

**MINUTES OF LIVERPOOL PLAINS SHIRE COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 16 OCTOBER 2024 AT 2:30 PM**

**PRESENT:** Cr Ken Cudmore, Cr Donna Lawson, Cr Jason Allan, Cr Shawn Cain, Cr Terry Cohen, Cr James Robertson, Cr Charlie Simkin

**IN ATTENDANCE:** Gary Murphy (General Manager), Dean Frost (Director Corporate and Community Services), Nathan Skelly (Director Infrastructure and Environmental Services), Christie Pearson (Executive Operations)

**AUDIO RECORDING OF MEETINGS**

THE GENERAL MANAGER INFORMED THE MEETING AS FOLLOWS:

“CONSISTENT WITH SECTION 747A OF THE LOCAL GOVERNMENT ACT 1993, THIS MEETING OF LIVERPOOL PLAINS SHIRE COUNCIL IS BEING LIVE-STREAMED TO COUNCIL’S WEBSITE.

A WEBCAST OF THIS MEETING WILL BE PUBLISHED TO COUNCIL’S WEBSITE AT [WWW.LIVERPOOLPLAINS.NSW.GOV.AU](http://WWW.LIVERPOOLPLAINS.NSW.GOV.AU) SO THAT IT IS AVAILABLE FOR VIEWING BY MEMBERS OF THE PUBLIC.”

I WOULD LIKE TO WELCOME EVERYONE TO THE FIRST COUNCIL MEETING FOR THE INCOMING TERM OF COUNCIL.

**1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCIL PRAYER**

Gary Murphy, General Manager recited the Acknowledgement of Country and the Council Prayer.

**2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

Nil

**3 DISCLOSURES OF INTERESTS**

Nil

## 4 REPORTS TO COUNCIL

*Following Item 3, the General Manager, Mr Gary Murphy, vacated the Chair and appointed the Director Corporate and Community Services, Mr Dean Frost, as the Returning Officer for the election of the Mayor and Deputy Mayor, pursuant to Clause 1 of Schedule 7 of the Local Government (General) Regulation 2021.*

*Mr Frost assumed the Chair to conduct the election of the Mayor and Deputy Mayor in accordance with clause 394 and Schedule 7 of the Local Government (General) Regulation 2021.*

*The Returning Officer announced that one nomination had been received for the position of Mayor, being Councillor Ken Cudmore. The Returning Officer invited further nominations without notice. No further nominations were made.*

*The returning officer declared that as there was only one nomination Mayor that Ken Cudmore be duly elected Mayor.*

### 4.1 ELECTION OF MAYOR

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#### RECOMMENDATION

That Council:

1. If there is only one valid nomination received for Mayor, authorise the Returning Officer to declare the nominee to be duly elected Mayor.
2. If there is more than one valid nomination received for Mayor:
  - (a) Determine which of the following three (3) methods of voting is to be used to elect the Mayor:
    - i. Open voting (by show of hands);
    - ii. Ordinary ballot; or
    - iii. Preferential ballot.
  - (b) Hold an election for the office of Mayor under the supervision of the Returning Officer; and
  - (c) Advise the Chief Executive of the Office of Local Government and Chief Executive of Local Government NSW of the result of the election.

*Following the election of the Mayor, the Returning Officer announced that two nominations had been received for the position of Deputy Mayor, being Councillor Donna Lawson and Councillor Charlie Simkin. The Returning Officer invited further nominations. No further nominations were made.*

*Council then resolved that the method of voting be Open Voting (show of hands).*

*The Returning Officer pulled the names out in order of voting Councillor Simkin received 3 votes from Councillors Cain, Robertson and Simkin and Councillor Lawson received four votes from Councillors Allan, Cohen, Cudmore and Lawson. The returning officer declared Councillor Lawson Elected as Deputy Mayor.*

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## **4.2 ELECTION OF DEPUTY MAYOR**

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### **RESOLUTION 2024/152**

Moved: Cr Terry Cohen

Seconded: Cr Charlie Simkin

That Council:

1. Resolve to elect a Deputy Mayor to hold office for the Mayoral term.
2. If there is only one valid nomination received for Deputy Mayor, authorise the Returning Officer to declare the nominee to be duly elected Deputy Mayor.
3. If there is more than one valid nomination received for Deputy Mayor:
  - (a) Determine which of the following three (3) methods of voting is to be used to elect the Mayor:
    - i. Open voting (by show of hands);
  - (b) Hold an election for the office of Deputy Mayor under the supervision of the Returning Officer; and
  - (c) Advise the Chief Executive of the Office of Local Government and Chief Executive of Local Government NSW of the result of the election

**CARRIED**

**4.2.1 ELECTION OF DEPUTY MAYOR**

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**RESOLUTION 2024/153**

Moved: Cr Terry Cohen

Seconded: Cr James Robertson

That Council:

1. If there is only one valid nomination received for Deputy Mayor, authorise the Returning Officer to declare the nominee to be duly elected Deputy Mayor
3. If there is more than one valid nomination received for Deputy Mayor:
  - (a) Determine which of the following three (3) methods of voting is to be used to elect the Mayor:
    - i. Open voting (by show of hands);
  - (b) Hold an election for the office of Deputy Mayor under the supervision of the Returning Officer; and
  - (c) Advise the Chief Executive of the Office of Local Government and Chief Executive of Local Government NSW of the result of the election

**CARRIED****4.2.2 SUSPENSION OF STANDING ORDERS**

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**RESOLUTION 2024/154**

Moved: Cr Shawn Cain

Seconded: Cr Donna Lawson

That Council:

1. Suspend standing orders.

**CARRIED****4.2.3 RESUME STANDING ORDERS**

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**RESOLUTION 2024/155**

Moved: Cr Ken Cudmore

Seconded: Cr Jason Allan

That Council:

1. Resume standing orders.

**CARRIED**

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### 4.3 DELEGATIONS TO MAYOR AND DEPUTY MAYOR

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#### RESOLUTION 2024/156

Moved: Cr Terry Cohen

Seconded: Cr Jason Allan

That Council:

1. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the Mayor, and in the Mayor's absence, the Deputy Mayor; the powers, authorities, duties and functions of the Council listed in the Instrument of Delegation appended at *Annexure A*, subject to the limitations listed in the Instrument of Delegation.
2. Adopts the Mayor's Financial Delegation limits contained in the Financial Delegations Register appended at *Annexure B*.
3. Notes that the delegation of functions to the Mayor and Deputy Mayor are to be exercised in accordance with:
  - (a) The requirements of any applicable Act of Parliament; and
  - (b) Any resolution or policy, procedure or budget adopted from time to time by the Council.
4. Revoke all previous delegation of functions to the Mayor and Deputy Mayor.

**CARRIED**

### 4.4 COUNTBACK FOR CASUAL VACANCY IN OFFICE OF COUNCILLOR

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#### RESOLUTION 2024/157

Moved: Cr Charlie Simkin

Seconded: Cr Shawn Cain

That Council:

1. Determine that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for Liverpool Plains Shire Council on 14 September 2024 be filled by a countback of votes cast at that election for the office, pursuant to section 291A of the *Local Government Act 1993*.
2. Request the General Manager notify the NSW Electoral Commissioner of the above resolution within seven days of the decision.

**CARRIED**

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**4.5 APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO AUDIT, RISK AND IMPROVEMENT COMMITTEE**

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**RESOLUTION 2024/158**

Moved: Cr Ken Cudmore

Seconded: Cr Charlie Simkin

That Council:

1. Adopt the updated Audit, Risk and Improvement Committee Charter attached as *Annexure B*,
2. Appoint Cr Terry Cohen as the Councillor representative and Cr Donna Lawson as the alternate delegate to the Audit, Risk, and Improvement Committee for the entire Council term.

**CARRIED**

**The Meeting closed at 2.55pm.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Liverpool Plains Shire Council held on 23 October 2024.**

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**CHAIRPERSON**