

**MINUTES OF LIVERPOOL PLAINS SHIRE COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 5 JANUARY 2022 AT 1:30PM**

**PRESENT:** Cr Jason Allan, Cr Terry Cohen, Cr Ken Cudmore, Cr Doug Hawkins OAM, Cr Donna Lawson, Cr Paul Moules, Cr Yvonne Wynne

**IN ATTENDANCE:** Joanne Sangster (General Manager), Cian Middleton (Director Corporate and Community Services), Nathan Skelly (Director Infrastructure and Environmental Services), Christie Pearson (Executive Officer)

**AUDIO RECORDING OF MEETINGS**

The General Manager assumed the Chair and informed the meeting as follows:

*A WEBCAST OF THIS MEETING WILL BE PUBLISHED TO COUNCIL'S WEBSITE AT LIVERPOOLPLAINS.NSW.GOV.AU SO THAT IT IS AVAILABLE FOR VIEWING BY MEMBERS OF THE PUBLIC."*

**1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCIL PRAYER**

The 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, Ms Joanne Sangster, vacated the Chair and appointed the Director Corporate and Community Services, Mr Cian Middleton, 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 Middleton 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 Doug Hawkins OAM. The Returning Officer invited further nominations without notice. No further nominations were made.*

**4.1 ELECTION OF MAYOR**

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**RESOLUTION 2022/1**

Moved: Cr Ken Cudmore

Seconded: Cr Terry Cohen

That Council:

1. Note the election of Councillor Doug Hawkins OAM, being the sole nominee, as Mayor, pursuant to clause 3(1) of Schedule 7 of the *Local Government (General) Regulation 2021*.
2. Advise the Chief Executive of the Office of Local Government and Chief Executive of Local Government NSW of the result of the election.

**CARRIED**

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

#### **4.2 ELECTION OF DEPUTY MAYOR**

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##### **RESOLUTION 2022/2**

Moved: Cr Paul Moules

Seconded: Cr Jason Allen

That Council:

1. Resolve to elect a Deputy Mayor to hold office for the Mayoral term.
2. Note the election of Councillor Ken Cudmore, being the sole nominee, as Deputy Mayor, pursuant to clause 3(1) of Schedule 7 of the *Local Government (General) Regulation 2021*.
3. Advise the Chief Executive of the Office of Local Government and Chief Executive of Local Government NSW of the result of the election.

**CARRIED**

*Following the election of the Deputy Mayor, the Returning Officer vacated the Chair, and the Mayor, Cr Doug Hawkins OAM, assumed the Chair for the remainder of the Extraordinary Meeting.*

#### **4.3 DELEGATIONS TO MAYOR AND DEPUTY MAYOR**

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##### **RESOLUTION 2022/3**

Moved: Cr Donna Lawson

Seconded: Cr Terry Cohen

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. 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

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Council.

3. Revoke all previous delegation of functions to the Mayor and Deputy Mayor.

**CARRIED**

#### **4.4 DELEGATIONS TO GENERAL MANAGER**

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##### **RESOLUTION 2022/4**

Moved: Cr Yvonne Wynne

Seconded: Cr Ken Cudmore

That Council:

1. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the General Manager, and in the General Manager's absence, the Senior Staff position holder acting in the position of General Manager; 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. Notes that the delegation of functions to the General Manager are to be exercised in accordance with:
  - (a) The requirements of the applicable Act of Parliament.
  - (b) Any resolution or policy, procedure or budget adopted from time to time by the Council.
3. Pursuant to section 351 of the *Local Government Act 1993*, authorise the Council's two Senior Staff positions, being the Director Corporate and Community Services and Director Infrastructure and Environmental Services, to act in the position of General Manager on a temporary basis, if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the General Manager's return to work or by other resolution of Council.
4. Revoke all previous delegation of functions to the General Manager.

In Favour: Crs Ken Cudmore, Doug Hawkins OAM, Yvonne Wynne, Terry Cohen, Donna Lawson and Jason Allen

Against: Cr Paul Moules

**CARRIED 6/1**

#### **4.5 COUNTBACK FOR CASUAL VACANCY IN OFFICE OF COUNCILLOR**

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##### **RESOLUTION 2022/5**

Moved: Cr Paul Moules

Seconded: Cr Jason Allen

That Council:

1. Determine that casual vacancies occurring in the office of a Councillor within 18 months

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after the last ordinary election of Councillors for Liverpool Plains Shire Council on 04 December 2021 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**

#### **4.6 ADOPTION OF SCHEDULE OF ORDINARY MEETINGS 2022**

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##### **RESOLUTION 2022/6**

Moved: Cr Donna Lawson

Seconded: Cr Ken Cudmore

That Council:

1. Adopt the draft Schedule of Ordinary Meetings for 2022 appended at *Annexure A*, pursuant to section 365 of the *Local Government Act 1993* and clause 3.1 of the Code of Meeting Practice.
2. Request the General Manager provide public notice of the time, date and location of each scheduled Ordinary Meeting to be held in 2022, pursuant to section 9 of the *Local Government Act 1993* and clause 3.3 of the Code of Meeting Practice.

**CARRIED**

*Following consideration of Item 4.6, Cr Donna Lawson notified the meeting that she had urgent business without notice to be considered at the Extraordinary Meeting, pursuant to clause 3.27 of the Code of Meeting Practice. Cr Lawson moved a motion that the business be considered at the Extraordinary Meeting.*

##### **MOTION**

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##### **RESOLUTION 2022/7**

Moved: Cr Donna Lawson

Seconded: Cr Terry Cohen

That Council:

1. Consider the following Motion considered to be urgent at the Extraordinary Meeting.

In Favour: Crs Ken Cudmore, Doug Hawkins OAM, Yvonne Wynne, Terry Cohen, Donna Lawson and Jason Allen

Against: Cr Paul Moules

**CARRIED 6/1**

*The Mayor advised the Extraordinary Meeting that he was satisfied that the business was of great urgency on the grounds that it required a decision by the Council before the next scheduled Ordinary Meeting of the Council.*

*The Mayor subsequently invited Cr Lawson, as the mover of the motion moved under clause 3.27(1) of the Code of Meeting Practice, to speak to the motion before putting the motion.*

## **MOTION**

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### **RESOLUTION 2022/8**

Moved: Cr Donna Lawson

Seconded: Cr Terry Cohen

That Council:

1. Delegate authority to the Mayor and General Manager to negotiate an extension to the Quirindi High School Swim and Gym Agreement, providing students of the Quirindi High School and local public primary schools with subsidised access to the Quirindi and Werris Creek public swimming pools and Plains Fitness Recreation Centre.
2. Pursuant to section 356 of the *Local Government Act 1993*, provide public notice of its intention to provide financial assistance to Quirindi High School and local public primary schools by way of extending the Quirindi High School Swim and Gym Agreement.
3. Request a further report on the Quirindi High School Swim and Gym Agreement at the next Ordinary Meeting.

In Favour: Crs Ken Cudmore, Doug Hawkins OAM, Yvonne Wynne, Terry Cohen, Donna Lawson and Jason Allen

Against: Cr Paul Moules

**CARRIED 6/1**

**The Meeting closed at 2:10pm.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Liverpool Plains Shire Council held on 2 February 2022.**

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**CHAIRPERSON**