

## 10.2 Waterproofing the South - Update

*Cr Oakes MOVED*

1. *That*

- a) *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting with the exception of Mr Mark Booth Director BRM, Chief Executive Officer, General Manager Corporate Services, General Manager City Compliance, Acting General Manager City Services, Group Manager Economic Development, Group Manager Governance, Manager Infrastructure, Minute Secretary in order to consider in confidence this item.*
- b) *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:*
  - (b) *information the disclosure of which -*
    - (i) *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*
    - (ii) *would, on balance, be contrary to the public interest;*
  - (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which -*
    - (i) *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; and*
    - (ii) *would, on balance, be contrary to the public interest;*
- 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 Erwin.*

**CARRIED**

*Cr Nash MOVED*

1. *That the report on Waterproofing The South be received and noted*

2. *That Council accept the Letter of Offer from the National Water Commission on the following basis:*
  - *Condition 1: Council has received written assurance from the State Government that the State Minister for Environment and Conservation formally adopted the current revised McLaren Vale Prescribed Wells Area Water Allocation Plan (WAP) on 17 February 2007. This WAP maintains allocations within limits set by the sustainable yield as it is currently understood and is therefore considered to establish sustainable levels of extraction. (The WAP is required to be reviewed at least once every five years under the Natural Resources Management Act 2004 when further refinements and adjustments may be made to reflect possible impacts from climate change and other emerging issues).*
  - *Condition 2: once these standards (National Water Initiative environmental water accounting) are agreed that they will be able to be undertaken in a cost effective manner for Council.*
  - *Conditions 3 and 4: on the understanding that no additional costs will be generated for the Council (in accordance with the Prime Minister's undertaking that the National Plan for Water Security will not generate additional costs for the States).*
3. *That we continue to develop a rescoped Waterproofing the South Stage 1 with the consortium members and the National Water Commission.*
4. *That a further report be brought back to Council seeking its consideration of the National Water Commission Funding Deed for the rescoped Waterproofing the South.*

*Seconded by Cr Fletcher.*

*CARRIED*

*Cr Nash MOVED*

5. *That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council 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 90(3)(b), 90(3)(d) until negotiations with the NWC are completed and Council has determined its position on the Funding Deed.*

*Seconded by Cr Erwin.*

*CARRIED*