

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.

PRESENT Mayor Andrew Lee

Cr Christian Greco
Cr Steven Perryman
Cr Des Mutton
Cr Mark Lovett

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 Governance and Property	- Mr M McCarthy
	Team Leader Administration (City Infrastructure)	- Ms S Wilson

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 I Von Stanke

That the apology from Cr Von Stanke be received.

Moved:

Seconded:

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 8 August 2017

That the minutes of the Operational Standing Committee meeting held on 8 August 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved:

Seconded:

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

4. DEPUTATIONS

Nil



7.4 Consideration for Exclusion of the Public

Item No. 7.5

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 (with the exception of Mayor A Lee, Councillors - C Greco, M Lovett, J Lynagh, S Mezinec, 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. AR17/31762*' 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 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
7.5	Sale of Land for non-payment of Rates - Report No. AR17/31762	(a)

Moved:

Seconded:



7.5 Sale of Land for non-payment of Rates - Report No. AR17/31762

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 September 2017
REPORT NO.	AR17/31762
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
<p>(a) That Operational Standing Committee Report No. AR17/31762 titled '<i>Sale of Land for non-payment of Rates</i>' as presented to the Operational Standing Committee on 12 September 2017 be noted.</p> <p>(b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 11-17 Wireless Road East, Mount Gambier described as Lot 11 DP84098 CT6091/748 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.</p> <p>(c) The 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.</p> <p>(d) The Chief Executive Officer be empowered to engage legal counsel or agent to act on Council's behalf in this matter.</p> <p>(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, disbursements, terms and conditions.</p> <p>(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.</p>

Moved:

Seconded:



Background

Section 184(1) of the Local Government Act, 1999 provides the power for Council to sell land if an amount payable by way of rates in respect of land has been in arrears for three (3) years or more.

Discussion

A property situated at 11-17 Wireless Road East, Mount Gambier described as Lot 11 DP84098 CT6091/748 has an outstanding balance (rates, fines and interest and legal fees) of \$19,846.72 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 11-17 Wireless Road East, 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

30 August 2017
JMS



7.6 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 AR17/31762 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
7.5	Sale of Land for non-payment of Rates - Report No. AR17/31762	(a)	All details	Until the later of:- 12 months, or the matter being settled.



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.

PRESENT
Cr Steven Perryman
Cr Des Mutton
Cr Mark Lovett

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
Team Leader Administration (City Infrastructure)	- Ms S Wilson

ACTING PRESIDING MEMBER:

The General Manager City Infrastructure invited nominations for the position of Acting Presiding Member for this meeting of the Operational Standing Committee due to the absence of Cr C Greco.

Cr Lovett nominated Cr Mutton to be Acting Presiding Member of this meeting.

There being no further nominations, Cr Mutton was elected as Acting Presiding Member of the Operational Services Committee for this meeting.

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1. APOLOGY(IES)

Apologies received from Mayor A Lee, Cr I Von Stanke and Cr C Greco.

That the apologies from Mayor Lee, Cr Von Stanke and Cr Greco be received.

Moved: Cr Mutton

Seconded: Cr Lovett

Carried

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 11 July 2017.

That the minutes of the Operational Standing Committee meeting held on 11 July 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Lovett

Seconded: Cr Perryman

Carried

7.4 Consideration for Exclusion of the Public

Item No. 7.5

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. AR17/31762*' 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 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
7.5	Sale of Land for non-payment of Rates - Report No. AR17/31762	(a)

Moved: Cr Lovett

Seconded: Cr Perryman

Carried

7.5 Sale of Land for non-payment of Rates - Report No. AR17/31762

COMMITTEE RECOMMENDATION	
(a)	That Operational Standing Committee Report No. AR17/31762 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 11-17 Wireless Road East, Mount Gambier described as Lot 11 DP84098 CT6091/748 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)	The 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, disbursements, terms and conditions.
(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 Lovett

Seconded: Cr Mutton

Carried

7.6 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 AR17/31762 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
7.5	Sale of Land for non-payment of Rates - Report No. AR17/31762	(a)	All details	Until the later of:- 12 months, or the matter being settled.

Moved: Cr Perryman

Seconded: Cr Lovett

Carried

AGENDA OF ORDINARY COUNCIL MEETING

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 19 September 2017 at 6.00 p.m.

PRESENT

Mayor Andrew Lee

Cr Mark Lovett
Cr Josh Lynagh
Cr Sonya Mezinac
Cr Frank Morello
Cr Des Mutton
Cr Steven Perryman
Cr Hanna Persello
Cr Penny Richardson
Cr Ian Von Stanke

COUNCIL OFFICERS

Chief Executive Officer	-	Mr M McShane
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 Business and Strategic Planning	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Administrative Officer Executive Support	-	Mrs F McGregor

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1. APOLOGY(IES)

Apology received from Cr Greco.

That the apology from Cr Greco be received.

Moved:

Seconded:

2. LEAVE OF ABSENCE

Nil

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting of Council held on 15 August 2017

That the minutes of the Ordinary Meeting of Council held on 15 August 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved:

Seconded:



15.4. Consideration for Exclusion of the Public

Item No. 15.5

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 Meziniec, 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. AR17/31762’ 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 non payment of rates.

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Item No.	Subject Matter	S90(3) Grounds
15.5	Sale of Land for non-payment of Rates - Report No. AR17/31762	(a)

Moved:

Seconded:



15.5. Sale of Land for non-payment of Rates - Report No. AR17/31762

- (a) That Operational Standing Committee Report No. AR17/31762 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 11-17 Wireless Road East, Mount Gambier described as Lot 11 DP84098 CT6091/748 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) The 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.
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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:

15.6. Consideration for keeping Items Confidential

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15.5	Sale of Land for non-payment of Rates - Report No. AR17/31762	(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 September 2017 at 6.02 p.m.

PRESENT Mayor Andrew Lee

Cr Mark Lovett
Cr Sonya Meziniec
Cr Frank Morello
Cr Des Mutton
Cr Steven Perryman
Cr Hanna Persello

COUNCIL OFFICERS	Chief Executive Officer	-	Mr M McShane
	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
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15. APOLOGY(IES)

Apologies received from Cr Greco, Cr Lynagh, Cr Richardson and Cr Von Stanke.

That the apologies from Cr Greco, Cr Lynagh, Cr Richardson and Cr Von Stanke be received.

Moved: Cr Perryman

Seconded: Cr Morello

Carried

16. LEAVE OF ABSENCE

Nil

17. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting of Council held on 15 August 2017



15.4 Consideration for Exclusion of the Public

Item No. 15.5

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 Mezinac, 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. AR17/31762*’ to be considered in confidence.

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Item No.	Subject Matter	S90(3) Grounds
15.5	Sale of Land for non-payment of Rates - Report No. AR17/31762	(a)

Moved: Cr Lovett

Seconded: Cr Morello

Carried

15.5 Sale of Land for non-payment of Rates - Report No. AR17/31762

- (a) That Operational Standing Committee Report No. AR17/31762 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 11-17 Wireless Road East, Mount Gambier described as Lot 11 DP84098 CT6091/748 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 Mutton

Seconded: Cr Lovett

Carried



15.6 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 AR17/31762 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
15.5	Sale of Land for non-payment of Rates - Report No. AR17/31762	(a)	All details	Until the later of:- 12 months, or the matter being settled.

Moved: Cr Mezinac

Seconded: Cr Mutton

Carried

