

CONFIDENTIAL ITEMS 2003 – AUGUST 2025

#	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
272	7 April 2025	Wastewater MDPA Infrastructure Fees	<u>Section 90 (3) (b) Order</u> 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 Chief Executive Officer, Executive Manager, General Manager Infrastructure, Acting General Manager Corporate Services, General Manager Planning and Regulatory Services, Head of Wastewater, Manager Water Capital Delivery and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Item: Wastewater MDPA Infrastructure Fees. 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 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 of 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 severely 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 other contract negotiations. <u>Section 91(7) Order</u> 9. Pursuant to Section 90 (3) (b) That having considered Agenda Item 18.2 Confidential Item: Wastewater MDPA Infrastructure	Council report, related documents and all minutes	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 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	Council report, related documents and all minutes be retained in confidence until such time as determined by the Chief Executive Officer and that this order be reviewed every 12 months.		Within 12 months	Report and Minutes released on website 14 October 2025

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			Fee, 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 council report, related documents and all minutes be retained in confidence until such time as determined by the Chief Executive Officer and that this order be reviewed every 12 months.		information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle of 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 severely 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 other contract negotiations.				

18.3 REPORT TITLE: CONFIDENTIAL ITEM: WASTEWATER MDPA INFRASTRUCTURE FEES

DATE OF MEETING: 7 APRIL 2025

FILE NUMBER: DOC/25/41981

ATTACHMENTS:

Key Contact

Helen Edmonds, Head of Wastewater

Manager/Sponsor

Andrew Stuart, Chief Executive Officer

Community Plan 2044:

The following objective/s from the Community Plan 2044 are relevant to this report:

Mount Barker 2020-2035 – Community Plan:

Leadership and Good Governance:

- Goal 27. Efficient Public Services: enhance the efficiency and effectiveness of public services provided by Council, ensuring timely delivery of services that meet the evolving needs of the community and provide value for money.

Annual Business Plan 2024/2025:

Impact as included in report.

Purpose:

Seek endorsement for revised Wastewater Infrastructure Fees for the period to 30 June 2025.

Summary – Key Issues:

1. As a result of recent SA Government policy changes, Council's Wastewater Infrastructure Fees will be more than three times that charged by SA Water (\$15k compared to \$5k).
2. Current wastewater infrastructure fee setting and future increases are viewed as being uncompetitive by Developers compared to SA Water and Alano Utilities.
3. This report is seeking a Council decision to amend current Infrastructure Fee setting for developers to 30 June 2025.
4. Adopting competitive pricing for this interim period ensures that the wastewater service remains supportive of SA Government Policy and key developments become customers of the wastewater service.
5. Future fee setting from 1 July 2025, will be informed by further works as part of developing the Annual Business Plan/ Budget and Long Term Financial Plan.

Recommendation:

That Council:

Section 90 (3) (b) Order**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 Chief Executive Officer, General Manager Infrastructure, General Manager Corporate Services, Executive Manager, Manager Financial Services, Head of Wastewater and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Item: Wastewater MDPA Infrastructure Fees.

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**

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 of 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 severely 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 other contract negotiations.

- 2. Delegate to the Chief Executive Officer (CEO) of Council or CEO's delegate the authority to adjust the wastewater infrastructure fee (inclusive of CWMS and sewer) as required, but not less than \$5k per Wastewater Equivalent Tenancy (WET) to 30 June 2025 (aligning to the SA Water Wastewater Fee) as an interim measure.**

NOTE:

- in setting a wastewater infrastructure fee of \$5k, this may be inconsistent with current Wastewater Infrastructure Fees and Augmentation Policy. Specifically due to the policy requiring full cost recovery from infrastructure fees, as opposed to a cost recovery model which would seek recovery from both Annual Service Charges and Infrastructure fees over time.**
 - augmentations would continue to be cost recovered over and above the \$5k fee which is in alignment with the Wastewater Infrastructure Fees and Augmentation Policy.**
- 3. Delegates to the CEO of Council or CEO's delegate the authority to:**
 - a. undertake commercial negotiations with developers of land to secure commitment to the Wastewater Service, with a fee no less than \$5,000 per WET for any deed executed prior to 30 June 2025.**
 - b. Amend, finalise and execute commitment deeds and or any other document necessary to give effect to an agreement on behalf of Council and/or GMB Water with developers of land.**
 - 4. Delegates to the CEO of Council and Mayor to affix the common seal if required.**
 - 5. A report be prepared post 30 June 2025 at a GMB Water meeting outlining the outcomes of these negotiations without the public disclosure of any commercial in confidence information.**

NOTE:

- Future decision making required for developers that have previously signed a Wastewater Commitment Deed that will have infrastructure fees invoiced from 8 April to 30 June 2025.**
- 6. Authorises the Chief Executive Officer or Chief Executive Officer's delegate to write to the Commonwealth Government and SA Government informing them of the actions which have been required to be undertaken to secure the future of the Wastewater Service and**

further seeking capital grants towards the Laratinga Water Recovery Plant and Trunk Sewer Network highlighting Council's support of the national and state housing agenda.

- 7. Request financial modelling to be prepared and provided to the GMB Water Board and Council detailing various options for Infrastructure Fee setting from 1 July 2025 to be considered as part of upcoming Annual Business Plan/ Budget and Long Term Financial Plan processes.**
- 8. Review the adopted Wastewater Infrastructure Fees and Augmentation Policy in light of changes in SA Government policy setting.**

Section 91(7) Order

- 9. Pursuant to Section 90 (3) (b)**

That having considered Agenda Item 18.2 Confidential Item: Wastewater MDPA Infrastructure Fee, 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 council report, related documents and all minutes be retained in confidence until such time as determined by the Chief Executive Officer and that this order be reviewed every 12 months.

Background:

1. The Council owned and operated Wastewater Service is committed to ensuring that the application of infrastructure fees and augmentation charges for the provision of wastewater services are set in a fair, transparent and consistent manner.
2. How, where and when infrastructure fees are determined and applied is set out in the Wastewater Infrastructure Fees and Augmentation Charges Policy (attachment 1).
3. When a developer connects a development to the Council owned CWMS or Sewer Scheme, the Wastewater Service applies a developer contribution, called the CWMS Infrastructure Fee or Sewer Infrastructure Fee.
4. Infrastructure fees fund the cost of both the required upgrade and extension of the network along with the additional impact on the Wastewater Service treatment and disposal costs arising from the connection per Wastewater Equivalent Tenancy (WET) to the existing Wastewater Service infrastructure.

5. Council traditionally has entered into a legally binding Wastewater Commitment Deed with a developer who is proposing to undertake development of a significant scale.
6. This provides certainty of future revenues to council to reinforce up-front capital investment.
7. Included in the adopted Wastewater Service Long Term Financial Plan 2024-2034, was a proposed increase in Infrastructure Fees from 1 July 2025 ranging from 15% to 25% reflecting anticipated increased cost to deliver the Laratinga Water Recovery Plant and trunk sewer main network. Inclusive of Developers that have an existing signed deed, this would increase Wastewater Infrastructure Fees to circa \$12k to \$16k per Wastewater Equivalent Tenancy (WET).
8. The actual increase in Infrastructure Fees would be determined as part of the 2025/26 Annual Business Plan and Budget process and reflect updated project costings informed by a finalised procurement process.

Discussion:

SA Housing Road Map

1. The South Australian Government (SAG) launched the SA Housing Road Map in June 2024 in response to the National Housing Crisis. Included in the Road Map were a number of initiatives that are designed to facilitate construction of new homes for a growing population in South Australia.

More information can be found here:

[HousingRoadmap.pdf](#)

2. SAG has determined that a key blocker for housing growth has been SA Water's Infrastructure Fees (and the process of determining fees) calling the current method "unsustainable". Included in this announcement was revised infrastructure fees (for both potable and wastewater) for development resulting in:

Greenfill Infrastructure Fees	\$5k + indexation *
Infill Infrastructure Fees	\$1.25k to a maximum of \$5k in 2027/28

*Note that wastewater fees alone are \$5k (total of \$10k for potable water supply and wastewater)

This fee is for the life of the SA Water regulatory period from 2024/25 to 2027/28 and will be reviewed as part of price setting for the upcoming regulatory period.

3. To fund the shortfall, SA Water Customers will have increases of CPI + 3.5% per year for four years with the SAG contributing funds from General Revenue. It is understood that Infrastructure Fees will now only cover one third of the estimated total infrastructure cost to service growth

Impacts & Competition

4. Market Intelligence suggests that GMB Water's competitor (Alano Utilities) in the MDPA has also reduced Infrastructure Fees to around \$4.7k per connection. It is understood that this has occurred as a result of the SA Housing Roadmap announcement and potentially from anticipation that GMB Water will follow suit.
5. In October 2023, a bottom up detailed forecast of development in the MDPA was prepared and included forecast estimated total WETs in the MDPA would be 13,173 with 34% ultimately going to Alano Utilities (in the Eastern Sector only - refer attachment 2).
6. Feedback from the development sector indicates that the market response to the circa \$7k to \$11k per WET difference will result in Developers signing with Alano Utilities. Subject to the size of the development, the difference results in a multimillion dollar saving to the Developer.
7. What is most concerning is that a number of developments in the Central Sector which the abovementioned growth and subsequent financial models assumed would be connected to the GMB Water network, are in active discussions with Alano Utilities and are prepared to sign with Alano Utilities if a more palatable commercial outcome is unable to be reached with GMB Water. The reality is that even with a more commercial proposition presented to Developers, they still may sign with Alano Utilities.
8. The current list of Developments with estimated WETs at risk are as follows (refer attachment 3):

Development Name	Sector	Estimated WET
Barker Vale	Western	153 (potential additional 439)
Cloverwood	Central	338
Larkview	Eastern	348
Seasons	Central	254
Summit Precinct	Eastern	100 (80 to 120 estimated)
Woodcroft	Central	257
Total		1,450

There are additional 453 WETs in the western sector that are believed to also be at risk.

Revised Pricing Model

9. Council adopted the Wastewater Infrastructure Fees and Augmentation Policy in March 2022. This policy outlines how Wastewater Infrastructure Fees and Augmentation Fees are set. The key principles articulated in this policy are set in accordance with relevant Essential Services Commission of South Australia (ESCOSA) Price Determinations, the National Water Initiative (NWI) Pricing Principles (as amended) and National Competition Policy.
10. In a practical sense, what this means is that fee setting reflects the cost of infrastructure to provide the service using the beneficiary pays approach. This applies to infrastructure fees (both CWMS and sewer) along with augmentation costs.
11. In August 2023, Council obtained advice from Thomson Greer (attachment 4 and 5) around ESCOSA and NWI pricing principles. This advice included specific commentary on Principle 9 of the NWI (top of page 2 in attachment 4).

“Principle 9 provides that there is a cap on developer charges as follows:

'Developer charges should not exceed the costs of servicing new developments which includes investment in both new and existing assets required to serve a new development.'

Therefore the Principles do not prohibit lower developer charges being levied such that those costs are lower than the 'costs of servicing new developments which includes investment in both new and existing assets required to serve a new development'. The Principle provides for a cap, but does not prevent a discount. “

12. Based upon this advice, it would appear that infrastructure fees and augmentations fee that are charged at below full cost recovery does not contravene NWI Principle 9 - it does appear however it may be against adopted Council policy.

Upside & Offsets

13. Should the \$5k infrastructure fee remain into future years, the assume loss of 34% of MDPA growth, the change of infrastructure fee allows for Council to potentially achieved greater overall WETs from the MDPA. This would increase service charge revenue and increase utilisation of existing and proposed infrastructure.

14. Based upon interim modelling completed, fee setting of \$5k to 30 June 2025 does not have a materially adverse impact of the medium to long term financial sustainability of the Wastewater Service.
15. A number scenarios are currently being modelled internally (refer attachment 5) that consider various outputs and offsets. This work is currently being worked on and will inform the upcoming ABP/ budget and Long Term Financial Plan.

Board of GMB Water

16. This matter was considered by the Board of GMB Water at their recent Board Meeting on 26 March 2025. The following was adopted:

“The Board of GMB Water recommend to Council that:

1. *That Council resolve to delegate to the Chief Executive Officer (CEO) of Council or CEO’s delegate the authority to adjust the wastewater infrastructure fee (inclusive of CWMS and sewer) as required, but not less than \$5k per Wastewater Equivalent Tenancy (WET) to 30 June 2025 (aligning to the SA Water Wastewater Fee) as an interim measure.*

NOTE:

- in setting a wastewater infrastructure fee of \$5k, this may be inconsistent with current Wastewater Infrastructure Fees and Augmentation Policy. Specifically due to the policy requiring full cost recovery from infrastructure fees, as opposed to a cost recovery model which would seek recovery from both Annual Service Charges and Infrastructure fees over time.

- augmentations would continue to be cost recovered over and above the \$5k fee which is in alignment with the Wastewater Infrastructure Fees and Augmentation Policy.

2. *That Council delegates to the CEO of Council or CEO’s delegate the authority to:*
 - a. *undertake commercial negotiations with developers of land to secure commitment to the Wastewater Service, with a fee no less than \$5,000 per WET for any deed executed prior to 30 June 2025.*
 - b. *Amend, finalise and execute commitment deeds and or any other document necessary to give effect to an agreement on behalf of Council and/or GMB Water with developers of land.*
3. *That Council delegates to the CEO of Council and Mayor to affix the common seal if required.*
4. *A report be prepared post 30 June 2025 at a GMB Water meeting outlining the outcomes of these negotiations without the public disclosure of any commercial in confidence information.*

NOTE:

- Future decision making required for developers that have previously signed a Wastewater Commitment Deed that will have infrastructure fees invoiced from 8 April to 30 June 2025.

5. *The CEO of Council or CEO’s delegate write to the Commonwealth Government and SA Government informing them of the actions which have been required to be undertaken to secure the future of the Wastewater Service and further seeking capital grants towards the Laratinga Water Recovery Plant and Trunk Sewer Network highlighting Council’s support of the national and state housing agenda.*

6. *Financial modelling to be prepared and provided to the GMB Water Board and Council detailing various options for Infrastructure Fee setting from 1 July 2025 to be considered as part of upcoming Annual Business Plan/ Budget and Long Term Financial Plan processes.*
7. *The adopted Wastewater Infrastructure Fees and Augmentation Policy be reviewed in light of changes in SA Government policy setting. “*

17. The Board of GMB Water provided some context in regard to their recommendation which is provided in attachment 6.

Community Engagement:

Informing only	As per recommendation 9 above
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Policy:

Wastewater Infrastructure Fees and Augmentation Policy
Infrastructure Contributions – Separate Rate Relief Policy

Long Term Financial Plan:

Future infrastructure fee setting will be modelled as part of the upcoming Wastewater Long Term Financial Plan 2025-2035.

If GMB Water does not adapt to market conditions, it risks losing its economies of scale, which will result in higher infrastructure and annual service charges for its existing and new customer base.

Based upon interim modelling completed, fee setting of \$5k to 30 June 2025 does not have a materially adverse impact of the medium to long term financial sustainability of the Wastewater Service.

Budget:

Following Council decision making, the updated infrastructure fee revenue will be considered as part of Budget Review 3.

Statutory/Legal:

In setting a wastewater infrastructure fee of \$5k, this may be inconsistent with current Wastewater Infrastructure Fees and Augmentation Policy. Specifically due to the policy requiring full cost recovery from infrastructure fees, as opposed to a cost recovery model which would seek recovery from both Annual Service Charges and Infrastructure fees over time.

The advice from Thomson Greer (attachment 3) on the ESCOSA and NWI Principles, appears to support the interim Infrastructure Fee setting at below full cost recovery.

Staff Resource Requirements:

Nil

Environmental:

Nil

Social:

Adoption of the revised wastewater infrastructure fee will support provision of affordable housing in the Mount Barker district including provision of social housing, and ensure Mount Barker continues to attract growth which supports economic development in the region providing employment opportunities and ensuring local businesses are financially sustainable.

Risk Assessment:

Uncompetitive Wastewater Infrastructure Fee setting could lead to forecast (and required) connection growth not being achieved. This would result in a severe underfunding of the current capital works program and not achieve the economies of scale required to reduce future annual service charge increases.

Asset Management:

Decision making on infrastructure fees at this time is not proposed to impact asset management service levels.

Conclusion:

Decision making at council meetings on the provision of a council wastewater service for the Mount Barker Growth Area has occurred over a number of years on the basis of the circumstances at the time and the consideration of risks and benefits to the broader community.

The Mount Barker Wastewater Service is not isolated from SA Government policy setting or market forces and must respond with agility to optimise financial and service outcomes to the community.

Previous Decisions By/Information Reports to Council

Meeting Date	2 May 2022	CM Reference	DOC/22/46700
Title	WASTEWATER SERVICE DELIVERY – DEVELOPER WASTEWATER INFRASTRUCTURE FEES		
Purpose	To provide: • An overview of the approach that has been taken to wastewater infrastructure fees payable to council by developers in the Mount Barker Growth Area and the rationale for that; • Legal advice in relation to the applicability and potential implications of the Competition and Consumer Act; and • A recommended addition to the terms of reference for the council's Audit and Risk Committee to monitor and report annually to council on the application of the Wastewater Infrastructure Fees and Augmentation Charges Policy.		

Meeting Date	7 March 2022	CM Reference	DOC/22/8297
Title	REVISED/NEW WASTEWATER AND RECYCLED WATER POLICIES		
Purpose	Adopt the proposed changes to the Draft Revised Wastewater Infrastructure Fees & Augmentation Charges Policy		

Meeting Date	3 February 2014	CM Reference	48/030/087
Title	Council's Role in Wastewater		
Purpose	To: • provide an overview of the successful role in wastewater undertaken by Council and the community benefits derived from this over a long period of time; and • seek endorsement for the proposed process to develop and formalise high level key objectives for wastewater.		

Meeting Date	3 February 2014	CM Reference	48/030/087
Title	Wastewater Infrastructure to Service Growth		
Purpose	To provide an update on the provision of sewer services (wastewater and solids) to the full Mount Barker Urban Growth DPA area; set a Sewer Infrastructure Base Fee; and provide authority for commercial negotiations with developers.		

18.3 **REPORT TITLE:** **CONFIDENTIAL ITEM: WASTEWATER MDPA**
 INFRASTRUCTURE FEES
DATE OF MEETING: **7 APRIL 2025**
FILE NUMBER: **DOC/25/41981**
ATTACHMENTS:



Moved Councillor Seager that Council:

Section 90 (3) (b) Order

1. Pursuant to Section 90(3)(b)

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Seconded Councillor Orr

CARRIED
OM20250407.29

9:57pm *The Manager Water Capital Delivery entered the meeting.*

9:58pm Moved Councillor Hewett that Pursuant to clause 4.9 of Council's Code of Practice for Meeting Procedures that the Council meeting continue until the conclusion of the order of business on tonight's agenda and that the meeting will conclude no later than 10:30pm.

Seconded Councillor Orr

CARRIED
OM20250407.30



Moved Councillor Seager that Council:

2. Delegate to the Chief Executive Officer (CEO) of Council or CEO's delegate the authority to adjust the wastewater infrastructure fee (inclusive of CWMS and sewer) as required, but not less than \$5k per Wastewater Equivalent Tenancy (WET) to 30 June 2025 (aligning to the SA Water Wastewater Fee) as an interim measure.
3. Delegates to the CEO of Council or CEO's delegate the authority to:
 - a. undertake commercial negotiations with developers of land to secure commitment to the Wastewater Service, with a fee no less than \$5,000 per WET for any deed executed prior to 30 June 2025.
 - b. Amend, finalise and execute commitment deeds and or any other document necessary to give effect to an agreement on behalf of Council and/or GMB Water with developers of land.
4. Delegates to the CEO of Council and Mayor to affix the common seal if required.
5. A report be prepared post 30 June 2025 at a GMB Water meeting outlining the outcomes of these negotiations without the public disclosure of any commercial in confidence information.
6. Authorises the Chief Executive Officer or Chief Executive Officer's delegate to write to the Commonwealth Government and SA Government informing them of the actions which have been required to be undertaken to secure the future of the Wastewater Service and further seeking capital grants towards the Laratinga Water Recovery Plant and Trunk Sewer Network highlighting Council's support of the national and state housing agenda.
7. Request financial modelling to be prepared and provided to the GMB Water Board and Council detailing various options for Infrastructure Fee setting from 1 July 2025 to be considered as part of upcoming Annual Business Plan/ Budget and Long Term Financial Plan processes.
8. Review the adopted Wastewater Infrastructure Fees and Augmentation Policy in light of changes in SA Government policy setting.

Seconded Councillor Orr

CARRIED
OM20250407.31

Moved Councillor Westwood that Council:

Section 91(7) Order

9. Pursuant to Section 90 (3) (b)

That having considered Agenda Item 18.2 Confidential Item: Wastewater MDPA Infrastructure Fee, 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 council report, related documents and all minutes be retained in confidence until such time as determined by the Chief Executive Officer and that this order be reviewed every 12 months.

Seconded Councillor Seager

CARRIED
OM20250407.32

PART RELEASED