

EXTRACT OF AGENDA OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Meeting to be held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 12 September 2017 at 7:30 a.m.

7. CONFIDENTIAL ITEMS

7.1 Consideration for Exclusion of the Public

Item No. 7.2

Cr moved that the following Agenda Item 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 Mayor A Lee, Councillors - C Greco, M Lovett, J Lynagh, S Mezinac, F Morello, D Mutton, S Perryman, H Persello and P Richardson and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy and S Wilson) be excluded from the meeting in order for the Agenda Item 'Sale of Land for non-payment of Rates - Report No. AR17/31728' to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this 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), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
7.2	Sale of Land for non-payment of Rates - Report No. AR17/31728	(a)

Moved:

Seconded:

7.2 Sale of Land for non-payment of Rates - Report No. AR17/31728

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 September 2017
REPORT NO.	AR17/31728
RM8 REFERENCE	AF17/226
AUTHOR	Jo Scheidl
SUMMARY	Sale of land for non-payment of rates - Notice of Intention to sell land for non-payment of rates
COMMUNITY PLAN REFERENCE	Goal 1: Our People
	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR17/31728 titled '*Sale of Land for non-payment of Rates*' as presented to the Operational Standing Committee on 12 September 2017 be noted.
- (b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 3 Lexington Crescent, Mount Gambier described as Lot 291 DP43609 CT5321/891 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.
- (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 three (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.

Moved:

Seconded:

Background

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.

Discussion

A property situated at 3 Lexington Crescent, Mount Gambier described as Lot 291 DP43609 CT5321/891 has an outstanding balance (rates, fines and interest and legal fees) of \$4,316.74 to 30th August 2017.

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;

In terms of the disbursement of any funds as a result of the sale of the property, Section 184 (11) of the Local Government Action 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.”*

Conclusion

Noting the outstanding rates, fines, etc owed to Council in relation to the property situated at 3 Lexington Crescent, Mount Gambier now exceed the three (3) years or more provided for under Section 184(1) of the Local Government Act, it is recommended that Council approve proceeding to sale of the property.

Attachments

Nil



Jo SCHEIDL
SENIOR RATES OFFICER

A handwritten signature in black ink, appearing to read 'Pamela Lee', followed by a small black dot.

Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

30 August 2017
JMS

7.3 Consideration for keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item AR17/31728 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
7.2	Sale of Land for non-payment of Rates - Report No. AR17/31728	(a)	All details	Until the later of:- 12 months, or the matter being settled.

EXTRACT FROM MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 12 September 2017 at 7:30 a.m.

7 CONFIDENTIAL ITEMS

7.1 Consideration for Exclusion of the Public

Item No. 7.2

Cr Lovett moved that the following Agenda Item 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 Councillors - D Mutton, S Perryman and M Lovett and Council Officers - B Cernovskis, P Lee, J Nagy, N Serle and S Wilson) be excluded from the meeting in order for the Agenda Item 'Sale of Land for non-payment of Rates - Report No. AR17/31728' to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this 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), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
7.2	Sale of Land for non-payment of Rates - Report No. AR17/31728	(a)

Moved: Cr Lovett

Seconded: Cr Perryman

Carried

7.2 Sale of Land for non-payment of Rates - Report No. AR17/31728

COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR17/31728 titled 'Sale of Land for non-payment of Rates' as presented to the Operational Standing Committee on 12 September 2017 be noted.
- (b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 3 Lexington Crescent, Mount Gambier described as Lot 291 DP43609 CT5321/891 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.

- (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 three (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.

Moved: Cr Perryman

Seconded: Cr Lovett

Carried

7.3 Consideration for keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item AR17/31728 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
7.2	Sale of Land for non-payment of Rates - Report No. AR17/31728	(a)	All details	Until the later of:- 12 months, or the matter being settled.

Moved: Cr Perryman

Seconded: Cr Lovett

Carried

EXTRACT FROM AGENDA OF ORDINARY COUNCIL MEETING

15. CONFIDENTIAL ITEMS

15.1. Consideration for Exclusion of the Public

Item No. 15.2

The following Agenda Item 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 Mayor Lee and Councillors – M Lovett, J Lynagh, S Mezinac, F Morello, D Mutton, S Perryman, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, T Tzioutziouklaris, S McLean and F McGregor) be excluded from the meeting in order for the Agenda Item ‘Sale of Land for non-payment of Rates - Report No. AR17/31728’ to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this 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), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non payment of rates.

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Item No.	Subject Matter	S90(3) Grounds
15.2	Sale of Land for non-payment of Rates - Report No. AR17/31728	(a)

Moved:

Seconded:

15.2. Sale of Land for non-payment of Rates - Report No. AR17/31728

- (a) That Operational Standing Committee Report No. AR17/31728 titled '*Sale of Land for non-payment of Rates*' as presented to the Operational Standing Committee on 12 September 2017 be noted.
- (b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 3 Lexington Crescent, Mount Gambier described as Lot 291 DP43609 CT5321/891 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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- (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.

Moved:

Seconded:

15.3. Consideration for keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item AR17/31728 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
15.2.	Sale of Land for non-payment of Rates - Report No. AR17/31728	(a)	All details	Until the later of:- 12 months, or the matter being settled.

Moved:

Seconded:



EXTRACT FROM MINUTES OF ORDINARY COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 19 September 2017 at 6.02 p.m.

15. CONFIDENTIAL ITEMS

15.1. Consideration for Exclusion of the Public

Item No. 15.2

The following Agenda Item 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 Mayor Lee and Councillors – M Lovett, S Mezinec, F Morello, D Mutton, S Perryman, H Persello, and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle and F McGregor) be excluded from the meeting in order for the Agenda Item ‘Sale of Land for non-payment of Rates - Report No. AR17/31728’ to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is:

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Item No.	Subject Matter	S90(3) Grounds
15.2	Sale of Land for non-payment of Rates - Report No. AR17/31728	(a)

Moved: Cr Perryman

Seconded: Cr Persello

Carried

Cr Morello re-entered the meeting at 7.19 p.m.



(Procedures at Meetings) Regulation 20—Short-term suspension of proceedings

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to allow for a Chamber disturbance to be resolved

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 7.18 p.m.

End of Period of Suspension

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 7.21 p.m.

15.2. Sale of Land for non-payment of Rates - Report No. AR17/31728

- (a) That Operational Standing Committee Report No. AR17/31728 titled 'Sale of Land for non-payment of Rates' as presented to the Operational Standing Committee on 12 September 2017 be noted.
- (b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 3 Lexington Crescent, Mount Gambier described as Lot 291 DP43609 CT5321/891 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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- (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 three (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.

Moved: Cr Mutton

Seconded: Cr Mezinec

Carried

15.3. Consideration for keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item AR17/31728 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
15.2.	Sale of Land for non-payment of Rates - Report No. AR17/31728	(a)	All details	Until the later of:- 12 months, or the matter being settled.

Moved: Cr Lovett

Seconded: Cr Persello

Carried

