



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

mountgambier.sa.gov.au

I hereby give notice that an Economic and Environment Committee Meeting will be held on:

Date: Monday, 3 May 2021
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

**Economic and Environment
Committee Meeting
3 May 2021**

A handwritten signature in black ink, appearing to read "Barbara Cernovskis".

Barbara Cernovskis
Acting Chief Executive Officer
29 April 2021

6 CONFIDENTIAL ITEMS

6.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/12850

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 C Greco, K Amoroso, M Bruins, P Jenner, S Mezinac, F Morello and S Perryman and Council Officers B Cernovskis, D Barber, T Coote, M McDonald, M McCarthy and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 6.1 AR21/12850 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 the item includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CONFIDENTIAL



6.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/12850

Committee:	Economic and Environment Committee
Meeting Date:	3 May 2021
Report No.:	AR21/12850
CM9 Reference:	AF19/331
Author:	Jo Scheidl, Senior Revenue Officer
Authoriser:	Darren Barber, General Manager Shared Services
Summary:	Sale of Land for non-payment of rates – Notice of intention to sell land for non-payment of rates
Strategic Plan Reference:	Goal 1: Our People Goal 3: Our Diverse Economy Goal 5: Our Commitment

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. AR21/12850 titled 'Sale of Land for Non-Payment of Rates' as presented on 03 May 2021 be noted.
2. That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 23 Cardinia Street, Mount Gambier described as Lot 57 FP34381 CT5160/570 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.



TYPE OF REPORT

Legislative

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 and adheres to 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.

PROPOSAL

A property situated at 23 Cardinia Street, Mount Gambier described as Lot 57 FP34381 CT5160/570 has an outstanding balance (rates, fines and interest and legal fees) of \$4,177.91 as at 2nd March, 2021.

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.”*

LEGAL IMPLICATIONS

Section 184 (1) of the Local Government Act.

STRATEGIC PLAN

Financial sustainability in local government, ensuring consideration is given to the financial effects on future generations

COUNCIL POLICY

R105 Rating Policy



ECONOMIC IMPLICATIONS

Should outstanding debts not be collected in a timely manner economic pressures will have an impact on Council's budget and as a result will place pressure on all ratepayers.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

Council's major source of revenue is Rates, derived as a tax on land within the Council area. All ratepayers receive benefits from paying rates, but those benefits are consumed in different quantities and types over the life of the ratepayer

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

Rates constitutes a system of taxation for Local Government purposes

RISK IMPLICATIONS

Should debts not be collected in a timely manner economic pressures will have an impact on Council's budget and as a result will place pressure on all ratepayers.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

Noting the outstanding rates and charges owed to Council in relation to the property situated at 23 Cardinia 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 6.1 AR21/12850 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 to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL

**MINUTES OF ECONOMIC AND ENVIRONMENT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON MONDAY, 3 MAY 2021 AT 5.30 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Christian Greco, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Meziniec, Cr Frank Morello

IN ATTENDANCE:

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer	- Ms B Cernovskis
	Acting General Manager City Infrastructure	- Mr M McDonald
	General Manager City Growth	- Mr T Coote
	General Manager Shared Services	- Mr D Barber
	Executive Administrator City Infrastructure	- Ms S Wilson

6 CONFIDENTIAL ITEMS

6.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/12850

COMMITTEE RESOLUTION

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

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 C Greco, M Bruins, P Jenner, S Meziniec and F Morello and Council Officers B Cernovskis, D Barber, T Coote, M McDonald and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 6.1 AR21/12850 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 the item includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED



COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Economic and Environment Committee Report No. AR21/12850 titled 'Sale of Land for Non-Payment of Rates' as presented on 03 May 2021 be noted.
2. That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 23 Cardinia Street, Mount Gambier described as Lot 57 FP34381 CT5160/570 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 Christian Greco

Seconded: Cr Sonya Meziniec

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 6.1 AR21/12850 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 to review, revoke, but not extend the confidential order to the Chief Executive Officer 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 Council Meeting will be held on:

Date: Tuesday, 18 May 2021
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

Council Meeting
18 May 2021

A handwritten signature in black ink, appearing to read "Barbara Cernovskis", is written over a light grey rectangular background.

Barbara Cernovskis
Acting Chief Executive Officer
14 May 2021

27 CONFIDENTIAL ITEMS OF COMMITTEES

27.1 CONFIDENTIAL ITEMS OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 3 MAY 2021 - [Go to Attachment](#)

27.2 Sale of Land for Non-Payment of Rates

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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, D Barber, T Coote, M McDonald, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/12850 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 the item includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

RECOMMENDATION

1. That Economic and Environment Committee Report No. AR21/12850 titled 'Sale of Land for Non-Payment of Rates' as presented on 03 May 2021 be noted.
2. That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 23 Cardinia Street, Mount Gambier described as Lot 57 FP34381 CT5160/570 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.



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 6.1 AR21/12850 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 to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL



**MINUTES OF COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 18 MAY 2021 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Mezinec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer	- Ms B Cernovskis
	Acting General Manager City Infrastructure	- Mr M McDonald
	General Manager Share Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Manager Governance and Property	- Mr M McCarthy
	Media and Communications Coordinator	- Ms S McLean
	Executive Administration Officer	- Mrs M Telford

27 CONFIDENTIAL ITEMS OF COMMITTEES

27.1 CONFIDENTIAL ITEMS OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 3 MAY 2021

27.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/12850

RESOLUTION 2021/124

Moved: Cr Paul Jenner
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 Mayor L Martin OAM, Councillors S Mezinec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, M McDonald, D Barber, T Coote, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/12850 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 the item includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED



RESOLUTION 2021/125

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR21/12850 titled 'Sale of Land for Non-Payment of Rates' as presented on 03 May 2021 be noted.
2. That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 23 Cardinia Street, Mount Gambier described as Lot 57 FP34381 CT5160/570 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 2021/126

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

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 6.1 AR21/12850 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 to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

