



MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 4pm on

THURSDAY 31 OCTOBER 2024

Council Chambers
11 Manning Street, KIAMA NSW 2533

Amended as per minute 24/299OC:

Resolved that the minutes of the Extraordinary Council meeting held on 31 October 2024 be received and accepted subject to the following amendments:

1. The mover and seconder for resolution 24/295OC be changed to read that it was moved by Councillor Warren and seconded by Councillor Tatrai and a division of 'all in favour' recorded.
2. Resolution 24/297OC be changed to read "Resolved that the Confidential Committee of the Whole recommendations numbered 24/295OC to 24/296OC be confirmed and adopted."

(Councillors Larkins and Brown)

**MINUTES OF THE EXTRAORDINARY MEETING
OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS
ON THURSDAY 31 OCTOBER 2024 AT 4PM**

PRESENT: Mayor – Councillor C McDonald,
Deputy Mayor – Councillor M Matters,
Councillors M Brown, M Cains, S Larkins, M Lawton, Y Tatrai
and E Warren

IN ATTENDANCE: Jane Stroud – Chief Executive Officer
Ed Paterson – Acting Director Planning, Environment and Communities
Seren McKenzie – Acting Director Infrastructure and Liveability
Joe Gaudiosi – Chief Operating Officer
Olena Tulubinska – Chief Financial Officer
Michael Kharzoo – Director - Financial Audit | NSW Audit Office
Mubashshir Hassan – Associate Director - Financial Audit |
NSW Audit Office

1 OPENING OF MEETING

The Mayor opened the meeting at 4.03pm.

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 OBLIGATIONS⁴⁰³

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

24/2910C

Resolved that the apology tendered from Councillor Draisma be accepted and the leave of absence granted.

(Councillors Brown and Larkins)

For: Councillors Brown, Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council on 13 August 2024

24/2920C

Resolved that the Minutes and associated attachments of the Ordinary Council meeting held on 13 August 2024 be received and accepted.

(Councillors Brown and Larkins)

For: Councillors Brown, Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

Councillor Lawton questioned whether Council had received a response to the letter sent to Stephen Kamper MP regarding Crown land that was tabled at the August ordinary Council meeting. The CEO took this question on notice.

7 DISCLOSURE OF INTEREST

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in Item 11.1 *Draft purchase parameters for land acquisition opportunity* as Councillor Larkins regularly volunteers for the Lions Club that rents an adjacent property to the subject land. Councillor Larkins proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor McDonald

Councillor McDonald declared a less than significant non-pecuniary interest in Item 11.1 *Draft purchase parameters for land acquisition opportunity*. Councillor McDonald proposed to disclose and vote on this matter.

8 PUBLIC FORUM SUMMARY

Nil.

At this time, being 4.08pm, NSW Audit Office Director - Financial Audit addressed the Council on the financial statements, and thanked Council staff for their excellent work.

9 REPORT OF THE CHIEF OPERATING OFFICER

9.1 2023-24 Annual Financial Statements

[24/293OC](#)

Resolved that Council:

1. Authorises the Statement by Councillors and Management to be signed by the Chief Executive Officer, the Responsible Accounting Officer, the Mayor and a Councillor as required by the Local Government Act 1993.
2. Notes the financial result for the year ending 30 June 2024.
3. Notes the governance role played by Council's Audit, Risk and Improvement Committee in overseeing the preparation and finalisation of the audited 2023-24 financial statements.

(Councillors Brown and Cains)

For: Councillors Brown, Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

At this time, being 4.15pm, the NSW Audit Office Director - Financial Audit and Associate Director - Financial Audit left the meeting.

10 CONFIDENTIAL SUMMARY

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.

10.1 Exclusion Of Press And Public:

Resolved 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.

11.1 DRAFT PURCHASE PARAMETERS FOR LAND ACQUISITION OPPORTUNITY

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 Larkins and Lawton)

For: Councillors Brown, Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

24/294OC

Resolved that at this time, 4.20pm, 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 Brown and Warren)

For: Councillors Brown, Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

11 CONFIDENTIAL REPORTS**11.1 Draft purchase parameters for land acquisition opportunity**

Councillor McDonald declared a less than significant, non pecuniary interest in this item as Councillor McDonald knows the directors of the vendor company. Councillor McDonald disclosed and voted.

Councillor Larkins declared a less than significant non-pecuniary interest in this matter, disclosed and voted.

24/295OC

Resolved that Council:

1. Submit an offer to acquire the property as detailed within the report.
2. Give the CEO delegated authority to negotiate within the range and any other relevant special conditions as per the report.
3. Give the Mayor and/or CEO delegated authority to execute any documentation associated with the acquisition of the property including the Common Seal of Council if required.
4. Upon acquisition, classify the land as "Operational Land".
5. Expedite additional planned divestment opportunities within 18 months to fund and facilitate the acquisition.

(Councillors Warren and Tatrai)

For: Councillors Brown, Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

Close of Confidential Committee of the Whole:**24/296OC**

Resolved that at this time, 5.13pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Lawton)

For: Councillors Brown, Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

Adoption of Report

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

24/297OC

Resolved that the Confidential Committee of the Whole recommendations numbered 24/294OC to 24/296OC be confirmed and adopted.

(Councillors Larkins and Lawton)

For: Councillors Brown, Cains, Larkins, Lawton, Matters, McDonald, Tatrai
and Warren

Against: Nil

12 CLOSURE

There being no further business the meeting closed at 5.16pm.

These Minutes will be confirmed at the Ordinary Meeting of Council held on
20 November 2024.

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Mayor