



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

**commencing at 2:30pm on**

**TUESDAY 28 FEBRUARY 2023**

The Pavilion  
2 Bong Bong Street, KIAMA NSW 2533

**MINUTES OF THE EXTRAORDINARY MEETING OF  
THE COUNCIL OF THE MUNICIPALITY OF KIAMA  
HELD AT THE PAVILION KIAMA  
ON TUESDAY 28 FEBRUARY 2023 AT 2:30PM**

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

**IN ATTENDANCE:** Jane Stroud - Chief Executive Officer  
Jessica Rippon - Director Environmental Services  
Joe Gaudiosi - Chief Operating Officer  
Mike Dowd - Director Engineering and Works  
Darryl Hagger – Chief Financial Officer

**OPENING OF MEETING**

The Mayor declared the meeting open at 2.30 pm.

**WEBCASTING STATEMENT**

The Mayor informed those in attendance that the meeting is recorded and made publicly available on the Council's website and that persons attending should refrain from making any defamatory statements.

**1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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.”

**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.”*

## 2 APOLOGIES

Nil.

### **Request from Councillor Rice to attend meeting via video conference**

**23/036OC**

**Resolved** that Council allow Councillor Rice to attend the Extraordinary Council meeting held on 28 February 2023 via video conference due to her being overseas at this time, noting that permission is given for audio only.

(Councillors Draisma and Brown)

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

Against: Councillor Croxford

### **Procedural Motion**

Councillor Renkema-Lang raised a Procedural Motion to move into Committee of the Whole. The Mayor ruled these requests be on a case by case basis.

### **Allow media to record sessions of the meeting aligned with Clause 15.21**

**23/037OC**

**Resolved** that Council allow the media to record sections of the meeting aligned with Clause 15.21 of the existing Code of Meeting Practice.

(Councillors Draisma and Croxford)

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

Against: Nil

### **DECLARATIONS OF INTEREST**

Nil

### 3 REPORT OF THE CHIEF EXECUTIVE OFFICER

#### 3.1 Future direction and current state for Kiama Municipal Council

##### 23/038OC

**Resolved** that Council notes the Chief Executive Officer's report on the future direction and current state for Kiama Municipal Council.

(Councillors Croxford and Steel)

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

Against: Nil

#### 3.2 Statement of Investments - December 2022

It was **moved** by Councillor Brown and seconded by Councillor Croxford that Council:

1. Receives the information relating to the Statement of Investments for December 2022.
2. Endorses the movement in the restricted funds position as outlined in the report.

##### 23/039OC

At the request of Councillor Keast and by consent, the **motion was varied and resolved as follows**:

That Council:

1. Receives the information relating to the Statement of Investments for December 2022.
2. Endorses the month end restricted funds position as outlined in the report.

(Councillors Brown and Croxford)

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

Against: Nil

Councillor Draisma raised a **Point of Order** that Councillors remain off their mobile phones during the meeting. The Mayor ruled in favour.

#### 3.3 Statement of Investments - January 2023

It was **moved** by Councillor Brown and seconded by Councillor Croxford that Council:

1. Receives the information relating to the Statement of Investments for January 2023.

2. Endorses the movement in the restricted funds position as outlined in the report.

### **23/0400C**

At the request of Councillor Keast and by consent, the **motion was varied and resolved as** follows:

That Council:

1. Receives the information relating to the Statement of Investments for December 2022.
2. Endorses the month end restricted funds position as outlined in the report.

(Councillors Brown and Croxford)

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

Against: Nil

## **3.4 Project Management Support Panel**

### **23/0410C**

**Resolved** that Council:

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, establish a panel of preferred suppliers for the provision of Project Management Services to Council for a period of 18 months (with a potential one-year extension based on performance) by accepting the tenders of Beaus Building Consultancy, Jerez Enterprises and Wagbuild Management for Tender KIAMA - 1049063 Project Management Support 2023-2024.
2. Note that the maximum value of works allocated to each consultant over the term of the panel will be \$250,000.00 (including GST).
3. Note the intent to appoint:
  - a. Wagbuild Management to project manage the Hindmarsh Park Redevelopment
  - b. Jerez Enterprises to project manage the Holiday Park Compliance Works.
  - c. Beaus Building Consultancy to project manage grant funded building refurbishment projects
4. Delegate to the Chief Executive Officer the authority to appoint a project management consultant from the panel on an as-needs basis.
5. Delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
6. Grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

### **3.5 Cash Flow and Sustainability Strategy**

#### **23/042OC**

**Resolved** that Council receives and notes the Financial Sustainability Strategy and Cash Flow Statement that shows Council can rectify its current financial adversity, through a range of strategic decisions.

(Councillors Larkins and Croxford)

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

Against: Nil

### **3.6 Draft Liquidity Plan**

#### **23/043OC**

**Resolved** that Council:

1. Adopt as a working draft for future discussion and workshop (particularly on the schedules within the document) the distributions and risks outlined in the draft Liquidity Plan.
2. Following Councillor workshops and completion of the schedules, ensure a further report to Council is provided to finalize the liquidity plan and publish.
3. Embed in the Strategic Improvement Plan 2 and update into the Long Term Financial Plan, the financial actions outlined in section 8 of the Liquidity Plan.

(Councillors Brown and Croxford)

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

Against: Nil

Councillor Rice joined the meeting by video conference at 3.08pm.

### **3.7 TCorp Loan Repayment Proposal**

#### **23/044OC**

**Resolved** that Council:

1. Approve the repayment of borrowings of \$30 million to TCorp by 9 August 2023, supported by restricted funds (reserves) of \$29.248m, with the balance of funding to be identified in the March QBRS.
2. Delegate the Chief Executive Officer to negotiate agreeable terms for the renewal of loan funds of \$15 million with TCorp.
3. Seek approval from the Minister for Local Government to renegotiate a loan of \$15 million.

(Councillors Croxford and Steel)

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

Against: Nil

Councillor Rice left the meeting at 3.19pm due to technical issues.

Councillor Rice returned to the meeting by video conference at 3.20pm.

## COMMITTEE OF THE WHOLE

### 23/045OC

**Resolved** that at this time 3.22pm, Council form itself into a Committee of the Whole to deal with item 3.8 Draft Property Plan.

(Councillors Renkema-Lang and Draisma)

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

Against: Councillors Brown, Croxford and Reilly

## 3.8 Draft Property Plan

Councillor Croxford foreshadowed the original motion.

### 23/046OC

**Committee recommendation** that Council:

1. Adopt as a working draft for future discussion and workshop the draft Property Plan as the document that will be used to manage the property holdings of Council, noting further work will need to be done on the schedule.
2. Further work on the draft plan and schedule allowing for the inclusion of community, social, cultural and environmental factors in determining the preferred, alternative and least preferred options.
3. Following Councillor workshops, ensure a further report to Council is provided to finalise the Property Plan.

4. Embed in the Strategic Improvement Plan 2 the action items listed within the document, which management must progress.

(Councillors Renkema-Lang and Draisma)

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

Against: Councillors Brown, Croxford and Steel

### Close of Committee of the Whole

#### 23/047OC

**Committee recommendation** that at this time, 3.38pm, Council resume the ordinary business of the meeting with all Councillors and staff present at the adjournment of the meeting being present.

(Councillors Draisma and Keast)

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

Against: Nil

### Adoption of Committee of the Whole recommendation

#### 23/048OC

**Resolved** that Council formally confirm, adopt and endorse the Committee recommendation made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations 23/046OC and 23/047OC.

(Councillors Reilly and Brown)

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

Against: Nil

### 3.9 Distribution of income from Akuna Street landholdings

#### 23/049OC

**Resolved** that Council:

1. Direct the net proceeds from the sale of the land to the mix of purposes and restrictions as provided:

Use of funds	Amount
TCorp loan repayment	\$1 million
RADS and ILU Prudential Policy requirements	\$4.6 million



Employee Leave Entitlement reserves	\$2.5 million
Cash injection to unrestricted operational cash	\$11 million
Land development restricted reserve	\$8.4 million
Real estate / legal fees attached to sale	\$350,000
Legal fees associated with court proceedings	\$150,000
<b>Total</b>	<b>\$28 million</b>

2. Note that this resolution replaces the previous resolution made on this matter on 28 June 2022 and that proposed distribution of funds is reflective of Council's current financial position as of February 2023.

(Councillors Draisma and Brown)

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

Against: Nil

### 3.10 Service Reviews

#### 23/0500C

**Resolved** that Council:

1. Endorse the seven (7) stage methodology described in the service review process on the following business areas:
  - Waste services
  - Leisure Centre
  - The Pavilion
  - Holiday Parks.
2. Utilise funding from associated operational savings to complete the four services reviews outlined at resolution one (1) above, as a matter of priority.
3. Define the structure, scope, deliverables and performance for other municipal programs into Service Statements, from which levels of service and resourcing for future budgets may be developed.
4. Refer the request for a rolling budget for service reviews to the forward budget estimates register for consideration as part of the 2023/24 budget process.

(Councillors Draisma and Croxford)

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

Against: Nil

**COMMITTEE OF THE WHOLE****23/051OC**

**Resolved** that at this time, 3.49pm, Council form itself into a Committee of the Whole to deal with item 3.11 Blue Haven review – keep, partnership, sell.

(Councillors Croxford and Draisma)

For: Councillors Croxford, Draisma, Keast, Larkins, Reilly, Rice and Steel

Against: Councillors Brown and Renkema-Lang

Councillor Rice left the meeting at 3.40pm due to technical issues.

Councillor Rice returned to the meeting at 3.46pm.

Councillor Rice left the meeting at 3.51pm due to technical issues.

Councillor Rice returned to the meeting at 3.52pm.

Councillor Rice left the meeting at 4.19pm due to technical issues.

Councillor Rice returned to the meeting at 4.23pm.

**3.11 Blue Haven review - keep, partnership, sell**

It was **moved** by Councillor Reilly and **seconded** by Councillor Croxford that Council:

1. Receive the commercial in confidence report titled “*Business Case for Blue Haven*”, authored by Paul Sadler Consultancy and StewartBrown Chartered Accountants”.
2. Note that the commercial in confidence report substantiates the previous resolution of Council in October 2022 to divest of all aged care assets and operations (residential, aged care, home care, community transport) located on the Blue Haven Bonaira site.
3. Include the Terralong site aged care assets in the divestment process to continue the divestment of aged care services.
4. Note the steps proposed to progress a tender, property sale/s and transition of aged care, community care, community transport and residential operations.
5. Note that Council divesting and transferring ownership of the assets, does not mean the service will close, with an expectation existing aged care operators and home care providers will expand into those operations. Under legislation the Terralong and Bonaira sites will continue as aged care services, dedicated to residential age care services, home care or retirement village communities for the people of Kiama to access.
6. Note the Section 55 Local Government Act exemptions to appoint Trademark Consulting (in accordance with existing delegations and process outlined in the procurement policy) as the Project Manager for the defects works for Blue Haven, and Bonaira and StewartBrown Advisory as the aged care experts

coordinating the tender and divestment process on behalf of Kiama Municipal Council.

7. Fund the specialist and other expenses for a sale and transition from the Blue Haven budget.
8. Receive a further report from the Chief Executive Officer outlining staff and community engagement around right sizing the organisation post aged care divestment and establishes service expectations for Kiama Municipal Council

The Mayor requested Councillor Keast retract her comments referencing a page number from the Confidential report.

Councillor Keast withdrew her comments.

### 23/0520C

An amendment was moved by Councillor Draisma and seconded by Councillor Keast that Council:

1. Receive the commercial in confidence report titled “*Business Case for Blue Haven*”, authored by Paul Sadler Consultancy and StewartBrown Chartered Accountants”.
2. Note that the commercial in confidence report substantiates the previous resolution of Council in October 2022 to divest of all aged care assets and operations (residential, aged care, home care, community transport) located on the Blue Haven Bonaira site.
3. Note the steps proposed to progress a tender, property sale/s and transition of aged care, community care, community transport and residential operations.
4. Note that Council divesting and transferring ownership of the assets, does not mean the service will close, with an expectation existing aged care operators and home care providers will expand into those operations. Under legislation the Terralong and Bonaira sites will continue as aged care services, dedicated to residential age care services, home care or retirement village communities for the people of Kiama to access.
5. Note the Section 55 Local Government Act exemptions to appoint Trademark Consulting (in accordance with existing delegations and process outlined in the procurement policy) as the Project Manager for the defects works for Blue Haven, and Bonaira and StewartBrown Advisory as the aged care experts coordinating the tender and divestment process on behalf of Kiama Municipal Council.
6. Fund the specialist and other expenses for a sale and transition from the Blue Haven budget.
7. Receive a further report from the Chief Executive Officer outlining staff and community engagement around right sizing the organisation post aged care divestment and establishes service expectations for Kiama Municipal Council

On being **put** the amendment became the **motion**.

(Councillors Reilly and Croxford)

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

Against: Councillors Brown, Croxford, Reilly and Steel

At the request of Councillor Brown and by consent, the motion was varied to include the following point:

That Council:

1. Seek a dilapidation/asset report (and cost) along with a subdivision redevelopment or sale of Havilah Place.

### **23/053OC**

At the request of Councillor Croxford and by consent the motion was varied and **recommended** as follows:

That Council:

1. Receive the commercial in confidence report titled "Business Case for Blue Haven", authored by Paul Sadler Consultancy and StewartBrown Chartered Accountants".
2. Note that the commercial in confidence report substantiates the previous resolution of Council in October 2022 to divest of all aged care assets and operations (residential, aged care, home care, community transport) located on the Blue Haven Bonaira site.
3. Note the steps proposed to progress a tender, property sale/s and transition of aged care, community care, community transport and residential operations.
4. Note that Council divesting and transferring ownership of the assets, does not mean the service will close, with an expectation existing aged care operators and home care providers will expand into those operations. Under legislation the Terralong and Bonaira sites will continue as aged care services, dedicated to residential age care services, home care or retirement village communities for the people of Kiama to access.
5. Note the Section 55 Local Government Act exemptions to appoint Trademark Consulting (in accordance with existing delegations and process outlined in the procurement policy) as the Project Manager for the defects works for Blue Haven, and Bonaira and StewartBrown Advisory as the aged care experts coordinating the tender and divestment process on behalf of Kiama Municipal Council.
6. Fund the specialist and other expenses for a sale and transition from the Blue Haven budget.
7. Receive a further report from the Chief Executive Officer outlining staff and community engagement around right sizing the organisation post aged care divestment and establishes service expectations for Kiama Municipal Council
8. Seek a dilapidation/asset report (and cost) along with a subdivision redevelopment or sale of Havilah Place
9. Receive a report on the potential subdivision and excising of the portion of land occupied by Kiama Community Garden

(Councillors Reilly and Croxford)

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

Against: Nil

### **Close of Committee of the Whole**

#### **23/054OC**

**Committee recommendation** that at this time, 4.36pm, Council resume the ordinary business of the meeting with all Councillors and staff present at the adjournment of the meeting being present.

(Councillors Keast and Croxford)

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

Against: Nil

### **Adoption of Committee of the Whole recommendation**

#### **23/055OC**

**Resolved** that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations 23/052OC to 23/054OC.

(Councillors Brown and Croxford)

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

Against: Nil

## **4 REPORTS FOR INFORMATION**

#### **23/056OC**

**Resolved** that the following Reports for Information listed for the Council's consideration be received and noted:

4.1 Planning Proposal: reclassification of land at 14A Bonaira Street, Kiama.

(Councillors Brown and Reilly)

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

Against: Nil

## **5 SUPPLEMENTARY REPORTS**

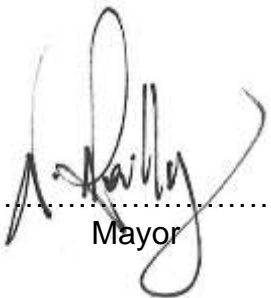
### **5.1 Attachment for Item 3.8 Draft Property Plan**

Attachment only

## **6 CLOSURE**

There being no further business the meeting closed at 4.40pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 21 March 2023.



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Mayor