

**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 .*
 - o *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)

Suspension of formal meeting procedures at 9.04pm

Moved Cr Field, Seconded Cr Coleman

That Council temporarily suspend the formal meeting procedures to allow free and open discussion on Community Wastewater Management System (CWMS) Prudential Report.

Carried Unanimously (1035)

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

Following the informal discussion the Mayor determined that the period of suspension should be brought to an end and formal meeting procedures were resumed at 9.20pm.

Moved Cr Field, Seconded Cr Coleman

1. That Council, having considered the report titled “Community Wastewater Management System (CWMS) Prudential Report update” and dated 16 November 2021 and following a request from the Minister Environment and Water, Hon David Speirs, resolves that Council provides a copy of the draft Community Wastewater Management System (CWMS) Prudential Report to the Minister and SA Water to invite comment and seek amendments to the current SA Water City of Tea Tree Gully Sustainable Sewers Plan, in particular to:
 - a. address the decommissioning costs/responsibility to ensure that householders will not have to pay anything for the conversion to sewer as per the Minister’s commitment.
 - b. address the inequity within the current SA Water City of Tea Tree Gully Sustainable Sewers Plan where households converted in the early stages of the project will have a major advantage compared to those being converted in the latter years where this inequity is of the order of at least \$400 per property per annum.
2. That Council advises the Minister for Environment and Water that Council is prepared, subject to 1. A. above, to realign Council’s future works program to support the SA Water’s Sustainable Sewers Program. This will include:
 - Street tree planting
 - Road resealing
 - Road reconstruction
 - Kerb and gutter

- Footpath replacement and upgrades
 - Incorporation of water sensitive urban design features into streetscape
 - Other beautification opportunities
3. That the Minister be requested to provide a response by no later than 1 December 2021 to enable the finalisation of Council's prudential report for Council's consideration at the Council meeting scheduled for 14 December 2021.
 4. That the Minister and/or his delegate be invited to attend the Council meeting when the Prudential Report is considered by Council.

Carried Unanimously (1036)

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

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 interest
 the 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