



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

mountgambier.sa.gov.au

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

Date: Tuesday, 6 April 2021
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

People and Place Committee Meeting 6 April 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
1 April 2021

6 CONFIDENTIAL ITEMS

6.1 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/12277

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, B Hood, P Jenner, S Mezinac and S Perryman 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 6.1 AR21/12277 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 compulsory acquisition of land for road opening purposes for which the owner has not engaged in negotiations and it is reasonably considered will result in litigation.



6.1 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/12277

Committee:	People and Place Committee
Meeting Date:	6 April 2021
Report No.:	AR21/12277
CM9 Reference:	AF19/328
Author:	Elisa Solly, Property Support Officer
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	This report presents a recommendation to commence a road opening process for road upgrade purposes.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

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. AR21/12277 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.

CONFIDENTIAL



TYPE OF REPORT

Corporate

BACKGROUND

Council has identified a need to upgrade the intersection of O'Leary Road and Pinehall Avenue, Suttontown. To facilitate this upgrade, it is necessary that Council acquire approximately 392 square metres of the property situated at 181 Pinehall Avenue, Suttontown (**Attachment 1**).

The subject property is located on the southern side of Pinehall Avenue and the eastern side of O'Leary Road. The intended acquisition land is irregular in shape and situated in the north western corner of the site extending 20.4 metres along O'Leary Road and 72 metres along Pinehall Avenue with a corner cut off of 13.4 metres (**Attachment 2**).

The proposed land to be acquired comprises of lawn, established trees, a portion of the property's driveway and fencing. It does not form part of the residential dwelling and as per a valuation report prepared by Opteon Property Group undertaken on 11 November 2020 it is not considered to materially impact on the value of improvements to the property.

Council has approached the owners of 181 Pinehall Avenue to discuss the land acquisition and the question of compensation for the land and disturbance caused. After initial consultation with the owners, Council received notification that legal representation had been engaged and moving forward all correspondence should be directed to the lawyer.

The valuation report was forwarded to the lawyer acting on behalf of the owners on 25 November 2020 and subsequent communications dated 11 December 2020 and 19 February 2021 have not been acknowledged or responded to.

PROPOSAL

It is proposed that Council acquire a portion of the subject land of approximately 392 m² to facilitate the upgrade of the intersection of O'Leary Road and Pinehall Avenue for road widening purposes as per the plan shown in **Attachment 2**.

In the absence of an agreement with the affected property owner it is proposed that a Road Process be commenced under the Roads (Opening and Closing) Act 1991 and the Land Acquisition Act 1969 and that notice be given that Council intends to compulsorily acquire the necessary portion of land at 181 Pinehall Avenue for the purpose of upgrading the intersection of O'Leary Road and Pinehall Avenue.

Council would be responsible for the re-instatement costs associated with the land acquisition including the relocation of perimeter fencing, landscaping and all costs incurred to engage a surveyor and conveyancer to prepare and lodge necessary documentation as well as any costs that might arise from a legal dispute with regard to the acquisition or land valuation.

Council officers would continue to pursue agreement with the property owner, however the formal acquisition process provides a degree of certainty to achieving an outcome in a timely manner.

LEGAL IMPLICATIONS

The provisions of the Roads (Opening and Closing) Act 1991 enable Council to commence a Road Process to open portions of privately owned land as road. A process commenced under this Act enables notification to be made on the land and the owner of an intention to compulsorily acquire land, enabling the protection of Council's interest including by registration of a caveat on the land.

At the same time Council may negotiate a private agreement with the property owner to enable the creation of road by land division or the commenced Road Process. Council will be required to consider any objections to the road process prior to making a Road Process Order.

Legal interest in the subject land will vest with Council as road upon the deposit of a plan of division or the gazetted confirmation of the Road Process Order.



In the case of a Road Process Order, as an acquiring authority Council must negotiate in good faith with the land owner in respect to compensation payable for the loss of land and any other loss relevant under the Land Acquisition Act 1969. The requirements of the Act are engaged upon the gazetted confirmation of Council's Road Process Order. If agreement has not been reached at that point then Council must advise the land owner of the compensation amount offered and lodge that amount to the relevant Court and follow the steps set out in the Land Acquisition Act 1969.

STRATEGIC PLAN

The Strategic Plan for the City of Mount Gambier outlines Council's commitment to;

Goal 2 – Our Location

2.1 Infrastructure development and managing our current assets.

2.1.1 Working with the community to ensure our CBD, health and education precincts, our streets and our public spaces are safe, inviting and support a positive image of the City of Mount Gambier.

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

The economic implications for this proposal may significantly vary depending on whether prior agreement can be reached with the owners of the land, or if the matter requires the compulsory land acquisition process to be invoked and proceeds to the relevant court for determination.

Financial implications to Council will include the purchase of the land and any costs associated with the disturbance to the owners, engagement of a surveyor and conveyancer to prepare and lodge documentation, the re-instatement of perimeter fencing and associated landscaping, and any unavoidable legal costs that could arise in relation to the progression and finalisation of the matter.

The independent land value and compensation assessment provides for a total compensation to the owner in the amount of \$13,000. This amount does not include out-of-pocket and re-instatement expenses incurred by Council.

In the interests of achieving a timely solution it is recommended Council Officers be authorised to negotiate a private purchase agreement to the value of \$15,000 (being 5 times the value of the required land) if the road opening can be achieved by way of a land division.

Should it be necessary to invoke the full compulsory land acquisition provisions associated with both the Roads (Opening and Closing) Act 1991 and Land Acquisition Act 1969 then the formal offer for submission to the relevant Court would be the \$13,000 as independently determined by a Valuer. Council might expect to incur further legal and valuation costs if this course of action ensues.

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

Apart from the identified resource implications for the proposed land acquisition being the purchase of the land and any costs associated with the disturbance of the owners, engagement of a surveyor



and conveyancer to prepare and lodge documentation, the re-instatement of perimeter fencing and associated landscaping.

Other resources would be predominantly administrative in nature unless legal support is required for the compulsory land acquisition.

VALUE FOR MONEY

While Council has budgeted funds for land acquisition, it is beneficial that agreement be reached with the owners of the land as the compulsory acquisition process will become more costly.

RISK IMPLICATIONS

Council has identified the need for an upgrade of this intersection. Whilst the risk associated with the compulsory land acquisition process is real and may be preferably to avoid, this must also be balanced against the safety risks associated with the intersection upgrade.

EQUALITIES AND DIVERSITY IMPLICATIONS

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

ENGAGEMENT AND COMMUNICATION STRATEGY

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

IMPLEMENTATION STRATEGY

Council commence a Road Process under the Roads (Opening and Closing) Act 1991 to open a portion of the subject land as road 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

Council have identified a need for an upgrade of the intersection of Pinehall Avenue and O'Leary Road.

To achieve this it is proposed that Council acquire approximately 392 m² of privately owned land situated at 181 Pinehall Avenue, Suttontown.

This report recommends that Council commence a Road Process under the Roads (Opening and Closing) Act 1991 and the Land Acquisition Act 1969 to enable the land to be put on notice in a manner of an intention to compulsorily acquire the land for the purpose of widening of the road.

This report also recommends that Council concurrently negotiate with the property owners to reach a private agreement for the creation of road by land division that would include compensation for the value of the land, disturbance caused, and the re-instatement of associated fencing and landscaping.

ATTACHMENTS

1. Aerial Map - 181 Pinehall Avenue, Suttontown [↓](#)
2. Extent of Land Acquisition - Plan - 181 Pinehall Avenue, Suttontown [↓](#)
3. Opteon Valuation Report - 181 Pinehall Avenue, Suttontown [↓](#)



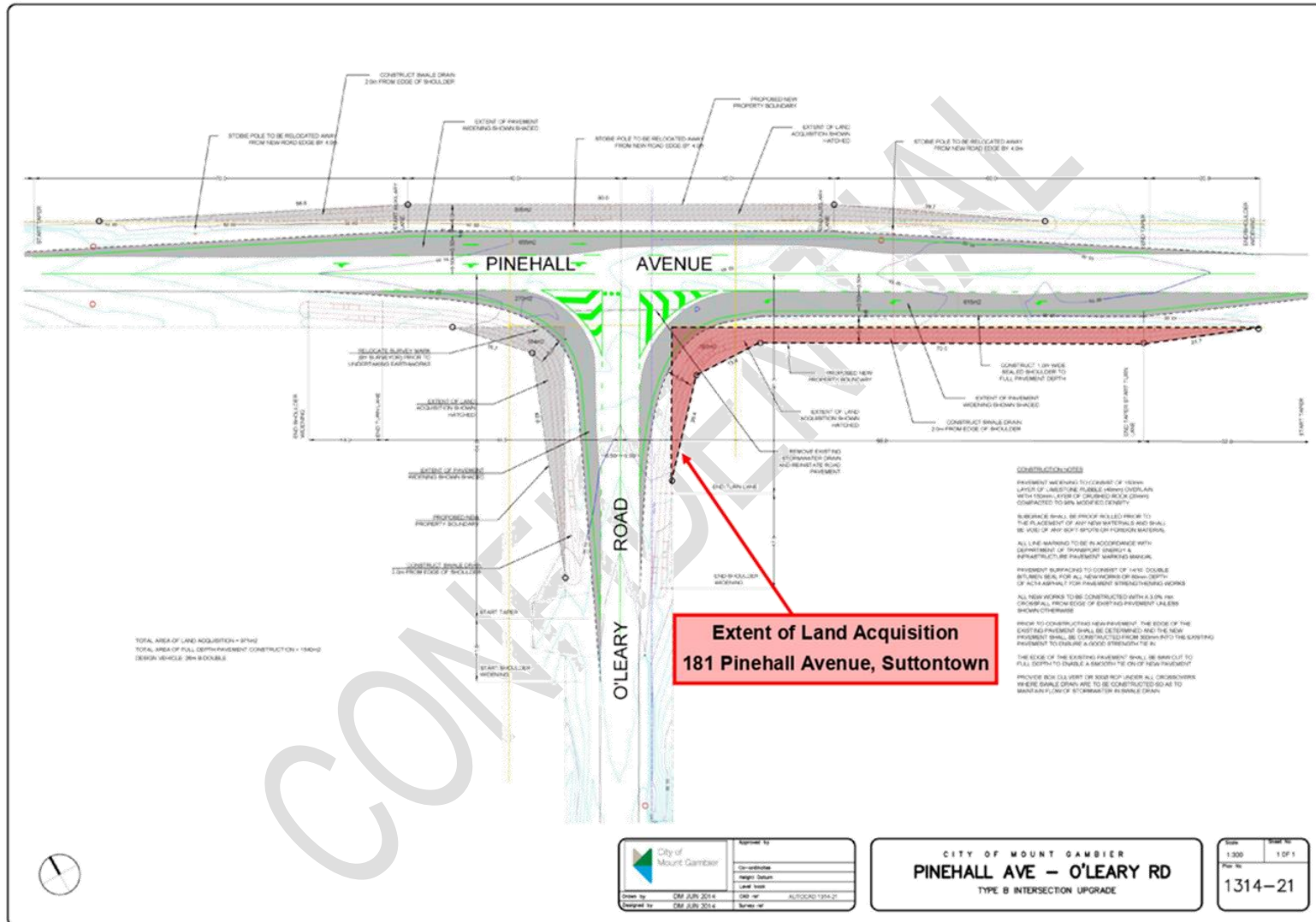


181 Pinehall Avenue, Suttontown



Map Zoom: 779.8 m
Plot Date: Monday, 29 March 2021







SOLUTIONS WITH EXCELLENCE

www.opteonsolutions.com

Valuation Report

Assessment of Compensation
Partial Property Acquisition
181 Pinehall Avenue
Suttontown, South Australia 5291

File Ref: 11416264





VALUATION REPORT



181 Pinehall Avenue
Suttontown, South Australia 5291

Prepared For	City of Mount Gambier
Report Purpose	Acquisition purposes
Valuation Date	11 November 2020
Our Reference	11416264
Inspection Type	Partial Property Inspection

Opteon Property Group Pty Ltd
ABN 78 144 732 589
GPO Box 11022 Adelaide, SA, 5001

P 1300 40 50 60 E info@opteonsolutions.com
F (08) 8267 3160 W www.opteonsolutions.com

SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



1.0 Valuation Summary

1.1 Scope of Work and Instructions

Identity of Valuer	Opteon Property Group Pty Ltd
Independence of Valuer/Disclosure	Unless otherwise disclosed, the valuer does not have any material connection or involvement with the subject property or the parties to the valuation that could limit the valuer's ability to provide an unbiased and objective valuation. The valuation has been assessed independently by the valuer without material assistance from others.
Instructing Party	Sinaway Georgiou, City of Mount Gambier
Client	City of Mount Gambier
Property Address /Asset Valued	181 Pinehall Avenue, Suttontown, South Australia 5291
Valuation Currency	This valuation has been assessed in Australian dollars (\$AUD).
Valuation Purpose and Restrictions on Use	<p>Acquisition purposes</p> <p>This report has been prepared for the private and confidential use of our client, City of Mount Gambier and the nominated other authorised users, for the specified purpose and it should not be relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. The report should not be reproduced in whole or part without the express written authority of Opteon Property Group Pty Ltd. Our warning is registered here, that any party, other than those specifically named in this report as our client or authorised user should obtain their own valuation before acting in any way in respect of the subject property.</p>
Inspection	In order to complete the valuation a sufficiently comprehensive inspection of the property has been completed. Given the improvements on site are not affected by the proposed acquisition, we have not inspected the dwelling or site improvements.
Specific Instructions	<p>To assess compensation payable pertaining to the partial acquisition of the property known as 181 Pinehall Avenue, Suttontown, SA. We understand the Council are hoping to negotiate amicably with the owner, however if negotiations are unsuccessful they may go down the path of compulsory acquisition in accordance with the provision of Section 25 of the Land Acquisition Act, 1969. Specifically, we are instructed to assess:</p> <ul style="list-style-type: none"> • The actual value of the subject land, and • The loss occasioned by reason of severance, disturbance or injurious affection
Basis of Value	Market Value
Extent of Valuers' Work and Limitations	<p>The extent of investigation undertaken by the valuer in completing the valuation has included:</p> <ul style="list-style-type: none"> • collation of information from relevant parties regarding the subject property; • undertaking our own research regarding the subject property; • an inspection of the property and measurement of buildings where required; • undertaking market research in terms of values and/or costs of similar properties; • preparation of valuation calculations, and; • preparation of this report; <p>This valuation has been based on information supplied which is assumed to have been provided in good faith and contain a full and frank disclosure of all information that is relevant to the valuation of the property. The valuer has not undertaken due diligence or verification of the information supplied.</p>
Compliance/Departures with Valuation Standards	This valuation has been prepared in accordance with the International Valuation Standards and other applicable Valuation Standards.

SOLUTIONS WITH EXCELLENCE

Page 3

Liability limited by a scheme approved under Professional Standards Legislation



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



1.2 Property Details

Property Description	<p>The parent property comprises a Residential zoned allotment of 8.09 hectares situated to the corner of Pinehall Avenue and O'Leary Road. The site is improved with a conventional style dwelling built circa early 2000's.</p> <p>Pursuant to the Pinehall Avenue/O'Leary Road Intersection Upgrade plan, it is intended a portion of the property will be acquired by the Mount Gambier City Council. The land to be acquired is depicted on the Plan appended to this report. The intended acquisition land is irregular in shape and comprises the land to the north western corner of the site, extending some 20.4 metres along O'Leary Road, 72.0 metres along Pinehall Avenue and a corner cut off of 13.4 metres. Total site area to be acquired is approximately 392 square metres.</p> <p>The acquisition land comprises of lawn, established trees, portion of the subject property's driveway and the front perimeter fence. It appears the acquisition land also contains the gas and water meters however with no survey markers on site at the date of inspection we are unable to confirm this. The land rises slightly above the road grade. The land to be acquired is not utilised as part of the residential dwelling and is not considered to materially impact on the value of improvements on the subject property. Therefore we have not internally inspected the improvements.</p>
Title Reference	Allotment 132 in Filed Plan 194744 Volume 5368 Folio 920
Tenure Type	Freehold
Registered Proprietor	Steven Leslie Simmonds and Marian Catherine Simmonds as joint tenants
Encumbrances	Mortgage 8608160 to Australia and New Zealand Banking Group Ltd.
Zoning	Residential within Policy Area 8 - Suttontown Road

1.3 Assumptions and Recommendations

Significant Assumptions	<ul style="list-style-type: none"> • The instructions and information supplied contain a full disclosure of all information that is relevant; • Our Valuation and Compensation Assessment excludes owner incurred legal and valuation fees relating to the proposed acquisition • We assume the Mount Gambier City Council will be responsible for reasonable reinstatement costs as part of accommodation works in addition to the compensation assessed herein, including (but not limited to) the relocation of services, rebuilding of perimeter fencing and landscaping. • Our valuation is based on the land areas as shown on the plan provided. • In the absence of a formal land survey, our valuation assumes that the fenced boundaries substantially accord with the Title boundaries and that there are no claims for adverse possession by the subject property of adjoining owners • All values are exclusive of GST.
Recommended Documents to Sight	None recommended



181 Pinehall Avenue
 Suttontown, South Australia 5291
 Our Reference: 11416264



1.4 Valuation and Compensation Assessment

Total Compensation:	\$13,000
This amount is apportioned as follows:	
Market Value of Land to be Taken:	\$3,000
Injurious Affection	\$5,000
Disturbance:	\$5,000

Interest Valued	Fee simple vacant possession
Date of Inspection	11 November 2020
Date of Valuation	11 November 2020
Date Issued	19 November 2020
Pecuniary Interest	We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property.

Signatories

Jessica Kilsby
 Commercial Valuer
 AAPI CPV
 API No: 64409
Primary Valuer

Important	<i>This Executive Summary must be read in conjunction with the remainder of this report. The Executive Summary is only a synopsis designed to provide a brief overview and must not be acted upon in isolation to the contents of the valuation report.</i>
Digital Copies of Reports	<i>Where a report has been provided in digital copy and has not been received directly via our firm, the report contents, especially the valuations and critical assumptions, should be verified by contacting the issuing office to ensure the contents are bona fide. In particular if the reader of this report has suspicions that the report appears to be tampered or altered then we recommend the reader contact the issuing office.</i>
Reliance on Whole Report	<i>This valuation should be read in its entirety, inclusive of any summary and annexures. The valuer and valuation firm does not accept any responsibility where part of this report has been relied upon without reference to the full context of the valuation report.</i>



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



2.0 Date of Valuation

Valuation Date	11 November 2020
Date of Inspection	11 November 2020
Expiry of Valuation	This valuation is current as at the Date of Valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value.

3.0 Location

The subject property is located on the corner Pinehall Avenue and O'Leary Road within the rural residential suburb of Suttontown. Suttontown is located on the fringe of Mount Gambier and is located approximately 4.0 kilometres north east of the city centre.

The subject property is located in a rural residential district, comprising a mix of rural-residential lifestyle type properties and larger rural landholdings of a complementary nature.

Location Map



SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation

Page 6



181 Pinehall Avenue
 Suttontown, South Australia 5291
 Our Reference: 11416264

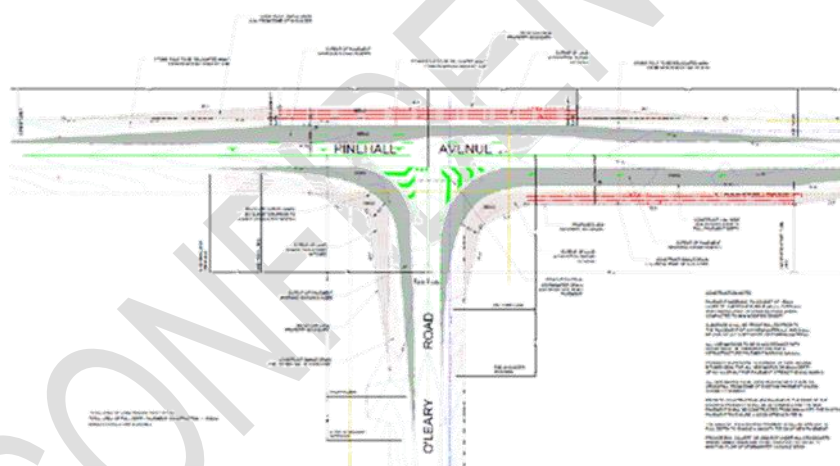


Specific Location Map



Sourced from SAPPA

Proposed Acquisition Land



Plan provided from Mount Gambier City Council

4.0 Planning

Local Government Area	Mount Gambier City Council
Planning Scheme	Mount Gambier City Council Development Plan – as appended to this report
Current Zoning	Residential within Policy Area 8 - Suttontown Road
Existing Use	Rural residential
Zoning Effect	Existing use appears to conform. Based on min frontage / land area, the site would appear to provide potential for further land division (subject to council consent).
Heritage Issues	Not applicable

SOLUTIONS WITH EXCELLENCE

Page 7

Liability limited by a scheme approved under Professional Standards Legislation



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



Highest and Best Use The highest and best use for the subject property is for a rural lifestyle property like it is currently used, however noting it may have potential for further land division (subject to council consent).

5.0 Site

Site Description Regular shaped corner allotment with a slight slope up to the rear, having a site area of 8.09 hectares or 80,900 square metres.
We note the proposed Acquisition Plan indicates the land to be acquired has a site area of 392 square metres.

Access The subject is located on the southern side of Pinehall Avenue and the eastern side of O'Leary Road, having good sealed road access.

Identification Title search statement in conjunction with online Cadastral Plan and the proposed acquisition plan.

Source of Land Area The acquisition land area has been sourced from the Proposed Acquisition Plan.

5.1 Encroachments

Assumption Our valuation is based on the Title land area and assumes that the fenced boundaries substantially accord with the Title boundaries and that there are no claims for adverse possession by adjoining owners.

5.2 Services

Services Electricity, telephone, town water, tank water, bottled gas, septic tank are all assumed to be connected.

6.0 Photography



O'Leary Road Frontage



Pinehall Avenue Frontage

SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation

Page 8



181 Pinehall Avenue
 Suttontown, South Australia 5291
 Our Reference: 11416264



Pinehall Avenue Frontage



Pinehall Avenue Frontage

7.0 Improvements

The parent property is improved with a circa early 2000's built conventional style dwelling. The land to be acquired includes a corner cut off situated adjacent Pinehall Avenue and O'Leary Road. The subject land to be acquired is not utilised as part of the residential dwelling and is not considered to materially impact on the value of improvements on the subject property. Therefore we have not internally inspected the improvements.

8.0 Environmental Issues

Current Use	Rural/Residential lifestyle property.
Past Use	Unknown.
API List of Potentially Contaminating Activities	The current land use is not listed on the API List of Potentially Contaminating Activities, Industries and Land Uses.
Site Observations	The parent property is utilised in a rural residential capacity. No obvious signs of contamination were evident from our limited scope inspection. At the time of our inspection we did not observe any signs or evidence of contamination or potential contamination. The parent property is not listed on the EPA's contaminated sites register.
Contamination Assumption	Our valuation has been based upon the assumption that there are no actual or potential contamination issues affecting the parent property which could prevent the continuation of the existing rural residential land use. However, should a more thorough and detailed examination be required, we recommend an Environmental Engineer be consulted. Should contamination issues be identified, we reserve the right to review and amend this report as considered appropriate.
Asbestos Assumption	Our valuation has been based upon the assumption that there are no asbestos products on the parent property requiring urgent removal for health and safety purposes. However, should a more thorough and detailed examination be required, we recommend an appropriately qualified expert be consulted. Should asbestos containing materials be identified, we reserve the right to review and amend this report as considered appropriate.

9.0 Market Commentary

COVID-19 has caused major economic disruption and the economy is being supported by economic stimulus. With a weak outlook, it could take many years for the economy to recover from recession.

SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation

Page 9



181 Pinehall Avenue
 Suttontown, South Australia 5291
 Our Reference: 11416264



Residential property is continuing to transact although a key determinant of activity is the level of restrictions where higher restrictions impact more heavily on loss of employment and lower consumer sentiment. We note at the time of preparing this report, COVID restrictions are being escalated in South Australia to contain the spread of the virus and limit the impact of a 'second wave' of infections, which to date have been confined to metropolitan Adelaide.

Market Volatility:

The location of outbreaks and restriction responses cannot be predicted with certainty and for these reasons and others, the residential market might be considered susceptible to volatility and especially falling prices. A potential emerging influence on market conditions are property owners who have taken the opportunity to defer mortgages. A rise in decisions to sell and the increase in distressed sales leading up to March 2021 and beyond could add to downward price pressure in those locations where it becomes prevalent. The values within this report may change significantly and unexpectedly over a relatively short period of time (including because of factors that the Valuer could not reasonably have known as at the date of valuation).

Market conditions are changing and there remains some market uncertainty notwithstanding real estate markets tend to be comparatively less volatile than other financial markets. The impact on property markets will vary across property classes such as residential, commercial, industrial, hospitality, agriculture etc. Past cycles indicate there is a lag for when real estate markets react to economic events. In the short term there may be reduced demand, withdrawal of property from the market or reluctance by vendors to adjust prices, resulting in longer selling periods and fewer transaction volumes.

10.0 Market Evidence

In forming our opinion of value we have had regard to various sales transactions, a selection of which are detailed below.

Property	Allotment 5 Glenelg River Road, Wye, SA
Sale Price	\$262,200
Sale Date	06-Nov-20
Site Area	3.20 ha or 32,000 sqm
Sale Status	Settled
Zoning	Rural
Property Description	A rural residential allotment of 3.2 hectares comprising a colorbond shed of 108 square metres together with a timber hut and a rainwater tank.
Analysis	After deducting a value for the shed of \$42,200 the land component of \$220,000 further equates to a rate of \$6.88 per square metre.
Comparability	Inferior location further out of town than the subject, smaller allotment, inferior zoning, improved with a shed. The land component considered to reflect a comparable site rate to the subject.



181 Pinehall Avenue
 Suttontown, South Australia 5291
 Our Reference: 11416264



Property	Allotment 61 Buck Road, Moorak, SA
Sale Price	\$175,000
Sale Date	14-Jul-20
Site Area	1.961 ha or 19,610 sqm
Sale Status	Settled
Zoning	Primary Production
Property Description	A primary production zoned allotment of 1.94 hectares, of rectangular shape and very slight slope up to the rear. Power available to the site.
Analysis	Sale price considered to reflect a rate of \$8.92 per square metre of site area.
Comparability	Comparable location attributes, smaller site, inferior zoning. Considered to reflect a higher site rate than the subject.

Property	Allotment 122 Sassanowsky Road, Suttontown, SA
Sale Price	\$235,000
Sale Date	10-Jan-20
Site Area	2.020 ha or 20,200 sqm
Sale Status	Settled
Zoning	Rural Living
Property Description	A rural living zoned vacant allotment of 2.02 ha, situated on the corner of Ascott Way. Rectangular shaped site of level topography.
Analysis	Sale price reflects a rate of \$11.63 per square metre of site area.
Comparability	Comparable location attributes, smaller site, inferior zoning. Considered to reflect a higher site rate than the subject.

SOLUTIONS WITH EXCELLENCE

Page 11

Liability limited by a scheme approved under Professional Standards Legislation



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



Property	Allotment 13 Gladigau Road, Mount Gambier, SA
Sale Price	\$242,000
Sale Date	06-Dec-19
Site Area	3.816 ha or 38,160 sqm
Sale Status	Settled
Zoning	Residential
Property Description	A slightly irregular shaped Residential zoned allotment situated towards the northern end of Mount Gambier's main city centre. The allotment has a site area of 3.816 hectares and is slightly undulating. Surrounding development includes, residential, rural residential and the Mount Gambier Market Place Shopping Centre at the rear of the site.
Analysis	Sale price reflects a rate of \$6.34 per square metre of site area.
Comparability	Comparable Residential zone, smaller allotment, undulating site, superior location in terms of access to local amenities. Considered to reflect a comparable site rate to the subject.

Property	Allotment 100 O'Leary Road, Mount Gambier, SA
Sale Price	\$70,000
Sale Date	10-Sep-19
Site Area	1.218 ha
Sale Status	Settled
Zoning	Residential
Property Description	A vacant residential zoned allotment of 1.218 hectares providing a land locked site of irregular shape. The property was purchased by an adjoining owner developer who has subdivided the land as a stage 2 development and is selling off as courtyard size allotments.
Analysis	Sale price equates to a rate of \$5.75 per square metre of site area.
Comparability	Comparable Residential zone, smaller allotment, land locked site, comparable location. Considered to reflect a slightly lower site rate to the subject.



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



Property	18 Duigan Street, Mount Gambier, SA
Sale Price	\$110,000
Sale Date	22-Oct-18
Site Area	1.131 ha
Sale Status	Settled
Zoning	Residential
Property Description	An irregular shaped site of level topography having a site area of 1.131 hectares, positioned at the end of a cul-de-sac, adjoining Mount Gambier High School.
Analysis	Sale price equates to a rate of \$10 per square metre of site area.
Comparability	Comparable Residential zone, smaller allotment, superior location. Considered to reflect a higher site rate compared to the subject.

11.0 Valuation Considerations

In undertaking the valuation, more particularly the market value of the parent property (land only) in the first instance, consideration has been given to the following issues.

- The nominal land area of the proposed acquisition land, being approximately 392 square metres.
- Current market sentiment for vacant residential land in Mount Gambier and the surrounding suburbs, including uncertainty pertaining to the COVID-19 pandemic;
- The locational attributes of the parent property from a residential perspective;
- The physical attributes of the parent property, including overall allotment size, frontage and contour; and
- The price range of the parent property.



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



12.0 Valuation Methodology and Compensation Assessment

12.1 Methodology

In assessing the compensation payable to the Registered Proprietor in relation to the partial acquisition, we have adopted the 'Piecemeal' Approach.

The 'Piecemeal' approach requires the various 'heads' of compensation to be assessed individually. This includes the actual value of the subject land (market value of the land to be acquired), the appropriate amounts for severance (if applicable) and injurious affection (if applicable), and the amount for disturbance being all other consequential losses.

The area of interest, more particularly the land to be acquired, comprises approximately 392 square metres of land improved with lawn, established trees, portion of the subject property's driveway and the front perimeter fence. The acquisition land represents some 0.48% of the site. The parent property is improved with a circa early 2000's built conventional style dwelling which is not impacted materially by the partial acquisition.

12.2 'Piecemeal' Approach

As previously described, this methodology involves calculating a Market Value of the land to be acquired and then separate amounts attributable for Severance, Injurious Affection and Disturbance.

12.3 Market Value of the Land to be Acquired

The methodology adopted to determine the actual value of the subject land is the Market Approach (Comparable Transactions Method) whereby the market value of the parent property (land only) has been determined in the first instance to derive the pro-rata rate (\$/sqm of site area) to apply to the land to be acquired. After consideration of the above detailed sales evidence, we consider the market value of the parent property (land only) is between \$6.00 and \$7.00 per square metre of site area. Cognisant of the purpose of the valuation, we have adopted \$7.00/sqm of site area, which when applied to the area of the land to be acquired (392 sqm) deduces a value of \$2,744. **We have adopted \$3,000 as the rounded Market Value of the Land to be Acquired.**

12.4 Severance

There is considered to be no loss occasioned by reason of severance. Accordingly, no sum has been awarded under this 'head' of compensation.

12.5 Injurious Affection

The assessment of Injurious Affection in this instance is quite subjective. The land being acquired will be utilised for road widening purposes. By bringing the road corridor somewhat closer to the existing dwelling, (albeit approximately 70 metres from the proposed road to the dwelling) we do not consider there will be a material increase in the level of noise or visibility of the road compared to the existing scenario. We note however given the established trees along O'Leary Road will be removed due to the road widening we consider there will be a slight reduction in the amount of privacy enjoyed and aesthetic appeal. The compensation for loss occasioned by reason of injurious affection is considered to be **\$5,000**.

12.6 Disturbance

In this instance, compensation for disturbance is a measure of the economic loss or costs anticipated to be sustained or incurred by the dispossessed owner as a direct, natural and reasonable consequence of the partial acquisition. Our considerations are as follows:

SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation

Page 14



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



- An allowance (lump sum) for the inconvenience and disruption caused by the acquisition process including the serving of acquisition notices, necessary dealings/attendance by the Registered Proprietor with the Acquiring Authority and/or their representatives and any incidental out of pocket expenses.
- The requirement of the Acquiring Authority to undertake accommodation works on-site.
- Noise, dust and general nuisance during construction of the Scheme.

The compensation for loss occasioned by reason of disturbance is considered to be **\$5,000**.

It is expected that measures will be implemented by the Acquiring Authority to keep disturbance associated with the construction of the Scheme to a minimum.

12.7 Compensation Summary

The 'Piecemeal' approach is summarised in the following table:

Piecemeal Approach	
Market Value of the Land to be Taken	\$3,000
Severance	\$0.00
Injurious Affection	\$5,000
Disturbance	\$5,000
Total Compensation	\$13,000

13.0 Goods & Services Tax

Treatment of GST All amounts and values expressed in this report are exclusive of GST unless otherwise specified.

GST Liability Liability for GST on the purchase of property is dependent upon:

- Whether the vendor is registered for GST;
- Whether the property was sold as part of conducting an "enterprise";
- If the sale of the property can be classified as the sale of a "going concern";
- An entity must be registered for GST where the enterprise's annual turnover is greater than \$75,000; and
- For residential property whether the property has previously been sold.

Notwithstanding the above, we make the following comments based on our knowledge of GST liability in relation to the subject property, and how we have treated GST in our valuation of the property. We consider a sale of the subject land is likely to be free of GST.

Recommendation If there is any uncertainty as to the GST treatment on the sale of a property then we recommend you seek further information regarding the nature of any potential transaction and parties involved and confirmation from a qualified accountant in relation to potential GST liability.



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



14.0 Valuation and Compensation Assessment

We are of the opinion that the compensation payable in relation to the partial acquisition of the property known as 181 Pinehall Avenue, Suttontown as at 11 November 2020, subject to the comments in this report, to be relied upon by Mount Gambier City Council for acquisition purposes, is assessed as follows:

Total Compensation:	\$13,000
This amount is apportioned as follows:	
Market Value of Land to be Taken:	\$3,000
Injurious Affection	\$5,000
Disturbance:	\$5,000

Once again we reiterate that we assume the Mount Gambier City Council will be responsible for reasonable reinstatement costs as part of accommodation works in addition to the compensation assessed herein, including (but not limited to) the relocation of services, rebuilding of perimeter fencing and landscaping.

Interest Valued	Fee simple vacant possession
Date of Inspection	11 November 2020
Date of Valuation	11 November 2020
Date Issued	19 November 2020

Signatories

Jessica Kilsby
Commercial Valuer
AAPI CPV
API No: 64409
Primary Valuer

Important

This valuation is subject to the definitions, qualifications and disclaimers and other comments contained within this report.



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



15.0 Assumptions, Conditions and Limitations

Condition/Structural Disclaimer	<i>This report is not a condition or structural survey and no advice is given in any way relating to condition or structural matters. Any opinion given as to the condition of the structure or improvements on the property is not given in the capacity as an expert. A condition or structural report on the building and/or its plant and equipment has not been sighted, and nor have we inspected unexposed or inaccessible portions of the premises. Therefore we cannot comment on the structural integrity, any defects, rot or infestation (or damage from pest infestation) of the improvements, any use of asbestos or other materials now considered hazardous or areas of non-compliance with the Building Code of Australia, other than matters which are obvious and which are noted within this report. This valuation assumes the building is structurally sound; that building services are adequate and appropriately maintained; the building complies with applicable Council, building, fire, health and/or safety regulations, laws, rules, licences, permits, rulings and/or bylaws; and is free of asbestos or other defects, unless specified otherwise. Should an expert's report establish that there are any defects of this kind then we reserve the right to review this valuation.</i>
Digital Copies of Reports	<i>Where a report has been provided in digital copy and has not been received directly via our firm, the report contents, especially the valuations and critical assumptions, should be verified by contacting the issuing office to ensure the contents are bona fide. In particular if the reader of this report has suspicions that the report appears to be tampered or altered then we recommend the reader contact the issuing office.</i>
Environmental Disclaimer	<i>This report is not an environmental audit and no advice is given in any way relating to environmental matters. Any comment given as to environmental factors in relation to the property are not given in the capacity as an expert. This assessment of value (unless specified otherwise) is made on the basis that the property is free of contamination or environmental issues affecting the property not made known to the valuer. In the event the property is found to contain contamination the matter should be referred to this office for comment. Given contamination issues can have a significant impact on the Market Value of the property, we reserve the right to review and if necessary vary our valuation if any contamination or other environmental hazard is found to exist.</i>
Full Disclosure Disclaimer	<i>Whilst we have attempted to confirm the veracity of information supplied, the scope of work did not extend to verification of all information supplied or due diligence. Our valuation and report has been prepared on the assumption the instructions and information supplied has been provided in good faith, is not in any way misleading or deceptive, contains a full disclosure of all information that is relevant, there are no undisclosed agreements in place that affect the property. The valuer and valuation firm does not accept any responsibility or liability whatsoever in the event the valuer has been provided with insufficient, false or misleading information.</i>
Future Value	<i>Any comments made in relation to future values are based on general knowledge and information currently available. These comments should not be construed as a prediction of future value levels or a warranty of future performance as the property market is susceptible to potential rapid and unexpected change caused by multiple factors. Ultimately current expectations as to trends in property values may not prove to be accurate. Due to possible changes in the property market, economic conditions, occupancy status and property specific factors, we recommend the value of the property be reassessed at regular intervals.</i>
Geotechnical Assumption	<i>We have not sighted a geotechnical engineers' survey of the property. We are not experts in the field of civil or geotechnical engineering and we are therefore unable to comment as to the geotechnical integrity of the ground and soil conditions. It is specifically assumed that there are no adverse geotechnical conditions that compromise the utility of the property for the current or highest and best use. In the event there is found to be adverse ground conditions we recommend the matter be referred to this Company for comment.</i>
GST	<i>GST does not apply to existing residential premises but may be payable for new residential premises. If there is any uncertainty as to the application of GST we recommend you seek advice from a qualified accountant or tax lawyer.</i>
Heritage Disclaimer	<i>Our valuation has been assessed having regard to the nature of any buildings on the property and any known heritage listings. However we have not obtained formal confirmation of heritage listings beyond what is available in the public domain and identified in this report. Our valuation assumes, unless otherwise specified, that any heritage issues (including Aboriginal) do not impact on the continued and/or highest and best use of the property. If there is doubt in relation to such issues we recommend written application be made to the relevant authorities.</i>
Inconsistencies in Assumptions	<i>If there is found to be any variance, inconsistency or contradiction in any of the above assumptions then there may be a variation in the valuation assessed.</i>



181 Pinehall Avenue
Suttontown, South Australia 5291
Our Reference: 11416264



Information Availability (Market Evidence)	<i>In preparing this valuation we have undertaken those investigations reasonably expected of a professional valuer having regard to normal industry practice so as to obtain the most relevant, available, comparable market evidence. Whilst we believe the market evidence information and any other information provided to be accurate, not all details can and have been formally verified. Due to privacy laws, confidentiality agreements and other circumstances beyond our control, the valuer may not have had access to: personal details of parties involved in transactions (including the relationship of the parties); information on recent transactions that are yet to become public knowledge; and copies of leases or contracts to confirm rents or prices and to ascertain whether or not rents or prices are inclusive or exclusive of GST.</i>
Land and Building Area Disclaimer	<i>In the event actual surveyed areas of the property are different to the areas adopted in this valuation the survey should be referred to the valuer for comment on any valuation implications. We reserve the right to amend our valuation in the event that a formal survey of areas differs from those detailed in this report.</i>
Market Change Disclaimer	<i>This valuation is current as at the Date of Valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Where the valuation is being relied upon for mortgage purposes, without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 90 days from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.</i>
Market Value	<i>The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.</i>
Native Title Assumption	<i>We are not experts in native title or the property rights derived there from and have not been supplied with appropriate expert advice or reports. Therefore, this valuation is made assuming there are no actual or potential native title interests affecting the value or marketability of the property.</i>
Planning Disclaimer	<i>Town planning and zoning information was informally obtained from the relevant local and State Government authorities and is assumed to be correct. This information does not constitute a formal zoning certificate. Should the addressee require formal confirmation of planning issues then we recommend written application be made to the relevant authorities to obtain appropriate current zoning certificates.</i>
Publication of Report	<i>The publication of the valuation or report in whole or any part, or any reference thereto, or the names and professional affiliations of the valuers is prohibited without the prior written approval of the valuer as to the form and context in which it is to appear.</i>
Reliance on Whole Report	<i>This valuation should be read in its entirety, inclusive of any summary and annexures. The valuer and valuation firm does not accept any responsibility where part of this report has been relied upon without reference to the full context of the valuation report.</i>
Site Survey Disclaimer	<i>This report is not a site survey and no advice is given in any way relating to survey matters. Any comments given in relation to the property are not given in the capacity as an expert. Should the addressee require absolute certainty in relation to site area, dimensions or possible encroachments we recommend that a surveyor be engaged to provide appropriate advice and a survey of the property if considered necessary. In the event there are any fundamental inconsistencies between any site survey undertaken and site detail adopted in this valuation, the survey should be referred to the valuer for comment on any valuation implications (including amendment of our valuation if considered necessary).</i>
Third Party Disclaimer	<i>This report has been prepared for the private and confidential use of our client, City of Mount Gambier and the nominated other authorised users, for the specified purpose and it should not be relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. The report should not be reproduced in whole or part without the express written authority of Opteon Property Group Pty Ltd. Our warning is registered here, that any party, other than those specifically named in this report as our client or authorised user should obtain their own valuation before acting in any way in respect of the subject property.</i>
Title and Unregistered Instruments	<i>For the purpose of this report we have assumed that the title information provided to us is correct. Our Valuation has been assessed assuming the property is only affected by encumbrances noted on Title with the exception of registered instruments (eg. mortgages or caveats) that are normally and expected to be discharged prior to transfer of the property. If there are any encumbrances, encroachments, restrictions, leases or covenants which are not noted on the title, they may affect the assessment of value. If there are errors or omissions found to exist on the title documents we should be notified and we reserve the right to review our valuation.</i>
Photographs and Imagery	<i>The photos used in this report may not have been taken by Opteon (Third Party Photos). Where possible, a photo or other imagery that has been sourced from a third party (other than the property contact who has not been attributed) has been attributed in this report to the source from which Opteon obtained the photo or image. Opteon makes no warranties or representations in respect of, and is unable to assign to you, any intellectual property rights subsisting in the Third Party Photos.</i>



181 Pinehall Avenue
Suttontown, SA 5291
Our Reference: 11416264



APPENDIX 1
INSTRUCTION TO PROCEED

CONFIDENTIAL

SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation



Jessica Kilsby

From: Sinaway Georgiou <SGeorgiou@mountgambier.sa.gov.au>
Sent: Thursday, 5 November 2020 11:09 AM
To: Quotes
Cc: Jessica Kilsby
Subject: FW: HPE CM: Quote: (Client Ref: TBA) 181 Pinehall Avenue Mount Gambier.
Requested by: Sinaway Georgiou
Attachments: Quote.pdf; Pinehall Avenue - O'Leary Road-A1 H.pdf; Purchase Order.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you have verified with the sender and know the content is safe.

Hi Jessica,

Please find attached an order number and copy of the intersection for the quoted job. Can you please confirm as per our discussion that the timeframe was approximately 2 weeks.

Regards

Sinaway Georgiou
Engineering Technical Officer

Civic Centre 10 Watson Terrace Mount Gambier
M 0407 609 168 / T 08 8721 2555
PO Box 56 Mount Gambier SA 5290



www.mountgambier.sa.gov.au

Warning : this email is intended only for the addressee(s) and may contain information that is confidential, subject to legal privilege, or protected by copyright. If you have received this in error, please notify the sender by reply email and delete this email from your system. You are not permitted to use, reproduce or disclose the contents of this email. No representation is made that this email is free of viruses. Virus scanning is recommended and is the sole responsibility of the recipient. Thank you.

From: quotes@opteonsolutions.com <quotes@opteonsolutions.com>
Sent: Monday, 2 November 2020 1:11 PM
To: Sinaway Georgiou <SGeorgiou@mountgambier.sa.gov.au>
Subject: HPE CM: Quote: (Client Ref: TBA) 181 Pinehall Avenue Mount Gambier. Requested by: Sinaway Georgiou



RE: QUOTE FOR PROPERTY ADVICE

Our Reference: 11416264

Address: 181 Pinehall Avenue, Mount Gambier, SA, 5290

Quoted Fee: \$2,420.00



Dear Sinaway,

Thank you for the opportunity to provide a quote for the above property.

Please find attached our quote and our standard terms and conditions to undertake this work for you.

The agreed Scope of Works

The scope of work is to complete a valuation of the property with the extent of investigation to include:

- collation of information and undertaking our own research regarding the property;
- an inspection of the property;
- undertaking research in terms of market prices (and/or costs if applicable) of comparable properties;
- preparation of valuation calculations;
- preparation of a valuation report;

The extent of our investigations does not extend to due diligence or investigative validation of information supplied.

If you wish to proceed, please confirm by return email to quotes@opteonsolutions.com. Please ensure you include the reference number noted above. Our team will then be in touch to confirm any final details and schedule your inspection.

Please note that this quote is only valid for 30 days. If you wish to proceed after 30 days, please contact us to confirm our fee and availability.

If you have any questions about this quote please email quotes@opteonsolutions.com or call 1300 40 50 60 and quote number **11416264**.

We look forward to providing you with independent and informed advice.

Kind regards,

Jessica Kilsby
Commercial Valuer



D. 1300 40 50 60
M. 0438 818 469
E. jessica.kilsby@opteonsolutions.com
A. Level 8, 121 King William Street, Adelaide, SA, 5000

1300 40 50 60 **OPTEONSOLUTIONS.COM**

This e-mail message and any attachments to it are confidential and should only be read by those persons to whom this e-mail message is addressed. This e-mail and any attachments to it may contain copyright, personal or legally privileged information. If you are not the intended recipient, any use, dissemination, copying, or disclosure of this information is strictly prohibited. If you have received this email in error, please immediately notify the sender by return e-mail and delete the original message and any copies. Any confidentiality, privilege or copyright is not waived or lost because this e-mail has been sent to you in error. Any views expressed in this e-mail are the views of the individual sender, except where specifically stated to be the views of Opteon. E-mail is not secure and transmissions can be corrupted. Opteon accepts no liability for any damage that may occur as a result of the transmission of this e-mail or any attachments to it to the recipient. Liability limited by a scheme approved under Professional Standards Legislation.



Please consider the environment before printing

[OpteonEmailFooter]

Warning : this email is intended only for the addressee(s) and may contain information that is confidential, subject to legal privilege, or protected by copyright. If you have received this in error, please notify the sender by reply email and delete this email from your system. You are not permitted to use, reproduce or disclose the contents of this email. No representation is made that this email is free of viruses. Virus scanning is recommended and is the sole responsibility of the recipient. Thank you.

CONFIDENTIAL



181 Pinehall Avenue
Suttontown, SA 5291
Our Reference: 11416264



APPENDIX 2
CERTIFICATE OF TITLE

SOLUTIONS WITH EXCELLENCE
Liability limited by a scheme approved under Professional Standards Legislation





Product Register Search (CT 5368/920)
Date/Time 16/11/2020 05:39PM
Customer Reference OR-RNTD4OCS8L193
Order ID 20201116009662

REAL PROPERTY ACT, 1985



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5368 Folio 920

Parent Title(s) CT 1535/44
Creating Dealing(s) CONVERTED TITLE
Title Issued 15/10/1996 Edition 4 Edition Issued 07/01/1999
Diagram Reference F194744

Estate Type

FEE SIMPLE

Registered Proprietor

STEVEN LESLIE SIMMONDS
MARIAN CATHERINE SIMMONDS
OF 39 MONTEBELLO DRIVE MOUNT GAMBIER SA 5290
AS JOINT TENANTS

Description of Land

ALLOTMENT 132 FILED PLAN 194744
IN THE AREA NAMED SUTTONTOWN
HUNDRED OF BLANCHE

Easements

NIL

Schedule of Dealings

Dealing Number	Description
8608160	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

Notations

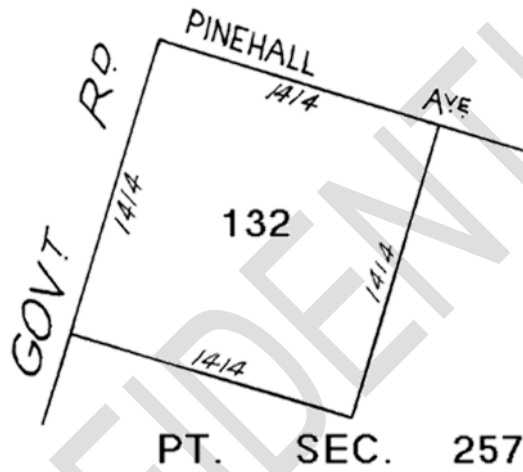
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL





Product Register Search (CT 5368/920)
Date/Time 16/11/2020 05:39PM
Customer Reference OR-RNTD4OCS8L193
Order ID 20201116009662

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1535/44



FOR METRIC CONVERSIONS	
1 LINK	= 0.201168 METRES
1 CHAIN	= 100 LINKS
1 ACRE	= 0.404686 HECTARES
1 ROOD	= 1011.7 m ²
1 PERCH	= 25.29 m ²

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



181 Pinehall Avenue
Suttontown, SA 5291
Our Reference: 11416264



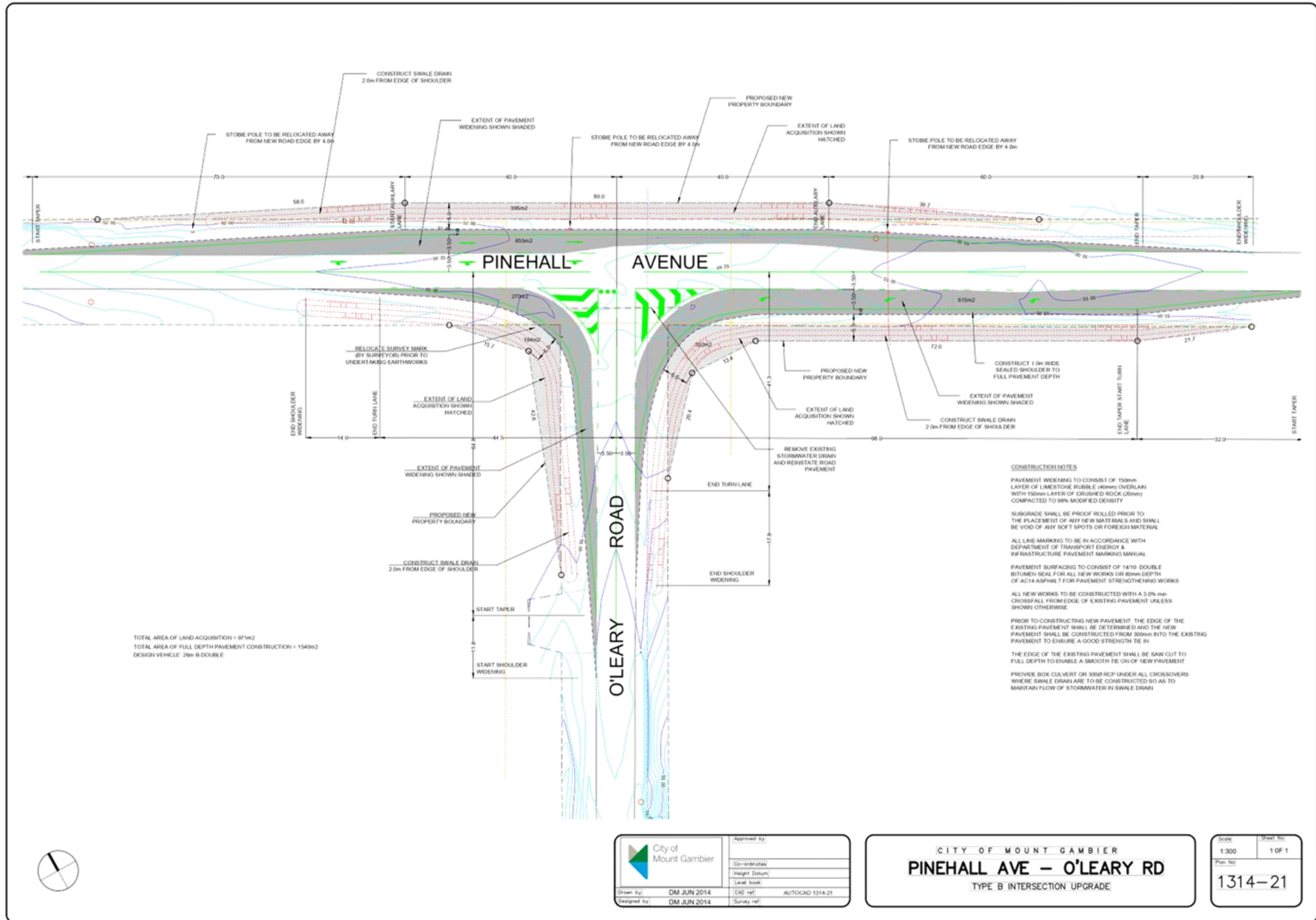
CONFIDENTIAL

APPENDIX 3
ACQUISITION PLAN / INTERSECTION UPGRADE

SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation





181 Pinehall Avenue
Suttontown, SA 5291
Our Reference: 11416264



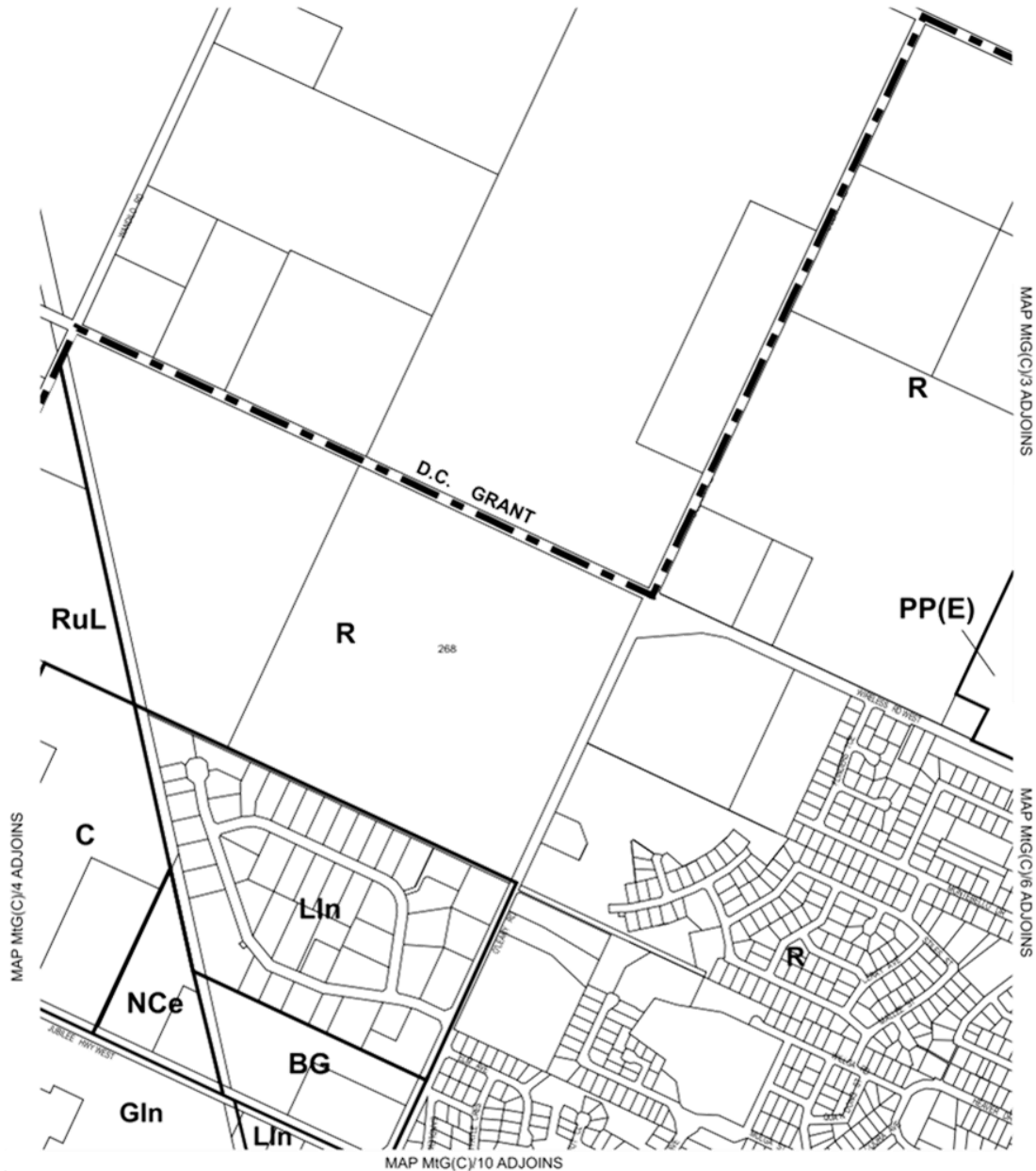
APPENDIX 4

ZONE MAPS

SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation





NOTE: For Policy Areas see Maps MtG(C)/19

BG	Bulky Goods
C	Commercial
GIn	General Industry
LIn	Light Industry
NCe	Neighbourhood Centre
PP(E)	Public Purposes (Education)
R	Residential
RuL	Rural Living

— Zone Boundary
 - - - Development Plan Boundary



**MOUNT GAMBIER (CITY)
 ZONES
 MAP MtG(C)/5**

Consolidated - 21 April 2016





- 5 Low Density Policy Area
- 8 Suttontown Road Policy Area



MOUNT GAMBIER (CITY) POLICY AREAS MAP MtG(C)/19

- Policy Area Boundary
- - - Development Plan Boundary

Consolidated - 21 April 2016



181 Pinehall Avenue
Suttontown, SA 5291
Our Reference: 11416264



APPENDIX 5

ZONING

SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation



RESIDENTIAL ZONE

Introduction

The following objectives and principles of development control apply to the whole of the Residential Zone shown on Maps MtG(C)/3, 5 to 8 and 10 to 17. Additional objectives and principles of development control also apply to the relevant policy area.

The Residential Zone contains the following Policy Areas, shown on Maps MtG(C)/18 to 22 and 24 to 28:

- Northern Residential Policy Area 7
- Kennedy Avenue Growth Area Policy Area 4
- Attamurra Golf Course Policy Area 3
- Suttontown Road Policy Area 8
- McCormick Road Policy Area 6
- Low Density Policy Area 5

Portion of the Zone is located within the Historic Conservation Area as shown on Figures MtGH(C)/1 to 3, which introduces additional controls over development in order to protect important historic elements of Mount Gambier's early settlement and development. Reference must also be made to the objectives and principles of development control under 'Historic Conservation Area' in the Council Wide Section to have a full understanding of the policy framework affecting development.

OBJECTIVES

- Objective 1:** A residential zone comprising a range of dwelling types, including a minimum of 15 percent affordable housing.
- Objective 2:** Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.
- Objective 3:** Development that contributes to the desired character of the zone.

DESIRED CHARACTER

The residential areas of Mount Gambier have traditionally been dominated by very low to low density development, on large allotments with generous setbacks and well landscaped front yards. This has been complemented by wide roads that together contribute to a residential landscape with a very high level of character and amenity, but which has resulted in increasing sprawl of the City.

It is desirable that the existing character of established residential areas is maintained but that dwelling densities be increased to reflect changing community needs and expectations.

This will be achieved by development that includes a greater proportion of smaller allotments and reduced road widths in newly developing areas, and by increasing dwelling density in established areas closer to the City Centre.

New development in established residential areas will complement the scale, bulk, siting and existing positive elements of the streetscape where a distinctive and attractive streetscape character exists. This will require new development to have regard to elements such as siting, mass and proportion, building materials, ground floor height above natural ground level, roof form and pitch, facade articulation and detailing, verandas, eaves and parapets, fence style and alignment and landscaping.

Development in the area bounded by Annette Street, Wireless Road West, Wehl Street North and the hospital exhibits a country living character accommodating low density residential development on large allotments. Development will occur in a coordinated manner and will take into account the site specific constraints and provide for the logical, staged extension of public roads and services between neighbouring properties. No allotments of less than 8000 square metres will be developed unless connected to the reticulated sewage system.



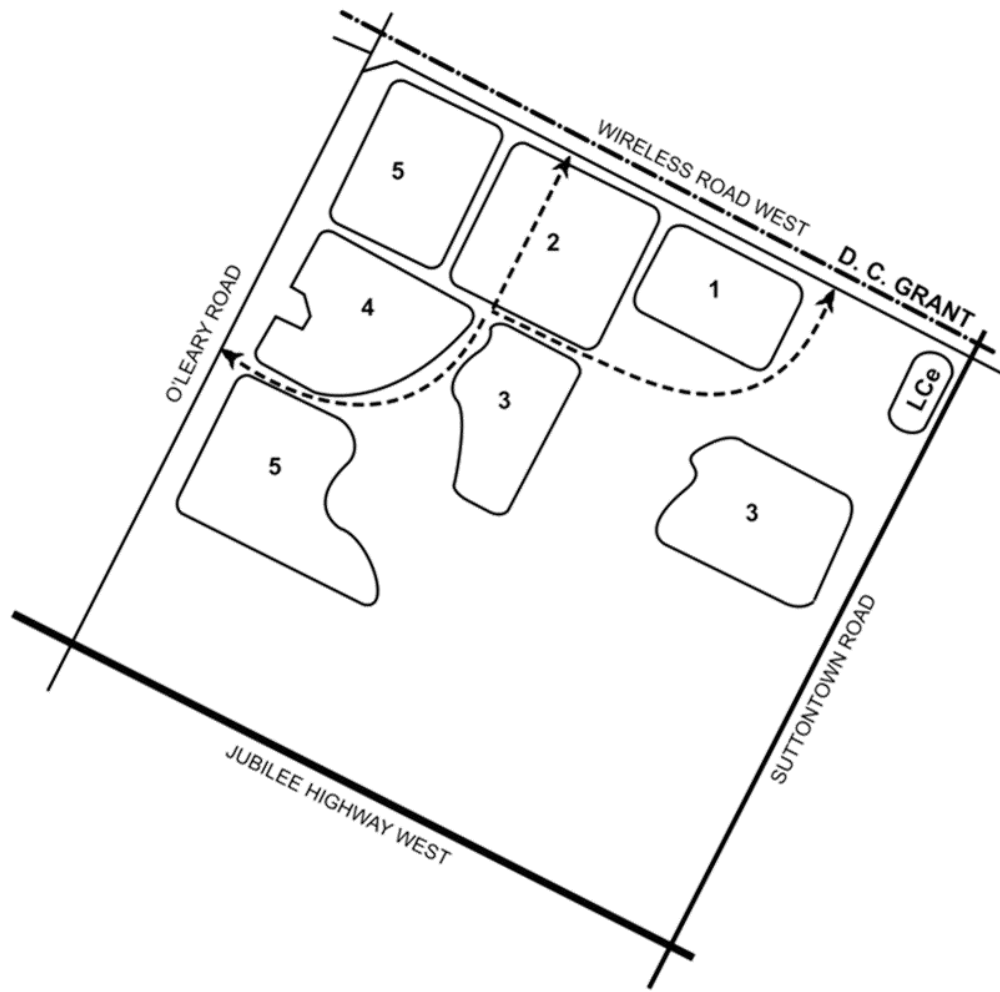
Land owned by Housing SA throughout the City, particularly those accommodating double unit developments should be comprehensively redeveloped where similar adjoining allotments exist, to achieve higher dwelling densities. Any redevelopment should occur to a master plan agreed with Council and at densities applicable to the Residential Regeneration Zone.

PRINCIPLES OF DEVELOPMENT CONTROL

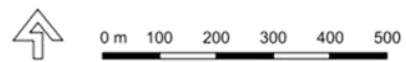
Land Use

- 1 The following forms of development are envisaged in the zone:
 - Affordable housing
 - Domestic outbuilding in association with a dwelling
 - Domestic structure
 - Dwelling
 - Dwelling addition
 - Retirement village
 - Small scale non-residential use that serves the local community, for example:
 - Child care facility
 - Health and welfare service
 - Open space
 - Primary and secondary school
 - Recreation area
 - Supported accommodation.
- 2 Development listed as non-complying is generally inappropriate.
- 3 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.
- 4 Development within the north western, northern and north eastern growth areas as indicated on the Concept Plan [Figures R/1, R/2 and R/3](#) should:
 - (a) be in accordance with the relevant concept plan;
 - (b) occur in a staged sequence in accordance with the numerical staging sequence applicable to each area;
 - (c) not be developed for residential purposes unless land in the preceding stage or stages has been substantially commenced; and
- 5 Within the Northern Growth Area as indicated on [Figure R/3](#), no development should:
 - (a) provide for further direct access from public roads or individual allotments to Penola Road, or
 - (b) create any allotment having an area of less than 8000 square metres unless the allotment can be connected to the existing sewerage system.
- 6 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.
- 7 Residential development should not occur on a site where a potentially contaminating activity has been undertaken previously unless:
 - (a) a site contamination audit report has been prepared (by a site contaminations auditor accredited by the EPA pursuant to the Environment Protection Act) that assesses the suitability of the site for the intended use; and
 - (b) the development is undertaken in accordance with the recommendations contained in such a report.





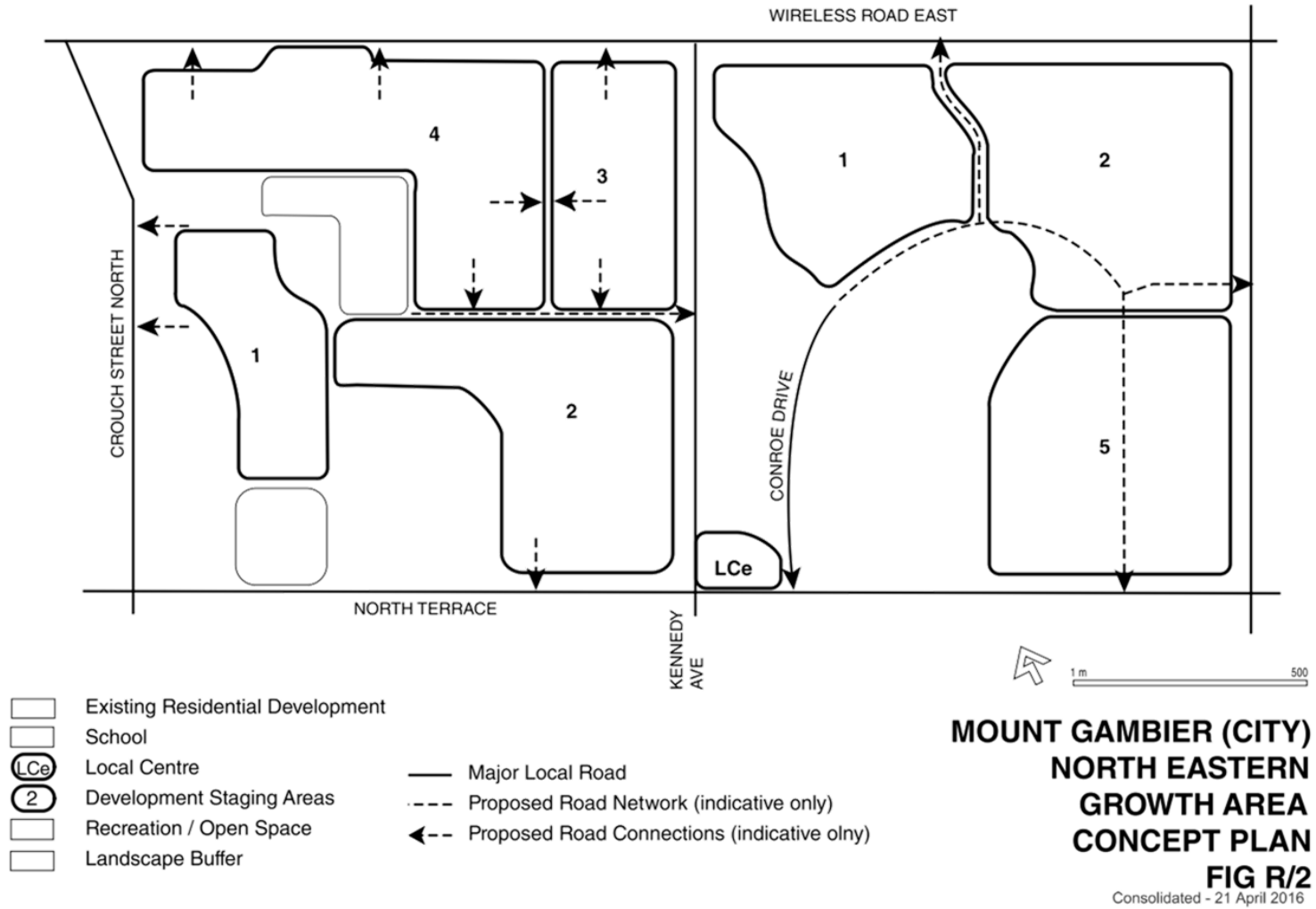
- Existing Residential Development
- Primary School
- Local Centre
- Development Staging Areas
- Recreation / Open Space
- Landscape Buffer
- Primary Arterial Road
- Secondary Arterial Road
- Major Local Road
- Proposed Road Network (indicative only)
- Proposed Road Connections (indicative only)
- Local Government Area Boundary

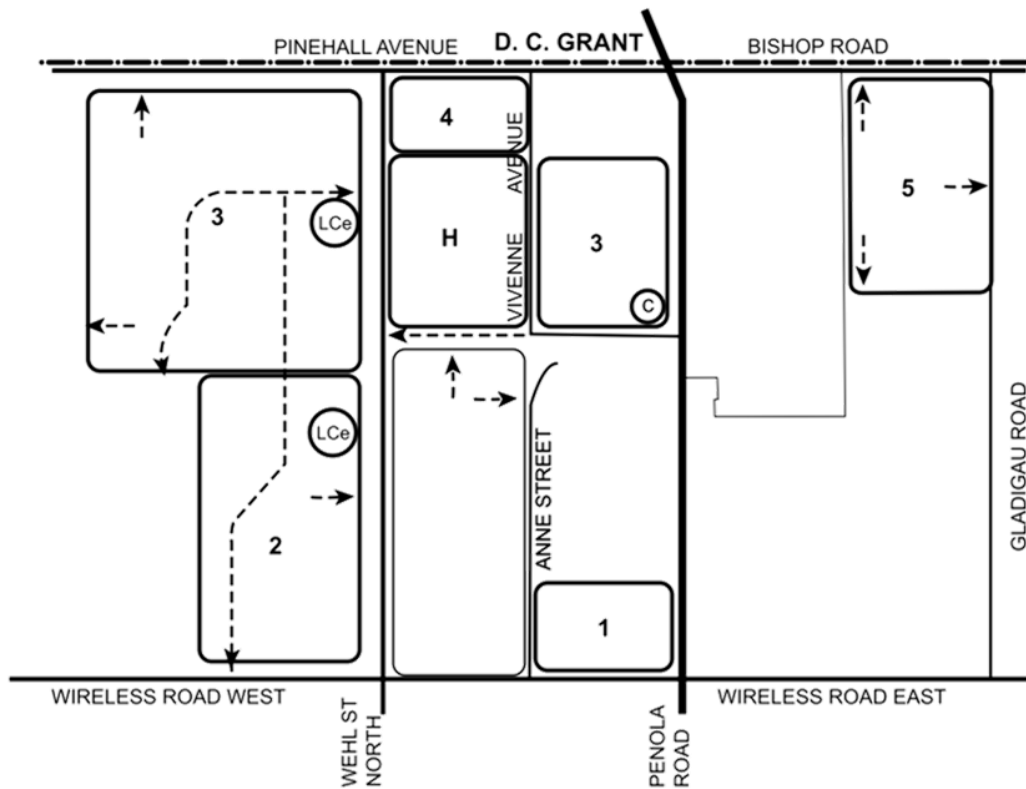


**MOUNT GAMBIER (CITY)
 NORTH WESTERN
 GROWTH AREA
 CONCEPT PLAN
 FIG R/1**

Consolidated - 21 April 2016







- Existing Residential Development
- Northern Residential Policy Area
- Deferred Urban
- Local Centre (within either Stage 2 or 3)
- Church
- Hospital
- Development Staging Areas
- Recreation / Open Space
- Landscape Buffer
- Primary Arterial Road
- Major Local Road
- Local Collector Road
- Proposed Road Network (indicative only)
- Proposed Road Connections (indicative only)
- Local Government Area Boundary



**MOUNT GAMBIER (CITY)
 NORTHERN
 GROWTH AREA
 CONCEPT PLAN
 FIG R/3**

Consolidated - 21 April 2016



Form and Character

- 8 Development should not be undertaken unless it is consistent with the desired character for the zone.
- 9 Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 33 percent of the allotment or building site frontage width, whichever is the lesser distance.
- 10 Dwellings should be designed within the following parameters:

Parameter	Value
Minimum setback from primary road frontage	Average of the two adjoining buildings, or where there is no adjoining building 6 metres
Minimum setback from secondary road frontage	1.5 metres
Minimum setback from side boundaries	1 metres
Minimum setback from rear boundary	4 metres
Maximum site coverage	50 per cent
Maximum building height (from natural ground level)	6 metres wall height 8 metres building height
Minimum area of private open space other than for affordable housing	25 square metres per bedroom or room which may be used as a bedroom
Minimum number of on site car parking spaces other than for affordable housing (one of which should be covered)	2

- 11 Sheds, garages and similar outbuildings should be designed within the following parameters:

Parameter	Value
Maximum floor area	60 square metres
Maximum building height (from natural ground level)	4 metres
Maximum wall height (from natural ground level)	3 metres
Minimum setback from side and rear boundaries	600 millimetres
Minimum setback from a public road or public open space area	No closer than the dwelling with which it is associated or 6 metres where it fronts a secondary road frontage

- 12 A dwelling should have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table:

Dwelling type	Site area other than for affordable housing (square metres)	Minimum frontage (metres)
Detached	450 minimum	10
Semi-detached	450 minimum	9



Dwelling type	Site area other than for affordable housing (square metres)	Minimum frontage (metres)
Group dwelling	450 minimum	20
Residential flat building	350 average	20
Row dwelling	350 minimum	7

Affordable Housing

- 13 Development should include a minimum 15 percent of residential dwellings for affordable housing.
- 14 Affordable housing should be distributed throughout the zone to avoid over-concentration of similar types of housing in a particular area.
- 15 Dwellings constituting affordable housing should be designed within the following parameters and have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) not less than that shown in the following table:

Parameter	Detached Dwelling	Semi-detached Dwelling	Group Dwelling	Residential flat building	Row Dwelling
Site area (square metres)	300 minimum	250 minimum	300 minimum	250 average	250 minimum
Minimum area of private open space for ground level dwellings (square metres)	15 per bedroom	15 per bedroom	15 per bedroom	15 per bedroom	15 per bedroom
Minimum area of private open space in the form of a balcony for dwellings above ground level (square metres)	6	6	6	6	6
Minimum number of on site car parking spaces (one of which should be covered)	2	2	2	2	2

Land Division

- 16 Land division should create vacant allotments with an area not less than 450 square metres, or in the case of affordable housing allotments not less than 300 square metres.

PROCEDURAL MATTERS

Complying Development

- 17 Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

Non-complying Development

- 18 Development (including building work, a change in the use of land, or division of an allotment) for the following is **non-complying**:

All new development requiring on-site treatment and disposal of effluent, except where:

- (a) it is to be connected to an aerobic effluent disposal system in accordance with South Australian Health Commission standards; or



- (b) in the case of land division, where each allotment is suitable for connection to an aerobic effluent disposal system in accordance with South Australian Health Commission standards.

Advertisement and/or advertising hoarding
Amusement machine centre

Consulting room, except where:

- (a) the total floor area is less than 100 square metres;
- (b) the site does not front an arterial road.

Crematorium
Dairy
Farming
Fuel depot
Horse keeping
Horticulture
Hospital
Hotel
Industry
Intensive animal keeping
Motor repair station
Office
Petrol filling station
Public service depot
Restaurant
Road transport terminal
Service trade premises

Shop or group of shops, except where:

- (a) the total floor area is less than 80 square metres;
- (b) the site does not front an arterial road.

Stock sales yard
Stock slaughter works
Store
Warehouse
Waste reception, storage, treatment or disposal
Wrecking yard

Public Notification

- 19 Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

Further, the following forms of development (except where the development is classified as non-complying) are designated:

Category 1

Aged persons home
Dwelling
Retirement village
Single storey residential flat building

Category 2

Caravan park
Community centre
Education establishment
Motel
Pre-school/child care centre
Place of worship
Residential flat building up to 2 storeys in height



181 Pinehall Avenue
Suttontown, SA 5291
Our Reference: 11416264



APPENDIX 6
POLICY AREA

SOLUTIONS WITH EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation



(h) traffic impacts.

- 20 Development should be designed and sited to minimise negative impact on existing and potential future land uses considered appropriate in the locality.
- 21 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimise negative impacts.
- 22 Development should be consistent with the relevant provisions in the current Environment Protection (Noise) Policy.
- 23 Existing primary production uses and mineral extraction should not be prejudiced by the inappropriate encroachment of sensitive uses such as urban development.

Land Division

- 24 Land division should be designed to provide a range of allotment sizes.
- 25 The division of land for residential purposes should provide for the reuse of stormwater for irrigation of the golf course and landscaping.

Affordable Housing

- 26 Development should include a minimum 15 percent of residential dwellings for affordable housing.
- 27 Affordable housing should be distributed throughout the policy area to avoid over-concentration of similar types of housing in a particular area.

Suttontown Road Policy Area 8

OBJECTIVES

- Objective 1:** A policy area primarily accommodating detached dwellings, including a minimum of 15 percent affordable housing.
- Objective 2:** Development that makes a positive contribution to the desired character of the policy area.
- Objective 3:** Noise and air quality impacts mitigated through appropriate building design and orientation.

DESIRED CHARACTER

This is an extensive area of partially fragmented land surrounding the TAFE Campus site on the north-western edge of the urban area of the City of Mount Gambier.

Development of the policy area will create a cohesive and comprehensive progression of land development creating attractive, well-landscaped and liveable environments that conveys a sense of place to residents and visitors. The pattern of land development will form well-connected, legible, and permeable road patterns which are logical and purposeful.

Environmentally sustainable development principles are to be adopted by all development within the area, including allotment orientation, building siting, energy use, water sensitive urban design, incorporation of solar systems and appropriate landscaping treatments.

Public open space should be provided in the form of generally large well-located reserves to ensure convenient access to sizeable play spaces and may also incorporate features to assist in the management, storage and re-use of stormwater.



Development will comprise a range of dwelling types, including affordable housing, with high density residential development located in areas adjoining community and recreational facilities and areas of public open space. Built form will be scaled and sited appropriately to the size of the allotment on which it is to be constructed to avoid an overbearing building mass in order to provide a spacious low-density character with pleasing front garden and streetscape appeal. Dwellings are generally to be a mix of single and two storey construction of individual character.

Residential development will occur in a staged and orderly fashion as generally illustrated on Concept Plan Suttontown Road Growth Area [Figure R/6](#) unless it can be demonstrated that it will not be adversely impacted upon by existing industrial activities within the locality.

The preferred locations for access points is as identified on the concept plan and required intersection upgrading of the O'Leary Road/Wireless Road West intersection is required to be in place on or before the development of the westerly-most portion of the land, west and north-west of the TAFE Campus, identified as development Stages 1 to 4 inclusive to ensure safe and efficient movement at this key road junction.

At this time it is anticipated that the existing sawmill located on Suttontown Road will be present within the area for the medium to long term.

The EPA licences the Cheese Factory on Pinehall Avenue for activities producing listed waste and milk processing works. Whilst this site is not located within the City of Mount Gambier, it is important that interface issues within the site are considered. Any potential interface issues are more likely to occur within 100 metres from this site as identified within the 100 metre environmental buffer distance identified on Concept Plan [Figure R/6](#). Development should be located and designed to minimise adverse impact and conflict between land uses within the 100 metre buffer distance.

The development of sensitive land uses can occur within the 500 metre buffer zone surrounding the timber mill and the 100 metre buffer zone surrounding the cheese factory, but only where a lesser distance is appropriately justified in accordance with the relevant noise and air quality policies.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the policy area:










- Affordable housing
- Domestic outbuilding in association with a dwelling
- Domestic structure
- Dwelling
- Dwelling addition
- Small scale non-residential use that serves the local community, for example:
 - child care facility
 - health and welfare service
 - open space
 - primary and secondary school
 - recreation area
 - shop, office or consulting room
- Supported accommodation.

- 2 Development should be undertaken in accordance with Concept Plan Suttontown Road Growth Area [Figure R/6](#) and incorporate the following features:

- (a) development staging as generally depicted;
- (b) sensitive land uses including residences, child care and community uses generally, recreational/active sporting areas are to be precluded from the 500 metre Sawmill Buffer area whilst the mill is still in operation and from the 100 metre cheese factory buffer area unless it can be demonstrated that a lesser distance is appropriately justified in accordance with the relevant noise and air quality policies;





-  Concept Plan Boundary
-  Industrial
-  Residential
-  Proposed Staging
-  Sawmill
-  500m Sawmill Buffer (from EPA Activity Boundary)
-  100m Kraft factory Buffer
-  Access Point (Indicative)
-  Potential Road/Intersection Works



MOUNT GAMBIER (CITY)
SUTTONTOWN ROAD GROWTH AREA
CONCEPT PLAN
FIG R/6

Consolidated - 21 April 2016



- (c) development of designated stages 1 to 4 inclusive is not to proceed until such time as the Wireless Road West and O'Leary Road intersection is upgraded to safely accommodate the anticipated traffic loading of those roads.

Form and Character

- 3 Development should not be undertaken unless it is consistent with the desired character for the policy area.
- 4 Buildings, structures and other facilities should be designed and sited to:
 - (a) be articulated in form and constructed utilising verandah and pergola treatments that reduce the impact of vertical external walls;
 - (b) be sympathetic to the finished and topographical features of the land;
 - (c) minimise the extent of earthworks necessary to accommodate and provide access to facilities;
 - (d) avoid adverse impacts on extensive or prominent views;
 - (e) be suitably landscaped to screen and provide shade to the building.
- 5 Residential allotments and sites should have the appropriate orientation, area, configuration and dimensions to accommodate:
 - (a) the siting and construction of a dwelling and associated ancillary outbuildings;
 - (b) the provision of landscaping and private open space;
 - (c) convenient and safe vehicle access and off street parking;
 - (d) passive energy design;
 - (e) rainwater tank(s);
 - (f) front, side and rear boundary setbacks that contribute to the desired character of the area.
- 6 Noise and air quality sensitive development located adjacent to high noise and/or air pollution sources should:
 - (a) shield sensitive uses and areas through one or more of the following measures:
 - (i) placing buildings containing less sensitive uses between the emission source and sensitive land uses and areas;
 - (ii) within individual buildings, place rooms more sensitive to air quality and noise impacts (eg bedrooms) further away from the emission source.
 - (iii) erecting noise attenuation barriers provided the requirements for safety, urban design and access can be met.
- 7 Residential development adjacent to Suttontown Road should ensure that the intrusion of traffic noise will not significantly diminish the amenity of occupants. Accordingly, residential development on such sites should be sited, designed and constructed so that:
 - (a) noise transmission into the site and the building is minimised;
 - (b) reflection of noise onto surrounding buildings is minimised;



- (c) the layout of rooms is designed to ensure that those rooms which are least sensitive to noise (such as bathrooms, hallways/stairways, storage rooms and garages) are closest to the source of noise; and
- (d) landscaping, between the road and dwellings, will be provided to screen and protect the dwellings from dust and adverse visual impacts from the road.

Affordable Housing

- 8 Development comprising 20 or more dwellings should include a minimum of 15 percent affordable housing (as defined by Notice under the South Australian Housing Trust Regulations 2010 as amended).
- 9 Dwellings constituting affordable housing should be located to optimise access to shops, social services and facilities, and/or public transport.

McCormick Road Policy Area 6

OBJECTIVES

- Objective 1:** A policy area primarily accommodating detached dwellings, including a minimum of 15 percent affordable housing.
- Objective 2:** Development that makes a positive contribution to the desired character of the policy area.

DESIRED CHARACTER

This compact area lies on the south eastern edge of the urban area of the City of Mount Gambier.

Development of the policy area should create an attractive, well landscaped and liveable environment that conveys a sense of place to residents and visitors. The pattern of development will integrate with existing residential land to the north forming a logical and purposeful road layout.

Environmentally sustainable development principles are to be adopted by all development within the area, including allotment orientation, building siting and energy use, water sensitive urban design, incorporation of solar systems and appropriate landscaping treatments. Public open space should be provided in the form of reserves and may incorporate features to assist in the management, storage and reuse of stormwater.

Development will comprise a range of dwelling types, including affordable housing, with higher density residential development located in areas adjoining community and recreational facilities and areas of public open space. Built form will be scaled and sited appropriately to the size of the allotment on which it is to be constructed to avoid an overbearing building mass in order to provide a spacious low density character with pleasing front garden and streetscape appeal. Dwellings are generally to be a mix of single and two storey construction of individual character.

Residential development will occur in a staged and orderly fashion as generally illustrated on Concept Plan McCormick Road Growth Area [Figure R/7](#), to ensure the coordinated and efficient provision of infrastructure and orderly and economic development of land. Development should commence from Punt Road and link with each end of Lakes Park Drive. The second, southern-most stage of development along McCormick Drive will employ appropriate setbacks and landscape buffers in accordance with Concept Plan McCormick Road Growth Area [Figure R/7](#) to address the impacts of the residential development and the adjoining farming activities.

In order to ensure essential infrastructure is affordably extended and available to new housing areas, development is to proceed in a coordinated manner. The preferred location for access points is as generally identified on Concept Plan McCormick Road Growth Area [Figure R/7](#). In addition, an upgrade of the intersection of McCormick Road and Punt Road will be required as the second stage of the development commences to ensure safe and efficient movement at this key road junction.



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 6.1 AR21/12277 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 TUESDAY, 6 APRIL 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 Paul Jenner, Cr Sonya Meziniec

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 City Infrastructure	- Mr M McDonald
	Manager Governance and Property	- Mr M McCarthy
	Executive Administrator Community Wellbeing	- Ms A Lavia

6 CONFIDENTIAL ITEMS

6.1 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/12277

COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

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, M Bruins, C Greco, P Jenner, S Meziniec and S Perryman 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 6.1 AR21/12277 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 compulsory acquisition of land for road opening purposes for which the owner has not engaged in negotiations and it is reasonably considered will result in litigation.

CARRIED

COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

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



COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Mayor Lynette Martin

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 6.1 AR21/12277 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

CONFIDENTIAL





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

mountgambier.sa.gov.au

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

Date: Tuesday, 20 April 2021
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

Council Meeting
20 April 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

16 April 2021

27 CONFIDENTIAL ITEMS OF COMMITTEES

27.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 6 APRIL 2021 - [Go to Attachment](#)

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 Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner and S Perryman and Council Officers B Cernovskis, D Barber, T Coote, M McDonald, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/12277 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 compulsory acquisition of land for road opening purposes for which the owner has not engaged in negotiations and it is reasonably considered will result in litigation.

RECOMMENDATION

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.

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 6.1 AR21/12277 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 COUNCIL MEETING HELD AT THE COUNCIL CHAMBER,
CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER
ON TUESDAY, 20 APRIL 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 and Cr Paul Jenner

OFFICERS IN ATTENDANCE:

Acting Chief Executive Officer	- Ms B Cernovskis
Acting General Manager City Infrastructure	- Mr M McDonald
General Manager Share Services	- Mr D Barber
General Manager City Growth	- Mr T Coote
Manager Governance and Property	- Mr M McCarthy
Media and Communications Coordinator	- Ms S McLean
Executive Administration Officer	- Mrs M Telford

27 CONFIDENTIAL ITEMS OF COMMITTEES

27.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 6 APRIL 2021

27.2 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/12277

RESOLUTION 2021/91

Moved: Cr Max Bruins

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 OAM L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood and P Jenner and Council Officers B Cernovskis, M McDonald, D Barber, T Coote, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/12277 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 compulsory acquisition of land for road opening purposes for which the owner has not engaged in negotiations and it is reasonably considered will result in litigation.

CARRIED



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

RESOLUTION 2021/93

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 6.1 AR21/12277 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

