



# ORDINARY MEETING OF COUNCIL SUPPLEMENTARY ITEMS

To be held at 5.00pm on

**Tuesday 16 July 2024**

Council Chambers

11 Manning Street, KIAMA NSW 2533

## **Members**

Mayor

Councillor N Reilly

Deputy Mayor

Councillor I Draisma

Councillor M Brown

Councillor M Croxford

Councillor J Keast

Councillor S Larkins

Councillor K Renkema-Lang

Councillor K Rice

Councillor W Steel

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## 18 LATE ITEMS

### 18.1 Question with notice: Financial mismanagement, project management failures, and payout transparency

Item 18.1

Clr Mark Croxford has submitted the following question with notice for Council's consideration:

#### Question

#### 1. Origins of financial mismanagement and project management failures:

The current body of council has inherited significant issues related to financial mismanagement and project management failures. Can the Chief Executive Officer confirm whether these issues originated in the 2016 - 2021 term of council, or do they have roots in earlier terms of council?

#### 2. Project management and Blue Haven Bonaira costs:

Why did the council fail to adequately project manage or seek reports on key projects, including but not limited to the Blue Haven Bonaira project, across multiple terms? Specifically, why were the following aspects not adequately addressed:

- Operational costs of the facilities
- Variances to budget
- Defects reporting
- Completion reports

The Blue Haven Bonaira project, in particular, incurred substantial costs not fully covered by available funding, leading to significant budget overruns. What steps were missed in the project management process that contributed to these issues?

Can the Chief Executive Officer provide an account of the Blue Haven Bonaira construction project costs and explain why the council did not adequately manage and report on these costs?

#### 3. Transparency, justification and overturning confidentiality agreements for payouts:

Why have the significant payouts to executive directors and the then General Manager, which occurred during the period 2018 to 2021, not been made public?

Can the Chief Executive Officer provide details for these substantial payouts, including the rationale behind these payments and the approval process followed?

Considering the substantial financial impact of these payouts on the Council's cash flow, can the Council review and potentially overturn any confidentiality agreements related to these payouts to enhance transparency and accountability? How does the Council plan to address the community's concerns about the lack of transparency regarding these payouts and ensure that similar situations are handled more openly in Page 3 the future?

## Supplementary Reports

- 18.1 Question with notice: Financial mismanagement, project management failures, and payout transparency (cont)
- 

**4. Informed decision-making:**

Were the elected members of the council, whether from the 2016-2021 term or earlier, adequately advised by the General Manager and Executive Leadership Team of Council of the specifics of 'Project Management and Blue Haven Bonaira Costs' and 'Transparency, Justification, and Overturning Confidentiality Agreements for Payouts' details in either public or confidential sessions of ordinary and extraordinary meetings of council to allow them to make informed decisions? If not, why was this critical information withheld?

**5. Accountability for financial mismanagement and maladministration of operational issues:**

What actions have been or can be taken against those identified as responsible for the financial mismanagement and maladministration of operational issues inherited at the beginning of this council term?

Specifically, what measures, including disciplinary actions, sanctions, terminations, or legal proceedings, have been implemented or considered? If no actions have been taken, please explain why not.

**6. Release of Forsyths Report:**

What would need to be done to publicly release the full details of the Forsyths Report? Can the Chief Executive Officer provide an outline of the necessary steps and any potential legal or procedural obstacles to making the full report available to the public?

**Chief Executive Officer response**

These questions will be taken on notice and a reply provided at a subsequent ordinary meeting of Council.

**18.2 CEO note in respect to Item 14.1 Monthly Financial Report - May 2024**

CSP Objective: Outcome 13: Governance is transparent and builds trust

CSP Strategy: 13.4 Create systems of governance and oversight that are current and compliant, and offer transparency and accountable

Delivery Program: 13.4.1 Our Elected Officials are supported through good systems and records

Item 18.2

**Attachments**

- 1 Financial Statements - May 2024 - Monthly Report - replacement [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council replace the attachment to Item 14.1 *Monthly Financial Report – May 2024* of the business paper with the document attached to this CEO note, being the correct version of the *Financial Statements – May 2024 – Monthly Report*.

**Background**

The document attached to 14.1 *Monthly Financial Report – May 2024* of the supplementary business paper was not the correct version of the monthly Financial Statements for May 2024. The correct document is attached to this report.

The change to the attached document is an update of the actuals 2022-23 column. All other information in the document remains unchanged.

# KIAMA MUNICIPAL COUNCIL

## Income Statement - Consolidated

For the Period Ending 31 May 2024



	Year to Date			Full Year	
	Actual 2023/24 \$'000	Adopted Budget 2023/24 \$'000	Variance 2023/24 \$'000	Last Year Actual 2022/23 \$'000	Adopted Budget 2023/24 \$'000
<b>Income from continuing operations</b>					
Rates and annual charges	25,651	25,843	(192)	23,980	26,494
User charges and fees	21,838	21,741	97	21,767	23,530
Other revenue	5,864	5,764	100	5,352	5,848
Grants and contributions provided for operating purposes	16,564	15,809	755	16,111	20,130
Grants and contributions provided for capital purposes	7,868	11,795	(3,927)	5,466	1,314
Interest and investment income	2,145	2,188	(43)	1,642	1,859
Other income	-	0	(0)	-	-
Net gain/(loss) from the disposal of assets	72	2,407	(2,335)	17,085	7,759
Internal Revenue	8,413	8,384	29	4,321	7,088
<b>Total income from continuing operations</b>	<b>88,415</b>	<b>93,931</b>	<b>(5,516)</b>	<b>95,725</b>	<b>132,313</b>
<b>Expenses from continuing operations</b>					
Employee benefits and on-costs	35,760	35,036	(725)	33,966	35,891
Materials and services	34,568	33,023	(1,545)	36,717	43,783
Borrowing costs	918	523	(395)	1,988	1,263
Depreciation, amortisation and impairment for non financial assets	11,293	11,339	46	10,254	11,253
Other expenses	869	861	(8)	910	1,045
Internal Expenditure	8,405	8,385	(20)	4,321	7,088
<b>Total Expenses from continuing operations</b>	<b>91,813</b>	<b>89,166</b>	<b>(2,647)</b>	<b>88,156</b>	<b>100,323</b>
<b>Operating result from continuing operations</b>	<b>(3,398)</b>	<b>4,765</b>	<b>(8,163)</b>	<b>7,568</b>	<b>(6,302)</b>
<b>Net operating results for the year</b>	<b>(3,398)</b>	<b>4,765</b>	<b>(8,163)</b>	<b>7,568</b>	<b>(6,302)</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>(11,266)</b>	<b>(7,030)</b>	<b>(4,236)</b>	<b>2,102</b>	<b>(7,617)</b>
					<b>20,132</b>

# KIAMA MUNICIPAL COUNCIL

## Income Statement - Consolidated (excluding Blue Haven, Holiday Parks, Pavilion)

For the Period Ending 31 May 2024



	Year to Date			Full Year	
	Actual 2023/24 \$'000	Adopted Budget 2023/24 \$'000	Variance 2023/24 \$'000	Last Year Actual 2022/23 \$'000	Adopted Budget 2023/24 \$'000
<b>Income from continuing operations</b>					
Rates and annual charges	25,651	25,843	(192)	23,980	28,175
User charges and fees	6,005	5,597	408	6,437	6,098
Other revenue	1,283	1,168	115	1,270	1,236
Grants and contributions provided for operating purposes	1,985	1,372	613	4,785	3,891
Grants and contributions provided for capital purposes	7,868	11,795	(3,927)	5,466	14,346
Interest and investment income	2,138	2,187	(50)	780	2,386
Other income	-	-	-	-	-
Net gain/(loss) from the disposal of assets	69	2,404	(2,335)	17,085	28,918
Internal Revenue	7,190	7,159	31	3,061	7,808
<b>Total income from continuing operations</b>	<b>52,188</b>	<b>57,525</b>	<b>(5,337)</b>	<b>62,864</b>	<b>92,859</b>
<b>Expenses from continuing operations</b>					
Employee benefits and on-costs	23,110	22,524	(586)	21,657	24,455
Materials and services	19,780	19,681	(98)	23,093	21,899
Borrowing costs	64	63	(1)	85	83
Depreciation, amortisation and impairment for non financial assets	8,618	8,633	16	9,102	9,570
Other expenses	449	530	81	613	726
Internal Expenditure	4,484	4,377	(107)	1,572	4,775
<b>Total Expenses from continuing operations</b>	<b>56,504</b>	<b>55,808</b>	<b>(696)</b>	<b>56,122</b>	<b>61,507</b>
<b>Operating result from continuing operations</b>	<b>(4,316)</b>	<b>1,717</b>	<b>(6,033)</b>	<b>6,743</b>	<b>31,352</b>
<b>Net operating results for the year</b>	<b>(4,316)</b>	<b>1,717</b>	<b>(6,033)</b>	<b>6,743</b>	<b>31,352</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>(12,184)</b>	<b>(10,078)</b>	<b>(2,106)</b>	<b>1,277</b>	<b>17,006</b>

# KIAMA MUNICIPAL COUNCIL

## Income Statement - Blue Haven

For the Period Ending 31 May 2024



	Year to Date			Full Year	
	Actual 2023/24 \$'000	Adopted Budget 2023/24 \$'000	Variance 2023/24 \$'000	Last Year Actual 2022/23 \$'000	Adopted Budget 2023/24 \$'000
<b>Income from continuing operations</b>					
Rates and annual charges	-	-	-	-	-
User charges and fees	5,008	5,048	(40)	5,007	5,507
Other revenue	4,572	4,595	(23)	4,487	5,013
Grants and contributions provided for operating purposes	14,496	14,437	59	12,675	15,722
Grants and contributions provided for capital purposes	-	-	-	-	-
Interest and investment income	7	1	6	862	1
Other income	-	0	(0)	-	0
Net gain/(loss) from the disposal of assets	-	-	-	-	-
Internal Revenue	1,138	1,213	(75)	1,247	1,323
<b>Total income from continuing operations</b>	<b>25,220</b>	<b>25,294</b>	<b>(74)</b>	<b>23,825</b>	<b>27,566</b>
<b>Expenses from continuing operations</b>					
Employee benefits and on-costs	12,132	11,908	(224)	12,600	12,914
Materials and services	9,339	7,618	(1,721)	8,019	8,311
Borrowing costs	787	393	(394)	1,076	393
Depreciation, amortisation and impairment for non financial assets	1,969	1,999	30	1,152	2,181
Other expenses	67	8	(59)	3	9
Internal Expenditure	3,593	3,662	69	3,234	3,993
<b>Total Expenses from continuing operations</b>	<b>27,887</b>	<b>25,588</b>	<b>(2,299)</b>	<b>25,997</b>	<b>27,799</b>
<b>Operating result from continuing operations</b>	<b>(2,667)</b>	<b>(294)</b>	<b>(2,372)</b>	<b>(2,172)</b>	<b>(233)</b>
<b>Net operating results for the year</b>	<b>(2,667)</b>	<b>(294)</b>	<b>(2,372)</b>	<b>(2,172)</b>	<b>(233)</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>(2,667)</b>	<b>(294)</b>	<b>(2,372)</b>	<b>(2,172)</b>	<b>(233)</b>



**KIAMA MUNICIPAL COUNCIL**  
**Income Statement - Blue Haven Per Area**

For the Period Ending 31 May 2024



	RACF	Year to Date										Full Year	
		ILU		Community Programs		Barrou House		BH Management		Total Bluehaven			
		Actual 2023/24 \$'000	Actual 2023/24 \$'000	Actual 2023/24 \$'000	Actual 2023/24 \$'000	Actual 2023/24 \$'000	Actual 2023/24 \$'000	Actual 2023/24 \$'000	Actual 2023/24 \$'000	Adopted Budget 2023/24 \$'000	Variance 2023/24 \$'000		Last Year Actual 2022/23 \$'000
<b>Income from continuing operations</b>													
Rates and annual charges	3,563	1,277	168	-	-	-	-	-	-	-	-	-	-
User charges and fees	11	4,442	21	97	-	-	-	-	-	-	-	-	-
Other revenue	10,061	-	4,435	-	-	-	-	-	-	-	-	-	-
Grants and contributions provided for operating purposes	-	-	-	-	-	-	-	-	-	-	-	-	-
Grants and contributions provided for capital purposes	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest and investment income	-	7	-	-	-	-	-	-	-	-	-	-	-
Other income	-	-	-	-	-	-	-	-	-	-	-	-	-
Net gain/(loss) from the disposal of assets	-	-	-	-	-	-	-	-	-	-	-	-	-
Internal Revenue	-	-	376	-	-	-	-	-	-	-	-	-	-
<b>Total income from continuing operations</b>	<b>13,635</b>	<b>5,727</b>	<b>4,999</b>	<b>97</b>	<b>762</b>	<b>762</b>	<b>762</b>	<b>762</b>	<b>762</b>	<b>1,138</b>	<b>1,213</b>	<b>1,170</b>	<b>1,247</b>
<b>Expenses from continuing operations</b>													
Employee benefits and on-costs	8,150	240	2,938	326	479	-	-	-	-	-	-	-	-
Materials and services	6,470	1,431	805	94	538	-	-	-	-	-	-	-	-
Borrowing costs	551	236	-	-	-	-	-	-	-	-	-	-	-
Depreciation, amortisation and impairment for non-financial assets	187	1,782	-	-	-	-	-	-	-	-	-	-	-
Other expenses	67	-	-	-	-	-	-	-	-	-	-	-	-
Internal Expenditure	966	1,027	1,474	32	94	3,593	67	8	69	3,662	2,883	3,234	3,993
<b>Total Expenses from continuing operations</b>	<b>16,390</b>	<b>4,716</b>	<b>5,216</b>	<b>453</b>	<b>1,111</b>	<b>27,887</b>	<b>25,588</b>	<b>(2,299)</b>	<b>(2,299)</b>	<b>25,588</b>	<b>24,079</b>	<b>25,997</b>	<b>27,799</b>
<b>Operating result from continuing operations</b>	<b>(2,755)</b>	<b>1,011</b>	<b>(217)</b>	<b>(356)</b>	<b>(349)</b>	<b>(2,667)</b>	<b>(2,667)</b>	<b>(2,372)</b>	<b>(2,372)</b>	<b>(2,372)</b>	<b>(2,160)</b>	<b>(2,172)</b>	<b>(233)</b>
<b>Net operating results for the year</b>	<b>(2,755)</b>	<b>1,011</b>	<b>(217)</b>	<b>(356)</b>	<b>(349)</b>	<b>(2,667)</b>	<b>(2,667)</b>	<b>(2,372)</b>	<b>(2,372)</b>	<b>(2,372)</b>	<b>(2,160)</b>	<b>(2,172)</b>	<b>(233)</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>(2,755)</b>	<b>1,011</b>	<b>(217)</b>	<b>(356)</b>	<b>(349)</b>	<b>(2,667)</b>	<b>(2,667)</b>	<b>(2,372)</b>	<b>(2,372)</b>	<b>(2,372)</b>	<b>(2,160)</b>	<b>(2,172)</b>	<b>(233)</b>

# KIAMA MUNICIPAL COUNCIL

## Income Statement - Holiday Parks

For the Period Ending 31 May 2024



	Year to Date		Full Year	
	Actual 2023/24 \$'000	Adopted Budget 2023/24 \$'000	Last Year Actual 2022/23 \$'000	Adopted Budget 2023/24 \$'000
<b>Income from continuing operations</b>				
Rates and annual charges	10,125	10,357	-	-
User charges and fees	9	2	(231)	11,131
Other revenue	83	-	8	2
Grants and contributions provided for operating purposes	-	-	83	0
Grants and contributions provided for capital purposes	-	-	-	-
Interest and investment income	-	-	-	-
Other income	-	-	-	-
Net gain/(loss) from the disposal of assets	-	-	-	-
Internal Revenue	39	-	39	72
<b>Total income from continuing operations</b>	<b>10,257</b>	<b>10,358</b>	<b>(102)</b>	<b>11,205</b>
<b>Expenses from continuing operations</b>				
Employee benefits and on-costs	302	362	60	337
Materials and services	5,078	5,316	238	6,474
Borrowing costs	67	67	(0)	85
Depreciation, amortisation and impairment for non financial assets	568	568	1	689
Other expenses	353	323	(30)	406
Internal Expenditure	307	311	4	827
<b>Total Expenses from continuing operations</b>	<b>6,675</b>	<b>6,947</b>	<b>272</b>	<b>9,469</b>
<b>Operating result from continuing operations</b>	<b>3,582</b>	<b>3,411</b>	<b>171</b>	<b>1,736</b>
<b>Net operating results for the year</b>	<b>3,582</b>	<b>3,411</b>	<b>171</b>	<b>3,281</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>3,582</b>	<b>3,411</b>	<b>171</b>	<b>3,281</b>

# KIAMA MUNICIPAL COUNCIL

## Income Statement - The Pavilion

For the Period Ending 31 May 2024



	Year to Date			Full Year	
	Actual 2023/24 \$'000	Adopted Budget 2023/24 \$'000	Variance 2023/24 \$'000	Last Year Actual 2022/23 \$'000	Adopted Budget 2023/24 \$'000
<b>Income from continuing operations</b>					
Rates and annual charges	-	-	-	-	-
User charges and fees	700	740	(39)	642	807
Other revenue	-	-	-	-	-
Grants and contributions provided for operating purposes	-	-	-	-	-
Grants and contributions provided for capital purposes	-	-	-	-	-
Interest and investment income	-	-	-	-	-
Other income	-	-	-	-	-
Net gain/(loss) from the disposal of assets	3	2	0	-	3
Internal Revenue	47	12	35	18	13
<b>Total income from continuing operations</b>	<b>750</b>	<b>754</b>	<b>(4)</b>	<b>660</b>	<b>823</b>
<b>Expenses from continuing operations</b>					
Employee benefits and on-costs	216	242	26	190	262
Materials and services	371	407	37	407	445
Borrowing costs	-	-	-	-	-
Depreciation, amortisation and impairment for non financial assets	139	139	0	-	-
Other expenses	-	-	-	-	-
Internal Expenditure	21	35	13	5	38
<b>Total Expenses from continuing operations</b>	<b>747</b>	<b>823</b>	<b>76</b>	<b>601</b>	<b>744</b>
<b>Operating result from continuing operations</b>	<b>3</b>	<b>(69)</b>	<b>72</b>	<b>59</b>	<b>78</b>
<b>Net operating results for the year</b>	<b>3</b>	<b>(69)</b>	<b>72</b>	<b>59</b>	<b>78</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>3</b>	<b>(69)</b>	<b>72</b>	<b>59</b>	<b>78</b>

## KIAMA MUNICIPAL COUNCIL

### Consolidated

Statement of Financial Position  
For the Period Ended 31 May 2024



	Notes	Actual 11 Months 2024 \$'000	Actual 11 Months 2023 \$'000
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	C1-1	14,818	16,111
Investments	C1-2	22,750	22,837
Receivables	C1-4	3,028	2,545
Inventories	C1-5	327	314
Contract assets and contract cost assets	C1-6	-	822
Current assets classified as 'held for sale'	C1-7	4,342	-
Other		552	552
<b>Total current assets</b>		<b>45,817</b>	<b>43,181</b>
<b>Non current assets</b>			
Investments	C1-2	9,000	9,000
Receivables	C1-4	204	204
Infrastructure, property, plant and equipment	C1-8	584,594	587,741
Investment property	C1-9	124,950	124,950
Intangible assets	C1-10	-	-
Right of use assets	C2-1	122	122
<b>Total non current assets</b>		<b>718,870</b>	<b>722,017</b>
<b>Total assets</b>		<b>764,686</b>	<b>765,198</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	C3-1	141,011	139,419
Contract liabilities	C3-2	81	6,950
Lease liabilities	C2-1	36	36
Borrowings	C3-3	506	674
Employee benefit provisions	C3-4	6,452	6,410
<b>Total current liabilities</b>		<b>148,086</b>	<b>153,490</b>
<b>Non current liabilities</b>			
Payables	C3-1	18	18
Lease liabilities	C2-1	6	6
Borrowings	C3-3	20,197	20,072
Employee benefit provisions	C3-4	601	601
<b>Total non current liabilities</b>		<b>20,822</b>	<b>20,697</b>
<b>Total Liabilities</b>		<b>168,908</b>	<b>174,187</b>
<b>Net Assets</b>		<b>595,778</b>	<b>591,011</b>
<b>EQUITY</b>			
Retained earnings		180,976	176,201
Revaluation reserves		415,319	418,281
Current Year Net Earnings		-517	-3,470
<b>Total equity</b>		<b>595,778</b>	<b>591,011</b>

**18.3 Notice of Motion: Review of Item 10.11 and 3.11 of Code of Meeting Practice**

Clr Kathy Rice has submitted the following Notice of Motion for Council's consideration:

***MOTION***

That Council in the forthcoming scheduled review of the Code of Meeting Practice, considers a revision of clause 10.11 amendments and clause 3.11 notice of business as provided in this report.

Signed Councillor Kathy Rice

**Purpose:**

Council's Code of Meeting Practice is due for review in September 2024. It currently contains clauses that:

- Are difficult to administer consistently
- Obstruct the ability of the CEO to give timely information and advice for the mayor and councillors to effectively discharge their functions.

I suggest that the restriction on the timing of amendments is reviewed and that an additional point is added to Code of Meeting Practice clause 3.11.

**Background:****Amendments**

Council has adopted clause 10.11, the requirement to provide 24 hours prior notification of amendments where possible. This is an uncommon requirement of Councils.

10.11 Where possible, a Councillor is to circulate their proposed amendment(s) for consideration at the briefing preceding the Council Meeting or otherwise, at least 24 hours prior to the Council Meeting.

Although this provides time for councillors to consider changes being proposed to recommendations, it also creates an inflexibility that limits consensus building through disallowing any spontaneous lateral thinking. Under this clause nothing should be crafted on the floor of Council yet in practice that is not the case. Administering the notification requirement of this clause is proving to be difficult, and inconsistent application of the clause is being demonstrated.

## Notice of Motion

## 18.3 Notice of Motion: Review of Item 10.11 and 3.11 of Code of Meeting Practice (cont)

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Interpreting the 'where possible' preface to the clause requires discretion and is susceptible to other influences. At both the May and June meetings there was evident variation in how this clause was interpreted.

**Notice of business**

Council recently identified a shortcoming in meeting practice regarding how Questions on Notice were being notified. In the code Clause 3.11 is taken as mandating the required process and timing for giving notice, and Councillors have now been instructed to observe it for both notices of motion and questions on notice. Whilst the notice required under 3.11 is appropriate for notices of motion that will be debated at the meeting 8 days later, it does not provide sufficient time for reports to be written to that meeting.

When using clause 3.11 to guide the submission of questions on notice, it has the effect of substantially delaying the provision of the requested information.

At the time this change was being recommended to Councillors it was thought that depending on the nature of the question and the detail of the response required, it could be addressed in one of the following ways:

- A verbal response provided on the floor
- A response provided by way of a report to the Meeting; or
- Taken on notice for a report to be provided at a future Meeting

The first dot point is possible for a question that is not particularly detailed. In practice though, simple questions that do not require a background report are regularly asked of staff via email, with all councillors cc'd.

The second dot point is virtually impossible to achieve because the deadline for submission is only a few days before the business paper is finalised. Staff could not be expected to produce a report in such a short time and so, in the majority of cases the report would become available the next month at the earliest.

The final dot point will be the norm. In many cases this will satisfactorily allow a question asked to be answered the next month. An issue arises however, when seeking answers to contemporary material that has only come to the attention of Councillors in the current business paper, during public access or during debate.

The previous practice of Council would have allowed such questions to be asked in person and submitted in writing to the Council meeting that they had arisen in. This practice provided notice that was not properly documented. There was a month's notice because answers were not expected at the meeting in which the questions were lodged.

What has happened now is that contemporary questions that require a background report must wait a month after the meeting in which they have arisen to be submitted and then another month before a report can be received in response to them. Such a delay is likely to impede the resolution of topical matters and depending on the subject, the provision of timely information and advice may be compromised.

In the review of the Code of Meeting Practice I would suggest consideration of an additional point to Clause 3.11 such as (ii) in italics below:

## Notice of Motion

## 18.3 Notice of Motion: Review of Item 10.11 and 3.11 of Code of Meeting Practice (cont)

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3.11 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion.

- (i) To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted to the CEO not later than 12 noon on Monday in the week preceding the meeting (ie one (1) week and one (1) day prior to the meeting).
- (ii) *Questions about the performance or operations of the Council may be submitted in writing at any ordinary Council meeting and will be answered at a subsequent meeting.*

**Link to Council Plans:**

Does the motion link to: In practice could impact any of

- Operational Plan
- Community Strategic Plan
- Capital Works Program

**Note:** As per the Code of Meeting Practice – clause 3.14.

A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion.

**Costing/budget:**

Covered by existing budget for policy review

**Chief Executive Officer response**

The Code of Meeting Practice is required to be reviewed within 12 months of the election (s 360(3) of the LG Act). The draft Code will be placed on public exhibition prior to adoption by Council giving councillors and the public opportunity to make submissions. Councillors and members of the public will get the opportunity to comment when it is discussed, and on public exhibition.

## 21 CONFIDENTIAL SUMMARY

### CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 16 July 2024

#### PROCEDURE

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

#### 21.1 Exclusion Of Press And Public:

##### **RECOMMENDATION**

That in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds detailed under the report headings as detailed below.

#### 22.4 BLUE HAVEN BONAIRA SALE CONTRACT

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act. .

## 22 CONFIDENTIAL REPORTS

### 22.4 Blue Haven Bonaira sale contract

CSP Objective: Outcome 5.1: Public funds and assets are managed strategically, transparently, and efficiently

CSP Strategy: 5.1.4 Commercial investments are managed to maximise their value; and in accordance with legislative obligations.

Delivery Program: 5.1.4.2 Continue to implement Council Resolution 22/1040C for Blue Haven and Resolution 23/0530C

#### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*