

**MINUTES OF NARRABRI SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI  
ON TUESDAY, 22 MARCH 2022 AT 1.00PM**

**PRESENT:** Cr Ron Campbell, Cr Catherine Redding, Cr Rohan Boehm, Cr Robert Browning, Cr John Clements, Cr Brett Dickinson, Cr Greg Lamont, Cr Lisa Richardson, Cr Darrell Tiemens

**IN ATTENDANCE:** Andrew Brown (Acting General Manager), Donna Ausling (Manager Strategic Planning), Stevi-Leigh Hogarth (Minute Clerk).

Proceedings of the meeting commenced at 1.02pm.

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**1 OPENING PRAYER**

Members and officers were upstanding for the opening prayer by Pastor Renee Ritchie of Way Church Narrabri, in association with the Narrabri Ministers Fraternal.

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**2 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the Traditional Owners of the land on which the Council met, the Gamilaroi people, and the Council paid its respects to Elders past, present and emerging.

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**3 RECOGNITION OF SERVICE MEN AND WOMEN**

Council acknowledged the sacrifice made by Australian service men and women, in particular those who gave their lives in defence of the freedom we enjoy today.

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**4 APOLOGIES/GRANTING OF LEAVE OF ABSENCES**

Nil

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**5 DECLARATION OF PECUNIARY AND NON- PECUNIARY INTERESTS**

COUNCILLOR	ITEM NUMBER	PECUNIARY/ NON-PECUNIARY	REASON
Cr Campbell	14.3 and 14.5	Pecuniary	Due to operation of waste business.
Cr Lisa Richardson	14.3	Pecuniary	Is an employed within the extractive industries.
Cr John Clements	11.2	Pecuniary	Owns a residential property within the zone.
	13.9	Non-Pecuniary/non significant	Named in the attachment to the Report.

Cr Darrell Tiemens	11.1 and 11.2	Pecuniary	Interest in agricultural land.
Cr Catherine Redding	14.2	Pecuniary	Impacted by Inland Rail property purchase

## 6 ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL (PUBLIC EXCLUDED) MEETING

The following matters will be considered in the Closed (Public Excluded) Meeting:

- 14.1 BP 65 Cooma Road - Finalisation of historical land administration matter
- 14.2 Draft Master Inland Rail Development Agreement (MIRDA)
- 14.3 Narrabri Underground Voluntary Planning Agreement (VPA) Update
- 14.4 Log of Auto-Archive access
- 14.5 Municipal Waste Collection Contract post September 2023

## 7 PRESENTATIONS

Presentation requests received to date:

- 1. NIL

## 8 CONFIRMATION OF MINUTES

### MINUTE 050/2022

Moved: Cr Brett Dickinson      Seconded: Cr John Clements

1. That the minutes of Ordinary Meeting of the Narrabri Shire Council held on 22 February 2022 comprising Minute Nos 021/2022 to 049/2022 as circularised be confirmed and signed as a correct record by the Mayor.

In Favour: Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against: Nil

**CARRIED 9/0**

## 9 MAYORAL MINUTE

### 9.1 MAYORAL MINUTE - MAYORAL APPOINTMENTS FOR FEBRUARY/MARCH 2022

#### MINUTE 051/2022

Moved: Cr Ron Campbell

1. That Council note the Mayoral Appointments for the period up to 11 March 2022.

In Favour: Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against: Nil

CARRIED 9/0

**10 OUR SOCIETY****10.1 NOTICE OF MOTION - OUTDOOR CONTRACTOR VACCINATION STATUS****MINUTE 052/2022****MOTION**

Moved: Cr John Clements      Seconded: Cr Greg Lamont

Outdoor contractors to the Narrabri Shire Council not be required to show vaccination status, provided that;

1. They wear masks when discussing work with relevant Council staff in outdoor settings
2. That they provide proof of a negative Rapid Antigen Test result (RAT) taken prior to entering the council building if they are required to attend any Council indoor setting.

**MINUTE 053/2022****AMENDMENT**

1. A report be brought to Councillors after consultation with staff from the consultative committee within three months.

Moved: Cr Catherine Redding      Seconded: Cr Ron Campbell

In Favour:      Crs Ron Campbell and Catherine Redding

Against:      Crs Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

LOST 2/7

**MINUTE 054/2022****AMENDMENT**

1. That a report be brought to Councillors after consultation with staff from the Consultative Committee and any other relevant council processes for the next Council meeting.

Moved: Cr John Clements      Seconded: Cr Darrell Tiemens

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:      Nil

CARRIED 9/0

At 1:35pm, Cr Darrell Tiemens left the meeting after declaring a non-pecuniary interest in relation to Item 11.1, due to an interest in agricultural land and was not present at or in sight of the meeting during the consideration of the item.

## 11 OUR ENVIRONMENT

### 11.1 AGRITOURISM PLANNING REFORMS

#### MINUTE 055/2022

Moved: Cr Rohan Boehm                      Seconded:    Cr John Clements

- 1. That Council authorise the General Manager to correspond with the NSW Department of Planning and Environment advising of Council's intention to participate in the Agritourism initiative and to confirm the Council Officer preliminary advice dated 25 February 2022 in relation to nominated development standards.**

In Favour:    Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont and Lisa Richardson

Against:        Nil

**CARRIED 8/0**

At 1:43 pm, Cr Darrell Tiemens returned to the meeting.

At 1:43 pm, Cr John Clements left the meeting after declaring a pecuniary interest in relation to Item 11.2, due to ownership of a property within the zone and was not present at or in sight of the meeting during the consideration of the item.

At 1:44 pm, Cr Darrell Tiemens left the meeting after declaring a pecuniary interest in relation to Item 11.2, due to an interest in agricultural land and was not present at or in sight of the meeting during the consideration of the item.

**11.2 EMPLOYMENT ZONE PLANNING REFORMS****MINUTE 056/2022**

Moved: Cr Rohan Boehm                      Seconded: Cr Brett Dickinson

- 1. That Council endorse the Return Translation Detail in respect of the Employment Zone Reform Program.**
- 2. That Council formally advise the NSW Department of Planning and Environment of its decision.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, Brett Dickinson, Greg Lamont and Lisa Richardson

Against:        Nil

**CARRIED 7/0**

At 1:45 pm, Cr John Clements returned to the meeting.

At 1:45 pm, Cr Darrell Tiemens returned to the meeting.

**11.3 INFRASTRUCTURE CONTRIBUTIONS REFORMS****MINUTE 057/2022**

Moved: Cr John Clements                      Seconded: Cr Brett Dickinson

- 1. That Council receive periodic updates on the progress of the NSW Government Infrastructure Contributions Reform Program.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:        Nil

**CARRIED 9/0**

**11.4 PROPOSED NSW GOVERNMENT REZONING REFORMS - SUBMISSION****MINUTE 058/2022**

Moved: Cr John Clements                      Seconded: Cr Catherine Redding

- 1. That Council make a submission to the NSW Department of Planning and Environment on the Discussion Paper – A new Approach to Rezoning in accordance with the draft submission attached to the Report.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:              Nil

**CARRIED 9/0**

**11.5 NOTICE OF MOTION - NARRABRI LAWN CEMETERY & OLD NARRABRI CEMETERY****MINUTE 059/2022**

Moved: Cr Greg Lamont                      Seconded: Cr Darrell Tiemens

- 1. That the General Manager provide a report to Council on:**

- (a) the cost of repairing or resurfacing the internal roads and the signposting of where plots are located at the Narrabri Lawn Cemetery to match the Cemetery Register and the source of funds to undertake the works in the 2022-2023 Capital Works Program;**
- (b) the cost of and what level of service is provided in mowing the rows and between the rows, maintaining signage, picking up rubbish etc., at the Old Narrabri Cemetery to improve its appearance and protect the asset;**
- (c) the options of the engagement of Corrective Services and/or Community Service Order people or grant funded employment programs or other options to assist in the maintenance of the Old Narrabri Cemetery.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:              Nil

**CARRIED 9/0**

**11.6 NOTICE OF MOTION - RENEWABLE ENERGY ACTION PLAN (REAP)****MINUTE 060/2022**

Moved: Cr Rohan Boehm                      Seconded: Cr John Clements

**1. That Council calls for expressions of interest from suitably qualified consultants for 90 days to undertake a Renewable Energy Action Plan (REAP), where:**

- (a) The Shire's detailed electricity usage is modelled based on time of use, prices and charges paid in \$/kWh and demand charges, location and type of metering – over a 12 month period,**
- (b) The Shire's use of petrol and diesel fuels is collated in terms of plant type, prices paid per litre, time of use and volume – over a 12 month period,**
- (c) In order to meet the goal, new business opportunities and skills are prioritized as being delivered by Shire-based business, and people, to achieve these goals,**
- (d) The REAP identifies skills and systems that are required to meet these goals,**
- (e) The report would identify a business case for Council to invest, or jointly invest in sources of alternative energy that meet Council energy needs, preferably to reach net-zero emissions by 2035,**
- (f) A detailed report is delivered to a public forum(s) commissioned and led by Council, later becoming an online resource on the Council website to assist the Shire and communities in the transition.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:        Nil

**CARRIED 9/0**

At 2:14 pm, Cr Brett Dickinson left the meeting.

At 2:16 pm, Cr Brett Dickinson returned to the meeting.

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**12 OUR ECONOMY**

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**12.1 RECORD ARCHIVING OF COUNCIL EMAIL****MINUTE 061/2022**

Moved: Cr Rohan Boehm                      Seconded: Cr Greg Lamont

- 1. That Council note the information regarding Council record keeping surrounding emails and the legal requirements associated with the *State Records Act 1998*.**
- 2. That Council note the requirements under its Code of Conduct for record keeping.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:        Nil

**CARRIED 9/0**

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**12.2 NOTICE OF MOTION - URGENT WORKS ON MELBURRA ROAD (OFF KILLARNEY GAP ROAD)**

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**MINUTE 062/2022**

Moved: Cr Greg Lamont                      Seconded: Cr Rohan Boehm

- 1. That the General Manager provide a report to the appropriate budget briefing of council on:**
  - (a) what work has been undertaken on Melburra Rd the last three (3) years and the cost;**
  - (b) the result of General Manager, or delegate, meeting on site with interested Councillors and the Melburra Road Users Group to discuss options such as concreting the culverts, fencing, regular grading etc., to ensure they have a reliable and safe road to use;**
  - (c) as a result of (b) what works are proposed to rectify the problems, the cost and source of funds.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:        Nil

**CARRIED 9/0**



**12.3 NOTICE OF MOTION - NARRABRI TOWN CLOCK REPAIRS****MINUTE 063/2022**

Moved: Cr Greg Lamont                      Seconded: Cr Lisa Richardson

- 1. That the General Manager submit a report to Council on the history of the maintenance, including a report on the costing to raise the fuse box of the Narrabri Town Clock and its current status in order that it may be repaired to keep the correct time as soon as possible.**
- 2. That the General Manager submit a report to Council on the status of all Narrabri Shire town clocks including a history of the clocks, current maintenance schedule and any other relevant details.**

In Favour: Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against: Nil

**CARRIED 9/0**

**12.4 NOTICE OF MOTION - NARRABRI WEST RAILWAY MUSEUM****MINUTE 064/2022**

Moved: Cr Greg Lamont                      Seconded: Cr John Clements

- 1. That the General Manager submit a report to a future meeting of Council on the history of attempts to have the Narrabri West Railway Museum being established in the old Narrabri West Water Tower, information on any possible grant sources to complete the Museum, if any existing funding sources are in reserves or trust or any details on entities that may have been involved in the past.**

In Favour: Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against: Nil

**CARRIED 9/0**

**12.5 INLAND RAIL****MINUTE 065/2022**

Moved: Cr Rohan Boehm                      Seconded: Cr John Clements

- 1. That Council note the Inland Rail report is preliminary and seek further information on matters raised in the report, specifically the funding and broad status for points one, two and three. Report to include a copy of the adopted business case for the inland port.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:        Nil

**CARRIED 9/0**

**13 OUR CIVIC LEADERSHIP****13.1 INVESTMENT REPORT - FEBRUARY 2022****MINUTE 066/2022**

Moved: Cr John Clements                      Seconded: Cr Greg Lamont

- 1. That Council note the Investment Report for February 2022.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:        Nil

**CARRIED 9/0**

**13.2 PAYMENT OF SUPERANNUATION TO COUNCILLORS****MINUTE 067/2022**

Moved: Cr John Clements                      Seconded: Cr Brett Dickinson

- 1. That Council make superannuation contributions on Councillor and Mayoral fees in accordance with section 254B of the *Local Government Act 1993 (NSW)* commencing 1 July 2022.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont and Lisa Richardson

Against:        Cr Darrell Tiemens

**CARRIED 8/1**

**13.3 NOMINATION OF NATIVE TITLE MANAGER****MINUTE 068/2022**

Moved: Cr Brett Dickinson      Seconded: Cr Greg Lamont

- 1. That Council nominate the Property Officer, Nicole Gordon, as its Native Title Manager;**
- 2. That Council give notice to the Minister for Lands and Forestry of contact details of Council's Property Officer, Nicole Gordon, as its Native Title Manager as required under Section 8.8 of the *Crown Land Management Act 2016*.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:      Nil

**CARRIED 9/0**

At 3:09 pm, Cr Robert Browning left the meeting.

**13.4 SPECIAL ACTIVATION PRECINCT (SAP) COMMITTEE****MINUTE 069/2022**

Moved: Cr Lisa Richardson      Seconded: Cr Catherine Redding

- 1. That Council not establish a Special Activation Precinct Standing Committee for a period of 6 months.**
- 2. That Council formally correspond with the NSW Government and request the provision of bi-monthly briefing sessions in relation to Narrabri Special Activation Precinct (SAP) matters.**
- 3. That the time be allocated at the first briefing with the SAP team, following this meeting to discuss any concerns, possibilities of a council committee or matters that Councillors may have.**

In Favour:      Crs Ron Campbell, Catherine Redding and Lisa Richardson

Against:      Crs Rohan Boehm, John Clements, Brett Dickinson, Greg Lamont and Darrell Tiemens

**LOST 3/5**

At 3:32 pm, Cr Robert Browning returned to the meeting.

At 3:32 pm, Cr Greg Lamont left the meeting.

At 3:35 pm, Cr Greg Lamont returned to the meeting.

**13.5 COUNCIL COMMITTEES****MINUTE 070/2022**

Moved: Cr John Clements                      Seconded: Cr Darrell Tiemens

**1. That Council hold a workshop to consider the formation of Council standing committees.**

In Favour:      Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against:        Nil

**CARRIED 9/0**

Cr Greg Lamont withdrew the following Notices of Motion prior to consideration at the meeting:

Item 13.6 Notice of Motion – Review of the Code of Meeting Practice

Item 13.7 Notice of Motion – General Manager’s Performance Management Review Panel

Item 13.8 Notice of Motion – Delegations

At 3.35pm, The Mayor suspended Standing Orders for a break.

At 3.45pm, The Mayor resumed Standing Orders.

Item - 13.9 Notice of Motion - NSC ats LODER – was considered in CONFIDENTIAL (CLOSED COUNCIL) MEETING.

Cr Rohan Boehm withdrew the following Notice of Motion prior to consideration at the meeting:

Item 13.10 Notice of Motion – Review of Operational Delegations

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**14 CONFIDENTIAL (CLOSED COUNCIL) MEETING**

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**MINUTE 071/2022**

Moved: Cr Catherine Redding Seconded: Cr Darrell Tiemens

That Council move into Closed (Public Excluded) Meeting of Council and that the press and members of the public be asked to leave the room whilst Council considers the following items:

**13.9 NOTICE OF MOTION - NSC ATS LODER**

This matter is considered to be confidential under Section 10A(2) - (g) concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, to receive an update on the status of legal action Council has undertaken against former Councillor Ann Loder.

**14.1 BP 65 Cooma Road - Finalisation of historical land administration matter**

The Acting General Manager withdrew the Report prior to consideration at the meeting.

**14.2 Draft Master Inland Rail Development Agreement (MIRDA)**

This matter is considered to be confidential under Section 10A(2) - (d)(i) 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**14.3 Narrabri Underground Voluntary Planning Agreement (VPA) Update**

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.

**14.4 Log of Auto-Archive access**

This matter is considered to be confidential under Section 10A(2) - (f) 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 details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

**14.5 Municipal Waste Collection Contract post September 2023**

This matter is considered to be confidential under Section 10A(2) - (d)(i) and (d)(ii) 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

In Favour: Crs Ron Campbell, Catherine Redding, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont, Lisa Richardson and Darrell Tiemens

Against: Nil

**CARRIED 9/0**

The Council moved into closed Council, the time being 3.55 pm. The public and media left the Chamber.

The considerations by Council in closed session are recorded in the Confidential Minutes of the Meeting.

The Council moved into open session at 5.03 pm and the Mayor read out to those present the resolutions of the Closed (Public Excluded) Meeting

**13.11 NSC ATS LODER (LEGAL PROCEEDINGS)****MINUTE 076/2022**

1. That Council advise the plaintiff's solicitor of Council's intention to halt enforcement action to allow for a further report including legal advice, to be returned to Council.

**13.12 NSC ATS LODER (CONFIDENTIALITY)****MINUTE 078/2022**

1. That all reports in relation to the matter of NSC ats LODER be moved into the confidential business paper.

**14.2 DRAFT MASTER INLAND RAIL DEVELOPMENT AGREEMENT (MIRDA)****MINUTE 079/2022**

1. That Council endorse the draft Master Inland Rail Development Agreement (MIRDA) for the Narrabri to North Star (N2NS) section of Inland Rail, save and except clause 5.3 Contamination for execution by the General Manager.
2. That Council formally advise Australian Rail Track Corporation (ARTC) of its decision on the matter.

**14.3 NARRABRI UNDERGROUND VOLUNTARY PLANNING AGREEMENT (VPA) UPDATE****MINUTE 080/2022**

1. That Council accept the \$2.603 million Voluntary Planning Agreement offer from Whitehaven Coal dated 27 January 2022, as negotiated for the Narrabri Underground mine and this motion remain confidential until such time as the matter is concluded.

**14.5 MUNICIPAL WASTE COLLECTION CONTRACT POST SEPTEMBER 2023****MINUTE 081/2022**

1. That Council approve the commencement of testing the market and inviting tenders for the delivery of the next municipal waste collection service.
2. That Council seek advice from neighbouring councils as to their level of interest in another joint tender/contract.

**14.4 LOG OF AUTO-ARCHIVE ACCESS**

**MINUTE 082/2022**

1. That Council note the Log of Auto-Archive report and thank the staff.

**15 MEETING CLOSED**

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The Meeting closed at 5.04pm.

The minutes of this meeting are scheduled to be confirmed at the Ordinary Council Meeting to be held on 26 April 2022.

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**CHAIRPERSON**