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**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", is placed over a light grey rectangular background.

**Barbara Cernovskis**  
**Acting Chief Executive Officer**  
**29 April 2021**

## 6.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/13122

### 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 6.2 AR21/13122 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

**6.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/13122**

<b>Committee:</b>	<b>Economic and Environment Committee</b>
<b>Meeting Date:</b>	<b>3 May 2021</b>
<b>Report No.:</b>	<b>AR21/13122</b>
<b>CM9 Reference:</b>	<b>AF19/331</b>
<b>Author:</b>	<b>Jo Scheidl, Senior Revenue Officer</b>
<b>Authoriser:</b>	<b>Darren Barber, General Manager Shared Services</b>
<b>Summary:</b>	<b>Sale of Land for non-payment of rates – Notice of intention to sell land for non-payment of rates</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 5: Our Commitment</b>

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. AR21/13122 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 79 Sturt Street, Mount Gambier described as Lot 91 FP167794 CT6088/515 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 79 Sturt Street, Mount Gambier described as Lot 91 FP167794 CT6088/515 has an outstanding balance (rates, fines and interest and legal fees) of \$4,121.89 as at 3rd 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 79 Sturt 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 6.2 AR21/13122 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:**

<b>OFFICERS IN ATTENDANCE:</b>	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

## 6.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/13122

### COMMITTEE RESOLUTION

Moved: Cr Christian Greco  
Seconded: Mayor Lynette Martin

### 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 Mezinec 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 6.2 AR21/13122 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 Max Bruins

1. That Economic and Environment Committee Report No. AR21/13122 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 79 Sturt Street, Mount Gambier described as Lot 91 FP167794 CT6088/515 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 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 6.2 AR21/13122 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**

CONFIDENTIAL





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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 enclosed in a light grey rectangular box.

**Barbara Cernovskis**  
**Acting Chief Executive Officer**  
**14 May 2021**

### 27.3 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 Meziniec, 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 27.3 AR21/13122 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. AR21/13122 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 79 Sturt Street, Mount Gambier described as Lot 91 FP167794 CT6088/515 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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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 6.2 AR21/13122 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 Meziniec, 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

### 27.3 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/13122

#### RESOLUTION 2021/127

Moved: Cr Christian Greco  
Seconded: Cr Sonya Meziniec

#### 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 Meziniec, 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 27.3 AR21/13122 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 2021/128

Moved: Cr Christian Greco  
Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR21/13122 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 79 Sturt Street, Mount Gambier described as Lot 91 FP167794 CT6088/515 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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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 2021/129**

Moved: Cr Sonya Meziniec

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 6.2 AR21/13122 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**