

CONFIDENTIAL ITEMS 2003 – OCTOBER 2020

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommendation to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
109	15 August 2016	Rate Relief / Remission – Long Term Debt Mount Barker Springs	<p>Section 90 (3) (a) Order</p> <p>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 17.2 Rate Relief / Remission – Long Term Debt Mount Barker Springs.</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. Pursuant to Section 91(7) That having considered Agenda Item 17.2 Rate Relief / Remission – Long Term Debt Mount Barker Springs in confidence under</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 all the rates debt has been paid or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.	7 Sep 20	Within 12 months	<i>Report, attachment and minutes on website 6 May 2021</i>

CONFIDENTIAL ITEMS 2003 – OCTOBER 2020

#	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
			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 all the rates debt has been paid or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.						

RELEASED

**17.2 REPORT TITLE: RATE RELIEF / REMISSION – LONG TERM DEBT
MOUNT BARKER SPRINGS**

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 86 Springs Road Mount Barker Springs SA 5251.

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 17.2 Rate Relief / Remission – Long Term Debt Mount Barker Springs.

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. Council remit 100% of all fines and interest only levied on Property located at Lot 86 Springs Road, MOUNT BARKER SPRINGS SA 5251, legal description: ALT 86 FP 160063 CT 5695/348, Assessment #: 102079, totalling \$20,393.81.

Section 91(7) Order

3. Pursuant to Section 91(7)

That having considered Agenda Item 17.2 Rate Relief / Remission – Long Term Debt Mount Barker Springs 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 all the rates debt has been paid or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.

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 86 SPRINGS ROAD MOUNT BARKER SPRINGS SA 5251**
(Please refer to map - Attachment 1B)

Legal description: ALT 86 FP 160063 CT 5695/348
Assessment #: 102079
Valuation #: 583237215*
Occupier: D K & N L Matthews
Capital Value: \$109,000
Land Size: 1,270 sqm

3. As at 1 August 2016, \$32,360.15 in rates, arrears and interest is owed to Council (including what has been levied for 2016/17)
4. This property is in the name of a deceased estate.

5. This allotment of land is a hammerhead-shaped allotment of land with two street frontages, Harper Road and Springs Road. The title to this land is limited to title only.
6. The adjoining land owners purchased their property CT 5369/258 in March 2004.
7. On 15 January 2007, the adjoining land owners submitted a development application to build an outbuilding (garage) 3m from the existing fence line which they believed was the boundary of their property. Council building approval was granted 24 January 2007.
8. The subject land is encroached upon by the outbuilding, garage and a driveway from the owners of the adjoining land parcel.
9. Council wrote to the adjoining owners informing them of their encroachment on the land, enquiring whether they would be making an adverse possession claim over the land, informed them of the outstanding rate debt and the Council's legislative rights to recover the amount. It also informed them that, as they appear to be occupying the land, the Council may recover the rate arrears from them pursuant to Section 178 of the *Local Government Act 1999* and inviting them to contact the Council to discuss these issues.
10. Council met with the adjoining owners and Council was advised they were unaware of the situation. They had thought they purchased the property within the existing fence line.
11. Through ongoing correspondence and discussions regarding possible payment arrangement options the adjoining owners have requested Council provide some form of relief to assist with the financial burden.
12. The adjoining owners have also advised that will look at pursuing adverse possession of the property.
13. Advice from Wallmans Lawyers is that Council would be unlikely to be able to recover the entire rate debt owed due to the unusual dimensions of the land, the encroachment, the relatively large rating debt owed would likely render the land undesirable for purchase, should the Council attempt to sell the land pursuant to Section 184 of the *Local Government Act 1999*.
14. Remittance of 100% of all fines and interest only levied on this property would total \$20,393.81 leaving the debt outstanding to \$11,966.34.

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 have 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:

In order to resolve these long standing rate debt matters and provide some rate relief to adjoining land owners it is recommended that Council endorse the recommendation above.

Key Contact

Neville Gay, Senior Rates & Property Officer

Manager or Sponsor of Project

David Peters, General Manager, Corporate Services

Attachments

1B – Springs Road Property Map

Mount Barker District Council

Attachment to Item 17.2



**MOUNT BARKER
DISTRICT COUNCIL**

Mount Barker District Council
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Mount Barker SA 5251

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Map Zoom: 0.1699 km
Map Scale: 1:860.1
Created on: Thursday, 4 August 2016 By: rates

17.2	REPORT TITLE:	RATE RELIEF / REMISSION – LONG TERM DEBT MOUNT BARKER SPRINGS
	DATE OF MEETING:	15 AUGUST 2016
	FILE NUMBER:	FOL/16/1934

Section 90 (3) (a) Order

Moved Councillor Bailey that

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 17.2 Rate Relief / Remission – Long Term Debt Mount Barker Springs.

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 Keen

CARRIED
OM20160815.09

Moved Councillor Campbell that

2. Council remit 100% of all fines and interest only levied on Property located at Lot 86 Springs Road, MOUNT BARKER SPRINGS SA 5251, legal description: ALT 86 FP 160063 CT 5695/348, Assessment #: 102079, totalling \$20,393.81.

Seconded Councillor Morrison

CARRIED
OM20160815.10

Section 91(7) Order

Moved Councillor Buchmann

3. Pursuant to Section 91(7)
That having considered Agenda Item 17.2 Rate Relief / Remission – Long Term Debt Mount Barker Springs 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 all the rates debt has been paid or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.

Seconded Councillor Campbell

CARRIED
OM20160815.11