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 February 2019 at 5:45 p.m.

PRESENT	Mayor Lynette Martin OAM		
	Cr Christian Greco (Presiding Member) Cr Kate Amoroso Cr Paul Jenner Cr Steven Perryman		
COUNCIL OFFICERS	General Manager Community Wellbeing	-	Ms B Cernovskis
	General Manager Council Business Services	-	Mrs P Lee
	General Manager City Growth	-	Dr J Nagy
	General Manager City Infrastructure	-	Mr N Serle
	Executive Administration Officer	-	Mrs F McGregor

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

1. APOLOGY(IES)

Apology(ies) received from Cr

That the apology from Cr be received.

Moved: Seconded:

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 11 December 2018

That the minutes of the Operational Standing Committee meeting held on 11 December 2018 as attached be confirmed.

Moved: Seconded:

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

4. DEPUTATIONS

The Presiding Member has granted permission for a deputation from the Mount Gambier Bowls Club.

8. CONFIDENTIAL ITEMS

8.1. Consideration for Exclusion of the Public

Item No. 8.2

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 Martin, Cr Greco, Cr Amoroso, Cr Jenner, Cr Perryman, and Council Staff 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 AR19/2015" 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.

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
8.2.	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)

Moved: Seconded:

8.2. Sale of Land for Non Payment of Rates Report No. AR19/2015

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/2015
RM8 REFERENCE	AF19/10
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. AR19/2015 titled '*Sale of Land for non-payment of Rates*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 72 O'Leary Road, Mount Gambier described as Lot 159 DP47935 CT5463/545 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 Council's 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.

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 (3) 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 72 O'Leary Road, Mount Gambier described as Lot 159 DP47935 CT5463/545 has an outstanding balance (rates, fines and interest and legal fees) of $4,661.48 as at 15 January 2019.

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 72 O'Leary Road, 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

Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

15 January 2019
JMS

8.3. 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 8.2 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
8.2	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Seconded:

MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Minutes of Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 12 February 2019 at 5:45 p.m.

PRESENT	Mayor Lynette Martin OAM	
	Cr Christian Greco (Presiding Member)	
	Cr Kate Amoroso (arrived at 5.51 p.m.)	
	Cr Paul Jenner	
	Cr Steven Perryman	via telephone in accordance with clause 10, Operational Standing Committee Terms of Reference

COUNCIL OFFICERS	General Manager Community Wellbeing	-	Ms B Cernovskis
	General Manager Council Business Services	-	Mrs P Lee
	General Manager City Growth	-	Dr J Nagy
	General Manager City Infrastructure	-	Mr N Serle
	Manager Development Services	-	Mrs T Tzioutziouklaris
	Executive Administration Officer	-	Mrs F McGregor

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1. APOLOGY(IES)

Nil

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 11 December 2018

That the minutes of the Operational Standing Committee meeting held on 11 December 2018 as attached be confirmed.

Moved: Cr Greco Seconded: Mayor Martin Carried

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

Nil submitted.

4. DEPUTATIONS

The Presiding Member granted permission for a deputation from the Mount Gambier Bowls Club.

8. CONFIDENTIAL ITEMS

8.1. Consideration for Exclusion of the Public

Item No. 8.2

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 Martin, Cr Greco, Cr Amoroso, Cr Jenner, Cr Perryman, and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, T Tzioutziouklaris and F McGregor) be excluded from the meeting in order for the Agenda Item "Sale of Land for non-payment of Rates – Report No AR19/2015" 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.

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
8.2.	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)

Moved: Cr Greco Seconded: Cr Amoroso Carried

8.2. Sale of Land for Non Payment of Rates Report No. AR19/2015

COMMITTEE RECOMMENDATION

(a) That Operational Standing Committee Report No. AR19/2015 titled '*Sale of Land for non-payment of Rates*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 72 O'Leary Road, Mount Gambier described as Lot 159 DP47935 CT5463/545 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 Council's 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 Greco Seconded: Cr Amoroso Carried

8.3. 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 8.2 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
8.2	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Cr Greco Seconded: Cr Perryman Carried

AGENDA OF ORDINARY COUNCIL MEETING

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 19 February 2019 at 6.00 p.m.

PRESENT Mayor Lynette Martin OAM

Cr Ben Hood
Cr Steven Perryman
Cr Sonya Mezinec
Cr Kate Amoroso
Cr Max Bruins
Cr Christian Greco
Cr Paul Jenner

COUNCIL OFFICERS	Chief Executive Officer	-	Mr G Maxwell
	General Manager Community Wellbeing	-	Ms B Cernovskis
	General Manager Council Business Services	-	Mrs P Lee
	General Manager City Growth	-	Dr J Nagy
	General Manager City Infrastructure	-	Mr N Serle
	Manager Executive Administration	-	Mr M McCarthy
	Manager Development Services	-	Mrs T Tzioutziouklaris
	Media and Communications Coordinator	-	Ms S McLean
	Administrative Officer Executive Support	-	Mrs M Telford

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1. APOLOGY(IES)

Apology(ies) received from Cr Frank Morello

That the apology from Cr Morello be received.

Moved: Seconded:

2. LEAVE OF ABSENCE

Nil

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 15 January 2019
Special Meeting held on 23 January 2019

That the minutes of the Ordinary Council meeting held on 15 January 2019 and the minutes of the Special Meeting held on 23 January 2019 as attached be confirmed as accurate records of the proceedings of the meetings.

Moved: Seconded:

18. CONFIDENTIAL ITEMS

18.1. Consideration for Exclusion of the Public

Item No. 18.2

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 L Martin, Councillors – K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Mezinec, S Perryman and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris and M Telford) be excluded from the meeting in order for the Agenda Item "Sale of Land for non-payment of Rates – Report No AR19/2015" 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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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
18.2.	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)

Moved: Seconded:

18.2. Sale of Land for Non Payment of Rates Report No. AR19/2015

(a) That Operational Standing Committee Report No. AR19/2015 titled '*Sale of Land for non-payment of Rates*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 72 O'Leary Road, Mount Gambier described as Lot 159 DP47935 CT5463/545 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 Council's 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:

18.3. 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 18.2 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
18.2	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Seconded:

MINUTES OF ORDINARY COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 19 February 2019 at 6.00 p.m.

PRESENT Mayor Lynette Martin OAM

Cr Ben Hood
Cr Steven Perryman (arrived at 6.03 p.m.)
Cr Sonya Mezinec
Cr Kate Amoroso
Cr Max Bruins
Cr Christian Greco
Cr Paul Jenner

COUNCIL OFFICERS

Chief Executive Officer	-	Mr G Maxwell
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Growth	-	Dr J Nagy
General Manager City Infrastructure	-	Mr N Serle
Manager Executive Administration	-	Mr M McCarthy
Manager Development Services	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Administrative Officer Executive Support	-	Mrs M Telford

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1. APOLOGY

Apology received from Cr Frank Morello

That the apology from Cr Morello be received.

Moved: Mayor Martin Seconded: Cr Bruins Carried

2. LEAVE OF ABSENCE

Nil

Cr Perryman arrived at 6.03 pm

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 15 January 2019
Special Meeting held on 23 January 2019

18. CONFIDENTIAL ITEMS

18.1. Consideration for Exclusion of the Public

Item No. 18.2

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Item No.	Subject Matter	S90(3) Grounds
18.2.	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)

Moved: Cr Greco Seconded: Cr Mezinec Carried

18.2. Sale of Land for Non Payment of Rates Report No. AR19/2015

(a) That Operational Standing Committee Report No. AR19/2015 titled '*Sale of Land for non-payment of Rates*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 72 O'Leary Road, Mount Gambier described as Lot 159 DP47935 CT5463/545 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: Cr Greco Seconded: Cr Jenner Carried

18.3. 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 18.2 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
18.2	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Cr Greco Seconded: Cr Amoroso Carried