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.

<u>AGENDA</u>

PRESENT: Cr J Lynagh (Presiding Member)

Cr M Lovett, Cr S Mezinec, Cr S Perryman and Cr H Persello

APOLOGY: moved that the apology from be

received.

seconded

<u>COUNCIL OFFICERS</u>: Chief Executive Officer, Mark McShane

General Manager Council Business Services, Pamela Lee General Manager Community Wellbeing, Barbara Cernovskis

Finance Manager, Gary Button

Manager Governance and Property, Michael McCarthy

Manager Business and Strategic Planning - Tracy Tzioutziouklaris

Administration Officer - Executive Support, Ashlee Lavia

COUNCIL OFFICERS

APOLOGIES: General Manager City Growth, Judy Nagy

COUNCIL MEMBERS
AS OBSERVERS:

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.

PRESENTATION:

5.30 p.m. Presentation from the South East NRM Board on "Proposed Changes

to the Regional NRM Plan.

MINUTES: moved that the minutes of the previous meeting

held 14th March, 2017 be taken as read and confirmed.

seconded

QUESTIONS:

- (a) With Notice Nil received
- (b) Without Notice -
- 1. <u>FINANCIAL STATEMENT</u> as at 31st March, 2017

moved it be recommended the financial statement as at 31st March, 2017 be received.

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

10. 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 Mezinec, 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.

	SUBJECT MATTER	S90 (3)
NO.		GROUNDS
11.	SALE OF LAND FOR NON PAYMENT OF RATES – Notice of	(a)
	Intention to sell land for non-payment of rates – Subject	
	AF17/71	

11. <u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF17/71

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 of more;
- (b) A property situated at:
 - 3 Hanson Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$3,986.01.
- (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

Three years to 22/03/2017

3 Hanson Street, Mount Gambier Lot 153 DP6042 CT 5643/581 Rates, Fines, Interest, Legal Fees \$3,986.01

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.

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

12. 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 11 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential as follows:

Item No.	Subject Matter	S.90(3) Grounds	Element To Be Kept Confidential	<u>Duration</u>
11.	SALE OF LAND FOR NON PAYMENT OF RATES – Notice of Intention to sell land for non-payment of rates – Subject AF17/71	(b)	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

Meeting closed at p.m.

ΑL

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

PRESENTATION:

5.30 pm Presentation from the South East NRM Board on "Proposed Changes

to the Regional NRM Plan.

Meeting commenced at 5:46 pm

PRESENT: Cr J Lynagh (Presiding Member)

Mayor A Lee, Cr M Lovett, Cr S Mezinec and Cr H Persello

APOLOGY: Nil

COUNCIL OFFICERS: Chief Executive Officer, Mark McShane

General Manager Council Business Services, Pamela Lee General Manager Community Wellbeing, Barbara Cernovskis

Finance Manager, Gary Button

Manager Governance and Property, Michael McCarthy

Senior Rates Officer - Joanne Scheidl

Media and Communications Coordinator - Sharny McLean Administration Officer - Executive Support, Ashlee Lavia

COUNCIL OFFICERS

APOLOGIES: General Manager City Growth, Judy Nagy

COUNCIL MEMBERS

AS OBSERVERS: Cr I Von Stanke, Cr F Morello

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.

11. 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 Mezinec, 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
12.	SALE OF LAND FOR NON PAYMENT OF RATES - Notice	(a)
	of Intention to sell land for non-payment of rates – Subject AF17/71	

Cr seconded <u>Carried</u> Lovett

12. <u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF17/71

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 of more;
- (b) A property situated at:
 - 3 Hanson Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$3,986.01.
- (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 Persello 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.

<u>Address</u>

Three years to 22/03/2017

3 Hanson Street, Mount Gambier Lot 153 DP6042 CT 5643/581 Rates, Fines, Interest, Legal Fees \$3,986.01

Corporate and Community Services Committee Minutes, 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.

Cr Lovett seconded Carried

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

13. 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 12 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential as follows:

Item No.	Subject Matter	S.90(3) Grounds	Element To Be Kept Confidential	<u>Duration</u>
12.	SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to sell land for non-payment of rates - Subject AF17/71	(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 Persello seconded <u>Carried</u>

Meeting closed at 6:02 pm

ΔΙ

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.

<u>AGENDA</u>

COUNCIL

PRESENT: Mayor Andrew Lee

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

APOLOGY/IES: moved that the apology from

be received.

seconded

COUNCIL OFFICERS: Chief Executive Officer - Mr M McShane

Director - Operational Services - Mr D Sexton 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 Business and Strategic Planning - Mrs T Tzioutziouklaris

Finance Manager - Mr G Button Media and Communications Coordinator - Ms S McLean

Administrative Officer Executive Support - Ms & McLean

Administrative Officer Executive Support - Mrs M Telford

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.

CONFIRMATION

OF MINUTES: moved the minutes of the previous meeting held on

21st March, 2017 be taken as read and confirmed.

seconded

MAYORAL REPORT - Ref. AF11/881

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 Mezinec, 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	SUBJECT MATTER	S90 (3)
NO.		GROUNDS
CORPOR	RATE AND COMMUNITY SERVICES COMMITTEE - 10th April, 2017	
12.	SALE OF LAND FOR NON PAYMENT OF RATES - Notice of	(a)
	Intention to sell land for non-payment of rates - Subject	
	AF17/71	

12. <u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF17/71

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 of more;
- (b) A property situated at:
 - 3 Hanson Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$3,986.01.
- (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:
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 - (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 Persello 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

3 Hanson Street, Mount Gambier Lot 153 DP6042 CT 5643/581 Rates, Fines, Interest, Legal Fees \$3,986.01

- (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 Lovett 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 12 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential as follows:

Item No.	Subject Matter	S.90(3) Grounds	Element To Be Kept Confidential	<u>Duration</u>
CORI	PORATE AND COMMUNITY SERV	ICES COM	MITTEE - 10 th A	pril, 2017
12.	SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to sell land for non-payment of rates - Subject AF17/71	(b)	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.

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

COUNCIL

PRESENT: Mayor Andrew Lee

Cr Christian Greco Cr Mark Lovett Cr Josh Lynagh Cr Sonya Mezinec Cr Frank Morello Cr Des Mutton Cr Hanna Persello Cr Ian Von Stanke

APOLOGY/IES: Cr Von Stanke moved that the apology from Cr Steven Perryman and Cr

Penny Richardson be received.

Cr Morello seconded <u>Carried</u>

Mr M McShane

COUNCIL OFFICERS: Chief Executive Officer

Director - Operational Services - Mr D Sexton
General Manager Community Wellbeing - Ms B Cernovskis
General Manager Council Business Services - Mrs P Lee

General Manager Council Business Services - Mrs P Lee
General Manager City Infrastructure - Mr N Serle
Manager Governance and Property - Mr M McCarthy
Finance Manager - Mr G Button
Media and Communications Coordinator - Ms S McLean
Administrative Officer Executive Support - Ms A Lavia

Administrative Officer Executive Support - Mrs M Telford

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.

CONFIRMATION

OF MINUTES: Cr Greco moved the minutes of the previous meeting held on 21st

March, 2017 be taken as read and confirmed.

Cr Mezinec seconded <u>Carried</u>

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 Mezinec, 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
CORPOR	RATE AND COMMUNITY SERVICES COMMITTEE - 10th April, 2017	
12.	SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to sell land for non-payment of rates - Subject AF17/71	(a)

Cr Greco seconded Carried

12. <u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF17/71

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 of more;
- (b) A property situated at:
 - 3 Hanson Street, Mount Gambier has an outstanding balance (rates, fines and interest and legal fees) of \$3,986.01.
- (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;
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 - (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 Persello 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

3 Hanson Street, Mount Gambier Lot 153 DP6042 CT 5643/581 Three years to 22/03/2017

Rates, Fines, Interest, Legal Fees \$3,986.01

- (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 Lovett seconded Carried

Cr Lynagh moved that the recommendation of the Corporate and Community Services Committee as contained in item 12 be adopted.

Cr Greco seconded Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Mezinec 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 12 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential as follows:

Item No.	Subject Matter	S.90(3) Grounds	Element To Be Kept Confidential	<u>Duration</u>
COR	PORATE AND COMMUNITY SERV	ICES COM	MITTEE - 10 th A	pril, 2017
12.	SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to sell land for non-payment of rates - Subject AF17/71	(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 Greco seconded <u>Carried</u>