

**MINUTES OF THE SPECIAL MEETING OF COUNCIL OF THE CITY OF TEA TREE
GULLY HELD ON TUESDAY 16 NOVEMBER 2021 AT 7.00PM
IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Opening and Welcome

The Mayor read the Opening Prayer and Acknowledgement of Country Statement.

2. Attendance Record:

2.1 Present

His Worship Mayor K Knight, Crs B Rankine, B Keane, J Lintvelt, L Jones, O Savvas, R Unger, D Wyld, L Petrie, R Coleman, P Field and S Keane.

2.2 Apologies

Nil

2.3 Leave of Absence

Nil

2.4 Record of Officers in Physical Attendance onsite

Mr J Moyle	Chief Executive Officer
Mr T Harfield	Director Assets & Environment
Mr R McMahon	Director Organisation Services & Excellence
Mrs D Taglierini	Governance Advisor
Mr J Robbins	Manager Finance & Rating Operations
Mr J Foong	Group Coordinator Water, Waste & Environment

Record of Officers in Attendance via Electronic Means (audio-visual link)

Mr T Amato	Team Leader Communications, Marketing & Events
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2.5 Record of Number of Persons in the Public Gallery

5 Attendees

2.6 Record of Media in Attendance

Nil

3. Public Forum - Nil

4. Deputations - Nil

5. Presentations - Nil

6. Declaration of Conflict of Interests

Crs Lintvelt and Jones indicated they would be declaring a conflict of interest in the matter titled “Community Wastewater Management System (CWMS) Prudential Report update and request to provide draft report to SA Water and Minister for Environment and Water”

7. Matters for Discussion

7.1 Presentation from Mayor Kevin Knight regarding meeting with CEO and Hon David Speirs, Minister for Environment and Water (D21/93811)

Mayor Kevin Knight provided Council with an update from the meeting with the Hon. David Speirs, Minister for Environment and Water regarding the Community Wastewater Management System (CWMS) on 15 November 2021.

8. Notice(s) of Motion - Nil

9. Question(s) on Notice - Nil

10. Section 90(2) Local Government Act 1999 – Confidential Items

10.1. CWMS Prudential Report Update (D21/93810)

Recommendation for Moving into Camera

Moved Cr Unger, Seconded Cr Field

1. *That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except staff on duty and BRM Advisory staff) be excluded from the meeting to enable discussion on the CWMS Prudential Report Update.*
2. *That the Council is satisfied that pursuant to section 90(3) (b)(i) and (b)(ii) of the Act, the information be received, discussed or considered in relation to this item is:*
 - *information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND*
 - *information the disclosure of which would, on balance, be contrary to the public interest .*
 - o *on the basis that the public release of this information would have the potential to impact the capacity for Council to negotiate the best value for Council.*
3. *In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the 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. 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 on the basis that that the public release of this information would compromise Council's ability to obtain the best outcome for Council and the community.*

Carried (1033)

The following staff members on duty remained at the meeting for the following item:

Mr J Moyle, Mr R McMahon, Mr T Harfield, Mrs D Taglierini, Mr J Robbins, Mr J Foong and Mr T Amato.

10.1 CWMS Prudential Report Update (D21/93810)

Mr Mark Booth, Director BRM Advisory provided an update on the City of Tea Tree Gully Section 48 Prudential Report: CWMS Transition to SA Water.

During the presentation, Cr Unger left the meeting at 8.54pm and re-entered the meeting at 8.56pm.

10.2. Community Wastewater Management System (CWMS) Prudential Report update and request to provide draft report to SA Water and Minister for Environment and Water (D21/93627)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Crs Jones and Lintvelt declared an actual conflict of interest in relation to this matter on the basis that they both have a Community Wastewater Management System (CWMS) connection on their properties. Crs Jones and Lintvelt left the meeting and its close vicinity at 9.00pm while the matter was being discussed and voted on.

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Savvas declared a perceived conflict of interest in relation to the matter on the basis that she is an candidate for the upcoming State Election for the seat of Newland, noting transition of CWMS is a matter relevant to the State election. Cr Savvas dealt with this matter in a transparent and accountable way by leaving the meeting. Cr Savvas left the meeting and its close vicinity at 9.02pm while the matter was being discussed and voted on.

Recommendation for Moving into Camera

Moved Cr Field, Seconded Cr S Keane

1. *That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except staff on duty and BRM Advisory staff) be excluded from the meeting to enable discussion on the Community Wastewater Management System (CWMS) Prudential Report update and request to provide draft report to SA Water and Minister for Environment and Water.*
2. *That Council is satisfied that pursuant to section 90(3) (b)(i) and (b)(ii) of the Act, the information be received, discussed or considered in relation to this item is:*
 - *information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or*

proposing to conduct, business, or to prejudice the commercial position of the council; AND

- *information the disclosure of which would, on balance, be contrary to the public interest .*
 - *on the basis that that the public release of this information would have the potential to impact the capacity for Council to negotiate the best value for Council.*
3. *In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the 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. 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 on the basis that that the public release of this information would compromise Council's ability to obtain the best outcome for Council and the community.*

Carried Unanimously (1034)

Crs Lintvelt, Jones and Savvas were not present for the vote.

The following staff members on duty remained at the meeting for the following item:

Mr J Moyle, Mr R McMahon, Mr T Harfield, Mrs D Taglierini, Mr J Robbins, Mr J Foong and Mr T Amato.

10.2 Community Wastewater Management System (CWMS) Prudential Report update and request to provide draft report to SA Water and Minister for Environment and Water (D21/93627)

Confidential Page Removed

The Confidential Resolution No 1035 and 1036 has been withdrawn from the public minute record in accordance with Resolution No 1037.

Retention of confidential documents:

Moved Cr Unger, Seconded Cr S Keane

1. That having considered the agenda item titled Community Wastewater Management System (CWMS) Prudential Report update and request to provide draft report to SA Water and Minister for Environment and Water and dated 16 November 2021 in confidence under section 90(2) & (3) (b)(i) and (b)(ii) and Section 91(7) of the Local Government Act 1999:
 - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND
 - information the disclosure of which would, on balance, be contrary to the public interestthe Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant with the exception of SA Water and Minister for Environment and Water to this item be retained in confidence until the final CWMS Prudential report is provided to Council or until Council resolves otherwise, whichever occurs first.

2. That Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

Carried Unanimously (1037)

Crs Lintvelt, Jones and Savvas were not present for the vote.

The Mayor declared the meeting closed at 9.43pm.

Confirmed.....
Mayor 23 November 2021