

## **AGENDA OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING**

Meeting to be held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 10 April 2018 at 7:30 a.m.

### **PRESENT**

Mayor Andrew Lee

Cr Mark Lovett (Presiding Member)  
Cr Christian Greco  
Cr Ian Von Stanke  
Cr Steven Perryman  
Cr Des Mutton

### **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 Governance and Property	- Mr M McCarthy
Customer Service Officer	- 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

That the apology from Cr \_\_\_\_\_ be received.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

### **2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES**

Meeting held on 13 March 2018.

That the minutes of the Operational Standing Committee meeting held on 13 March 2018 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



## 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 A Lee, Councillors - M Lovett, C Greco, D Mutton, S Perryman and I Von Stanke 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*) 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. PR18/2387	(a)

Moved:

Seconded:



**8.2 Sale of Land for non-payment of Rates - Report No. PR18/2387**

<b>COMMITTEE</b>	Operational Standing Committee
<b>MEETING DATE:</b>	10 April 2018
<b>REPORT NO.</b>	PR18/2387
<b>RM8 REFERENCE</b>	AF18/111
<b>AUTHOR</b>	Jo Scheidl
<b>SUMMARY</b>	Sale of land for non-payment rates - Notice of Intention to sell land for non-payment of rates.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Gaol 3: Our Diverse Economy

**REPORT RECOMMENDATION**

- (a) Operational Standing Committee Report No. PR18/2387 titled '*Sale of land for non-payment of Rates*' as presented to the Operational Standing Committee on 10 April 2018 be noted.
- (b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 9 Brolga Street, Mount Gambier described as Lot 1 DP38870 CT5168/615 for non-payment That 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.

## Discussion

A property situated at 9 Brolga Street, Mount Gambier described as Lot 1 DP38870 CT5168/615 has an outstanding balance (rates, fines and interest and legal fees) of \$4,570.60 as at 21 March 2018.

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.”*

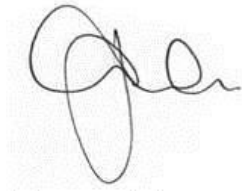
## Conclusion

Noting the outstanding rates, fines, etc. owed to Council in relation to the property situated at 9 Brolga Street, 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

27 March 2018  
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. PR18/2387	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved:

Seconded:



## **MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING**

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 10 April 2018 at 7:41 a.m.

**PRESENT** Cr Ian Von Stanke  
Cr Steven Perryman  
Cr Des Mutton

**COUNCIL OFFICERS** Chief Executive Officer - Mr M McShane  
General Manager City Infrastructure - Mr N Serle  
Manager Development Services - Ms T Tzioutziouklaris  
Customer Service Officer - Ms S Moretti

### **ACTING PRESIDING MEMBER:**

The Chief Executive Officer invited nominations for the position of Acting Presiding Member for this meeting of the Operational Standing Committee due to the absence of Cr Mark Lovett.

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

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

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## **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 Councillors - D Mutton, S Perryman and I Von Stanke and Council Officers - M McShane, N Serle, T Tzioutziouklaris and S Moretti) 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 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. PR18/2387	(a)

Moved: Cr Perryman

Seconded: Cr Mutton

Carried



**8.2 Sale of Land for non-payment of Rates - Report No. PR18/2387**

<b>COMMITTEE RECOMMENDATION</b>	
(a)	Operational Standing Committee Report No. PR18/2387 titled ' <i>Sale of land for non-payment of Rates</i> ' as presented to the Operational Standing Committee on 10 April 2018 be noted.
(b)	That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 9 Brolga Street, Mount Gambier described as Lot 1 DP38870 CT5168/615 for non-payment That 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 Mutton

Seconded: Cr Van Stanke

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. PR18/2387	(a)	All details	Until the later of:-  12 months, or the matter being settled

Moved: Cr Mutton

Seconded: Cr Von Stanke

Carried

## **AGENDA OF ORDINARY COUNCIL MEETING**

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 17 April 2018 at 6.00 p.m.

**PRESENT**

Mayor Andrew Lee  
Cr Christian Greco  
Cr Mark Lovett  
Cr Josh Lynagh  
Cr Sonya Mezinec  
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 Governance and Property	-	Mr M McCarthy
Manager Development Service	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Administrative Officer Executive Support	-	Ms A Lavia

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### **1. APOLOGY(IES)**

Apology(ies) received from

That the apology(ies) from \_\_\_\_\_ be received.

Moved:

Seconded:

### **2. LEAVE OF ABSENCE**

Nil

### **3. CONFIRMATION OF COUNCIL MINUTES**

Ordinary Meeting held on 20 March 2018.

That the minutes of the Ordinary Council meeting held on 20 March 2018 be confirmed as an accurate record of the proceedings of that meeting.

Moved:

Seconded:



**17.4. Consideration for Exclusion of the Public**

Item No. 17.5

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 Councillors - C Greco, M Lovett, J Lynagh, S Mezinac, D Mutton, S Perryman, H Persello, P Richardson, I Von Stanke Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris, S McLean and A 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:

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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
17.5	Sale of land for non-payment of Rates - Report No. PR18/2387	(a)

Moved:

Seconded:



**17.5. Sale of Land for non-payment of Rates - Report No. PR18/2387**

- (a) Operational Standing Committee Report No. PR18/2387 titled '*Sale of land for non-payment of Rates*' as presented to the Operational Standing Committee on 10 April 2018 be noted.
- (b) That the Chief Executive Officer be empowered to take whatever action is necessary to dispose of the property situated at 9 Brolga Street, Mount Gambier described as Lot 1 DP38870 CT5168/615 for non-payment That 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:

Seconded:



**17.6. 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 17.5 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
17.5	Sale of land for non-payment of Rates - Report No. PR18/2387	(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, 17 April 2018 at 6.00 p.m.

### **PRESENT**

Mayor Andrew Lee  
Cr Christian Greco  
Cr Josh Lynagh  
Cr Sonya Meziniec  
Cr Frank Morello  
Cr Des Mutton  
Cr Steven Perryman  
Cr Hanna Persello  
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 Governance and Property	-	Mr M McCarthy
Manager Development Services	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Communications Officer	-	Mrs A Watson
Manager Finance and Customer Service	-	Mr J Zwijnenburg
Management Accountant	-	Ms K Rolton
Administrative Officer - Executive Support	-	Ms A Lavia

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Item No.	Subject Matter	S90(3) Grounds
17.5	Sale of land for non-payment of Rates - Report No. PR18/2387	(a)

Moved: Cr Greco

Seconded: Cr Lynagh

Carried



**17.5. Sale of Land for non-payment of Rates - Report No. PR18/2387**

- (a) Operational Standing Committee Report No. PR18/2387 titled '*Sale of land for non-payment of Rates*' as presented to the Operational Standing Committee on 10 April 2018 be noted.
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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 Von Stanke

Seconded: Cr Greco

Carried





## 17.6. 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 17.5 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
17.5	Sale of land for non-payment of Rates - Report No. PR18/2387	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Cr Greco

Seconded: Cr Lynagh

Carried

