matter;
- (e) should Council be required to appoint an Agent in respect of the sale then Council approach 3 Agents to ascertain their respective fees etc.;
- (f) pursuant to the powers contained in Section 44 of the Local Government Act 1999, Council hereby delegates to the Chief Executive Officer the power to determine the date, time and place for the conduct of the public auction subject to compliance with Section 184 of the Act.

Cr Lovett seconded

Carried

**Cr Richardson moved the recommendation of the Corporate and Community Services Committee as contained in item 9 be adopted.**

**Cr Greco seconded**

**Carried**

**CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

Cr Greco moved that an order be made pursuant to Section 91 (7) of the Local Government Act 1999 that the document(s) in relation to the following items which have been considered by Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

| <b><u>Item No.</u></b>                  | <b><u>Subject Matter</u></b>  | <b><u>S.90(3) Grounds</u></b> | <b><u>Element To Be Kept Confidential</u></b> | <b><u>Duration</u></b> |
|---|---|-------------------------------|---|------------------------|
| <b>Corporate and Community Services</b> |   |                               |   |                        |
| 8.                                      | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES</u></b> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)                           | All details                                   | 6 months               |
| 9.                                      | <b><u>SALE OF LAND FOR NON PAYMENT OF RATES</u></b> - Notice of Intention to Sell Land for Non-Payment of Council Rates | (b)                           | All details                                   | 6 months               |

Cr Perryman seconded

**Carried**