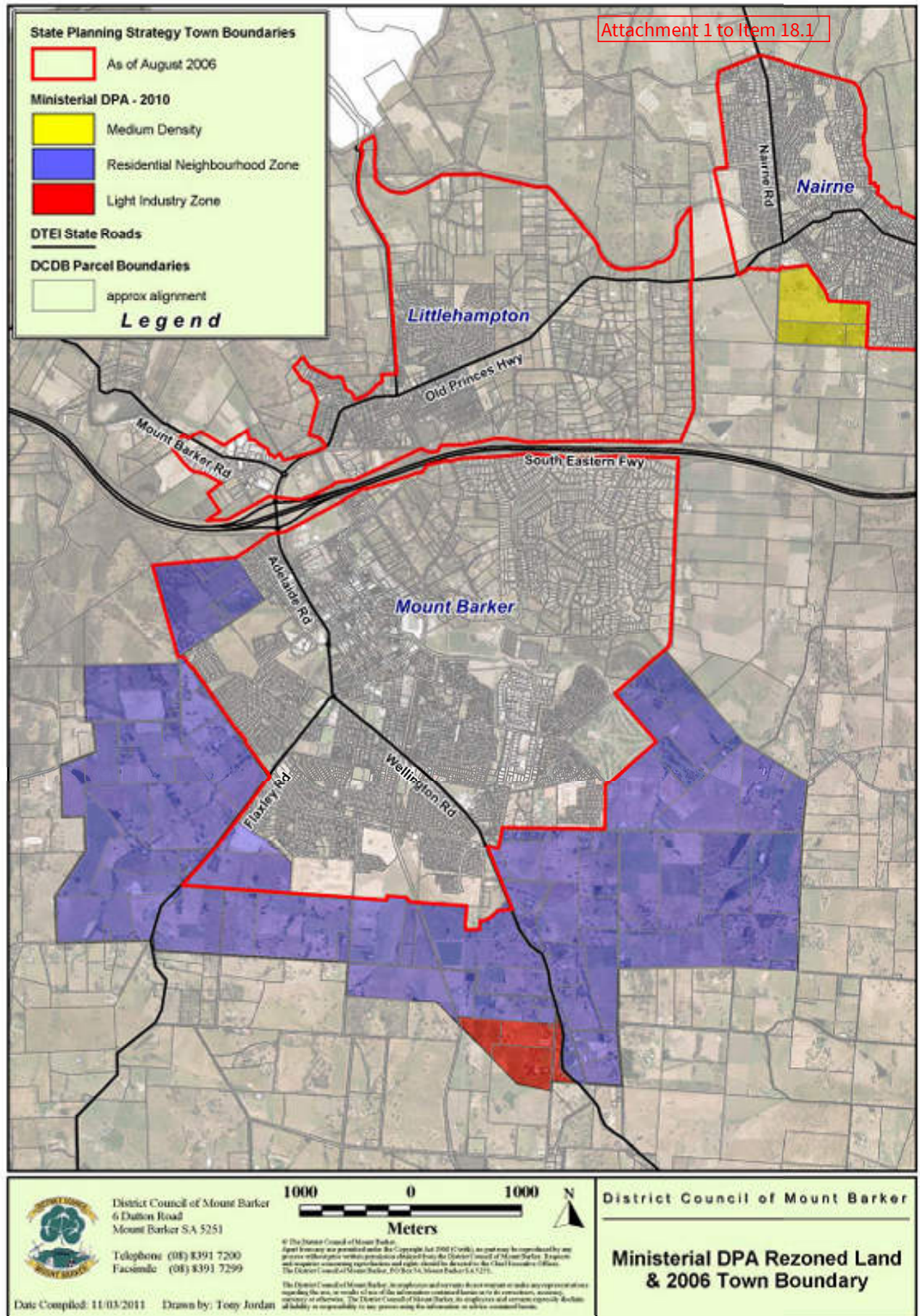


CONFIDENTIAL ITEMS 2003 – AUGUST 2022

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
178	6 June 2022	Proposed Upgrading and expansion of Nairne Wastewater Infrastructure	<p><b>Section 90 (3) (b) Order</b></p> <p>1. Pursuant to Section 90(3)(b) Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer; Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water; General Manager, Infrastructure; Acting General Manager Community Services; General Manager Planning and Community; General Manager Corporate Services; Economic Development Project Manager; Risk and Governance Officer/ EA to the Mayor; and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Proposed Upgrading and Expansion of Nairne Wastewater Infrastructure.</p> <p>The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this agenda 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 business and proposing to conduct business; and would prejudice the commercial position of the Council.</p> <p>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 continued non-disclosure of this 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 because the disclosure of Council's commercial position may prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation</p>	Agenda item and attachments 2 and 3, and all minutes be retained in confidence	<p>The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this agenda 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 business and proposing to conduct business; and would prejudice the commercial position of the Council.</p> <p>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 continued non-disclosure of this 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</p>	Retained in confidence until Wastewater Commitment Deeds have been executed by both parties over the greenfields sites shown as Nairne West and Oakford Homes in attachment 2 and the procurement of all Nairne Wastewater Infrastructure Project stage 1 works has occurred, or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months; but save and except information that is required to be made publicly available now to enable community consultation to occur on proposed Wastewater Infrastructure Augmentation Separate Rates.		Within 12 months	Attachments 1 and 4 released on website 31 August 2022

# CONFIDENTIAL ITEMS 2003 – AUGUST 2022

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
			<p>to procurement and contract negotiations.</p> <p><b><u>Section 91(7) Order</u></b></p> <p>6. <u>Pursuant to Section 90 (3) (b)</u>  That having considered the Agenda Item 18.1 Proposed Upgrading and Expansion of Nairne Wastewater Infrastructure in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda item and attachments 2 and 3, and all minutes be retained in confidence until Wastewater Commitment Deeds have been executed by both parties over the greenfields sites shown as Nairne West and Oakford Homes in attachment 2 and the procurement of all Nairne Wastewater Infrastructure Project stage 1 works has occurred, or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months; but save and except information that is required to be made publicly available now to enable community consultation to occur on proposed Wastewater Infrastructure Augmentation Separate Rates.</p>		<p>that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to procurement and contract negotiations.</p>				



Attachment 4 to Item 18.1

**Attachment 4****Summary of Proposed Wastewater Infrastructure Augmentation  
Separate Rates – Nairne Township**

22/59766

Rationale

To achieve the principles of beneficiary pays and equity, council employs the wastewater augmentation separate rate mechanism.

This ensures that when a parcel of land is developed that has already had wastewater infrastructure investment undertaken by council that provides a benefit for that land, the developer pays their fair share towards wastewater infrastructure via a contribution for each new allotment (or equivalent if the development is not land division e.g. aged care).

These circumstances are applicable to the proposed investment by council in the upgrading and expansion of wastewater infrastructure in Nairne and the benefit of this to the two greenfields sites shown as the Tremaine Land and Oakleigh Holdings in attachment 2.

Council Policy

The policy framework for this approach is the Infrastructure Contributions – Separate Rate Relief Policy.

This includes that until the land is developed, the wastewater infrastructure contribution is not triggered and the amount of the wastewater infrastructure augmentation separate rate which appears on the council rates notice is automatically postponed.

Process

The wastewater infrastructure augmentation framework has been in place for some years and is currently in use. This is reflected in the annual declaration of rates.

Prior to council determining a wastewater augmentation separate rate over further land parcels it is necessary for community consultation to occur. This includes a direct communication from council to the impacted land owners.

The information provided to the land owner needs to include the proposed amount of the wastewater augmentation separate rate which varies from one land parcel to another.

### Amounts

The proposed amounts for each of the Tremaine Land and Oakleigh Holdings for the purposes of the proposed wastewater augmentation separate rates are as follows:

Tremaine Land being - LOT 3 FP 157338 CT 5520/779  
\$873,179 excluding GST.

Oakleigh Holdings - LOT 4 FP 157339 CT 5385/949  
\$657,337 excluding GST.

The above amounts have been established on the basis of these parcels both being serviced by sewer (not CWMS) and plans received by council for the development of both of these parcels. These serve as a good guide to the likely number of allotments to be created when each parcel is developed.

The plans show the estimated number of allotments (being 89 for the Tremaine land and 67 for the Oakleigh Holdings land) and these have been multiplied by the standard sewer wastewater infrastructure fee that is proposed for 2022/23 being \$9,811 per allotment.

The developer of these parcels will be obliged pay according to the actual number of allotments created.

When the developer of these sites is known, consideration can be given to whether any reduction in the standard wastewater infrastructure fee should be considered having regard to the circumstances. A possible example being that if the Oakford Homes development was expanded to also include one or both of the adjacent land parcels to the south (the Tremaine Land or Oakleigh Holdings Land).