

## Extract From Minutes June 2022

### 8.1 Wirrabara CWMS

Moved Cr Norton  
Seconded Cr McCarthy

That pursuant to Section 90(2) and (30)(h) of the Local Government Act 1999, the Council orders all persons present, with the exception of Sam Johnson, Chief Executive Officer, Jacqui Kelleher, Director Community & Corporate Services, Nigel Crisp, Acting Director Infrastructure and Regulatory Services, and Kathryn Crisp, Executive Assistant, be excluded from the meeting as Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Council will receive and consider legal advice.

**Carried Unanimously**  
[129-2022]

Moved Cr Nottle  
Seconded Cr McCarthy

That Council:

1. receives and notes the report;
2. rescinds the previous decision to engage Norman Waterhouse to represent Council to pursue legal proceedings against Wallbridge Gilbert Aztec and Mercater Pty Ltd in relation to the failed works jointly undertaken in 2015 to construct the Wirrabara Community Wastewater Management System (CWMS);
3. approves delegation to the Chief Executive Officer to appoint an appropriate legal firm to pursue legal proceedings against Wallbridge Gilbert Aztec and Mercater Pty Ltd in relation to the failed works jointly undertaken in 2015 to construct the Wirrabara Community Wastewater Management System (CWMS); and
4. thanks the Local Government Association of South Australia for their collaborative efforts with Council on this matter, and makes acknowledgement of the efforts of Michelle Wittholz from the Local Government Association of South Australia.

**Carried Unanimously**  
[130-2022]

Moved Cr McCarthy  
Seconded Cr Norton

That in accordance with Section 91(7) and (9) of the Local Government Act 1999, Council orders that report item 8.2 Wirrabara Community Wastewater Management System (CWMS), attachments, discussion and minutes having been considered in confidence under Section 90(2) and 3(h) of the Act be kept confidential and not available for public inspection on the basis that it contains legal advice. This order is to remain in force until the conclusion of legal proceedings, notwithstanding that it will be reviewed annually.

**Carried Unanimously**  
[131-2022]