

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Meeting to be held in the Committee Room, Level 4, Civic Centre, 10 Watson Terrace,
Mount Gambier on Monday 10th April, 2017 at 5.30 p.m.

AGENDA

7. CONSIDERATION FOR EXCLUSION OF THE PUBLIC

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 Andrew Lee, Cr Josh Lynagh, Cr Mark Lovett, Cr Sonya Meziniec, Cr Hanna Persello, Cr Steven Perryman, Mark McShane, Barbara Cernovskis, Pamela Lee, Michael McCarthy, Gary Button and Ashlee Lavia) be excluded from the meeting in order for the Agenda Item Sale of Land for non Payment of Rates to be considered in confidence.

The Corporate and Community Services 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 a ratepayer for whom Council is currently undertaking a process for the sale of land according to Section 184 of the LGA for 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 because the matter relates to information pertaining to the non-payment of rates.

ITEM NO.	SUBJECT MATTER	S90 (3) GROUNDS
8.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> – Notice of Intention to sell land for non-payment of rates – Subject AF17/69	(a)

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. AF17/69

The General Manager Council Business 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:

24A/184 Jubilee Highway West, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,458.02.
- (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

24A/184 Jubilee Highway West, Mount Gambier
Lot 44 CP 24635 CT 6080/547

Three years to 22/03/2017

Rates, Fines, Interest,
Legal Fees
\$4,458.02

Corporate and Community Services Committee Agenda, Monday, 10th April, 2017 cont'd...

- (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

9. CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

moved that an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with S91(9) of the Local Government Act, 1999 that the document in relation to item 8 which has been considered by the 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>
8.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> – Notice of Intention to sell land for non-payment of rates – Subject AF17/69	(a)	All details	Until the earlier of - public notice or public announcement of the “Sale of Land for non payment of Rates” has been given in accordance with the Section 184 of the LGA and associated processes; or the matter has been settled or abandoned by Council.

seconded

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Minutes of the meeting held in the Committee Room, Level 4, Civic Centre, 10 Watson Terrace,
Mount Gambier on Monday 10th April, 2017

8. CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Cr Persello 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 Andrew Lee, Cr Josh Lynagh, Cr Mark Lovett, Cr Sonya Mezinac, Cr Hanna Persello, Cr Frank Morello, Cr Ian Von Stanke, Mark McShane, Barbara Cernovskis, Pamela Lee, Michael McCarthy, Gary Button, Joanne Scheidl, Sharny McLean and Ashlee Lavia) be excluded from the meeting in order for the Agenda Item Sale of Land for non Payment of Rates to be considered in confidence.

The Corporate and Community Services 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 a ratepayer for whom Council is currently undertaking a process for the sale of land according to Section 184 of the LGA for 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 because the matter relates to information pertaining to the non-payment of rates.

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 rates – Subject AF17/69	(a)

Cr Lovett 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. AF17/69

The General Manager Council Business 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:

24A/184 Jubilee Highway West, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,458.02.
- (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.”*

Cr Lynagh 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

**24A/184 Jubilee Highway West, Mount Gambier
Lot 44 CP 24635 CT 6080/547**

Three years to 22/03/2017

**Rates, Fines, Interest,
Legal Fees
\$4,458.02**

- (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 Mezinac seconded

Carried

10. CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Lynagh moved that an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with S91(9) of the Local Government Act, 1999 that the document in relation to item 9 which has been considered by the 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>
9.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to sell land for non-payment of rates - Subject AF17/69	(a)	All details	Until the earlier of - public notice or public announcement of the "Sale of Land for non payment of Rates" has been given in accordance with the Section 184 of the LGA and associated processes; or the matter has been settled or abandoned by Council.

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, 18th April, 2017 at 6.00 p.m.

AGENDA

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

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: Mayor Andrew Lee, Cr Christian Greco, Cr Mark Lovett, Cr Josh Lynagh, Cr Sonya Mezinac, Cr Frank Morello, Cr Des Mutton, Cr Steven Perryman, Cr Hanna Persello, Cr Penny Richardson and Cr Ian Von Stanke and Council Officers: Mark McShane, Barbara Cernovskis, Pamela Lee, Judy Nagy, Nick Serle, Daryl Sexton) be excluded from the meeting in order for the Agenda Item Sale of Land for non Payment of Rates 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 a ratepayer for whom Council is currently undertaking a process for the sale of land according to Section 184 of the LGA for 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 because the matter relates to information pertaining to the non-payment of rates.

ITEM NO.	SUBJECT MATTER	S90 (3) GROUNDS
<u>CORPORATE AND COMMUNITY SERVICES COMMITTEE - 10th April, 2017</u>		
9.	<u>SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to sell land for non-payment of rates - Subject AF17/69</u>	(a)

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. AF17/69

The General Manager Council Business 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:
24A/184 Jubilee Highway West, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,458.02.
- (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.”*

Cr Lynagh 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

**24A/184 Jubilee Highway West, Mount Gambier
Lot 44 CP 24635 CT 6080/547**

Three years to 22/03/2017

**Rates, Fines, Interest,
Legal Fees
\$4,458.02**

- (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 Meziniec seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

moved that an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with S91(9) of the Local Government Act, 1999 that the document in relation to item 9 which has been considered by the 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>
<u>CORPORATE AND COMMUNITY SERVICES COMMITTEE - 10th April, 2017</u>				
9.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to sell land for non-payment of rates - Subject AF17/69	(a)	All details	Until the earlier of - public notice or public announcement of the "Sale of Land for non payment of Rates" has been given in accordance with the Section 184 of the LGA and associated processes; or the matter has been settled or abandoned by Council.

seconded

MINUTES OF MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON TUESDAY 18TH APRIL, 2017 AT 6.00 P.M.

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

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: Mayor Andrew Lee, Cr Christian Greco, Cr Mark Lovett, Cr Josh Lynagh, Cr Sonya Mezinac, Cr Frank Morello, Cr Des Mutton, Cr Hanna Persello and Cr Ian Von Stanke and Council Officers: Mark McShane, Barbara Cernovskis, Pamela Lee, Nick Serle, Daryl Sexton, Melissa Telford and Ashlee Lavia) be excluded from the meeting in order for the Agenda Item Sale of Land for non Payment of Rates 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 a ratepayer for whom Council is currently undertaking a process for the sale of land according to Section 184 of the LGA for 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 because the matter relates to information pertaining to the non-payment of rates.

ITEM NO.	SUBJECT MATTER	S90 (3) GROUNDS
<u>CORPORATE AND COMMUNITY SERVICES COMMITTEE - 10th April, 2017</u>		
9.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to sell land for non-payment of rates - Subject AF17/69	(a)

Cr Von Stanke 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. AF17/69

The General Manager Council Business 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:
24A/184 Jubilee Highway West, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$4,458.02.
- (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.”*

Cr Lynagh 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 22/03/2017

24A/184 Jubilee Highway West, Mount Gambier
Lot 44 CP 24635 CT 6080/547

Rates, Fines, Interest, Legal
Fees
\$4,458.02

- (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 Meziniec seconded

Carried

Cr Lynagh moved that the recommendation of the Corporate and Community Services Committee as contained in item 9 be adopted.

Cr Meziniec seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Lovett moved that an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with S91(9) of the Local Government Act, 1999 that the document in relation to item 9 which has been considered by the 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>
<u>CORPORATE AND COMMUNITY SERVICES COMMITTEE - 10th April, 2017</u>				
9.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to sell land for non-payment of rates - Subject AF17/69	(a)	All details	Until the earlier of - public notice or public announcement of the "Sale of Land for non payment of Rates" has been given in accordance with the Section 184 of the LGA and associated processes; or the matter has been settled or abandoned by Council.

Cr Lynagh seconded

Carried