

11.2 Confidential Compulsory Acquisition of Easement

Cr Fletcher MOVED

1. (a) *That under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public with the exception of Asset Planner, Acting Manager Property, General Manager City Projects, Manager Infrastructure, General Manager City Services, Group Manager Economic Development, Chief Financial Officer, General Manager Corporate Services, Chief Executive Officer, Group Manager Governance, Minute Secretary and Solicitor, Norman Waterhouse be excluded from attendance at the meeting in order to consider in confidence this item.*
- (b) *That the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:*
 - Section 90(3)(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.*
- (c) *That accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr de Jonge

CARRIED

Cr Nash MOVED

2. *That Council receive this report.*
3. *Pursuant to Section 190 and 191 of the Local Government Act 1999, Council hereby resolves to acquire a three (3) metre wide easement across a portion of the land located at Allotment 50 in Filed Plan 36479 in the area of McLaren Vale Hundred of Willunga which is comprised and described in Certificate of Title Register Book Volume 5286 Folio 101 ('the Land') being that portion depicted in the Filed Plan 36479 marked E attached to the report as Attachment 2.*
4. *The Chief Executive Officer is hereby authorised to undertake negotiations for the purchase of the said interest in the land by agreement or if he considers it necessary to implement all necessary procedures for the acquisition of the interest in the land by compulsory acquisition, including, if necessary, obtaining the consent of the Minister as required by the Local Government Act 1999.*

5. *To protect Council's interest in the said land, the Chief Executive Officer is hereby authorised to prepare and serve a Notice of Intention to Acquire Land on the owner and interest holders of the said land pursuant to Section 10 of the Land Acquisition Act 1969.*
6. *Council hereby authorises the Chief Executive Officer to arrange for a survey plan in a form acceptable for deposit in the Land Titles Office to be prepared for an easement and to take all necessary steps to have the grant of easement lodged with the Land Titles Office.*
7. *Council hereby accepts the valuation report prepared by Southwick Goodyear Pty Ltd February 2008 as a fair and reasonable valuation for the easement over the said land and adopts their valuation of \$11,500.00 (exclusive of GST) as an appropriate amount to offer to the landowner for the acquisition of the easement over the said land.*

Seconded by Cr Ferguson.

Cr Erwin MOVED that the MOTION be PUT.

Seconded Cr de Jonge

CARRIED

The MOTION was PUT and CARRIED

Cr Nash MOVED

8. *That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that this document (or part of such document) including the minutes of the Council/Committee relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in Section 90(3)(i), until conclusion of litigation.*

Seconded by Cr Coomans

CARRIED

