



Central Coast Council

## Extraordinary Council Meeting

Held in the Council Chambers  
2 Hely Street, Wyong

08 October 2024

# DRAFT MINUTES

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### **Present**

Councillor Margot Castles  
Councillor Helen Crowley  
Councillor Kyla Daniels  
Councillor Doug Eaton  
Councillor Corinne Lamont  
Councillor Kyle MacGregor  
Councillor Lawrie McKinna  
Councillor John McNamara  
Councillor Trent McWaide  
Councillor John Moulard  
Councillor Belinda Neal  
Councillor Jane Smith  
Councillor Rachel Stanton  
Councillor Sharon Walsh  
Councillor Jared Wright

### **In Attendance**

David Farmer	Chief Executive Officer
Boris Bolgoff	Director Infrastructure Services
Danielle Hargreaves	Acting Director Water and Sewer
Jamie Loader	Director Environment and Planning
Marissa Racomelara	Director Corporate Services
Melanie Smith	Director Community and Recreation Services
Louise Rampling	Unit Manager Governance Risk and Legal

### **Applications to attend by audio-visual link**

Councillor John Moulard made an application to the CEO to attend by audio-visual link.

### **Apologies**

There were no apologies.

## **Draft Minutes of the Extraordinary Council Meeting of Council (cont'd)**

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The Chief Executive Officer (CEO) invited the Central Coast Town Crier, Stephen Clarke, to welcome everyone to the meeting.

The CEO declared the meeting open at 6:31pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The CEO read an Acknowledgement of Country.

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***RESOLVED on the motion of Cr DOUG EATON and seconded by Cr JOHN MCNAMARA:***

***That councillors elect a Chairperson from amongst themselves.***

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: NIL

**CARRIED**

### **Nominations for Chairperson**

Cr Eaton was nominated by Cr McNamara, seconded by Cr McWaide.

Cr Neal was nominated by Cr Walsh, seconded Cr MacGregor.

MOTION OF DISSENT WAS *MOVED* by Cr NEAL and *SECONDED* by Cr MACGREGOR:

*That Council dissents from the Chair's ruling that Cr Mouland is eligible to participate in the election.*

FOR: CRS M CASTLES, H CROWLEY, C LAMONT, K MACGREGOR, B NEAL, J SMITH AND S WALSH

AGAINST: CRS K DANIELS, D EATON, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, R STANTON AND J WRIGHT

**LOST**

### **Election of Chairperson**

Cr Eaton received 8 votes.

Voting for Cr Eaton: Cr McKinna, Cr Wright, Cr Mouland, Cr Eaton, Cr McWaide, Cr Stanton, Cr McNamara, and Cr Daniels.

Cr Neal received 7 votes.

Voting for Cr Neal: Cr Crowley, Cr Walsh, Cr Neal, Cr Smith, Cr Castles, Cr Lamont, and Cr Macgregor.

Cr Eaton, having the majority of votes, was declared to be Chairperson.

Cr Eaton then assumed the Chair

## PROCEDURAL ITEMS

### 1.1 Disclosure of Interest

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7:03pm

**RESOLVED on the motion of Cr JOHN MCNAMARA and seconded by Cr TRENT MCWAIDE:**

**356/24 That Council notes the report on Disclosures of Interest and that no disclosures were made.**

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: NIL

**CARRIED**

### 1.2 Apologies/Requests for Leave of Absence

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7:05pm

**RESOLVED on the motion of Cr LAWRIE MCKINNA and seconded by Cr JOHN MCNAMARA:**

**357/24 That Council approves the request by Councillor John Mouland to attend the Extraordinary Council Meeting on 8 October 2024 at 6.30pm by audio-visual link because he will be in Europe at the time of the meeting and unable to attend in person.**

FOR: CRS K DANIELS, D EATON, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, R STANTON AND J WRIGHT

AGAINST: CRS M CASTLES, H CROWLEY, C LAMONT, K MACGREGOR, B NEAL, J SMITH AND S WALSH

**CARRIED**

## REPORTS

### 2.1 Oath or Affirmation of Office

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6:47pm

CR LAMONT LEFT THE MEETING AT 18:59 PM

CR LAMONT RETURNED TO THE MEETING AT 19:02 PM

**RESOLVED on the motion of Cr JOHN MCNAMARA and seconded by Cr LAWRIE MCKINNA:**

**That Council:**

**358/24 Notes the taking of the oath of office at the Council premises at the Council meeting of 8 October 2024 by each of the following councillors in accordance with the Local Government Act 1993;**

- **Councillor Lawrie McKinna**
- **Councillor Trent McWaide**
- **Councillor Jane Smith**
- **Councillor Rachel Stanton**
- **Councillor Kyla Daniels**
- **Councillor Kyle Macgregor**
- **Councillor John McNamara**
- **Councillor Doug Eaton OAM**

**359/24** **Notes the making of an affirmation of office at the Council premises at the Council meeting of 8 October 2024 by each of the following councillors in accordance with the Local Government Act 1993;**

- **Councillor Helen Crowley**
- **Councillor Sharon Walsh**
- **Councillor Jared Wright**
- **Councillor Belinda Neal**
- **Councillor Margot Castles**
- **Councillor Corinne Lamont**

**360/24** **Notes that Councillor John Mouland took his oath of office via audio visual link before an Australian legal practitioner on 7 October 2024 in Barcelona pursuant to section 233A(2) of the Local Government Act 1993.**

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: NIL

**CARRIED**

## **2.2 Election of the Mayor**

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7:19pm

**RESOLVED on the motion of Cr JOHN MCNAMARA and seconded by Cr LAWRIE MCKINNA:**

**That Council:**

**361/24** **Determines, for the purpose of clause 3(2) of Schedule 7 of the Local Government (General) Regulation 2021, that if more than one candidate is nominated for election as mayor, the method of voting is to be by open voting.**

**362/24** **Proceeds to conduct the election of the mayor, with the Chief Executive Officer as returning officer, in accordance with section 394 and Schedule 7 of the Local Government (General) Regulation 2021.**

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S

WALSH AND J WRIGHT

AGAINST: NIL

**CARRIED**

Following determination of the method of voting, the CEO, as the Returning Officer, commenced the conduct of the election of the mayor by open voting.

**Nominations for mayor**

The Returning Officer advised that two (2) nominations for Office of Mayor have been duly received and accepted as follows:

- Councillor McKinna
- Councillor MacGregor

**Election of mayor**

The election for Mayor was conducted by Returning Officer, with the first ballot for mayor as follows:

1. Councillor MacGregor
2. Councillor McKinna

Cr MacGregor: received 7 votes

Voting for Cr MacGregor: Cr Crowley, Cr Walsh, Cr Neal, Cr Smith, Cr Castles, Cr Lamont, Cr MacGregor.

Councillor McKinna: received 8 votes

Voting for Cr McKinna: Cr McKinna, Cr Eaton, Cr Wright, Cr McWaide, Cr Stanton, Cr Daniels, Cr McNamara, Cr Moulard.

The Returning Officer declared that Cr McKinna, having the majority of votes, was duly elected as Mayor.

Mayor McKinna then assumed the Chair.

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**2.3 Election of Deputy Mayor**

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7:25pm

***RESOLVED on the motion of Cr DOUG EATON and seconded by Cr JOHN MCNAMARA:***

***That Council:***

***363/24 Determines to elect a deputy mayor for a term of one (1) year from the date of this meeting.***

***364/24 Determines, for the purpose of clause 3(2) of Schedule 7 of the Local Government (General) Regulation 2021, that if more than one candidate is nominated for election as deputy mayor, the method of voting is to be by open voting.***

***365/24 Proceeds to conduct the election of the deputy mayor, with the Chief Executive Officer as returning officer, in accordance with section 394 and Schedule 7 of the Local Government (General) Regulation 2021.***

FOR: CRS M CASTLES, K DANIELS, D EATON, C LAMONT, J MCNAMARA, T MCWAIDE, J MOULAND, J SMITH, R STANTON J WRIGHT AND L MCKINNA

AGAINST: CRS H CROWLEY, K MACGREGOR, , B NEAL AND S WALSH

**CARRIED**

**Nominations**

The Returning Officer advised that two (2) nominations for Deputy Mayor have been duly received and accepted as follows:

- Councillor Neal
- Councillor Eaton

**Election of deputy mayor**

The election for deputy mayor was conducted by Returning Officer, with the first ballot for deputy mayor as follows:

1. Councillor Neal
2. Councillor Eaton

Councillor Neal: received 7 votes

Voting for Cr Neal: Cr Crowley, Cr Walsh, Cr Neal, Cr Smith, Cr Castles, Cr Lamont, Cr Macgregor.

Councillor Eaton: received 8 votes

Voting for Cr Eaton: Cr McKinna, Cr Eaton, Cr Wright, Cr McWaide, Cr Stanton, Cr Daniels, Cr McNamara, Cr Mouland.

The Returning Officer declared that Cr Eaton, having the majority of votes, was duly elected as the Deputy Mayor of Council.

**2.4 Instrument of Delegation for the Chief Executive Officer**

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7:29pm

***RESOLVED on the motion of Cr JANE SMITH and seconded by Cr KYLE MACGREGOR:***

**366/24** ***That the matter be deferred to the Ordinary meeting to be held in December 2024.***

**367/24** ***That Councillors be provided with further detail of existing delegations to the CEO.***

**368/24** ***That Councillors be provided with details of any changes to delegations for the CEO whilst under Administration.***

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: NIL

**CARRIED**

**A SUSPENSION OF STANDING ORDERS WAS MOVED by Cr WRIGHT and SECONDED by Cr MCWAIDE:**

***So the Town Crier may announce the new Mayor.***

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: NIL

**CARRIED**

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## **2.5 Instrument of Delegation for the Mayor**

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7:34pm

***RESOLVED on the motion of Cr DOUG EATON and seconded by Cr JOHN MCNAMARA:***

***That Council:***

***369/24 Seeks concurrence from the Deputy Secretary of the Office of Local Government to delegate to the Mayor those functions set out in the Instrument of Delegation to Mayor at Attachment 1.***

***370/24 If concurrence is received, delegates to the Mayor the functions set out in the Instrument of Delegation to the Mayor at Attachment 1.***

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: K MACGREGOR (ABSTAINED)

**CARRIED**

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## **2.6 Proposed Ordinary Council Meeting Schedule - 2025**

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7:38pm

***RESOLVED on the motion of Cr JARED WRIGHT and seconded by Cr JOHN MCNAMARA:***

***371/24 That Council defer the item to the 29 October meeting.***

FOR: CRS M CASTLES, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, H CROWLEY, S WALSH, J MOULAND, J SMITH, R STANTON AND J WRIGHT

AGAINST: CR B NEAL (ABSTAINED),

**CARRIED**

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## **2.7 Performance Improvement Order on Central Coast Council**

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7:47pm

**RESOLVED on the motion of Cr JANE SMITH and seconded by Cr DOUG EATON:**

**That Council:**

**372/24 Notes the correspondence from the Minister for Local Government, The Hon. Ron Hoenig MP, dated 19 September 2024.**

**373/24 Tables and acknowledges the Performance Improvement Order to the Central Coast Council, issued under section 428A of the Local Government Act 1993 from the Minister for Local Government, The Hon. Ron Hoenig MP, dated 19 September 2024.**

**374/24 Seek independent and external legal advice on the validity of the PIO including, but not limited to, the following points:**

- The implications of effectively curtailing the right of a newly elected council to exercise its decision-making authority under the Act when there is no evidence it has failed to meet its legal obligations**
- The use of a PIO to seek to maintain the status quo rather than address a clearly defined need for improvement**
- The serving of the PIO on the previous council (ie the Administrator), before the electoral process for the new council was completed**
- The Minister's apparent failure to comply with sections 438C(2)(b) and (c) – viz not specifying (b) evidence supporting the Minister's opinion that improvement is required; or (c) the actions that may be taken by the Minister if the performance improvement order is not complied with.**

**375/24 That Council seeks to engage with other Councils that are subject to PIOs to discuss any actions they may be taking.**

**376/24 That Council put an urgency motion to the upcoming LGNSW conference calling on the minister to withdraw all such PIOs as a matter of urgency, and restore local democracy to those councils.**

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT



AGAINST: NIL

**CARRIED**

**RESOLVED on the motion of Cr KYLE MACGREGOR and seconded by Cr TRENT MCWAIDE:**

***To suspend standing orders for a period of 5 minutes.***

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: NIL

**CARRIED**

**RESOLVED on the motion of Cr JOHN MCNAMARA and seconded by Cr KYLE MACGREGOR:**

***To resume standing orders.***

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: NIL

**CARRIED**

## **2.8 Outcome of Constitutional Referendum**

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8:16pm

**RESOLVED on the motion of Cr JANE SMITH and seconded by Cr KYLE MACGREGOR:**

***That Council:***

**377/24** ***Notes the constitutional referendum held on 14 September 2024 was declared passed on 1 October 2024, with a result of YES to the question of whether voters favour a reduction in the number of councillors from fifteen (15) to nine (9) and the number of wards from five (5) to three (3).***

**378/24** ***Notes the changes approved at the constitutional referendum will not come into effect until the electoral term commencing in September 2028, except that a casual vacancy in the office of a councillor during the current term will not be filled unless it would result in Council having fewer than nine (9) councillors.***

**379/24** ***Provide a briefing on the referendum including:***

- a) ***Any and all information relevant to the decision to hold a referendum as proposed under Administration.***
- b) ***Details of community engagement leading up to the referendum including information about promotion, education, engagement and reach.***

FOR: CRS M CASTLES, H CROWLEY, C LAMONT, K MACGREGOR, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: CRS K DANIELS, D EATON, L MCKINNA AND J MCNAMARA

**CARRIED**

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## **2.9 Local Government NSW Annual Conference 2024 - Attendance and Voting**

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8:29pm

***RESOLVED on the motion of Cr JOHN MCNAMARA and seconded by Cr DOUG EATON:***

***That Council:***

***380/24 Appoints the following seven (7) councillors as voting delegates on policy motions at the 2024 Local Government NSW Annual Conference.***

- **Councillor McNamara**
- **Councillor Eaton**
- **Councillor Neal**
- **Councillor McKinna**
- **Councillor Lamont**
- **Councillor MacGregor**
- **Councillor Castles**

***381/24 Any other Councillors who wish to attend are authorised to attend as non-voting delegates.***

***382/24 Requests the Chief Executive Officer to notify Local Government NSW of those appointments no later than Wednesday 6 November 2024.***

FOR: CRS M CASTLES, H CROWLEY, K DANIELS, D EATON, C LAMONT, K MACGREGOR, L MCKINNA, J MCNAMARA, T MCWAIDE, J MOULAND, B NEAL, J SMITH, R STANTON, S WALSH AND J WRIGHT

AGAINST: NIL

**CARRIED**

***RESOLVED on the motion of Cr JANE SMITH and seconded by Cr DOUG EATON:***

***That Council adjourn the meeting at 8:36pm.***

***RESOLVED on the motion of Cr JARED WRIGHT and seconded by Cr JOHN MCNAMARA:***

***That Council resume the meeting at 8:37pm.***

**The Meeting** closed at 8:38pm.

DRAFT