



**MINUTES OF THE
EXTRAORDINARY MEETING OF
COUNCIL
AS AMENDED**

commencing at 4:30pm on

THURSDAY 13 OCTOBER 2022

**Council Chambers
11 Manning Street, KIAMA NSW 2533**

Amended as per 22/342OC:

That the Minutes of the Extraordinary Council Meeting held on 13 October 2022 be received and confirmed following amendment of Cr Rice's vote to be in favour of moving into Committee of the Whole.

**MINUTES OF THE EXTRAORDINARY MEETING
OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON THURSDAY 13 OCTOBER 2022 AT 4:30PM**

PRESENT: Mayor – Councillor N Reilly,
Deputy Mayor – Councillor I Draisma,
Councillors M Brown, W Steel, J Keast, S Larkins,
K Renkema-Lang and M Croxford

BY TEAMS: Councillor Rice

IN ATTENDANCE: Chief Executive Officer, Director Environmental Services, Blue Haven Chief Operating Officer and Director Engineering and Works

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and acknowledged the traditional owners.

The Mayor addressed the Council confirming that the need for the Extraordinary Council meeting meets the requirements of the Local Government Act 1993.

That at this time, 4.35pm, Council bring forward and deal with Supplementary Report item S1 *Letter from the Hon. Wendy Tuckerman MP, Minister for Local Government.*

S.1 Letter from the Hon. Wendy Tuckerman MP, Minister for Local Government

22/295OC

Resolved that Council:

1. Note the correspondence received on 11 October 2022 from the Hon. Wendy Tuckerman MP, Minister for Local Government.
2. Coordinate urgent meetings with the Audit, Risk and Improvement Committee and the Finance Advisory Committee to discuss Council's response to the

letter received from the Hon. Wendy Tuckerman, Minister for Local Government.

3. Formulate and table its submission to the Hon. Wendy Tuckerman MP, Minister for Local Government to a future Council meeting noting the due date of 25 October 2022.

(Councillors Reilly and Steel)

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

Against: Nil

Motion: Committee of the whole

It was **moved** by Councillor Renkema-Lang and seconded by Councillor Keast that Council form itself into a Committee of the Whole to deal with item 3.1 *Notice of Rescission Motion: Blue Haven*.

On being **put** the motion was **lost**.

For: Councillors Draisma, Keast, Rice and Renkema-Lang

Against: Councillors Brown, Croxford, Larkins, Reilly and Steel

3 NOTICE OF MOTION

3.1 Notice of Rescission Motion: Blue Haven

Procedural motion

It was **moved** by Councillor Rice and seconded by Councillor Renkema-Lang that the motion for item 3.1 should not be heard as point 2 of the motion contravenes section 8A of the Local Government Act 1993.

The Mayor ruled the procedural motion out of order as legal advice obtained by the Chief Executive Officer supports that the original motion is lawful.

Councillor Draisma foreshadowed an alternative motion.

An **amendment** was **moved** by Councillor Keast and seconded by Councillor Renkema-Lang that Council rescind the motion 22/283OC from the September 2022 ordinary meeting and replace with the following:

That Council:

1. Retain Blue Haven Terralong (Lot 71 DP 831089) in Council ownership and ensures comprehensive engagement with the community and residents, giving consideration to future use of the decommissioned aged care facility.
2. Undertake to sell Blue Haven Bonaira (Lot 2 DP1215276) inclusive of the process for converting the land to operational through delegated authority of

the Chief Executive Officer, to ensure compliance with Council Policy and the Local Government Act 1993.

3. Subject to the completion of resolution 2 that the tender process for Blue Haven Bonaira (Lot 2 DP1215276), include assessment criteria that the applicant:
 - a. be a Not-for-Profit aged care provider, and
 - b. can demonstrate existing excellence in care, and
 - c. has a connection with the region.
4. Continue to inform and engage with the community, including those who are cared for by Blue Haven, to reassure all parties that the quality of care and standard of service of the Independent Living Units and Residential Aged Care Facility will be maintained, regardless of ownership.
5. Continue the work on the urgent need to improve cash flow to demonstrate 'going concern' status and improve the long-term financial position of Council, including, but not limited to:
 - a. paid parking and resident permits
 - b. ensuring a proportion of revenue generated from any sale or divestment of any assets be invested in strategies for the generation of income and continuous revenue streams.
6. Rescind its previous resolution on the sale through open tender for Barney Street lot and refer to the separate confidential report on this subject matter.

On being **put** the amended motion was **lost**.

For: Councillors Keast, Larkins, Renkema-Lang and Rice

Against: Councillors Brown, Croxford, Draisma, Reilly and Steel

22/296OC

Resolved that Council rescind motion 22/283OC from the September 2022 ordinary meeting and replace with the following:

That Council

1. Retain Blue Haven Terralong (Lot 71 DP 831089) in Council ownership and ensures comprehensive engagement with the community and residents, giving consideration to future use of the decommissioned aged care facility.
2. Undertake to sell Blue Haven Bonaria (Lot 2 DP1215276) subject to the completion of the required notice in accordance with Section 34 of the Local Government Act (public notice to classify or reclassify public land) and the associated planning proposal process, which council has previously resolved to allocate funding towards at its June ordinary meeting.
3. Continue to inform and engage with the community, including those who are cared for by Blue Haven, to reassure all parties that the quality of care and standard of service of the Independent Living Units and Residential Aged Care Facility will be maintained, regardless of ownership.

4. Continue the work on the urgent need to improve cash flow to demonstrate 'going concern' status and improve the long-term financial position of Council, including, but not limited to:
 - a. paid parking and resident permits
 - b. ensuring a proportion of revenue generated from any sale or divestment of any assets be invested in strategies for the generation of income and continuous revenue streams.
5. Rescind its previous resolution on the sale through open tender for Barney Street lot and refer to the separate confidential report on this subject matter.

(Councillors Reilly and Croxford)

For: Councillors Brown, Croxford, Larkins, Reilly and Steel

Against: Councillors Draisma, Keast, Renkema-Lang and Rice

4 CONFIDENTIAL SUMMARY

22/297OC

Resolved that at this time, 5.50pm, 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 Croxford)

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.

5.1 Exclusion Of Press And Public:

22/298OC

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.

5.1 LANDHOLDING BARNEY STREET

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 and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act.

(Councillors Brown and Croxford)

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

Against: Nil

5 CONFIDENTIAL REPORTS

5.1 Landholding Barney Street

Councillor Renkema-Lang foreshadowed a motion that Council:

1. Retain ownership of the Barney Street freehold properties described as Lot 9 DP850163 and part Lot 69 DP1065423, until at least the end of the current lease in October 2024.
2. Consider offering Farbreburn Pty Ltd a 5 year lease to continue operations once the current lease terminates.

Councillor Rice left the meeting at 6.01pm.

Councillor Rice returned to the meeting at 6.02pm.

At 6.06pm Councillor Rice lost the video link and re-joined the Confidential Committee of the Whole by phone.

22/299OC

Committee recommendation that Council:

1. Receive the proposal and enters direct negotiations with Farbreburn Pty Ltd to divest the freehold properties described Lot 9 DP850163 and part Lot 69 DP1065423.
2. Following the completion of the direct negotiation process receive a further report for a determination to proceed to sale agreement and exchange of contracts.

(Councillors Draisma and Croxford)

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

Against: Councillor Rice

Close of Confidential Committee of the Whole:**22/300OC**

Committee recommendation that at this time, 6.12pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Brown and Reilly)

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.

22/301OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 22/298OC to 22/300OC be confirmed and adopted.

(Councillors Brown and Reilly)

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

Against: Nil

6 CLOSURE

There being no further business the meeting closed at 6.14 pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 October 2022.

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Mayor