

CITY OF MOUNT GAMBIER

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Wednesday, 20th March, 2016 at 6.00 p.m.

AGENDA

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 Council Members: Cr S Mezinac Cr M Lovett, Cr Lynagh, Cr S Perryman and Cr H Persello and Council Officers: Grant Humphries, Gary Button, Barbara Cernovskis, Michael McCarthy, Tracy Tzioutziouklaris and Tracey Nisbet 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:

s90(3)(a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), information regarding the financial and personal affairs of a ratepayer because the report proposes that Council issue orders in accordance with s184 of the Local Government Act 1999 to sell several properties which have rates in arrears in excess of three years.

and

s90(3)(i) information to be received, discussed or considered in relation to the Agenda Items is information relating to litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of the Council being legal action to enforce the recovery of outstanding rates and sale of land for non-payment of rates.

and

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 because disclosure of the information would involve an unreasonable disclosure of the financial and personal affairs of a ratepayer and which could compromise Council's position in relation to recovering the outstanding rates and in any associated litigation and sale of land.

ITEM NO.	SUBJECT MATTER	S90(3) GROUNDS
Corporate and Community Services Committee		
16.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(a) & (i)
17.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(a) & (i)

seconded

17.

SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF16/71

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:

1 Spehr Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,357.90.

(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 Meziniec 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

Three years to
16/03/2016

**1 Spehr Street, Mount Gambier
Lot 757 DP 194559 CT 5568/843**

**Rates, Fines, Interest,
Legal Fees
\$4,357.90**

- (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 Perryman seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

moved that having considered Agenda Items 16 and 17 in confidence under section 90(2) and (3)(a)&(i) of the Local Government Act 1999 an order be made pursuant to Section 91 (7) that the report, discussion and minutes 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:

<u>Item No.</u>	<u>Subject Matter</u>	<u>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
Corporate and Community Services Committee				
16.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(a) & (i)	All details	until the property has been advertised for sale or all outstanding council rates and charges have been paid.
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seconded

Resume Open Session

MINUTES OF MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL
CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON WEDNESDAY
20TH OF APRIL, 2016 AT 6.00 P.M.

MOTION(S) WITHOUT NOTICE - Nil

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Richardson 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 Council Members: Mayor A Lee, Cr C Greco, Cr M Lovett, Cr Lynagh, Cr S Mezinac, Cr F Morello, Cr D Mutton, Cr H Persello, Cr S Perryman and Cr I Von Stanke and Council Officers: Mr M McShane, Mr G Humphries, Mr D Sexton, Ms B Cernovskis, and Mrs T Nisbet 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:

s90(3)(a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), information regarding the financial and personal affairs of a ratepayer because the report proposes that Council issue orders in accordance with s184 of the Local Government Act 1999 to sell several properties which have rates in arrears in excess of three years.

and

s90(3)(i) information to be received, discussed or considered in relation to the Agenda Items is information relating to litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of the Council being legal action to enforce the recovery of outstanding rates and sale of land for non-payment of rates.

and

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 because disclosure of the information would involve an unreasonable disclosure of the financial and personal affairs of a ratepayer and which could compromise Council's position in relation to recovering the outstanding rates and in any associated litigation and sale of land.

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Cr Von Stanke seconded

Carried

17. **SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF16/71**

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:

1 Spehr Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,357.90.

(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 Mezinac 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

Three years to 16/03/2016

1 Spehr Street, Mount Gambier
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Rates, Fines, Interest,
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- (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 Perryman seconded

Carried

Cr Meziniec moved the recommendation of the Corporate and Community Services Committee as contained in item 17 be adopted.

Cr Lynagh seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Perryman moved that having considered Agenda Items 16 and 17 in confidence under section 90(2) and (3)(a)&(i) of the Local Government Act 1999 an order be made pursuant to Section 91 (7) that the report, discussion and minutes 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:

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Cr Lovett seconded

Carried

Resume Open Session

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seconded

Meeting closed at p.m.
MJT

5

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Meeting to be held in the Reception Area, Level 4, Civic Centre, 10 Watson Terrace,
Mount Gambier on Monday 11th April, 2016 at 5.30 p.m.

AGENDA

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 Council Members: Cr S Mezinac Cr M Lovett, Cr Lynagh, Cr S Perryman and Cr H Persello and Council Officers: Grant Humphries, Gary Button, Barbara Cernovskis, Michael McCarthy, Tracy Tzioutziouklaris and Fiona McGregor 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:

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and

s90(3)(i) information to be received, discussed or considered in relation to the Agenda Items is information relating to litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of the Council being legal action to enforce the recovery of outstanding rates and sale of land for non-payment of rates.

and

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 because disclosure of the information would involve an unreasonable disclosure of the financial and personal affairs of a ratepayer and which could compromise Council's position in relation to recovering the outstanding rates and in any associated litigation and sale of land.

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Corporate and Community Services Committee Agenda, Monday 11th April, 2016 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;*
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- (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 16/03/2016</u>
1 Spehr Street, Mount Gambier Lot 757 DP 194559 CT 5568/843	Rates, Fines, Interest, Legal Fees <u>\$4,357.90</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;
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seconded

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seconded

Meeting closed at p.m.
MJT

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Minutes of meeting held in the Reception Area, Level 4, Civic Centre, 10 Watson Terrace,
Mount Gambier on Monday 11th April, 2016 at 5.30 p.m.

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Perryman 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 Council Members: Cr S Mezinac Cr M Lovett, Cr Lynagh, Cr S Perryman and Cr H Persello and Council Officers: Grant Humphries, Gary Button, Barbara Cernovskis, Michael McCarthy, Tracy Tzioutziouklaris and Fiona McGregor 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:

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Cr Meziniec moved it be recommended:

- (a) **the report be received;**
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**Three years to
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Cr Perryman seconded

Carried

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Cr Persello seconded

Carried

Meeting closed at 6.09 p.m.
FM

CONFIRMED THIS

DAY OF

2016.

.....
PRESIDING MEMBER