

**MINUTES OF LIVERPOOL PLAINS SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 23 JULY 2025 AT 2.30PM**

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

IN ATTENDANCE: Cian Middleton (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 Mayor informed the meeting as follows:

This meeting of Liverpool Plains Shire Council is being recorded and a webcast of this meeting will be published to Council's website at <https://www.liverpoolplains.nsw.gov.au/Council/Council-Meetings/Council-meeting-livestreams> so that it is available for viewing by members of the public.

1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCIL PRAYER

Cr Donna Lawson recited the Acknowledgement of Country and the Council Prayer.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS

2.1 APPLICATION TO ATTEND VIA AUDIO VISUAL LINK

RESOLUTION 2025/129

Moved: Cr Charlie Simkin

Seconded: Cr Terry Cohen

That Council:

1. Accept the application submitted by Cr Jason Allan to attend the meeting by audio-visual link.

CARRIED

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF THE COUNCIL MEETING HELD ON 30 JUNE 2025

RESOLUTION 2025/130

Moved: Cr Donna Lawson

Seconded: Cr Charlie Simkin

1. That the Minutes of the Council Meeting held on 30 June 2025 be received and the recommendations therein be adopted.

CARRIED**4 DISCLOSURES OF INTERESTS**

The Mayor requested Councillors disclose any conflicts of interest in matters under consideration at the Ordinary Meeting, in accordance with Part 4 and part 5 of the Code of Conduct.

Cr Shawn Cain declared a pecuniary interest in relation to item 8.1 - Infrastructure & Environmental Services Directorate Report for the reason that he provides services to the Water and Waste Water division of Council. Cr Cain advised that if any matters arose requiring discussion in relation to that item, he would vacate the Chamber.

Cr Jason Allan declared an interest in relation to item 11.1 – Expression of Interest – Sale of Royal Theatre. While Cr Allan did not disclose the type of interest in relation to Item 11.1; consistent with Clauses 4.1 and 4.4 of the Code of Conduct, the interest was pecuniary in nature. Cr Allan vacated the Chamber for consideration and voting of Item 11.1.

5 MAYORAL MINUTE(S)**5.1 MAYORAL MINUTE - 2025 NATIONAL GENERAL ASSEMBLY (NGA) OF THE AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA)**

RESOLUTION 2025/131

Moved: Cr Ken Cudmore

Seconded: Cr Charlie Simkin

That Council:

1. Receive and note the Australian Local Government Association National General Assembly 2025 Communiqué, appended at *Annexure A*.

CARRIED

5.2 MAYORAL MINUTE - ADDRESSING THE ILLEGAL TABACOO TRADE IN THE LIVERPOOL PLAINS SHIRE AND NEW SOUTH WALES

RESOLUTION 2025/132

Moved: Cr Ken Cudmore

Seconded: Cr Donna Lawson

That Council:

1. Writes to the NSW Department of Planning, Housing and Infrastructure (DPHI) to formally raise serious concerns about the unlawful sale of tobacco products from tobacconist outlets operating within the Liverpool Plains Shire local government area and broader New South Wales and request the DPHI to urgently consider amending the *NSW Standard Instrument – Principal Local Environmental Plan* to include the following:

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- a) Introduce a new, standalone land use definition for “Tobacconist”;
 - b) Remove tobacconists from the current definitions of “shop,” “retail premises,” and “specialised retail premises”; and
 - c) Include transitional provisions that grant deemed development consent to existing tobacconist premises, conditional upon (but not limited to) compliance with the following standard conditions:
 - i) Adherence to all applicable legislation; and
 - ii) A strict prohibition on the sale of prohibited or illicit products.
2. Provide a submission to the NSW Inquiry into the Illegal Tobacco Trade, outlining the impacts of illegal tobacconist activity in rural and regional communities such as the Liverpool Plains Shire, prior to close of submissions on 01 August 2025.
 3. Calls on both the NSW and Commonwealth Governments to ensure that all relevant agencies and councils are adequately resourced and funded to carry out enforcement, compliance, and administrative duties arising from any amendments to the Standard Instrument or related public health and planning laws, including provisions for staffing, legal services, and operational support necessary to monitor, regulate, and prosecute unlawful tobacconist activity effectively.

CARRIED

5.3 MAYORAL MINUTE - COST-SHIFTING ONTO LOCAL GOVERNMENT

RESOLUTION 2025/133

Moved: Cr Ken Cudmore

Seconded: Cr Charlie Simkin

That Council:

1. Note the findings of the Local Government NSW Cost Shifting Report for the 2023/24 financial year.
2. Publish a copy of the LGNSW Cost Shifting Report to Council’s website so that our community may access it.
3. Write to the Premier, Treasurer and Minister for Local Government seeking that they urgently address these costs through a combination of regulatory reform and appropriate funding.

CARRIED

6 REPORTS OF THE GENERAL MANAGER

6.1 EXECUTIVE SERVICES - JUNE 2025

RESOLUTION 2025/134

Moved: Cr James Robertson

Seconded: Cr Terry Cohen

That Council:

1. Receive and note the Executive Services Report for June 2025.

CARRIED

6.2 RESOLUTIONS REGISTER UPDATE

RESOLUTION 2025/135

Moved: Cr James Robertson

Seconded: Cr Terry Cohen

That Council:

1. Receive and note the Resolutions Register as at 16 July 2025 as appended at *Annexure A* and the Resolution Register for 2023 and 2024 as appended at *Annexure B*.

CARRIED

6.3 EXPRESSIONS OF INTEREST FOR LIVERPOOL PLAINS SHIRE LOCAL ADVISORY COMMITTEES

RESOLUTION 2025/136

Moved: Cr Donna Lawson

Seconded: Cr Shawn Cain

That Council:

1. Invite nominations from interested members of the Liverpool Plains Shire community to serve on Local Advisory Committees for the remainder of the current 2024-2028 Council term.
2. Receive a further report and determine the establishment of the Local Advisory Committee at the August Ordinary Meeting following conclusion of the proposed Expression of Interest period as detailed in this report.

CARRIED

6.4 APPOINTMENT OF COUNCIL DELEGATE TO THE WALLABADAH COMMUNITY ASSOCIATION INCORPORATED

RESOLUTION 2025/137

Moved: Cr Donna Lawson

Seconded: Cr Charlie Simkin

That Council:

1. Lay this item of business on the table.

CARRIED

6.5 SPONSORSHIP REQUEST - 2025 QUIRINDI SPRING SHOW

RESOLUTION 2025/138

Moved: Cr James Robertson

Seconded: Cr Terry Cohen

That Council:

1. Receive and note the request from the Quirindi Show Society Incorporated to sponsor the 2025 Quirindi Spring Show, appended at *Annexure A*.
2. Resolve to provide \$5,000 in sponsorship to the 2025 Quirindi Spring Show.

CARRIED**7 REPORTS OF THE DIRECTOR CORPORATE AND COMMUNITY SERVICES****7.1 CORPORATE AND COMMUNITY SERVICES DIRECTORATE REPORT JUNE 2025**

RESOLUTION 2025/139

Moved: Cr Shawn Cain

Seconded: Cr Terry Cohen

That Council:

1. Receive and note the Corporate and Community Services Directorate update report for June 2025.

CARRIED**7.2 STATEMENT OF INVESTMENTS - JUNE 2025**

RESOLUTION 2025/140

Moved: Cr James Robertson

Seconded: Cr Donna Lawson

That Council:

1. Receive and note the Statement of Investments as of 30 June 2025 as appended at *Annexure A*.
2. Receive and note the Imperium Markets Monthly Investment Review Report for Liverpool Plains Shire Council as of 30 June 2025 as appended at *Annexure B*.

CARRIED

8 REPORTS OF THE DIRECTOR INFRASTRUCTURE AND ENVIRONMENTAL SERVICES**8.1 INFRASTRUCTURE & ENVIRONMENTAL SERVICES DIRECTORATE REPORT JUNE 2025**

RESOLUTION 2025/141

Moved: Cr James Robertson

Seconded: Cr Charlie Simkin

That Council:

1. Receive and note the Infrastructure & Environmental Services Directorate report for the month of June 2025.

At 3:22 pm, Cr Terry Cohen left the meeting.

At 3:23 pm, Cr Terry Cohen returned to the meeting.

CARRIED

9 DELEGATES REPORTS

Nil

10 NOTICES OF MOTIONS/QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL MATTERS

RESOLUTION 2025/142

Moved: Cr Charlie Simkin

Seconded: Cr Shawn Cain

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

11.1 Expression of Interest - Sale or Lease of the Royal Theatre Quirindi

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it 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.

CARRIED

At 3.57pm the Meeting moved back into Open Council. In accordance with the Liverpool Plains Shire Council Code of Meeting Practice, Sections 14.22 & 14.23, the Mayor provided a summary of the resolutions passed in Closed Council.

REPORT ON CONFIDENTIAL MATTERS

The Mayor reported as follows on the matters considered in the confidential section of the meeting:

11.1 EXPRESSION OF INTEREST - SALE OR LEASE OF THE ROYAL THEATRE QUIRINDI

RESOLUTION 2025/143

Moved: Cr Donna Lawson

Seconded: Cr Shawn Cain

That Council:

1. Note that one (1) response was received to the Expression of Interest for the Sale or Lease of the Royal Theatre, 115 Henry Street Quirindi.
2. Decline to proceed to a Selective Tendering process for the Sale of the Royal Theatre, 115 Henry Street Quirindi in accordance with Section 178 (1)(b) of the *Local Government (General) Regulation 2021*.
3. Enter into negotiations under Clause 178 (3)(e) of the *Local Government (General) Regulation 2021* for the following reasons:
 - (a) that the initial Expression of Interest process resulted in one (1) submission and the process of inviting fresh submissions or applications will likely not result in additional submissions; and
 - (b) that the response received to the Expression of Interest requested Council enter into collaborative negotiations, including a discussion around a structured handover, for the Sale of the Royal Theatre, 115 Henry Street Quirindi.
4. Authorise the Mayor and General Manager, under Clause 178 (3)(e) of the *Local Government (General) Regulation 2021*, negotiate the Sale of the Royal Theatre, 115 Henry Street Quirindi with the Expression of Interest respondent.
5. Following the negotiation of the proposed terms of sale for the Royal Theatre located at 115 Henry Street, Quirindi by the Mayor and General Manager, receive a further report at a future Ordinary Meeting of Council detailing the negotiated terms and seeking Council's approval for the Mayor and General Manager to enter into a Contract of Sale pursuant to Clause 178(3)(e) of the *Local Government (General) Regulation 2021*.

At 3:24 pm, Cr Jason Allan left the meeting.

At 3:57 pm, Cr Jason Allan returned to the meeting.

CARRIED

RESOLUTION 2025/144

Moved: Cr Charlie Simkin

Seconded: Cr Terry Cohen

That Council moves out of Closed Council into Open Council.

CARRIED

The Meeting closed at 3:59pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 August 2025.

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CHAIRPERSON