



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 NOVEMBER 2021

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10.00am.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Susan Nichols (Mayor)
Councillor Tim Elstone (Deputy Mayor)
Councillor Greg Evans
Councillor Steve Heywood
Councillor Jane MacAllister
Councillor Don McKinnon
Councillor Peter Nunan
Councillor Bill Wheeldon OAM

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant General Manager)
Voleak Sroeung (Governance Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

CR WHEELDON DECLARED A PECUNIARY INTEREST IN ITEM 9.7 AS HE IS A DIRECTOR OF MURRAY HOUSE AND A MEMBER OF THE WENTWORTH RSL.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 20 October 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 20 October 2021 be confirmed as circulated.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

Recommendation

That the Minutes of the Extraordinary Meeting held 3 November 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Extraordinary Meeting held 3 November 2021 be confirmed as amended.

Moved Cr. Heywood, Seconded Cr. Evans

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

Nil

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/21/460

Recommendation

That Council notes the information contained in the Mayoral report.

Council Resolution

That Council notes the information contained in the Mayoral report.

Moved Cr. Evans, Seconded Cr. McKinnon

CARRIED

8 REPORTS FROM COMMITTEES

8.1 INTERNAL AUDIT & RISK MANAGEMENT COMMITTEE

File Number: RPT/21/654

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

A meeting of the Internal Audit & Risk Management Committee was held on 26 October 2021. The Minutes of the meeting are attached to this report for the information of Councillors.

The Committee has requested that the Reporting Officer seeks resolutions of Council on the following:

- Approval of the variations to the 2021/2022 Operational Plan

The Committee has also requested Council notes the:

- Notes the Governments response to the ICAC investigation of the former Canterbury Council;
- Notes the Interim Audit Management Letter;
- Notes the new Credit Card Guidelines; and
- Quarterly Operational Plan Progress Report

Officer Recommendation

That Council:

- a) Approves the variations to the 2021/2022 Operational Plan adopted at the Council meeting on 30 June 2021
- b) Notes the Government's response to the ICAC investigation into the former Canterbury Council;
- c) Notes the Interim Audit Management Letter;
- d) Notes the new Credit Card Guidelines; and
- e) Notes the quarterly progress report against the 2021/2022 Operational Plan.

That Council:

- a) Approves the variations to the 2021/2022 Operational Plan adopted at the Council meeting on 30 June 2021
- b) Notes the Government's response to the ICAC investigation into the former Canterbury Council;
- c) Notes the Interim Audit Management Letter
- d) Notes the new Credit Card Guidelines; and
- e) Notes the quarterly progress report against the 2021/2022 Operational Plan.

Amendment**Council Resolution**

That Council:

- a) Approves the variations to the 2021/2022 Operational Plan adopted at the Council meeting on 30 June 2021
- b) Notes the Government's response to the ICAC investigation into the former Canterbury Council;
- c) Notes and continues to work to resolve issues identified in the Interim Audit Management Letter
- d) Notes the new Credit Card Guidelines; and
- e) Notes the quarterly progress report against the 2021/2022 Operational Plan.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/21/458

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Jess O'Neill - Business Support Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

The General Manager's report details information pertaining to meetings attended and general information which are of public interest, and which have not been reported elsewhere in this agenda. Items of note in this report are:

1. OLG Circulars
Circulars 21-33 to 21-35
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note

Recommendation

That Council notes the information contained within the report from the General Manager.

Council Resolution

That Council notes the information contained within the report from the General Manager.

Moved Cr. Elstone, Seconded Cr. McKinnon

CARRIED

9.2 EASY TO DO BUSINESS - SERVICE NSW

File Number: RPT/21/619

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Jess O'Neill - Business Support Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire
Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

At the 21 November 2018 Ordinary meeting of Council a resolution was passed to enter into a Memorandum of Understanding with Service NSW for the Easy to do Business program. Service NSW have provided a new Partnership Agreement to replace the Memorandum of Understanding.

Recommendation

That Council

1. Delegate authority to the General Manager to enter into a Partnership Agreement with Service NSW for the Easy to do Business initiative and sign the documentation.

Council Resolution

That Council

1. Delegate authority to the General Manager to enter into a Partnership Agreement with Service NSW for the Easy to do Business initiative and sign the documentation.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

9.3 AUSTRALIA DAY 2022 AWARDS

File Number: RPT/21/659

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future
Strategy: 4.7 Promote the celebration of the region's rich cultural and social heritage

Summary

This year Council requested nominations for the following categories:

- Citizen of the Year (must be 18 years or over on 26 January 2022)
- Young Citizen of the Year (must be under 18 years on 26 January 2022)
- Sportsperson of the Year (must be 18 years or over on 26 January 2022)
- Young Sportsperson of the Year (must be under 18 years on 26 January 2022)
- Environmental Award (individuals or groups)

Nominations were received for three categories. There were no nominations for the Sportsperson of the Year or the Environmental Award.

Recommendation

That Council determines the individual award recipients through a secret ballot and that the results remain confidential until announced at the official Australia Day event at the Coomealla Club on the evening of 25 January 2022.

Council Resolution

That Council determines the individual award recipients through a secret ballot and that the results remain confidential until announced at the official Australia Day event at the Coomealla Club on the evening of 25 January 2022.

Moved Cr. Heywood, Seconded Cr. Elstone

CARRIED

9.4 MONTHLY FINANCE REPORT

File Number: RPT/21/655

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

Rates and Charges collections for the month of October 2021 were \$230,404.05. After allowing for pensioner subsidies, the total levies collected are now 42.39%. For comparison purposes 43.6% of the levy had been collected at the end of October 2020. Council currently has \$37,063,117.47 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr. MacAllister, Seconded Cr. McKinnon

CARRIED

9.5 MONTHLY INVESTMENT REPORT

File Number: RPT/21/657

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

As at 31 October 2021 Council had \$28 million invested in term deposits and \$9,063,117.47 in other cash investments. Council received \$7,525.34 from its investments for the month of October 2021.

In October 2021 Council investments averaged a rate of return of 0.43% and it currently has \$6,981,190.94 of internal restrictions and \$23,106,943.69 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

9.6 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS TO COUNCIL AND THE PUBLIC

File Number: RPT/21/636

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

Brett Hangar (Nexia) & Manuel Moncada (Audit Office) addressed Council. regarding the Audit result

Recommendation

That Council notes the presentation of the Annual Financial Statements and the movements in Council's internal and external reserves.

Council Resolution

That Council notes the presentation of the Annual Financial Statements and the movements in Council's internal and external reserves.

Moved Cr. MacAllister, Seconded Cr. McKinnon

CARRIED

9.7 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/21/649

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Ricki Martin - Administration Officer Finance & Policy

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

Council has provided an allocation of \$160,000.00 for the 2021/22 financial year for the consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$101,890.00 has been granted to a variety of organisations through the annual fees and charges "Exemptions from the Application" process. The total value of requests granted so far for this financial year totals \$19,750.00.

The total value of requests for this November 2021 funding application period totals \$10,812.00, which if granted in full, would leave a balance in the Donations, Contributions and Grants fund of \$27,548.00.

Recommendation

That Council having considered the current requests for financial assistance, makes appropriate recommendations on the level of funding to be provided to each of these applications, from the Donations, Contributions and Grants program.

Council Resolution

That Council endorses all the requests for financial assistance to be funded from the Donations, Contributions and Grants program.

Moved Cr. Nunan, Seconded Cr. Heywood

CARRIED

9.8 CODE OF CONDUCT COMPLAINT STATISTICS FOR THE PERIOD ENDED 30 SEPTEMBER 2021

File Number: RPT/21/635

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

The Procedures for the Administration of the Model Code of Conduct requires a report to be presented to Council within three months of the end of September each year on Code of Conduct complaints.

The information contained in the report pertains to the period ended 30 September 2021.

Recommendation

That Council notes the reporting of the Code of Conduct complaints statistics for the period ended 30 September 2021.

Council Resolution

That Council notes the reporting of the Code of Conduct complaints statistics for the period ended 30 September 2021.

Moved Cr. Elstone, Seconded Cr. Evans

CARRIED

9.9 END OF TERM REPORT

File Number: RPT/21/453

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

In June 2017 Council endorsed (on behalf of the Community) the 2017-2027 Wentworth Region Community Strategic Plan. The Integrated Planning and Reporting (IP&R) Legislation for Local Government requires Council to produce an End of Term report on the implementation and effectiveness of the Community Strategic Plan during its term of office.

The accompanying pages to this report provide an account of the overall progress that has been made towards the Community Vision, the 4 Goals and 19 Strategies that were established in the Community Strategic Plan.

The Community Strategic Plan is a whole of community document summarising the community's aspirations for the future. It is the primary driver of a suite of key documents developed by Council. While Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan it is not wholly responsible for its implementation. Other partners such as State agencies and community groups may also be engaged in delivering the long term objectives of the plan.

Recommendation

That Council endorses the End of Term Report for publication in the Annual Report.

Council Resolution

That Council endorses the End of Term Report for publication in the Annual Report.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

9.10 CLASSIFICATION OF LAND

File Number: RPT/21/629

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets

Strategy: 3.2 Plan for and develop the right assets and infrastructure

Summary

Section 31(2) of the *Local Government Act 1993* notes that before Council acquires land, or within three months after it acquires land, Council may classify the subject land by resolution.

The purpose of classification is to clearly identify land which should be kept for use by the general public (community) and that land for Council purposes (operational).

A resolution of Council, within the time frame prescribed in the *Local Government Act 1993* is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land which restricts its use.

Recommendation

That Council classifies the following parcels of land as Operational Land:

- Lot 106 Deposited Plan 1232727
- Lot 100 Deposited Plan 1252704
- Lot 100 Deposited Plan 1253778
- Lot 100 Deposited Plan 1252699
- Lot 5101 Deposited Plan 720104
- Lot 1 Deposited Plan 1133980

Council Resolution

That Council classifies the following parcels of land as Operational Land:

- Lot 106 Deposited Plan 1232727
- Lot 100 Deposited Plan 1252704
- Lot 100 Deposited Plan 1253778
- Lot 100 Deposited Plan 1252699
- Lot 5101 Deposited Plan 720104
- Lot 1 Deposited Plan 1133980

Moved Cr. Heywood, Seconded Cr. McKinnon

CARRIED

9.11 NEW LICENCE - DARETON MEN IN A SHED - CROWN RESERVE 85836

File Number: RPT/21/387

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.2 Encourage locals to volunteer their time within their local community

Summary

Australian Men's Shed Association is recognised as one of Australia's largest male-based community development organisation that operates as a non-profit/non-commercial organisation. It is accessible to all men and whose primary activity is the provision of a safe and happy environment where men are welcome to work on community projects, specific Men's Shed projects or a project of their choice in their own time. The Dareton Men in a Shed Inc. have secured funding to construct a new purpose-built community building on part Lot 101 DP1232722 the Dareton Swimming Pool, Crown Reserve 85836.

The Minister for Water, Property & Housing has granted Land Owners Consent to lodge the Development Application for approval under the *Environmental Planning and Assessment Act 1979*, and any other legislation, for the Construction of a new Men's Shed and recommend that a licence agreement be in place prior to the start of construction to secure occupation of the land.

This report seeks a resolution of Council to authorise a new licence for the Dareton Men in a Shed Inc. securing lawful tenure of Crown Reserve 85836 before construction begins.

Recommendation

That Council:

1. Endorses a new licence agreement to the Dareton Men in a Shed for occupation of Crown Reserve 85836 Dareton Swimming Pool, being part Lot 101 DP1232722
2. In its capacity as Crown Land Manager, authorises the granting of a new licence, Pre Plan of Management, for the term of 20 years (10+10) tenure under Clause 70(2)(d)(i)(ii) of the *Crown Land Management Regulation 2018*
3. Set rent in accordance with Council's fees and charges including an annual increase of 5% that takes effect the date the licence is executed
4. Affixes to all documentation the Common Seal of the Wentworth Shire Council, which may be required to be sealed to give effect to this resolution
5. Authorises the General Manager and Mayor be delegated to sign any related documentation

Council Resolution

That Council:

1. Endorses a new licence agreement to the Dareton Men in a Shed for occupation of Crown Reserve 85836 Dareton Swimming Pool, being part Lot 101 DP1232722
2. In its capacity as Crown Land Manager, authorises the granting of a new licence, Pre

Plan of Management, for the term of 20 years (10+10) tenure under Clause 70(2)(d)(i)(ii) of the *Crown Land Management Regulation 2018*

3. Set rent in accordance with Council's fees and charges including an annual increase of 5% that takes effect the date the licence is executed
4. Affixes to all documentation the Common Seal of the Wentworth Shire Council, which may be required to be sealed to give effect to this resolution
5. Authorises the General Manager and Mayor be delegated to sign any related documentation

Moved Cr. Nunan, Seconded Cr. McKinnon

CARRIED

9.12 WARRAKOO STATION COMPLEX, CAL LAL ROAD, RUFUS - STATE HERITAGE REGISTER NOMINATION

File Number: RPT/21/631

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.7 Promote the celebration of the region's rich cultural and social heritage

Summary

Wentworth Shire Council has received advice from the Department of Premier and Cabinet – Heritage NSW of a State Heritage Register nomination for the Warrakoo Station Complex on Cal Lal Road, Rufus.

The advice provided was that the nomination was considered by the State Heritage Register Committee at its meeting held on 5 October 2021. The committee resolved that despite the Warrakoo Station Complex likely being of State heritage significance, the nomination will not be progressed.

Recommendation

That Council notes the content of this report.

Council Resolution

That Council notes the content of this report.

Moved Cr. Nunan, Seconded Cr. Evans

CARRIED

9.13 DELEGATED AUTHORITY APPROVALS AS AT END OF OCTOBER 2021

File Number: RPT/21/652

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

For the month of October 2021, a total of 30 Development Applications and three S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$5,974,337.00. This brings the year to date total to 167 Development Applications and 28 S4.55 Applications approved, with an estimated development value of \$26,675,457.00.

Recommendation

- a) That Council receives and notes the report for the month of October 2021.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the *Environmental Planning and Assessment Act 1979*, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Council Resolution

- a) That Council receives and notes the report for the month of October 2021.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the *Environmental Planning and Assessment Act 1979*, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Moved Cr. Evans, Seconded Cr. MacAllister

CARRIED

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : ***Clr.s Elstone, Evans, Heywood, MacAllister, McKinnon, Nichols, Nunan and Wheeldon.***

Against the Motion: ***Nil.***

9.14 PROJECTS AND WORKS REPORT UPDATE - NOVEMBER 2021

File Number: RPT/21/658

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & Engineering

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets

Strategy: 3.2 Plan for and develop the right assets and infrastructure

Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the month of October 2021.

Recommendation

That Council notes the major works undertaken for October and the scheduled works for following months.

Council Resolution

That Council notes the major works undertaken for October and the scheduled works for following months.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 BENEVOLENT ORGANISATIONS RATES

Cr Don McKinnon requested that investigations be carried out to see if there is a way for these organisations to pay rates.

10.2 POONCARIE PARK WORKS

Cr Jane MacAllister asked if the design for works at Pooncarie Park had been received.

The General Manager advised that they have been received and he will address this during the Community Strategic Plan Community Consultation.

10.3 SECURITY CAMERAS

Cr Bill Wheeldon asked for an update on the security camera project.

The General Manager advised that cameras have been purchased as well as a server and software. Installation costs will come from funding that will be come available to us in January 2022.

Cr Elstone thanked all Councillors for their support during his 5 year term as Deputy Mayor and gave a special thank you to Cr Nunan & Cr McKinnon for their service to the Wentworth Shire communities.

Cr Nichols thanked Cr Nunan & McKinnon for their efforts and service and also wished those Councillors well who are running in the up coming election. She also thanked the staff for their work on behalf of the residents of the Shire.

11 CONCLUSION OF THE MEETING

Meeting closed at 11:11am.

NEXT MEETING

10 January 2022

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CHAIR