



**I hereby give notice that an Ordinary Meeting of Council will be held on:**

**Date: Tuesday, 11 January 2022**

**Time: 1.00pm**

**Location: Narrabri Shire Council Chambers  
46-48 Maitland Street  
Narrabri**

# **AGENDA**

**Ordinary Council Meeting  
11 January 2022**

**Stewart Todd  
GENERAL MANAGER**

**PUBLIC FORUM (held outside formal Council Meeting)**

The Council may hold a public forum prior to each Ordinary Meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting (listed on the Agenda).

Public forums may also be held prior to Extraordinary Council Meetings and meetings of committees of the Council.

Public forums are to be chaired by the mayor or their nominee.

**Request to Speak in the Public Forum**

To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 5pm on the working day before the date on which the public forum is to be held and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council, and to identify any equipment needs at 5pm on the working day before the Public Forum.

The General Manager or their delegate may refuse to allow such material to be presented.

A person may apply to speak on no more than 2 items of business on the agenda of the Council Meeting.

Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

The General Manager or their delegate may refuse an application to speak at a public forum.

No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council Meeting.

If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.

Each speaker will be allowed three (3) minutes to address the Council. This time is to be strictly enforced by the Chairperson.

The Chairperson of the meeting can grant one extension of up to a maximum of two (2) minutes, should further information, be considered to be important to the Council. This is solely at the discretion of the Chair.

Speakers at public forums must not digress from their nominated item on the agenda. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a Public Forum. Questions put to a speaker must be direct, succinct and without argument. Debate will not be permitted by the speaker, Councillors or staff.

Speakers are under no obligation to answer a question. Answers by the speaker, to each question are to be limited to three (3) minutes.

Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.

The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 5 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.

The “*Request to Speak in Public Forum*”, at an Ordinary Council Meeting, can be obtained, from Council’s Administration Office, or by downloading it from Council’s website at:

<http://www.narrabri.nsw.gov.au/speaking-at-public-forum-1232.html>



### **USE OF MOBILE PHONES AND UNAUTHORISED RECORDING OF MEETINGS**

Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

(Clause 15.20 Code of Meeting Practice)

A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the Council.

(Clause 15.21 Code of Meeting Practice)

### **AUDIO RECORDING NOTICE**

Council advises that this Meeting will be recorded for the purpose of webcasting, and made available on the Internet. As such, all those present should refrain from making any defamatory statements. It is requested that Councillors within the duration of the Meeting, limit discussions to only the business on the agenda and what is permissible under our Code of Meeting Practice.

(Clause 5.20 Code of Meeting Practice)

Cr Rohan Boehm

Cr Robert Browning

Cr Ron Campbell

Cr John Clements

Cr Brett Dickinson

Cr Greg Lamont

Cr Cathy Redding

Cr Lisa Richardson

Cr Darrell Tiemens



General Manager  
Mr Stewart Todd



Director  
Infrastructure Delivery  
Mrs Eloise Chaplain



Director Corporate &  
Community Services  
Mr Lindsay Mason



Director Planning, Strategy  
& People  
Mr Andrew Brown

# Corporate *values*



## **Integrity**

Ensuring transparency and honesty in all our activities.



## **Leadership**

Providing guidance and direction to our community and our people.



## **Customer Focus**

Delivering prompt, courteous and helpful services and being responsive to the community's changing needs.



## **Accountability**

Accepting our responsibility for the provision of quality services and information.



## **Respect**

Treating everyone with courtesy, dignity and fairness.



## **Excellence**

Being recognised for providing services, programs and information which consistently meet and exceeds standards.



# Strategic direction

## OUR VISION

A strong and vibrant regional growth centre providing a quality living environment for the entire Shire community.



### Theme 1: OUR SOCIETY

#### Strategic Direction 1: Safe, Inclusive and Connected Community

A safe, supportive community where everyone feels welcomed, valued and connected.



### Theme 2: OUR ENVIRONMENT

#### Strategic Direction 2: Environmentally Sustainable and Productive Shire

Maintaining a healthy balance between our natural and built environments.



### Theme 3: OUR ECONOMY

#### Strategic Direction 3: Progressive and Diverse Economy

A strong, diverse economy that attracts, retains and inspires business, industry and tourism growth.



### Theme 4: OUR CIVIC LEADERSHIP

#### Strategic Direction 4: Collaborative and Proactive Leadership

Working pro-actively together to achieve our shared vision with strong strategic direction.

**AGENDA**

<b>1</b>	<b>Opening Prayer by a Member of the Narrabri Minister's Fraternal .....</b>	<b>9</b>
<b>2</b>	<b>Acknowledgement of Country .....</b>	<b>9</b>
<b>3</b>	<b>Recognition of Service Men &amp; Women .....</b>	<b>9</b>
<b>4</b>	<b>Apologies/Granting of Leave of Absences .....</b>	<b>9</b>
<b>5</b>	<b>Declaration of Pecuniary and Non- Pecuniary Interests .....</b>	<b>9</b>
<b>6</b>	<b>Items to be Considered in the Confidential (Public Excluded) Meeting.....</b>	<b>9</b>
<b>7</b>	<b>Presentations .....</b>	<b>10</b>
<b>8</b>	<b>Confirmation of Minutes .....</b>	<b>10</b>
<b>9</b>	<b>Mayoral Minute .....</b>	<b>25</b>
	Nil reports.	
<b>10</b>	<b>Our Society.....</b>	<b>26</b>
	Nil reports.	
<b>11</b>	<b>Our Environment.....</b>	<b>28</b>
	Nil reports.	
<b>12</b>	<b>Our Economy.....</b>	<b>30</b>
	Nil reports.	
<b>13</b>	<b>Our Civic Leadership .....</b>	<b>32</b>
13.1	Oath or Affirmation of Office by Councillors.....	33
13.2	Election of the Office of Mayor .....	35
13.3	Creation of the Office of Deputy Mayor .....	39
13.4	Casual Vacancies in the Office of Councillor .....	43
<b>14</b>	<b>Confidential (Closed Council) Meeting .....</b>	<b>45</b>
	Nil reports.	
<b>15</b>	<b>Meeting Closed .....</b>	<b>45</b>





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**1 OPENING PRAYER BY A MEMBER OF THE NARRABRI MINISTER'S FRATERNAL**

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Members and officers are asked to be upstanding for the opening prayer.

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**2 ACKNOWLEDGEMENT OF COUNTRY**

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I'd like to begin by acknowledging the Traditional Owners of country throughout Australia, and in particular the Gomeroi People of the Kamilaroi Nation, and recognise their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

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**3 RECOGNITION OF SERVICE MEN & WOMEN**

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Council acknowledges 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**

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

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Councillors are reminded of their obligation to declare their interest in any matters listed before them.

In considering your interest, you are reminded to include pecuniary, non-pecuniary and conflicts of interest as well as any other interest you perceive or may be perceived of you.

Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.

Councillors must state their reasons in declaring any type of interest.

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

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Nil.

Extract from Council's Code of Meeting Practice:

**14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

Grounds on which meetings can be closed to the public

**14.1** The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

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## **7 PRESENTATIONS**

Nil.

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## **8 CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Narrabri Shire Council held on 23 November 2021 comprising Minute Nos 189/2021 to 213/2021 as circularised be confirmed and signed as a correct record by the Mayor.

### **RECOMMENDATION**

That the minutes of the Extraordinary Council Meeting of the Narrabri Shire Council held on 3 December 2021 comprising Minute Nos 214/2021 to 215/2021 as circularised be confirmed and signed as a correct record by the Mayor.

**MINUTES OF NARRABRI SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI  
ON TUESDAY, 23 NOVEMBER 2021 AT 1.00PM**

**PRESENT:** Mayor Ron Campbell (Mayor), Cr Catherine Redding (Deputy Mayor), Cr Maxine Booby, Cr Ron Campey, Cr Lloyd Finlay, Cr Robert Kneale, Cr Annie McMahon, Cr Cameron Staines.

**IN ATTENDANCE:** Stewart Todd (General Manager), Lindsay Mason (Director Corporate and Community Services), Eloise Chaplain (Acting Director Infrastructure Delivery), Director Planning, Strategy & People Andrew Brown, Delece Hartnett (Minute Clerk).

Proceedings of the meeting commenced at 1.00pm.

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**1 OPENING PRAYER BY A MEMBER OF THE NARRABRI MINISTER'S FRATERNAL**

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Members and officers were upstanding for the opening prayer read by the Mayor, Cr Ron Campbell.

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**2 ACKNOWLEDGEMENT OF COUNTRY**

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

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**3 RECOGNITION OF SERVICE MEN & WOMEN**

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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**

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Nil.

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

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Nil.

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

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**MINUTE 189/2021**

Moved: Mayor Ron Campbell

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

- **14.1 - Australia Day Award 2022 Nominations**
- **14.2 - Mayoral Minute - General Manager Annual Performance Review - period ending June 2021**

In Favour: Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 8/0**

## **7 PRESENTATIONS**

Nil.

## **8 CONFIRMATION OF MINUTES**

### **MINUTE 190/2021**

Moved: Cr Robert Kneale      Seconded: Cr Maxine Booby

- 1. That the minutes of Ordinary Meeting of the Narrabri Shire Council held on 26 October 2021 comprising Minute Nos 171/2021 to 188/2021 as circularised be confirmed and signed as a correct record by the Mayor.**

In Favour: Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 8/0**

## **9 MAYORAL MINUTE**

### **9.1 MAYORAL MINUTE - MAYORAL APPOINTMENTS FOR OCTOBER/NOVEMBER 2021**

#### **MINUTE 191/2021**

Moved: Mayor Ron Campbell

- 1. That Council note the Mayoral Appointments for the period October/November 2021.**

In Favour: Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 8/0**

## **10 OUR SOCIETY**

Nil reports.

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**11 OUR ENVIRONMENT**

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**11.1 TEMPORARY EVENTS PLANNING PROPOSAL WITHDRAWAL****MINUTE 192/2021**

Moved: Cr Catherine Redding Seconded: Cr Cameron Staines

1. That Council formally withdraw the Planning Proposal to amend the provisions of the Narrabri Local Environmental Plan 2012 to enable Temporary Events and development associated with Temporary Events on land zoned RE1 Public Recreation and/or any public roads within the Shire to be undertaken as exempt development.
2. That Council formally advise the NSW Department of Planning, Industry and Environment (DPIE) of its decision.

In Favour: Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 8/0**

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**12 OUR ECONOMY**

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Nil reports.

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**13 OUR CIVIC LEADERSHIP**

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**13.1 DELEGATES REPORT - SECTION 355 GWABEGAR HALL COMMITTEE MEETING - HELD ON SUNDAY 25 OCTOBER 2021****MINUTE 193/2021**

Moved: Cr Maxine Booby Seconded: Cr Catherine Redding

1. That Council note Cr Booby's Delegates Report from the Gwabegar Hall Committee Meeting held on Sunday 25 October 2021.

In Favour: Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 8/0**

**13.2 DELEGATES REPORT - NARRABRI MINE COMMUNITY CONSULTATIVE COMMITTEE MEETING - 13 OCTOBER 2021****MINUTE 194/2021**

Moved: Cr Catherine Redding Seconded: Cr Ron Campey

- 1. That Council note Cr Redding's Delegates Report from the Narrabri Mine Community Consultative Committee Meeting held on Wednesday 13 October 2021.**

In Favour: Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 8/0**

**13.3 DELEGATES REPORT - NARRABRI GAS PROJECT COMMUNITY CONSULTATIVE COMMITTEE - 19 OCTOBER 2021****MINUTE 195/2021**

Moved: Cr Robert Kneale Seconded: Cr Annie McMahon

- 1. That Council note Cr Kneale's Delegates Report from the Narrabri Gas Project Community Consultative Committee Meeting held on Tuesday 19 October 2021.**

In Favour: Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 8/0**

**13.4 DELEGATES REPORT - COUNTRY MAYORS ASSOCIATION MEETING - 5 NOVEMBER 2021****MINUTE 196/2021**

Moved: Cr Cameron Staines Seconded: Cr Robert Kneale

- 1. That Council note Mayor Campbell's Delegates Report from the Country Mayors Association Ordinary Meeting and Annual General Meeting held in Sydney on Friday 5 November 2021.**

In Favour: Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 8/0**



**13.5 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE****MINUTE 197/2021**

Moved: Cr Cameron Staines      Seconded: Cr Annie McMahon

- 1. That Council note the Minutes of the Audit, Risk and Improvement Committee meeting held on Wednesday, 20 October 2021.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**13.6 AUDIT, RISK & IMPROVEMENT COMMITTEE ANNUAL REPORT 2021****MINUTE 198/2021**

Moved: Cr Cameron Staines      Seconded: Cr Ron Campey

- 1. That Council note the 'Audit, Risk & Improvement Committee Annual Report 2021' prepared by the Chair of the Audit, Risk & Improvement Committee.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**13.7 INVESTMENT REPORT - OCTOBER 2021****MINUTE 199/2021**

Moved: Cr Robert Kneale      Seconded: Cr Maxine Booby

- 1. That Council note the Investment Report for October 2021.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**13.8 NARRABRIGHT EVENT - REQUEST FOR SUSPENSION OF ALCOHOL FREE ZONE****MINUTE 200/2021**

Moved: Cr Annie McMahon      Seconded: Cr Catherine Redding

1. That Council suspend the Alcohol Free Zone along Maitland Street, Narrabri (between Lloyd Street and Bowen Street) from 5:00PM Friday 18 March 2022 to 12:00AM Saturday 19 March 2022, for the purposes of encouraging businesses to offer outdoor dining during the NarraBRIGHT CBD Activation event.

In Favour:      Crs Ron Campbell, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines.

Against:      Nil

**CARRIED 7/0**

At 1:37 pm, Cr Catherine Redding left the meeting and was absent for the vote on item 13.8.

At 1:39 pm, Cr Catherine Redding returned to the meeting.

**13.9 REQUEST FOR FREE ENTRY TO NARRABRI SHIRE POOLS AS PART OF AUSTRALIA DAY FESTIVITIES****MINUTE 201/2021**

Moved: Cr Cameron Staines      Seconded: Cr Lloyd Finlay

1. That Council provide free entry to Narrabri Shire pools on Australia Day, 26 January 2022.
2. That Monster Island (activities for Kids) be organised in Boggabri for Australia Day 2022 (subject to staffing availability).

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**13.10 DRAFT 2022/2026 COMMUNITY ENGAGEMENT STRATEGY AND POLICY****MINUTE 202/2021**

Moved: Cr Catherine Redding Seconded: Cr Maxine Booby

- 1. That Council endorse the Draft 2022/2026 Community Engagement Strategy to be placed on no less than 28 days public exhibition.**
- 2. That Council endorse the Draft Community Engagement Policy to be placed on no less than 28 days public exhibition.**
- 3. That Council adopt the 2022/2026 Community Engagement Strategy and the Community Engagement Policy if there are no submissions from the public after the conclusion of the public exhibition period.**

In Favour: Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 8/0**

At 1:42 pm, Cr Lloyd Finlay left the meeting.

At 1:43 pm, Cr Robert Kneale left the meeting.

At 1:43 pm, Cr Robert Kneale returned to the meeting.

At 1:44 pm, Cr Robert Kneale left the meeting.

At 1:44 pm, Cr Lloyd Finlay returned to the meeting.

At 1:45 pm, Cr Robert Kneale returned to the meeting.

**13.11 2020/2021 ANNUAL REPORT****MINUTE 203/2021**

Moved: Cr Ron Campey                      Seconded: Cr Cameron Staines

- 1. That Council endorse the 2020/2021 Annual Report and following appendices, as attached to this report:**
  - a. Appendix B - 2016/2021 State of the Environment Report;**
  - b. Appendix C - Current Payment of Expenses and Provision of Facilities to Councillors Policy.**
- 2. That Council note Appendix A - 2016/2021 End of Term Report;**
- 3. That Council note that the 2020/2021 Annual Report and appendices, as attached to this report, will undergo corporate branding.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:        Nil

**CARRIED 8/0**

**13.12 OPERATIONAL AND SERVICE PLAN QUARTERLY REPORT - SEPTEMBER 2021****MINUTE 204/2021**

Moved: Cr Maxine Booby                      Seconded: Cr Catherine Redding

- 1. That Council adopt the September 2021 Quarterly Operational and Service Plan Report, as attached, detailing Council's progress in meeting its actions, capital works and key performance measures.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:        Nil

**CARRIED 8/0**

**13.13 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2021****MINUTE 205/2021**

Moved: Cr Ron Campey                      Seconded: Cr Lloyd Finlay

- 1. That Council adopt the Quarterly Budget Review Statement for the period ended 30 September 2021 as the revised Budget estimates for the year ended 30 June 2022, and the Operational Plan and Capital Works Plan be amended accordingly.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:        Nil

**CARRIED 8/0**

**14 CONFIDENTIAL (CLOSED COUNCIL) MEETING****MINUTE 206/2021**

Moved: Cr Maxine Booby                      Seconded: Cr Catherine Redding

**That at 1.51pm 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:**

**14.1 Australia Day Award 2022 Nominations**

This matter is considered to be confidential under Section 10A(2) - (a) 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 personnel matters concerning particular individuals (other than councillors).

**14.2 Mayoral Minute - General Manager Annual Performance Review - period ending June 2021**

This matter is considered to be confidential under Section 10A(2) - (a) 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 personnel matters concerning particular individuals (other than councillors).

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:        Nil

**CARRIED 8/0**

**SUSPENSION OF STANDING ORDERS****MINUTE 207/2021**

Moved: Cr Cameron Staines      Seconded: Cr Maxine Booby

**That Council suspend standing orders at 1.54pm.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**RESUMPTION OF STANDING ORDERS****MINUTE 208/2021**

Moved: Cr Catherine Redding      Seconded: Cr Annie McMahon

**That Council resume standing orders at 2.22pm.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**MOTION****MINUTE 209/2021**

Moved: Cr Annie McMahon      Seconded: Cr Maxine Booby

**That Council enter into Confidential Committee of the Whole at 2.25pm to discuss nominations for the Australia Day Award 2022.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**



**MOTION****MINUTE 210/2021**

Moved: Cr Annie McMahon      Seconded: Cr Maxine Booby

**That Council move out of Confidential Committee of the Whole.**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay,  
Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**14.1 AUSTRALIA DAY AWARD 2022 NOMINATIONS****MINUTE 211/2021**

Moved: Cr Catherine Redding      Seconded: Cr Lloyd Finlay

**COUNCIL HAS TEMPORARILY WITHHELD RESOLUTIONS 1, (a), (b) and (c); 2 and 3 FOR THIS MATTER under Section 10A(2) of the Local Government Act 1993, for the following reasons:**

**(a) Personnel matters concerning particular individuals (other than Councillors).**

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay,  
Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**14.2 MAYORAL MINUTE - GENERAL MANAGER ANNUAL PERFORMANCE REVIEW - PERIOD ENDING JUNE 2021****MINUTE 212/2021**

Moved: Cr Maxine Booby      Seconded: Cr Annie McMahon

1. That the record of performance assessment as recorded in the General Manager's 2020/21 Personal Performance Agreement be submitted to Council for information.
2. That it be noted in the opinion the Performance Appraisal Panel, the General Manager, Stewart Todd is performing at a level that is between a Better Than Satisfactory and Excellent rating, in terms of the Rating Scale within the Agreement.
3. Note the findings of the Panel on the General Manager's Annual Personal Performance Review for the period ending 30 June 2021, in particular the Panel's summary assessment:

*"The Panel has noted their congratulations to the General Manager. Your integrity is appreciated and recognised. We note that you have continued the dedicated and hard work approach. The Panel has found it difficult to deal with a 10/10 in accordance with the definition in the Rating Scale. The score that the Panel has determined is approaching excellence. Well done on a great job."*

4. Note that the Panel has developed a Personal Performance Agreement for 2021/2022.
5. That the Mayor be delegated the authority to approve changes to the components of the General Manager's current Total Remuneration Payment.

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**MINUTE 213/2021**

Moved: Cr Annie McMahon      Seconded: Cr Robert Kneale

1. That at 2:45pm Council move out of Closed (Public Excluded) Meeting and that the resolutions from the Closed (Public Excluded) Meeting be read out to those present by the Chair of the Meeting or their nominee.

In Favour:      Crs Ron Campbell, Catherine Redding, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 8/0**

**15 MEETING CLOSED**

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The Meeting closed at 2.46pm.

The minutes of this meeting are scheduled to be confirmed at the Ordinary Council Meeting to be held on 11 January 2022.

.....

**CHAIRPERSON**

**MINUTES OF NARRABRI SHIRE COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI  
ON FRIDAY, 3 DECEMBER 2021 AT 1.00PM**

**PRESENT:** Mayor Ron Campbell (Mayor), Cr Maxine Booby, Cr Ron Campey, Cr Lloyd Finlay, Cr Robert Kneale, Cr Annie McMahon, Cr Cameron Staines

**IN ATTENDANCE:** Stewart Todd (General Manager), Lindsay Mason (Director Corporate and Community Services), Andrew Brown (Director Planning, Strategy & People), Alexandria Cook (Minute Clerk)

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**1 OPENING PRAYER BY A MEMBER OF THE NARRABRI MINISTER'S FRATERNAL**

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Members and officers were upstanding for the opening prayer by the Mayor.

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**2 ACKNOWLEDGEMENT OF COUNTRY**

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

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**3 RECOGNITION OF SERVICE MEN & WOMEN**

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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**

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**MINUTE 214/2021**

Moved: Cr Maxine Booby                      Seconded: Cr Lloyd Finlay

- 1. That apologies from Cr Catherine Redding (Deputy Mayor) and Cr McMahon be accepted.**

In Favour:      Crs Ron Campbell, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale and Cameron Staines

Against:        Nil

**CARRIED 6/0**

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

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Nil.

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

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Nil.

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**7 OUR CIVIC LEADERSHIP**

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**7.1 2020/2021 ANNUAL FINANCIAL STATEMENTS****MINUTE 215/2021**

Moved: Cr Ron Campey                      Seconded: Cr Robert Kneale

- 1. That Council note the 2020/2021 audited Annual Financial Statements.**
- 2. That Council note the 2020/2021 Annual Report has been amended in line with the audited Annual Financial Statements.**

In Favour:      Crs Ron Campbell, Maxine Booby, Ron Campey, Lloyd Finlay, Robert Kneale and Cameron Staines

Against:        Nil

**CARRIED 6/0**

At 1:15pm, although registered for an apology, Cr Annie McMahon was able to join the meeting at this juncture.

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**8 MEETING CLOSED**

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The Meeting closed at 1.17pm.

The minutes of this meeting are scheduled to be confirmed at the Ordinary Meeting of the Narrabri Shire Council held on 11 January 2022.

.....

**CHAIRPERSON**

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**9 MAYORAL MINUTE**

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Nil reports.

## 10 OUR SOCIETY



### THEME 1: OUR SOCIETY

#### STRATEGIC DIRECTION 1: SAFE, INCLUSIVE AND CONNECTED COMMUNITY

*By 2027, we will provide a safe, supportive community where everyone feels welcomes, valued and connected.*

#### COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several social priority areas to be actioned over the 2017 - 2018 financial year.

#### COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Community development
- Community health and safety
- Community arts, events and entertainment
- Community care services and transport
- Parks, open spaces and sporting facilities
- Children, youth and aged care services
- Disability access services
- Library services

#### COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following social strategic outcomes:

- Increased community arts, events and entertainment
- Reduction in anti-social behaviour and public offences
- Improved community accessibility and inclusiveness
- Improved sport and recreational services and facilities
- Improved educational services and learning pathways
- Improved community health and support services



Nil reports.

## 11 OUR ENVIRONMENT



### THEME 2: OUR ENVIRONMENT

#### STRATEGIC DIRECTION 2: ENVIRONMENTALLY SUSTAINABLE AND PRODUCTIVE SHIRE

*By 2027, we will maintain a healthy balance between our natural and built environments.*

#### COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several environmental priority areas to be actioned over the 2017 - 2018 financial year.

#### COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Waste management and recycling
- Environmental planning
- Planning and development
- Parks and open spaces
- Noxious weeds control
- Floodplain management
- Water and sewer management
- Stormwater management

#### COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following environmental strategic outcomes:

- Improved air, water and soil quality
- Reduction in domestic and industry waste
- Management of potential impacts from extractive industries
- Improved emergency service provision and resources
- Maintenance of heritage sites for future generation

Nil reports.

## 12 OUR ECONOMY



### THEME 3: OUR ECONOMY

#### STRATEGIC DIRECTION 3: PROGRESSIVE AND DIVERSE ECONOMY

*By 2027, we will have developed a strong, diverse economy that attracts, retains and inspires business, industry and tourism growth.*

#### COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several economic priority areas to be actioned over the 2017 - 2018 financial year.

#### COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Economic development
- Planning and development
- Entertainment and conferences
- Local and regional tourism and events
- Saleyards
- Airport

#### COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following economic strategic outcomes:

- Increased community events, conferences and entertainment
- Increased employment through industry innovation, investment and value adding
- Established freight hub for the Norther Inland Region
- Increased housing availability and affordability
- Broadened economic base

Nil reports.

## 13 OUR CIVIC LEADERSHIP



### THEME 4: OUR CIVIC LEADERSHIP

#### STRATEGIC DIRECTION 4: COLLABORATIVE AND PROACTIVE LEADERSHIP

*By 2027, we will proactively together to achieve our shared vision with strong strategic direction.*

#### COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several civic leadership priority areas to be actioned over the 2017 - 2018 financial year.

#### COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Integrated strategic planning and reporting
- Community engagement and consultation
- Representation and governance
- Human resource management
- Customer services
- Information services
- Financial services
- Risk management
- Compliance and regulation

#### COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following civic leadership strategic outcomes:

- Improved community engagement and decision-making processes
- Well established community, industry, government and non-government partnerships
- Well maintained core infrastructure and service provision that delivers public value
- Transparent and accountable planning and reporting
- Financial efficiency and sustainability



**13.1 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS**

**Responsible Officer:** Lindsay Mason, Director Corporate and Community Services

**Author:** Lindsay Mason, Director Corporate and Community Services

**Attachments:** Nil

**DELIVERY PROGRAM ALIGNMENT****4 Leadership**

**Objective** 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

**Strategy** 4.4.2 Ensure effective and sound local governance practice

**EXECUTIVE SUMMARY**

Oaths or affirmations of office must be taken by each Councillor at or before the first meeting of the Council after being elected.

A Councillor must be physically present when taking their oath or making their affirmation of office.

The prescribed words of the oath and affirmation are:

***Oath***

*I [name of councillor] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Narrabri Shire and the Narrabri Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

***Affirmation***

*I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Narrabri Shire and the Narrabri Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

**BACKGROUND**

Oaths or affirmations of office must be taken by each Councillor at or before the first meeting of the Council after being elected. For administrative efficiency it is proposed that this process be undertaken at the first meeting of the newly-elected Council.

An oath or affirmation should be taken by each Councillor as the first item of business for the meeting. The General Manager must ensure that a record is kept of the taking of the oath or affirmation. This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or affirmation by each Councillor in the minutes of the Council Meeting. It is proposed that taking the oath or affirmation by each Councillor be recorded in the minutes of this meeting.

A Councillor must be physically present when taking their oath or making their affirmation of office. If the Councillor is unable to attend the first Council Meeting, he or she may take the oath or affirmation of office at another location in front of the General Manager. The oath or affirmation of office may also be taken before an Australian legal practitioner or a Justice of the Peace. The taking of the oath or affirmation outside a Council Meeting must be publicly recorded by the Council. Where an oath or affirmation is taken outside a Council Meeting, a Council staff member should also be present to ensure that an accurate record can be kept by the Council.

A Councillor who fails, without a reasonable excuse, to take the oath or affirmation of office, will not be entitled to attend Council Meetings until they do so and will be taken to be absent without leave. If a Councillor is absent without leave for three consecutive Ordinary Council Meetings their office is automatically declared vacant.

**CURRENT SITUATION**

At the January 2022 Ordinary Council Meeting all Councillors must take their Oath of Affirmation before they are eligible to take part in any further meetings or duties being associated with a Councillor.

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY AND POLICY IMPLICATIONS**

Nil.

**CONSULTATION****External Consultation**

Nil.

**Internal Consultation**

Nil.

### 13.2 ELECTION OF THE OFFICE OF MAYOR

**Responsible Officer:** Stewart Todd, General Manager

**Author:** Lindsay Mason, Director Corporate and Community Services

**Attachments:** 1. Mayor/Deputy Mayor Nomination Form  

#### DELIVERY PROGRAM ALIGNMENT

##### 4 Leadership

**Objective** 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

**Strategy** 4.4.2 Ensure effective and sound local governance practice

#### EXECUTIVE SUMMARY

In the case of Narrabri Shire Council and in alignment with the requirements of the *Local Government Act 1993*, the Councillors from among their number elect the Mayor.

The required nomination form is an attachment to this report. Nomination papers may be delivered or sent to the General Manager either prior to or at the Council Meeting.

In alignment with Council's Objective 4.4 of the Delivery Program 2017/2021; of being transparent and accountable, it is recommended to conduct the voting using the open voting method.

#### RECOMMENDATION

1. That Council elect the Mayor by way of open voting, if more than one (1) nomination for Mayor is received.

#### BACKGROUND

Section 227 of the *Local Government Act 1993* ("the LG Act") specifies who elects the Mayor. In the case of Narrabri Shire Council, the Councillors from among their number elect the Mayor.

Section 230 of the LG Act states that a Mayor is elected for a period of two (2) years. However, due to the delayed Local Government Elections from September 2020 to December 2021 because of the COVID-19 pandemic, the first Mayoral Term will run from now until September 2023. The second Mayoral Term will run from September 2023 until the Local Government Elections in September 2024.

The election process is set out in Schedule 7 of the *Local Government (General) Regulation 2005* ("LGGR").

#### CURRENT SITUATION

Nomination papers may be delivered or sent to the General Manager either prior to or at the Council Meeting. The nomination is to be in writing and signed by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

Should there be more than one (1) Councillor nominated for the Office of Mayor, Council is required to determine whether the election is to be by preferential ballot, by ordinary ballot or by open voting.

### **Election Methods**

#### Preferential Ballot

This method utilises ballot-papers. Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the candidate names so as to indicate the order of their preference for all the candidates.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If an absolute majority is not achieved, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one (1) candidate has received an absolute majority of votes, whom is then elected.

If, on any count of votes, there are two (2) candidates in, or remaining in, the election and the numbers of votes cast for the two (2) candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If, on any count of votes, there are three (3) or more candidates in, or remaining in, the election and the numbers of votes cast for two (2) or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

#### Ordinary Ballot

This method utilises ballot-papers. The Returning Officer decides the manner in which votes are to be marked on the ballot-papers.

If there are only two (2) candidates, the candidate with the higher number of votes is elected. If there are only two (2) candidates and they are tied, the one (1) elected is to be chosen by lot.

If there are three (3) or more candidates, a vote is taken; the candidate with the lowest number of votes is excluded. If three (3) or more candidates still remain further votes are taken with the candidate receiving the lowest number of votes being excluded until two (2) candidates remain.

A further vote is taken of the two (2) remaining candidates; the candidate with the higher number of votes is elected. If there are only two (2) candidates and they are tied, the one (1) elected is to be chosen by lot.

If at any stage during a count two (2) or more candidates are tied on the lowest number of votes, the one (1) excluded is to be chosen by lot.

### Open Voting

This method utilises a show of hands. The election procedure is the same as for the ordinary ballot method.

### **Definitions**

**Absolute majority:** In relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

**Ballot:** In the context of this type of election has the meaning of a secret ballot.

**Chosen by lot:** If two (2) candidates are tied (having equal numbers of votes) their names are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the candidate names being seen, the slips are mixed and one (1) is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

Before proceeding with the election Council is required to resolve which method of voting is to be used. While the option to have a preferential ballot is available it is not normally used in circumstances such as this. Both ordinary ballot and open voting are the more common methods.

In alignment with Council's Objective 4.4 of the Delivery Program 2017/2021; of being transparent and accountable, it is recommended to conduct the voting using the open voting method.

### **Timing of Election**

The election for Office of Mayor is to take place at the Council Meeting at which the Council determines the method of voting.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STATUTORY AND POLICY IMPLICATIONS**

Council is required to determine the method of voting for the Office of Mayor in accordance with the provisions of the LG Act and the LGGR.

### **CONSULTATION**

#### **External Consultation**

- Office of Local Government: Post-election Guide.

#### **Internal Consultation**

Nil.



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## NOMINATION FORM

Clause 2 of Schedule 7 Local Government (General) Regulation 2005

To: **General Manager**  
**Narrabri Shire Council**

### Nomination Details

We, the undersigned, hereby nominate:

Cr \_\_\_\_\_

For the position of:  
(tick appropriate box/es)



**Mayor**

and/or



**Deputy Mayor**

### Nominated by:

(At least two (2) councillors, one of whom may be the nominee)

Name:

Signature:

Name:

Signature:

### Certification

I hereby agree to my nomination for the above position/s:

Name:

Signature:

Date (dd/mm/yyyy):

### OFFICE USE ONLY

Received By:

Returning Officer:

Date (dd/mm/yyyy):

Time:

### 13.3 CREATION OF THE OFFICE OF DEPUTY MAYOR

**Responsible Officer:** Lindsay Mason, Director Corporate and Community Services

**Author:** Lindsay Mason, Director Corporate and Community Services

**Attachments:** 1. Mayor/Deputy Mayor Nomination Form  

#### DELIVERY PROGRAM ALIGNMENT

##### 4 Leadership

**Objective** 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

**Strategy** 4.4.2 Ensure effective and sound local governance practice

#### EXECUTIVE SUMMARY

Council is required to determine if it wishes to create the Office of Deputy Mayor in accordance with statutory requirements.

On the assumption that Council will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been provided as an attachment to this report. Nomination papers may be delivered or sent to the General Manager either prior to or at the Council Meeting.

In alignment with Council's Objective 4.4 of the Delivery Program 2017/2021; of being transparent and accountable, it is recommended to conduct the voting using the open voting method.

#### RECOMMENDATION

1. That Council create the Office of Deputy Mayor.
2. That Council set the term of the Office of Deputy Mayor.
3. That Council elect the Deputy Mayor by way of open voting, if more than one (1) nomination for Deputy Mayor is received.

#### BACKGROUND

Council is required to determine if it wishes to create the Office of Deputy Mayor in accordance with the provisions of the *Local Government Act 1993* ("the LG Act") and the *Local Government (General) Regulation 2005* ("LGGR").

Council can determine to create the Office of Deputy Mayor. Section 231 of the LG Act outlines the requirements for the creation and election of a Deputy Mayor. The election process is set out in Schedule 7 of the LGGR.

#### CURRENT SITUATION

On the assumption that Council will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been provided as an attachment to this report.

Nomination papers may be delivered or sent to the General Manager either prior to or at the Council Meeting. The nomination is to be in writing and signed by 2 or more councillors (one of whom may

be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

Should there be more than one (1) Councillor nominated for the Office of Deputy Mayor, Council is to determine whether the election is to be by preferential ballot, by ordinary ballot or by open voting.

### **Election Methods**

#### **Preferential Ballot**

This method utilises ballot-papers. Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the candidate names so as to indicate the order of their preference for all the candidates.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If an absolute majority is not achieved, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one (1) candidate has received an absolute majority of votes, whom is then elected.

If, on any count of votes, there are two (2) candidates in, or remaining in, the election and the numbers of votes cast for the two (2) candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If, on any count of votes, there are three (3) or more candidates in, or remaining in, the election and the numbers of votes cast for two (2) or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

#### **Ordinary Ballot**

This method utilises ballot-papers. The Returning Officer decides the manner in which votes are to be marked on the ballot-papers.

If there are only two (2) candidates, the candidate with the higher number of votes is elected. If there are only two (2) candidates and they are tied, the one (1) elected is to be chosen by lot.

If there are three (3) or more candidates, a vote is taken; the candidate with the lowest number of votes is excluded. If three (3) or more candidates still remain further votes are taken with the candidate receiving the lowest number of votes being excluded until two (2) candidates remain.

A further vote is taken of the two (2) remaining candidates; the candidate with the higher number of votes is elected. If there are only two (2) candidates and they are tied, the one (1) elected is to be chosen by lot.

If at any stage during a count two (2) or more candidates are tied on the lowest number of votes, the one (1) excluded is to be chosen by lot.



### Open Voting

This method utilises a show of hands. The election procedure is the same as for the ordinary ballot method.

### **Definitions**

**Absolute majority:** In relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

**Ballot:** In the context of this type of election has the meaning of a secret ballot.

**Chosen by lot:** If two (2) candidates are tied (having equal numbers of votes) their names are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the candidate names being seen, the slips are mixed and one (1) is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

Before proceeding with the election Council is required to resolve which method of voting is to be used. While the option to have a preferential ballot is available it is not normally used in circumstances such as this. Both ordinary ballot and open voting are the more common methods.

In alignment with Council's previous voting method decision and Objective 4.4 of the Delivery Program 2017/2021; of being transparent and accountable, it is recommended to conduct the voting using the open voting method.

### **Timing of Election**

The election for Office of Deputy Mayor is to take place at the Council Meeting at which the Council determines the method of voting.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STATUTORY AND POLICY IMPLICATIONS**

This report enables Council to create the Office of Deputy Mayor in line with the statutory requirements of the LG Act and LGGR.

If Council resolves this way; Council is additionally statutorily required to resolve:

1. The term of the Office of Deputy Mayor.
2. The method of voting for the Office of Deputy Mayor.

### **CONSULTATION**

#### **External Consultation**

Advice circulated from the Office of Local Government (OLG) has been considered in the preparation of this report and is freely available from the Office's website.

#### **Internal Consultation**

Nil.



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## NOMINATION FORM

Clause 2 of Schedule 7 Local Government (General) Regulation 2005

To: **General Manager**  
**Narrabri Shire Council**

### Nomination Details

We, the undersigned, hereby nominate:

Cr \_\_\_\_\_

For the position of:  
(tick appropriate box/es)



**Mayor**

and/or



**Deputy Mayor**

### Nominated by:

(At least two (2) councillors, one of whom may be the nominee)

**Name:**

**Signature:**

**Name:**

**Signature:**

### Certification

I hereby agree to my nomination for the above position/s:

**Name:**

**Signature:**

**Date** (dd/mm/yyyy):

### OFFICE USE ONLY

**Received By:**

**Returning Officer:**

**Date** (dd/mm/yyyy):

**Time:**

**13.4 CASUAL VACANCIES IN THE OFFICE OF COUNCILLOR**

**Responsible Officer:** Lindsay Mason, Director Corporate and Community Services

**Author:** Lindsay Mason, Director Corporate and Community Services

**Attachments:** Nil

**DELIVERY PROGRAM ALIGNMENT****4 Leadership**

**Objective** 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

**Strategy** 4.4.2 Ensure effective and sound local governance practice

**EXECUTIVE SUMMARY**

Following the 2021 local government elections, Council has, for the first time, the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election.

This allows Council to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

If Council does not resolve this at the first meeting after the election, Council will be required to fill casual vacancies through a by-election.

**RECOMMENDATION**

- 1. That Council determine the methodology for filling a casual vacancy that occurs within 18 months after the 4 December 2021, being the date of the last ordinary election of Councillors.**

**BACKGROUND**

Following the 2021 local government elections, Council has, for the first time, the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election.

This allows Council to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, Council must resolve, at their first meeting after the election, to use a countback to fill casual vacancies.

If Council does not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election.

Section 291A(1) of the *Local Government Act 1993* (**the LG Act**), states that a countback is to be held instead of a by-election in the following circumstances:

- (a) The casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and*

*(b) The council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.*

## CURRENT SITUATION

Section 291A of the LG Act provides that a casual vacancy within the first 18 months of an election can be filled by a countback of votes from the previous election.

The countback of votes is an option that would incur minimal costs to Council, and would ensure that any vacancy in the Office is filled promptly.

The 18-month limit means that any such vacancy would occur within a timeframe that is considered close enough to the date of the ordinary election so as to still be representative of the community's wishes.

## FINANCIAL IMPLICATIONS

Costs will be minimised if there is a requirement to fill a casual vacancy by way of countback of votes, rather than a by-election.

## STATUTORY AND POLICY IMPLICATIONS

It is a legislated requirement to decide, via resolution at the first Council meeting of a newly elected Council, how to fill casual vacancies created in the Office of Councillor during the first 18 months of the Term.

- Section 291A, *Local Government Act 1993*

## CONSULTATION

### External Consultation

- Office of Local Government: Post-election Guide 2021.

Should the Council determine to utilise the countback method for filling vacancies, such a motion can take the form of:

1. *That Council pursuant to section 291A(1)(b) of the Local Government Act 1993 declares that casual vacancies occurring in the Office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.*
2. *That Council request the General Manager notify the NSW Electoral Commissioner of the Council's decision.*

### Internal Consultation

Nil.

**14 CONFIDENTIAL (CLOSED COUNCIL) MEETING**

---

Nil reports.

**15 MEETING CLOSED**

---