



Civic Centre, 10 Watson Terrace  
Mount Gambier SA 5290

PO Box 56  
Mount Gambier SA 5290

Telephone 08 87212555  
Facsimile 08 87249791  
[city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

[mountgambier.sa.gov.au](http://mountgambier.sa.gov.au)

**I hereby give notice that a People and Place Committee Meeting will be held on:**

**Date: Monday, 7 June 2021**  
**Time: 5.30 p.m.**  
**Location: Council Chamber**  
**Civic Centre**  
**10 Watson Terrace**  
**Mount Gambier**

# **CONFIDENTIAL AGENDA**

## **People and Place Committee Meeting 7 June 2021**

A handwritten signature in black ink, appearing to read 'Barbara Cernovskis', is written over a light grey rectangular background.

**Barbara Cernovskis**  
**Acting Chief Executive Officer**  
**3 June 2021**

## 7 CONFIDENTIAL ITEMS

### 7.1 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/28521

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the People and Place Committee orders that all members of the public, except Mayor L Martin, Councillors F Morello, K Amoroso, M Bruins and S Meziniec and Council Officers B Cernovskis, D Barber, T Coote, M McDonald, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR21/28521 Road Opening Process - Pinehall Avenue.

The People and Place Committee is satisfied that, pursuant to section 90(3) (a), (b), (d) and (i) of the Act, the information to be received, discussed or considered in relation to the 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)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party
- 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

The People and Place Committee 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 information to be considered relates to the valuation of land and compensation for a compulsory acquisition of land for road opening purposes for which is reasonably considered will result in litigation.



**7.1 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/28521**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>7 June 2021</b>
<b>Report No.:</b>	<b>AR21/28521</b>
<b>CM9 Reference:</b>	<b>AF20/446</b>
<b>Author:</b>	<b>Elisa Solly, Property Support Officer</b>
<b>Authoriser:</b>	<b>Barbara Cernovskis, Acting Chief Executive Officer</b>
<b>Summary:</b>	<b>This report presents updated valuation information regarding the road opening and land acquisition process for Pinehall Avenue and O’Leary Road.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b> <b>Goal 5: Our Commitment</b>

The Council is satisfied that, pursuant to Section 90(2) & (3) 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)
- (b) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or proposing to conduct business; or to prejudice the commercial position of the Council
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected: to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party
- (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.

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR21/28521 titled ‘Road Opening Process - Pinehall Avenue’ as presented on 07 June 2021 be noted.
  2. That,
    - having considered Report No. AR21/28521 Council confirms part 4 of resolution 2021/92 dated 20 April 2021 that the Chief Executive Officer be authorised to negotiate with the owners of 181 Pinehall Avenue, Suttontown up to the value of \$15,000 to acquire the required land by agreement.
- OR
- having considered Report No. AR21/28521 accepts the recommendation of the Chief Executive Officer under Regulation 21 of the Local Government (Procedures at



Meetings) Regulations to amends part 4 of resolution 2021/92 as made on 20 April 2021, as follows:

*“4. The Chief Executive Officer be authorised to negotiate with the owners of 181 Pinehall Avenue, Suttontown up to the value of \$15,000 to acquire the required land by agreement.”*

be amended to read as:

*“4. The Chief Executive Officer be authorised to negotiate with the owners of 181 Pinehall Avenue, Suttontown up to the value of \$INSERT AMOUNT to acquire the required land by agreement.”*

CONFIDENTIAL



## TYPE OF REPORT

Corporate

## BACKGROUND

At its meeting held on 20 April 2021, in relation to Report No. AR21/12277 for a compulsory land acquisition of a portion of 181 Pinehall Road, Suttontown, Council resolved the following:

### **“RESOLUTION 2021/92**

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR21/12277 titled ‘Road Opening Process - Pinehall Avenue’ as presented on 06 April 2021 be noted.
2. That Council proposes to commence a Road Process under the Roads (Opening and Closing) Act 1991 to open as road a portion of 181 Pinehall Avenue, Suttontown being portion of Allotment 132 in Filed Plan 194744 contained in Certificate of Title Volume 5368 Folio 920 as shown in Attachment 1 to Report No. AR21/12277.
3. The Chief Executive Officer be authorised to implement the provisions of the Roads (Opening and Closing) Act 1991 and Land Acquisition Act 1969 as necessary to commence the proposed road opening process, including the preparation of a preliminary plan and statement of persons affected, and relevant notices of the proposed road process.
4. The Chief Executive Officer be authorised to negotiate with the owners of 181 Pinehall Avenue, Suttontown up to the value of \$15,000 to acquire the required land by agreement.
5. The Chief Executive Officer be authorised to have prepared and lodged any necessary surveying and documentation for the road opening as presented in Report AR21/12277.
6. A further report be presented to Council to consider any objections to the proposed road opening and the making of a Road Process Order.
7. In the event that no objections are received, the Chief Executive Officer and Mayor be authorised to make a Road Process Order and to prepare a Final Plan to open road over that portion of Allotment 132 in Filed Plan 194744 situated at 181 Pinehall Avenue, Suttontown as shown in Attachment 1 to Report No. AR21/12277.
8. The Mayor and Chief Executive Officer be authorised to affix the Common Seal to any documentation necessary to give effect to and protect Council’s interests in a land division, road opening or land acquisition for the road opening as presented in Report AR21/12277.

**CARRIED”**

The report included an independent valuation report on the market value and compensation for the portion of land to be acquired. This valuation report was the basis for the report recommendation to negotiate a private purchase up to \$15,000, and otherwise to submit the \$13,000 as determined to the relevant court in the instance of a Road Process Order being confirmed without agreement.

Further preparations have been made to formally commence the road process however it has since come to attention that further information was provided to the Valuer following their initial report. The Valuer subsequently updated their market valuation and compensation assessment, removing the compensation amount for ‘injurious affection’ which was originally determined at \$5,000.

Accordingly, the total compensation amount was \$8,000, not \$13,000 as reported to Council. Neither of these amounts include out-of-pocket/re-instatement expenses that would be incurred by Council.

It is noted that the application and amounts of ‘injurious affection’ can be quite subjective, relating to the effect of the proposed activity (the adjacent road widening project– not the acquisition itself) on the owner’s remaining land. In some instances it can even offset other compensation components.

Whilst the difference in value between the two total compensation amounts is considered minor, the higher amount of \$13,000 was the basis for the previous recommendation to negotiate up to \$15,000



for a private purchase, being almost double the Valuers total determined amount of \$8,000 which is now the amount that would be submitted to the court if the matter proceeds without agreement.

### **PROPOSAL**

In light of this updated valuation information, Council might reconsider its earlier deliberations on the amount the Chief Executive Officer is authorised to negotiate with the owners of 181 Pinehall Avenue, Suttontown to acquire the required land by a private purchase, currently up to \$15,000.

Whilst it is not necessary that Council alter its resolved position in relation to the \$15,000, it should be noted that the amount that would be submitted to the court in the event of a Road Process Order being confirmed without an agreement with the owner would be \$8,000, on the basis that this is the Valuers determined amount and which they may be called upon to support as an expert witness.

The higher negotiation amount as currently resolved may provide the owner and their legal representative more incentive to reach a private agreement in lieu of a court determination.

### **LEGAL IMPLICATIONS**

There are no particular legal implications associated with retaining or amending the authorised negotiation amount, except in relation to the rescission or amendment of a previously resolved decision of Council, which is addressed in the report recommendation by reference to Regulation 21 of the Local Government (Procedures at Meetings) Regulations.

Council should consider the extent to which it considers it to be appropriate to authorise negotiation over and above an independently determined market value and compensation offer. However, the actual values involved, whilst proportionately significant, are relatively minor and as referenced in the background the compensation components are somewhat subjective.

### **STRATEGIC PLAN**

N/A

### **COUNCIL POLICY**

Council policy [Procurement and Disposal of Land and Assets P420](#) specifically excludes the purchase of land by Council, however the objectives of this policy are relevant to the proposed land acquisition, including making decisions with probity, accountability and transparency and ensuring compliance with all relevant legislation and enhancing value for money through fair, competitive, non-discriminatory procurement and disposal.

### **ECONOMIC IMPLICATIONS**

N/A

### **ENVIRONMENTAL IMPLICATIONS**

The proposal in this report is not considered to have any direct environmental implications.

### **SOCIAL IMPLICATIONS**

The proposal in this report is not considered to have any direct social implications.

### **CULTURAL IMPLICATIONS**

The proposal in this report is not considered to have any cultural implications

### **RESOURCE IMPLICATIONS**

The proposal in this report is not considered to have any significant resource implications.

### **VALUE FOR MONEY**

N/A



## **RISK IMPLICATIONS**

The key risks in this specific matter are the risk of offering an unreasonably high purchase value to secure the subject land required for road purposes, whilst balancing this with the potential benefits associated with a private purchase agreement and avoiding the matter proceeding to the court under the provisions of the Land Acquisition Act 1969.

It should be noted however that the road opening and land acquisition processes are ordinary statutory processes used regularly in such instances, providing both the Council and the landowner with certainty of process, and a defined point from which the land is accessible for road purposes.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

The proposal in this report is not considered to have any equality and diversity implications.

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

Council will continue to engage with the owner of the subject land to reach private agreement with respect to the value and transfer of the land, disturbance caused and re-instatement of the boundary.

## **IMPLEMENTATION STRATEGY**

Council to continue to proceed with a Road Process under the Roads (Opening and Closing) Act 1991 to open a portion of the subject land while concurrently negotiating an agreement with the property owner to either create the road by land division or continue the commenced Road Process.

If an agreement cannot be reached, the Council advise the landowner of the compensation offered to them and lodge that amount to the relevant Court under the Land Acquisition Act 1969.

## **CONCLUSION AND RECOMMENDATION**

That in light of the updated recommended compensation amount, Council consider revising the resolved amount of \$15,000 that the Chief Executive Officer is authorised to negotiate with the owners of 181 Pinehall Avenue, Suttontown to acquire the required land by agreement.

## **ATTACHMENTS**

Nil



**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR21/28521 Road Opening Process - Pinehall Avenue and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b), (d) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL



**MINUTES OF PEOPLE AND PLACE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON MONDAY, 7 JUNE 2021 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Frank Morello (Presiding Member), Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood

**OFFICERS IN ATTENDANCE:**

Acting Chief Executive Officer	- Ms B Cernovskis
General Manager Shared Services	- Mr D Barber
General Manager City Growth	- Mr T Coote
Acting General Manager Community Wellbeing	- Mrs G Davison
Manager Development Services	- Mrs T Tzioutziouklaris
Manager Governance and Property	- Mr M McCarthy
Executive Administrator Community Wellbeing	- Ms A Lavia

## 7 CONFIDENTIAL ITEMS

### 7.1 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/28521

#### COMMITTEE RESOLUTION

Moved: Cr Frank Morello  
Seconded: Cr Max Bruins

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the People and Place Committee orders that all members of the public, except Mayor L Martin, Councillors F Morello, K Amoroso, M Bruins, C Greco and B Hood and Council Officers B Cernovskis, D Barber, T Coote, G Davison, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR21/28521 Road Opening Process - Pinehall Avenue.

The People and Place Committee is satisfied that, pursuant to section 90(3) (a), (b), (d) and (i) of the Act, the information to be received, discussed or considered in relation to the 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)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party

- 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

The People and Place Committee 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 information to be considered relates to the valuation of land and compensation for a compulsory acquisition of land for road opening purposes for which is reasonably considered will result in litigation.

**CARRIED**

### **COMMITTEE RESOLUTION**

Moved: Cr Max Bruins  
Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR21/28521 titled 'Road Opening Process - Pinehall Avenue' as presented on 07 June 2021 be noted.
2. That,
  - having considered Report No. AR21/28521 Council confirms part 4 of resolution 2021/92 dated 20 April 2021 that the Chief Executive Officer be authorised to negotiate with the owners of 181 Pinehall Avenue, Suttontown up to the value of \$10,000 to acquire the required land by agreement.

**CARRIED**

### **COMMITTEE RESOLUTION**

Moved: Cr Max Bruins  
Seconded: Cr Ben Hood

#### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR21/28521 Road Opening Process - Pinehall Avenue and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b), (d) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**





Civic Centre, 10 Watson Terrace  
Mount Gambier SA 5290

PO Box 56  
Mount Gambier SA 5290

Telephone 08 87212555  
Facsimile 08 87249791  
[city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

[mountgambier.sa.gov.au](http://mountgambier.sa.gov.au)

**I hereby give notice that a Council Meeting will be held on:**

**Date: Tuesday, 15 June 2021**  
**Time: 6.00 p.m.**  
**Location: Council Chamber**  
**Civic Centre**  
**10 Watson Terrace**  
**Mount Gambier**

# **CONFIDENTIAL AGENDA**

**Council Meeting**  
**15 June 2021**

A handwritten signature in black ink, appearing to read "Barbara Cernovskis", is placed over a light grey rectangular background.

**Barbara Cernovskis**  
**Acting Chief Executive Officer**  
**11 June 2021**

## 27.2 Road Opening Process - Pinehall Avenue

### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, D Barber, T Coote, M McCarthy, S McLean, E Solly and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/28521 Road Opening Process - Pinehall Avenue.

The Council is satisfied that, pursuant to section 90(3) (a), (b), (d) and (i) of the Act, the information to be received, discussed or considered in relation to the 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)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 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

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 information to be considered relates to the valuation of land and compensation for a compulsory acquisition of land for road opening purposes for which is reasonably considered will result in litigation.

#### **RECOMMENDATION**

1. That People and Place Committee Report No. AR21/28521 titled 'Road Opening Process - Pinehall Avenue' as presented on 07 June 2021 be noted.
2. That,
  - having considered Report No. AR21/28521 Council confirms part 4 of resolution 2021/92 dated 20 April 2021 that the Chief Executive Officer be authorised to negotiate with the owners of 181 Pinehall Avenue, Suttontown up to the value of \$10,000 to acquire the required land by agreement.

#### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR21/28521 Road Opening Process - Pinehall Avenue and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b), (d) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.



**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 15 JUNE 2021 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	Acting General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Manager Governance and Property	- Mr M McCarthy
	Media and Communications Coordinator	- Ms S McLean
	Property Support Officer	- Mrs E Solly
	Executive Administrator Community Wellbeing	- Ms A Lavia
	Executive Administrator City Infrastructure	- Ms S Wilson

**27 CONFIDENTIAL ITEMS OF COMMITTEES**

**27.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 7 JUNE 2021**

**27.2 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/28521**

**RESOLUTION 2021/146**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, S McLean, E Solly, A Lavia and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/28521 Road Opening Process - Pinehall Avenue.

The Council is satisfied that, pursuant to section 90(3) (a), (b), (d) and (i) of the Act, the information to be received, discussed or considered in relation to the 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)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or

- proposing to conduct business; or
- to prejudice the commercial position of the Council

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 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

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 information to be considered relates to the valuation of land and compensation for a compulsory acquisition of land for road opening purposes for which is reasonably considered will result in litigation.

**CARRIED**

#### **RESOLUTION 2021/147**

Moved: Cr Frank Morello  
Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR21/28521 titled 'Road Opening Process - Pinehall Avenue' as presented on 07 June 2021 be noted.
2. That,
  - having considered Report No. AR21/28521 Council confirms part 4 of resolution 2021/92 dated 20 April 2021 that the Chief Executive Officer be authorised to negotiate with the owners of 181 Pinehall Avenue, Suttontown up to the value of \$10,000 to acquire the required land by agreement.

**CARRIED**



**RESOLUTION 2021/148**

Moved: Cr Max Bruins  
Seconded: Cr Sonya Mezinec

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR21/28521 Road Opening Process - Pinehall Avenue and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b), (d) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**