



City of
Mount Gambier

Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

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**I hereby give notice that a Confidential Economic and Environment
Committee Meeting will be held on:**

Date: Monday, 2 September 2019
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Confidential Economic and Environment Committee Meeting 2 September 2019

Andrew Meddle
Chief Executive Officer

29 August 2019

7.5 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43504

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Economic and Environment Committee orders that all members of the public, except Mayor L Martin, Councillors M Bruins, B Hood, P Jenner, S Mezinac, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.5 AR19/43504 Sale of Land for non-payment of Rates.

The Economic and Environment Committee is satisfied that, pursuant to 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)

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

7.5 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43504

Committee:	Economic and Environment Committee
Meeting Date:	2 September 2019
Report No.:	AR19/43504
CM9 Reference:	AF18/497
Author:	Jo Scheidl, Senior Rates Officer
Authoriser:	Jeroen Zwijnenburg, Acting General Manager Council Business Services
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

The Committee is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/43504 titled 'Sale of Land for non-payment of Rates' as presented on 02 September 2019 be noted.
2. That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 24 Kurrajong Street, Mount Gambier described as Lot 54 DP5036 CT5151/780 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.
3. 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.
4. The Chief Executive Officer be empowered to engage legal counsel or agent to act on Council's behalf in this matter.
5. 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.



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 years or more.

Every effort is made to ensure a ratepayer enters an acceptable payment arrangement. Phone contact, reminder letters, payment options/arrangements, legal action, letters sent to all registered owners and interested parties are explored prior to the enactment of Councils' rights are sanctioned under Section 184. The Sale of Land for non-payment of Rates is the 'last resort' when rates have been outstanding for a period exceeding three years, all other means of recovering the outstanding rates have been exhausted and no other effective means of collection of rates from rate payers exists.

DISCUSSION

A property situated at 24 Kurrajong Street, Mount Gambier described as Lot 54 DP5036 CT5151/780 has an outstanding balance (rates, fines and interest and legal fees) of \$3,476.87 as at 26th August, 2019.

The rates have now become outstanding for a period exceeding three 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 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."*

CONCLUSION

Noting the outstanding rates, fines, etc., owed to Council in relation to the property situated at 24 Kurrajong Street, Mount Gambier now exceed the three 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



CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.5 AR19/43504 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL

**MINUTES OF CONFIDENTIAL ECONOMIC AND ENVIRONMENT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON MONDAY, 2 SEPTEMBER 2019 AT 5.32 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Max Bruins, Cr Ben Hood, Cr Paul Jenner, Cr Sonya Mezinac, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN	Chief Executive Officer	- Mr A Meddle
ATTENDANCE:	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Acting General Manager Council Business Services	- Mr J Zwijsenburg
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Mrs F McGregor

7.5 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43504

COMMITTEE RESOLUTION

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Economic and Environment Committee orders that all members of the public, except Mayor L Martin, Councillors M Bruins, B Hood, P Jenner, S Meziniec, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.5 AR19/43504 Sale of Land for non-payment of Rates.

The Economic and Environment Committee is satisfied that, pursuant to 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)

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

CARRIED

COMMITTEE RESOLUTION

Moved: Cr Ben Hood
Seconded: Cr Sonya Meziniec

1. That Economic and Environment Committee Report No. AR19/43504 titled 'Sale of Land for non-payment of Rates' as presented on 02 September 2019 be noted.
2. That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 24 Kurrajong Street, Mount Gambier described as Lot 54 DP5036 CT5151/780 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.
3. 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.
4. The Chief Executive Officer be empowered to engage legal counsel or agent to act on Council's behalf in this matter.
5. 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.

CARRIED

COMMITTEE RESOLUTION

Moved: Cr Frank Morello
Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.5 AR19/43504 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED





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I hereby give notice that a Confidential Council Meeting will be held on:

Date: Tuesday, 17 September 2019

Time: 6.00 p.m.

**Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier**

AGENDA

Confidential Council Meeting 17 September 2019

**Andrew Meddle
Chief Executive Officer**

13 September 2019

25.6 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43504

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except OAM L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers <Enter Names> be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.6 AR19/43504 Sale of Land for non-payment of Rates.

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 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)

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 consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.



25.6 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43504

Committee:	Economic and Environment Committee
Meeting Date:	2 September 2019
Report No.:	AR19/43504
CM9 Reference:	AF18/497
Author:	Jo Scheidl, Senior Rates Officer
Authoriser:	Jeroen Zwijnenburg, Acting General Manager Council Business Services
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

The Committee is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/43504 titled 'Sale of Land for non-payment of Rates' as presented on 02 September 2019 be noted.
2. That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 24 Kurrajong Street, Mount Gambier described as Lot 54 DP5036 CT5151/780 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.
3. 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.
4. The Chief Executive Officer be empowered to engage legal counsel or agent to act on Council's behalf in this matter.
5. 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.



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 years or more.

Every effort is made to ensure a ratepayer enters an acceptable payment arrangement. Phone contact, reminder letters, payment options/arrangements, legal action, letters sent to all registered owners and interested parties are explored prior to the enactment of Councils' rights are sanctioned under Section 184. The Sale of Land for non-payment of Rates is the 'last resort' when rates have been outstanding for a period exceeding three years, all other means of recovering the outstanding rates have been exhausted and no other effective means of collection of rates from rate payers exists.

DISCUSSION

A property situated at 24 Kurrajong Street, Mount Gambier described as Lot 54 DP5036 CT5151/780 has an outstanding balance (rates, fines and interest and legal fees) of \$3,476.87 as at 26th August, 2019.

The rates have now become outstanding for a period exceeding three 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 24 Kurrajong Street, Mount Gambier now exceed the three 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



CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.5 AR19/43504 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL



**MINUTES OF CONFIDENTIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 17 SEPTEMBER 2019 AT 6.00 P.M.**

PRESENT: Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Acting General Manager Council Business Services	- Mr J Zwijnenburg
	Communications Officer	- Mrs A Watson
	Manager Development Services	- Mrs T Tzioutziouklaris
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Ms A Lavia

RESOLUTION 2019/248

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Councillors S Meziniec, K Amoroso, M Bruins, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.6 AR19/43504 Sale of Land for non-payment of Rates.

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 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)

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 consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

CARRIED



RESOLUTION 2019/249

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Economic and Environment Committee Report No. AR19/43504 titled 'Sale of Land for non-payment of Rates ' as presented on 02 September 2019 be noted.
2. That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 24 Kurrajong Street, Mount Gambier described as Lot 54 DP5036 CT5151/780 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.
3. 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.
4. The Chief Executive Officer be empowered to engage legal counsel or agent to act on Council's behalf in this matter.
5. 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.

CARRIED

RESOLUTION 2019/250

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.5 AR19/43504 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

