

CONFIDENTIAL ITEMS 2003 – 15 SEPTEMBER 2016

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
110	15 August 2016	Rate Relief / Remission – Long Term Debt Saint Ives	<p>Section 90 (3) (a) Order</p> <p>1. <u>Pursuant to Section 90(3)(a)</u> Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, General Manager Corporate Services, General Manager Council Services, General Manager Infrastructure and Projects, Acting Manager Planning Policy & Strategy, Senior Rates and Property Officer, Rate and Property Officers, Minute Secretary be excluded from attendance at the meeting for Agenda Item 17.3 Rate Relief / Remission – Long Term Debt Saint Ives.</p> <p>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 ratepayers, in that details of rates owing on properties will be discussed.</p> <p>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 disclosure of details of rates owing on properties is not public information.</p> <p>Section 91(7) Order</p> <p>3. <u>Pursuant to Section 91(7)</u> That having considered Agenda Item 17.3 Rate Relief / Remission – Long Term Debt Saint Ives in confidence under 90(2) and 3(a)</p>	Agenda, attachments and minutes	<p>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 ratepayers, in that details of rates owing on properties will be discussed.</p> <p>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 disclosure of details of rates owing on properties is not public information.</p>	Until the 15 September 2016 or such lesser period as may be determined by the Chief Executive Officer.	5 Sep 16	15 Sep 16	Released 15 September 2016

CONFIDENTIAL ITEMS 2003 – 15 SEPTEMBER 2016

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
---	------	------------	----------------------------	--	---	-----------------------------	------------------	------------------	---------------

			of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda, attachments and minutes be retained in confidence until the 15 September 2016 or such lesser period as may be determined by the Chief Executive Officer.						
--	--	--	---	--	--	--	--	--	--

RELEASED

17.3	REPORT TITLE:	RATE RELIEF / REMISSION – LONG TERM DEBT SAINT IVES
	DATE OF MEETING:	15 AUGUST 2016
	FILE NUMBER:	FOL/16/1934

Mount Barker 2035 District Strategic Plan Ref:

Governance and Leadership.

GL: 4 – Effective management and financial sustainability.

Purpose:

To consider the provision of rate relief, fines and interest remission for Lot 178-179 Éclair Mine Rd Saint Ives SA 5252.

Summary- Key Issues:

- Council has a limited title debt matter requiring Council consideration. The details provided below will assist in making a determination to resolve the matter.
- This decision will assist Council in reducing its current rate debt and provide possible rate relief to adjoining land owners of this limited title property that are directly impacted by the rate debt.

RECOMMENDATION**Section 90 (3) (a) Order**

1. Pursuant to Section 90(3)(a)
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, General Manager Corporate Services, General Manager Council Services, General Manager Infrastructure and Projects, General Manager Planning and Development, Senior Rates and Property Officer, Rate and Property Officers, Minute Secretary be excluded from attendance at the meeting for Agenda Item 17.3 Rate Relief / Remission – Long Term Debt Saint Ives.

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 ratepayers, in that details of rates owing on properties will be discussed.

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 disclosure of details of rates owing on properties is not public information.

2. That Council convert the assessment records at Property Located at Éclair Mine Road Saint Ives SA 5252, Legal description: Lot 178-179 FP 212200 CT 5695/306, Assessment #: 106542 to being occupied by the Crown and made non rateable land and furthermore write off the full amount of rates, arrears and interest of \$9,604.95.

Section 91(7) Order

3. Pursuant to Section 91(7)
That having considered Agenda Item 17.3 Rate Relief / Remission – Long Term Debt Saint Ives in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda, attachments and minutes be retained in confidence until the 15 September 2016 or such lesser period as may be determined by the Chief Executive Officer.

Background:

1. At the workshop held 1 August 2016, Council was presented with a discussion regarding specific properties that had rate debt matters requiring consideration by Council as the level of potential rate relief or remission exceeds the delegation of Council officers.

Discussion:

2. **Property located at Lot 178-179 Éclair Mine Road SAINT IVES SA 5252**
(Please refer to map - Attachment 1C)

Legal description: Lot 178-179 FP 212200 CT 5695/306
Assessment #: 106542
Valuation #: 5832789502
Capital Value: \$23,000
Land Size: 3,190 sqm

3. As at 1 August 2016, \$9,604.95 in rates, arrears and interest is owed to Council.
4. This property is in the name of a deceased estate.
5. Two allotments of land are comprised in the Certificate of Title which is limited as to title and description so that a current owner is unable to be determined.

6. The two parcels are land-locked with no access to public roads and are bounded by the South Eastern Freeway.
7. Council wrote to the Crown to request a response suggesting that buildings located on neighbouring Crown Land, encroach on Lot 178 & 179 FP212200. Hon. Ian Hunter MLP's office replied to advise that in the Department of Environment, Water & Natural Resources opinion there is no encroachment nor is there any intent for the Crown to acquire this land.
8. Council could obtain a survey of the land at its own expense to confirm that the land is being used and occupied by the Crown. If the outcome was that the Crown is the occupier, Council would record the Crown as the occupier in the assessment records. Outstanding rates could be written off as un-alienated Crown land or land used by the Crown is considered non-rateable (refer Section 147 *Local Government Act 1999*).
9. Council could consider undertaking a sale process pursuant to Section 184 of the Local Government Act 1999. It is assessed that this is not practical as the costs would like to exceed any possible proceeds due to this land being land-locked and inaccessible.

Community Engagement:

Not required

Policy:

Nil

Budget:

Council has made provision for doubtful debts for rates, fines and interest within the 2016/17 Financial Budget. The property discussed in this report has been included in that provision.

Statutory/Legal:

Local Government Act 1999.

Staff Resource Requirements:

Minimal impact

Environmental:

N/A

Social:

N/A

Risk Assessment:

There is a risk that a debt will remain outstanding and Council may never receive this revenue.

Asset Management:

N/A.

Conclusion:

As it is not cost effective to pursue either surveying or sale of the property pursuant to Section 184 of the Local Government Act 1999, the land is of low value and as it appears that the Crown is occupying the land, Council convert the assessment records to being occupied by the Crown and made non-rateable land and write off the full amount of rates, arrears and interest of \$9,604.95.

Key Contact

Neville Gay, Senior Rates & Property Officer

Manager or Sponsor of Project

David Peters, General Manager, Corporate Services

Attachments

1C – Éclair Mine Road Map

RELEASED

Mount Barker District Council

Attachment to Item 17.3



**MOUNT BARKER
DISTRICT COUNCIL**

Mount Barker District Council
Building 3, 6 Dutton Road
Mount Barker SA 5251

Telephone (08) 8391 7200
Facsimile (08) 8391 7299

© Mount Barker District Council.

Apart from any use permitted under the Copyright Act 1968 (Cwth), no part may be reproduced by any process without prior written permission obtained from Mount Barker District Council. Requests and enquiries concerning reproduction and rights should be directed to the Chief Executive Officer, Mount Barker District Council, PO Box 54, Mount Barker SA 5251. Mount Barker District Council, its employees and servants do not warrant or make any representations regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise. Mount Barker District Council, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein.

Map Zoom: 0.2269 km
Map Scale: 1:1,149
Created on: Thursday, 4 August 2016 By: rates

RELEALED

Section 90 (3) (a) Order

1. Pursuant to Section 90(3)(a)
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, General Manager Corporate Services, General Manager Council Services, General Manager Infrastructure and Projects, Acting Manager Planning Policy & Strategy, Senior Rates and Property Officer, Rate and Property

Officers, Minute Secretary be excluded from attendance at the meeting for Agenda Item 17.3 Rate Relief / Remission – Long Term Debt Saint Ives.

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 ratepayers, in that details of rates owing on properties will be discussed.

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 disclosure of details of rates owing on properties is not public information.

Seconded Councillor Morrison

CARRIED
OM20160815.12

Moved Councillor Morrison

2. That Council convert the assessment records at Property Located at Éclair Mine Road Saint Ives SA 5252, Legal description: Lot 178-179 FP 212200 CT 5695/306, Assessment #: 106542 to being occupied by the Crown and made non rateable land and furthermore write off the full amount of rates, arrears and interest of \$9,604.95.

Seconded Councillor Keen

CARRIED
OM20160815.13

Section 91(7) Order

Moved Councillor Keen

3. Pursuant to Section 91(7)
That having considered Agenda Item 17.3 Rate Relief / Remission – Long Term Debt Saint Ives in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda, attachments and minutes be retained in confidence until the 15 September 2016 or such lesser period as may be determined by the Chief Executive Officer.

Seconded Councillor Morrison

CARRIED
OM20160815.14

MEETING DECLARED CLOSED AT 8.41 PM

MAYOR

DATE