



# **MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL**

commencing at 1.00pm on

**MONDAY 27 MAY 2024**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE EXTRAORDINARY MEETING OF  
THE COUNCIL OF THE MUNICIPALITY OF KIAMA  
HELD IN THE COUNCIL CHAMBERS  
ON MONDAY 27 MAY 2024 AT 1.00PM**

**PRESENT:** Mayor – Councillor N Reilly,  
Deputy Mayor – Councillor I Draisma,  
Councillors K Rice, W Steel, J Keast, S Larkins and M Croxford

**BY AUDIO-VISUAL:** Councillors K Renkema-Lang and M Brown

**IN ATTENDANCE:** Jane Stroud – Chief Executive Officer  
Edward Paterson – Head of Implementation  
Michael Malone – Director Infrastructure and Liveability  
Joe Gaudiosi – Chief Operating Officer  
Olena Tulubinska – Chief Financial Officer  
Stephanie Salviejo – Public Officer

## **1 OPENING OF MEETING**

The Mayor opened the meeting at 5pm.

## **2 WEBCASTING STATEMENT**

The Mayor stated that the meeting is being recorded and made publicly available on the Council website, and that persons attending the meeting should refrain from making any defamatory statements.

## **3 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the traditional owners:

*“I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present.”*

## **4 STATEMENT OF ETHICAL OBLIGATIONS**

The Mayor read the statement of ethical obligations:

*“Councillors are reminded of their oaths or affirmations of office under section 233A of the Act and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.”*

## 5 APOLOGIES

Nil

**Procedural motion: Councillor excused from standing when speaking**

**24/165OC**

**Resolved** that Councillor Steel is excused from the requirement to stand when speaking.

(Councillors Draisma and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,  
Renkema-Lang, Rice and Steel

Against: Nil

**Motion: Approval to attend meeting by audio-visual**

**24/166OC**

**Resolved** that Council, as required under section 5.2 of the Code of Meeting Practice, permit Councillors Brown and Renkema-Lang to attend the Council meeting held on 27 May 2024 via audio-visual.

(Councillors Larkins and Rice)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,  
Renkema-Lang, Rice and Steel

Against: Nil

## 6 DISCLOSURE OF INTEREST

Nil

## 7 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

**7.1 Temporary change to the Chief Executive Officer's delegations for accepting a tender**

**24/167OC**

**Resolved** that Council:

1. Delegates to the Chief Executive Officer the authority to accept the tender for the comingled recycle receipt and processing contract.

2. Delegate to the Chief Executive Officer and/or Mayor authorisation to sign and execute all documentation in relation to the contract including the application of the seal of Council if required.

(Councillors Croxford and Larkins)

For: Councillors Brown, Croxford, Draisma, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Councillor Keast

### **24/168OC**

**Resolved** that at this time 1.09pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Croxford and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

## **S.1 Receipt of Varied Performance Improvement Order**

### **24/169OC**

**Resolved** that Council:

1. Note that the Minister for Local Government, The Hon Ron Hoenig MP's has formally issued Kiama Municipal Council with a variation to the Performance Improvement Order on 24 May 2024,
2. Display a copy of the varied Performance Improvement Order on the Council website,
3. Acknowledge that the varied Performance Improvement Order establishes actions required to be undertaken by Kiama Municipal Council over the following three (3) financial years to improve its operating performance which will take organisational precedence,
4. Acknowledge that a Strategic Finance and Governance Improvement Plan will be reported to Council's extraordinary June 2024 Integrated Planning and Reporting meeting, and that this Plan will respond directly to the requirements of the varied Performance Improvement Order, including compliance with the cycle of reporting to Council and the Office of Local Government.

(Councillors Draisma and Rice)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

## 8 CONFIDENTIAL SUMMARY

### 24/1700C

**Resolved** that at this time, 1:16pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Croxford and Keast)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,  
Renkema-Lang, Rice and Steel

Against: Nil

### Public Representations:

The Mayor called for representations regarding issues which had been proposed to be disclosed in Confidential Committee of the Whole. No such representations were received.

### 8.1 Exclusion Of Press And Public:

#### 24/1710C

**Committee 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 to deal with the following matters on the grounds as detailed below.

#### 9.1 PARAMETERS FOR CONTRACT DRAFTING - BLUE HAVEN BONAIRA

**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. .

(Councillors Draisma and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,  
Renkema-Lang, Rice and Steel

Against: Nil

## 9 CONFIDENTIAL REPORTS

### 9.1 Parameters for contract drafting - Blue Haven Bonaira

**24/1720C**

**Committee recommendation** that Council:

1. Endorse the Chief Executive Officer to pursue completion of the sale contract for Blue Haven Bonaira site and associated services excluding Community Transport in accordance with the parameters and framework of the sale conditions as noted in the report.
2. Report and present the final sale contract to Council at the July 2024 ordinary meeting for execution and public announcement regarding the sale.

(Councillors Brown and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,  
Renkema-Lang and Steel

Against: Councillor Rice

### Close of Confidential Committee of the Whole:

**24/1730C**

**Committee recommendation** that at this time, 1.50pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Draisma and Rice)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,  
Renkema-Lang, Rice and Steel

Against: Nil

### Adoption of Report

The Chief Executive Officer formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.

**24/1740C**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 24/1710C to 24/1730C be confirmed and adopted.

(Councillors Croxford and Draisma)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

## 10 CLOSURE

There being no further business the meeting closed at 1.53pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 27 May 2024.

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Mayor