



MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 4:30pm on

THURSDAY 6 MARCH 2025

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 THURSDAY 6 MARCH 2025 AT 4:30 PM**

- PRESENT:** Mayor – Councillor C McDonald (Chair)
Deputy Mayor – Councillor M Matters
Councillors S Larkins, M Lawton, Y Tatrai and E Warren
- BY VIDEO LINK:** Councillors M Brown, I Draisma and M Cains
- IN ATTENDANCE:** Joe Gaudiosi – Acting Chief Executive Officer
Ed Paterson – Director Planning, Environment and Communities
/ Public Officer
Peter Luke – Acting Director Infrastructure and Liveability
Olena Tulubinska – Chief Financial Officer

1 OPENING OF MEETING

The Mayor opened the meeting at 4.35pm.

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.

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

Request by Councillor Brown to attend meeting via video conference

25/0720C

That Council, as required under section 5.2 of the Code of Meeting Practice, permit Councillor Brown to attend the Extraordinary Council meeting held on 6 March 2025 via audio-visual link.

(Councillors Tatrai and Lawton)

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

Against: Nil

Request by Councillor Cains to attend meeting via video conference

25/0730C

Resolved that Council, as required under section 5.2 of the Code of Meeting Practice, permit Councillor Cains to attend the Extraordinary Council meeting held on 6 March 2025 via audio-visual link

(Councillors Larkins and Tatrai)

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

Against: Nil

Request by Councillor Draisma to attend meeting via video conference

25/0740C

Resolved that Council, as required under section 5.2 of the Code of Meeting Practice, permit Councillor Draisma to attend the Extraordinary Council meeting held on 6 March 2025 via audio-visual link.

(Councillors Larkins and Lawton)

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

Against: Nil

6 DISCLOSURE OF INTEREST

Nil

7 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.

7.1 Exclusion of press and public

25/075OC

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 matter on the grounds as detailed.

8.1 BLUE HAVEN BONAIRA SALE SETTLEMENT EXTENSION REQUEST TO 31 MARCH 2025

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 Lawton and Tatrai)

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

Against: Nil

Councillor Lawton raised a **point of order** that the report Blue Haven Bonaira sale settlement extension request to 31 March 2025 was Item 8.1 not 7.1 The Chair accepted the point of order.

Form Confidential Committee of the Whole

25/076OC

That at this time, 4.38pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendation as set out below subject to the consideration of any representations relating to such action.

(Councillors Tatrai and Larkins)

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

Against: Nil

8 CONFIDENTIAL REPORTS

8.1 Blue Haven Bonaira sale settlement extension request to 31 March 2025

It was **moved** by Councillor Lawton and seconded by Councillor Larkins that Council:

1. Note the correspondence from Hall & Prior on Tuesday 25 February 2025 seeking a final extension to settlement of the contract to 31 March 2025 and subsequent correspondence and received Thursday 6 March 2025.
2. Exercise its rights within the Sale Contract and pursuant to resolution 25/069OC from the extraordinary meeting on 24 February 2025 to accept the compensating payment from Hall & Prior for the further delay, payable on or before 18 March 2025.
3. Accept Hall & Prior's irrevocable commitment to not seek any further delays or extensions to settlement beyond 31 March 2025.
4. Notwithstanding the irrevocable commitment above, reserve its rights within the Sale Contract to further cost recovery should further delay requests be received.
5. Acknowledges the delay for the transfer approval of the Home Care Program by the Department of Health & Aged Care.
6. Notes the recent confirmation by the NSW Industrial Relations Commission regarding the staff transfer arrangements to Hall & Prior.
7. Requires Hall & Prior in conjunction with Council to prepare immediate communications to Bonaira residents and staff concerning this matter.
8. Will work with Hall & Prior regarding an official opening event and public media on 1 April 2025.

(Councillors Lawton and Larkins)

25/077OC

That Council:

1. Note the correspondence from Hall & Prior on Tuesday 25 February 2025 seeking a final extension to settlement of the contract to 31 March 2025 and subsequent correspondence dated 5 March 2025 and received Thursday 6 March 2025.
2. Exercise its rights within the Sale Contract and pursuant to resolution 25/069OC from the extraordinary meeting on 24 February 2025 to accept the compensating payment from Hall & Prior for the further delay, payable on or before 18 March 2025.

3. Accept Hall & Prior's irrevocable commitment to not seek any further delays or extensions to settlement beyond 31 March 2025.
4. Notwithstanding the irrevocable commitment above, reserve its rights within the Sale Contract to further cost recovery should further delay requests be received.
5. Acknowledges the delay for the transfer approval of the Home Care Program by the Department of Health & Aged Care.
6. Notes the recent confirmation by the NSW Industrial Relations Commission regarding the staff transfer arrangements to Hall & Prior.
7. Requires Hall & Prior in conjunction with Council to prepare immediate communications to Bonaira residents and staff concerning this matter.
8. Will work with Hall & Prior regarding an official opening event and public media on 1 April 2025.

(Councillors Lawton and Tatrai)

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

Against: Nil

Close of Confidential Committee of the Whole:

25/078OC

That at this time, 4.49pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Tatrai)

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

Against: Nil

Adoption of Report

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

Confirm and adopt recommendations

25/079OC

That that the Confidential Committee of the Whole recommendations numbered 25/076OC to 25/078OC be confirmed and adopted.

(Councillors Warren and Lawton)

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

Against: Nil

8 CLOSURE

There being no further business the meeting closed at 4.53pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on
18 March 2025.

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Mayor