

CITY OF WEST TORRENS



**Confidential Minutes**  
**of**  
**Report Items 21.1 of the Council Meeting**

of the

**CITY OF WEST TORRENS**

held in the Council Chambers, Civic Centre  
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 21 JANUARY 2020**  
**at 7.00pm**

**Terry Buss PSM**  
**Chief Executive Officer**

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Released

## 21 CONFIDENTIAL

### 21.1 Sale of Property for the Non Payment of Rates

#### Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(a) and (i) 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).

because this report recommends that Council issues an order, in accordance with Section 184 of the *Local Government Act 1999* which provides the ability for Council to sell property when the rates due on the property have been in arrears for three years or more, to sell property which meets this criteria and, to assist Council to determine whether to issue an order in this instance, the report contains information which would, if dealt with in public, result in the unreasonable disclosure of the personal affairs of the ratepayers named within that report.

- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.

because there is a possibility that the issuing of the order will result in litigation involving the Council and as such the release of this information could prejudice Council's position.

#### Council resolved that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.1 Sale of Property for the Non Payment of Rates , attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(a) and (i) because the report involves personal affairs of the ratepayers named in the report and Council litigation.
2. At the completion of the confidential session the meeting be re-opened to the public.

**9.43pm** the meeting moved into Confidence and the Confidential session commenced.

**9.44pm** Cr Jassmine Wood entered the Confidential session.

**PRESENT:****Council Members:**

Mayor M Coxon (Presiding Member)

Councillors: J Woodward, E Papanikolaou, D Huggett, K McKay, D Mugavin, G Nitschke, G Vlahos, C O'Rielley, D Wilton, A McKay, J Wood

**Officers:**

Mr T Buss (Chief Executive Officer)

Mr B Ross (General Manager Corporate and Regulatory)

Mr N Biggs (Manager Financial Services)

This report proposes the sale of a number of properties for the non-payment of rates pursuant to Section 184 of the *Local Government Act 1999*.

**RECOMMENDATION**

It is recommended to Council that the Chief Executive Officer be authorised to sell the following properties pursuant to the provisions of Section 184 of the *Local Government Act 1999*:

- 4 Orana Avenue, Glenelg North. SA 5045
- 5 Devon Street, Mile End. SA 5031
- 61 George Street, Thebarton. SA 5031
- 24 Broadmore Avenue, Fulham. SA 5024
- 3 Debra Court, Netley. SA 5037

**RESOLUTION**

Moved: Cr Cindy O'Rielley

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

**CARRIED****FURTHER**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.1 Sale of Property for the Non Payment of Rates the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(a) and (i), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that the report involves personal affairs of the ratepayers named in the report and Council litigation.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**RESOLUTION**

Moved: Cr Kym McKay

Seconded: Cr Dominic Mugavin

That the recommendations be adopted.

**CARRIED**

**9.53pm** the Confidential session closed and the meeting reopened to the public.