

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Meeting to be held at the Committee Room, Level 4, Civic Centre, 10 Watson Terrace,
Mount Gambier on Monday 9th 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:

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>	

seconded

IN CONFIDENCE

9. SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491

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:

10 Murdie Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,044.50.
- (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.”*

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

10 Murdie Street, Mount Gambier
Lot 3 DP 32426 CT 5087/871

Three years to 19/10/2015

Rates, Fines, Interest,
Legal Fees
\$4,044.50

- (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.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	All details	6 months
10.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	All details	6 months

seconded

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Minutes of meeting held in the Committee Room Level 4, Civic Centre, 10 Watson Terrace, Mount Gambier on Monday 9th 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

IN CONFIDENCE

9. **SALE OF LAND FOR NON PAYMENT OF RATES** - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491

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:

10 Murdie Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,044.50.
- (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.”*

Mayor Lee 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

**10 Murdie Street, Mount Gambier
Lot 3 DP 32426 CT 5087/871**

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

**Rates, Fines, Interest,
Legal Fees
\$4,044.50**

- (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 Persello 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.	<u>SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates</u>	All details	6 months
10.	<u>SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates</u>	All details	6 months

Cr Lovett seconded

Carried

CITY OF MOUNT GAMBIER

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

AGENDA

COUNCIL

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>
Corporate and Community Services Committee		
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

IN CONFIDENCE

8. SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491

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:

10 Murdie Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,044.50.
- (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.”*

Mayor Lee 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
19/10/2015

**10 Murdie Street, Mount Gambier
Lot 3 DP 32426 CT 5087/871**

**Rates, Fines, Interest,
Legal Fees**
\$4,044.50

- (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 Persello 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:

<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				
8.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(b)	All details	6 months
9.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(b)	All details	6 months

seconded

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.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
Corporate and Community Services Committee		
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)

Cr Lynagh seconded

Carried

8. **SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491**

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:

10 Murdie Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,044.50.
- (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.”*

Mayor Lee 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 19/10/2015

10 Murdie Street, Mount Gambier
Lot 3 DP 32426 CT 5087/871

Rates, Fines, Interest,
Legal Fees
\$4,044.50

- (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 Persello seconded

Carried

Cr Richardson moved the recommendation of the Corporate and Community Services Committee as contained in item 8 be adopted.

Cr Lynagh 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:

<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				
8.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(b)	All details	6 months
9.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(b)	All details	6 months

Cr Perryman seconded

Carried

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Meeting to be held in the Reception Area, Level 4, Civic Centre, 10 Watson Terrace,
Mount Gambier on Monday 12th September, 2016 at 5.30 p.m.

AGENDA

14. 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: Mayor Andrew Lee, 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.

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)(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 consider the sale of property which has 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 actual litigation involving 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
15.	<u>SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates</u>	(a) & (i)
16.	<u>CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL</u>	

seconded

IN CONFIDENCE

15. SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491

The Director - Corporate Services reported that

Council previously resolved in October 2015;

“(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

10 Murdie Street, Mount Gambier
Lot 3 DP 32426 CT 5087/871

Three years to 19/10/2015

Rates, Fines, Interest,
Legal Fees
\$4,044.50

(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.”

The property in question continues to attract rate arrears as well as debtor accounts for removal of flammable undergrowth. Current outstandings including debtor balance is \$6,285.60.

There is no mortgage attached to this property therefore assistance from a banking institution in settling this debt was not an option (as has been the case with other recent actions).

A further complication in this matter is the nature of the owner/occupier of this property who can best be described as a ‘hermit’ or a ‘recluse’. Attempts to contact/negotiate with the owner have failed.

A small project team was established within council to address matters relating to:

- Rates - outstandings
- Health - any potential domestic squalor issues, health and well being of occupant, alternate accommodation options;
- Contact with accommodation/ welfare providers including Resthaven, AC Care, Lifeline, Meals on Wheels.

Investigations revealed;

- Owner resides in property but is rarely seen;
- Leaves the property to shop approximately once a month;
- Appears to have 2 dogs inside the house;
- Will not answer the door or respond to calling his name;
- Any notices, information left outside the door are eventually removed;
- No evidence of light and power at night;
- Writing on an outside wall clearly indicate the owner will not co-operate with Council and will 'stand his ground'.

A recent last ditch effort to communicate with the property owner by attending the property failed, although it was evident someone was inside (as well as the dogs).

Information on the following services were left at the premises at the conclusion of the visit;

- Lifeline;
- Meals on Wheels;
- Emergency accommodation (AC Care pack);
- Care and housing program (Resthaven).

Staff consider all possible avenues have been addressed in an attempt to assist this resident, however no progress or resolution has resulted due to being unable to engage/communicate with the property owner.

This report is provided for Member's information and presents an opportunity to review the previous resolution that otherwise will now proceed.

moved it be recommended;

(a) the Report be received.

seconded

16. CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

moved that having considered Agenda Items 15 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>
15.	<u>SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates</u>	(a) & (i)	All details	until the property has been advertised for sale or all outstanding council rates and charges have been paid.

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Minutes of Meeting held in the Reception Area, Level 4, Civic Centre, 10 Watson Terrace,
Mount Gambier on Monday 12th September, 2016 at 5.30 p.m.

14. 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 Council Members: Mayor Andrew Lee, Cr S Mezinac Cr M Lovett, Cr Lynagh, Cr S Perryman and Council Officers: Grant Humphries, Gary Button, Barbara Cernovskis, Michael McCarthy, Tracy Tzioutziouklaris, Simon Wiseman, Jo Scheidl and Fiona McGregor now present) be excluded from the meeting in order for the item(s) to be considered in confidence.

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)(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 consider the sale of property which has 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 actual litigation involving 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
15.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(a) & (i)
16.	<u>CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL</u>	

Cr Lovett seconded

Carried

IN CONFIDENCE

15. SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491

The Director - Corporate Services reported that

Council previously resolved in October 2015;

“(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

10 Murdie Street, Mount Gambier
Lot 3 DP 32426 CT 5087/871

Three years to 19/10/2015

Rates, Fines, Interest,
Legal Fees
\$4,044.50

(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.”

The property in question continues to attract rate arrears as well as debtor accounts for removal of flammable undergrowth. Current outstandings including debtor balance is \$6,285.60.

There is no mortgage attached to this property therefore assistance from a banking institution in settling this debt was not an option (as has been the case with other recent actions).

A further complication in this matter is the nature of the owner/occupier of this property who can best be described as a ‘hermit’ or a ‘recluse’. Attempts to contact/negotiate with the owner have failed.

A small project team was established within council to address matters relating to:

- Rates - outstandings
- Health - any potential domestic squalor issues, health and well being of occupant, alternate accommodation options;

- Contact with accommodation/ welfare providers including Resthaven, AC Care, Lifeline, Meals on Wheels.

Investigations revealed;

- Owner resides in property but is rarely seen;
- Leaves the property to shop approximately once a month;
- Appears to have 2 dogs inside the house;
- Will not answer the door or respond to calling his name;
- Any notices, information left outside the door are eventually removed;
- No evidence of light and power at night;
- Writing on an outside wall clearly indicate the owner will not co-operate with Council and will 'stand his ground'.

A recent last ditch effort to communicate with the property owner by attending the property failed, although it was evident someone was inside (as well as the dogs).

Information on the following services were left at the premises at the conclusion of the visit;

- Lifeline;
- Meals on Wheels;
- Emergency accommodation (AC Care pack);
- Care and housing program (Resthaven).

Staff consider all possible avenues have been addressed in an attempt to assist this resident, however no progress or resolution has resulted due to being unable to engage/communicate with the property owner.

This report is provided for Member's information and presents an opportunity to review the previous resolution that otherwise will now proceed.

Mayor Lee moved it be recommended;

(b) the Report be received.

Cr Lynagh seconded

Carried

16. CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Meziniec moved that having considered Agenda Items 15 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>
15.	<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.

Mayor Lee seconded

Carried

CITY OF MOUNT GAMBIER

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 20th September, 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: Mayor Andrew Lee, Cr Christian Greco, Cr Mark Lovett, Cr Josh Lynagh, Cr Frank Morello, Cr Des Mutton, Cr Hanna Persello, Cr Penny Richardson, Cr Ian Von Stanke and Council Officers: Mark McShane, Grant Humphries, Daryl Sexton, 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.

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)(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 consider the sale of property which has 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 actual litigation involving 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		
13.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491	(a) & (i)

seconded

IN CONFIDENCE

13. SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491

The Director - Corporate Services reported that

Council previously resolved in October 2015;

“(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

10 Murdie Street, Mount Gambier
Lot 3 DP 32426 CT 5087/871

Three years to 19/10/2015

Rates, Fines, Interest,
Legal Fees
\$4,044.50

(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.”

The property in question continues to attract rate arrears as well as debtor accounts for removal of flammable undergrowth. Current outstandings including debtor balance is \$6,285.60.

There is no mortgage attached to this property therefore assistance from a banking institution in settling this debt was not an option (as has been the case with other recent actions).

A further complication in this matter is the nature of the owner/occupier of this property who can best be described as a ‘hermit’ or a ‘recluse’. Attempts to contact/negotiate with the owner have failed.

A small project team was established within council to address matters relating to:

- Rates - outstandings
- Health - any potential domestic squalor issues, health and well being of occupant, alternate accommodation options;
- Contact with accommodation/ welfare providers including Resthaven, AC Care, Lifeline, Meals on Wheels.

Investigations revealed;

- Owner resides in property but is rarely seen;
- Leaves the property to shop approximately once a month;
- Appears to have 2 dogs inside the house;
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Information on the following services were left at the premises at the conclusion of the visit;

- Lifeline;
- Meals on Wheels;
- Emergency accommodation (AC Care pack);
- Care and housing program (Resthaven).

Staff consider all possible avenues have been addressed in an attempt to assist this resident, however no progress or resolution has resulted due to being unable to engage/communicate with the property owner.

This report is provided for Member's information and presents an opportunity to review the previous resolution that otherwise will now proceed.

Mayor Lee moved it be recommended;

(c) the Report be received.

Cr Lynagh seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

moved that having considered Agenda Item 15 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>
13.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491	(a) & (i)	All details	until the property has been advertised for sale or all outstanding council rates and charges have been paid.

seconded

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Lovett 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 Andrew Lee, Cr Christian Greco, Cr Mark Lovett, Cr Josh Lynagh, Cr Frank Morello, Cr Des Mutton, Cr Penny Richardson, Cr Ian Von Stanke and Council Officers: Mark McShane, Grant Humphries, Daryl Sexton, 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.

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)(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 consider the sale of property which has 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 actual litigation involving 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		
13.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491	(a) & (i)

Cr Von Stanke seconded

Carried

IN CONFIDENCE

13. SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491

The Director - Corporate Services reported that

Council previously resolved in October 2015;

“(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.

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Three years to 19/10/2015

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(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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- Rates - outstandings
- Health - any potential domestic squalor issues, health and well being of occupant, alternate accommodation options;
- Contact with accommodation/ welfare providers including Resthaven, AC Care, Lifeline, Meals on Wheels.

Investigations revealed;

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Information on the following services were left at the premises at the conclusion of the visit;

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- Emergency accommodation (AC Care pack);
- Care and housing program (Resthaven).

Staff consider all possible avenues have been addressed in an attempt to assist this resident, however no progress or resolution has resulted due to being unable to engage/communicate with the property owner.

This report is provided for Member's information and presents an opportunity to review the previous resolution that otherwise will now proceed.

Mayor Lee moved it be recommended;

(d) the Report be received.

Cr Lynagh seconded

Carried

Cr Meziniec moved the recommendation of the Corporate and Community Services Committee as contained in item 13 be adopted.

Cr Lynagh seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Meziniec moved that having considered Agenda Item 13 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>
13.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF15/491	(a) & (i)	All details	until the property has been advertised for sale or all outstanding council rates and charges have been paid.

Cr Morello seconded

Carried