



# **WENTWORTH SHIRE COUNCIL**

## **ORDINARY MEETING MINUTES**

**10 JANUARY 2022**

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## 1 OPENING OF MEETING

The General Manager opened the meeting with a prayer and an Acknowledgement of Country at 10:23 AM.

## 2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

### PRESENT:

**COUNCILLORS:** Councillor Brian Beaumont  
Councillor Steve Cooper (via Audio Visual Link)  
Councillor Peter Crisp  
Councillor Tim Elstone  
Councillor Greg Evans  
Councillor Steve Heywood  
Councillor Daniel Linklater  
Councillor Susan Nichols  
Councillor Jo Rodda

**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 to General Manager)  
Jess O'Neill (Business Support Officer)

Item 9.1 was moved to the beginning of the meeting. Councillors Beaumont, Crisp, Elstone, Evans, Heywood, Linklater, Nichols and Rodda took their Oath of Office and signed their Declaration of Oath or Affirmation. Cr Cooper took his Oath of Office and signed his Declaration of Oath on Friday 7 January 2022.

## 3 APOLOGIES AND LEAVE OF ABSENCE

### Council Resolution

That Council grants the Leave of Absence Request from Cr Elstone from 13 January to 20 January 2022.

**Moved Cr. Evans, Seconded Cr Crisp**

**CARRIED**

## 4 DISCLOSURES OF INTERESTS

Nil

## 5 CONFIRMATION OF MINUTES

### Recommendation

That the Minutes of the Ordinary Meeting held 17 November 2021 be confirmed as

circulated.

**Council Resolution**

That the Minutes of the Ordinary Meeting held 17 November 2021 be confirmed as circulated.

**Moved Cr. Nichols, Seconded Cr. Heywood**

**CARRIED**

**6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS**

Nil

**7 MAYORAL AND COUNCILLOR REPORTS**

Nil

**8 REPORTS FROM COMMITTEES**

Nil

## **9 REPORTS TO COUNCIL**

### **9.1 STATUTORY MEETING ITEM - OATH AND AFFIRMATION OF OFFICE**

File Number: RPT/21/433

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

#### **Summary**

The requirement for Councillors to take an oath or affirmation of office came into effect on 30 August 2016 (the date of assent of the Local Government Amendment (Governance and Planning) Bill 2016).

#### **Recommendation**

That Council notes the General Manager's report on the taking of an oath or affirmation of office by individual Councillors.

#### **Council Resolution**

That Council notes the General Manager's report on the taking of an oath or affirmation of office by individual Councillors.

**Moved Cr Crisp, Seconded Cr Beaumont**

**CARRIED**

**9.2 STATUTORY MEETING ITEM - ELECTION OF MAYOR AND DEPUTY MAYOR**

File Number: RPT/21/462

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

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

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

**Summary**

Council is required to conduct an election for the office of Mayor and Deputy Mayor for a period of two years.

Schedule 7 of the *Local Government (General) Regulation 2021*, provides for the election of Mayor and Deputy Mayor by Councillors by either ordinary ballot, open voting or by preferential ballot.

This procedure is overseen with the returning officer duties performed by the General Manager.

**Recommendation**

That Council determines in the event of two or more nominations being received for either position the process to elect the Mayor and Deputy Mayor either by ordinary ballot **or** open voting **or** preferential ballot;

That Council determines if the position of Deputy Mayor will be elected for the Mayoral term being two years, or a shorter term.

That the General Manager receives nominations for the position of Mayor and declares whether an election is required, and if so conducts the election.

That the General Manager receives nominations for the position of Deputy Mayor and declares whether an election is required, and if so conducts the election.

**Council Resolution**

That Council determines in the event of two or more nominations being received for either position the process to elect the Mayor and Deputy Mayor will be by open voting.

That Council determines the position of Deputy Mayor will be elected for the Mayoral term being two years.

That the General Manager receives nominations for the position of Mayor and declares whether an election is required, and if so conducts the election.

That the General Manager receives nominations for the position of Deputy Mayor and declares whether an election is required, and if so conducts the election.

**Moved Cr. Elstone, Seconded Cr Crisp**

**CARRIED**

The General Manager advised he had received two (2) nominations for the position of Mayor, those nominations being:

- Councillor Tim Elstone
- Councillor Greg Evans

On a show of hands there were 6 (six) votes for Councillor Elstone and 2 (two) votes for Councillor Evans. One Councillor did not vote.

Cr Tim Elstone was declared the duly elected Mayor of Wentworth Shire Council for a period of two years.

The General Manager advised he had received three (3) nominations for the position of Deputy Mayor, those nominations being:

- Councillor Daniel Linklater
- Councillor Greg Evans
- Councillor Susan Nichols

On a show of hands there were 5 votes for Councillor Linklater and 2 (two) votes for Councillor Evans and 2 (two) votes for Councillor Nichols.

Cr Daniel Linklater was declared the duly elected Deputy Mayor of Wentworth Shire Council for a period of two years.

Mayor Elstone took the Chair and returned to Item 3 on the agenda.

**9.3 STATUTORY MEETING ITEM - DELEGATIONS TO MAYOR AND DEPUTY MAYOR**

File Number: RPT/21/463

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

**Summary**

The purpose of this report is to establish the delegated authority of the Mayor and Deputy Mayor. Council Policy GOV009 sets the delegations for these positions. The policy is attached for reference to the schedules. There have been no amendments made to the delegation schedules.

**Recommendation**

That Council retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009.

That Council, pursuant to Section 377 of the *Local Government Act 1993*, delegates to the Mayor, as elected at the Council Meeting on 10 January 2022, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).

That Council resolves that in the absence of the Mayor, and when officially acting in the position of Mayor, the Deputy Mayor, as elected at the Council Meeting on 10 January 2022 is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).

That the delegations remain in place for a period of 2 years, or until revoked or amended by Council.

**Council Resolution**

That Council retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009.

That Council, pursuant to Section 377 of the *Local Government Act 1993*, delegates to the Mayor, as elected at the Council Meeting on 10 January 2022, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).

That Council resolves that in the absence of the Mayor, and when officially acting in the position of Mayor, the Deputy Mayor, as elected at the Council Meeting on 10 January 2022 is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).

That the delegations remain in place for a period of 2 years, or until revoked or amended by Council.

**Moved Cr. Nichols, Seconded Cr Crisp**

**CARRIED**



**9.4 STATUTORY MEETING ITEM - REVIEW OF INTERNAL COMMITTEES**

File Number: RPT/21/708

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

**Summary**

The Statutory meeting of Council is an opportunity for Council to review the committee structure that it requires for the upcoming 12 month period. In this case the committee structure will be for a 9 month period and reviewed at the September 2022 Statutory meeting. Council is able to determine the number and type of committees that it wishes to establish and the functions of each committee.

For reference Attachment 1 provides a list of committees put in place in September 2020 through to the end of Council term on 3 December 2021.

**Recommendation**

That Council

- a) Make redundant the Australia Day Committee, Cemeteries Committee, Wentworth Civic Centre Redevelopment Committee, Waste Facilities Committee, PS Ruby Advisory Committee and the Council Roads & Road Safety Committee
- b) Determines its preferred committee structure for the upcoming 9 months
- c) Determines the Councillor representation on the Internal Committees

**Council Resolution**

That Council

- a) Make redundant the Australia Day Committee, Cemeteries Committee, Wentworth Civic Centre Redevelopment Committee, Waste Facilities Committee, PS Ruby Advisory Committee and the Council Roads & Road Safety Committee

**Moved Cr. Evans, Seconded Cr Crisp**

**CARRIED**

Cr Nichols requested her vote against the resolution part (a) be recorded.

**Council Resolution**

That Council

- b) With reference to recommendation (a), meet as required to familiarise themselves with the priority issues for services and projects

**Moved Cr Crisp, Seconded Cr. Elstone**

**CARRIED**

**Council Resolution**

- c) Determines that the following Councillors represent Council on the respective user groups:
- Carramar Drive Sporting Complex User Group – Cr Rodda and Cr Linklater
  - George Gordon Oval User Group – Cr Cooper and Cr Crisp
  - James King Park User Group – Cr Rodda and Cr Linklater
  - Wentworth Showgrounds User Group – Cr Heywood, Cr Beaumont and Cr Evans
  - Wentworth Sporting Precinct User Group – Cr Heywood, Cr Beaumont and Cr Nichols

**Moved Cr Cooper, Seconded Cr Linklater**

**CARRIED**

Cr Nichols advised that the Indigenous Land Use Agreement Working Group as previously set up by Council had not been included on the list of Internal Committees. It consisted of the Mayor, Deputy Mayor and General Manager.

Note: this is an External Committee to be considered as part of Item 9.5

**9.5 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEES**

File Number: RPT/21/712

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

**Summary**

In order to respond to the needs of its community, Council annually reviews the External Committees to which it has appointed representatives.

The nominated representatives on each committee are responsible for providing a Delegate's Report to Council.

The current list of external committees with the previous membership is provided for reference at attachment 1

**Recommendation**

That Council considers the list of External Committees and determines appropriate representation.

**Council Resolution**

That Council defer the External Committees representation report until the next meeting.

**Moved Cr. Heywood, Seconded Cr. Evans**

**CARRIED**

**9.6 STATUTORY MEETING ITEM - COUNCIL MEETING DATES & TIME**

File Number: RPT/21/706

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

**Summary**

The purpose of this report is to set the date and time for the Ordinary Meetings of Council.

**Recommendation**

That Council determines the following in relation to Ordinary Meetings of Council:

1. Ordinary Council meetings will be held on a day to be determined in all months excluding June
2. The June 2022 meeting will be held on the 29 June 2022
3. All Ordinary meetings of Council will commence at a time to be determined.

**Council Resolution**

That Council determines the following in relation to Meetings of Council:

1. Ordinary Council meetings will be held on the third Wednesday of the month commencing at 6:30 pm preceded by a Pre-Meeting briefing commencing at 5 pm
2. The June 2022 meeting will be held on the 29 June 2022
3. An advisory meeting will be held on the fourth Wednesday of the month excluding June commencing at 4:00pm

**Moved Cr Beaumont, Seconded Cr Crisp**

**CARRIED**

**9.7 USING COUNTBACKS TO FILL CASUAL VACANCIES.**

File Number: RPT/21/703

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
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**

Following the 2021 local government elections, Council will, for the first time as a result of amendments to the *Local Government Act 1993*, have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the office of Councillors in the first 18 months after the election.

This will allow 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, all casual Councillor vacancies will need to be filled via a by-election.

**Recommendation**

That Council pursuant to section 291A (1)(b) of the *Local Government Act 1993* (the Act), resolves that casual vacancies occurring in the office of a Councillor with 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 and directs the General Manager to notify the NSW Electoral Commissioner of Council's decision within 7 days of this resolution.

**Council Resolution**

That Council pursuant to section 291A (1)(b) of the *Local Government Act 1993* (the Act), resolves that casual vacancies occurring in the office of a Councillor with 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 and directs the General Manager to notify the NSW Electoral Commissioner of Council's decision within 7 days of this resolution.

**Moved Cr. Heywood, Seconded Cr. Nichols**

**CARRIED**

**9.8 GENERAL MANAGER'S REPORT**

File Number: RPT/21/700

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: 4.1 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 21-40

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

Councillor training provided by Local Government NSW in conjunction with and hosted by, Broken Hill City Council, will be undertaken 18-19 January 2022. Amendments made to the *Local Government Act 1993* in August 2016 saw the inclusion in the prescribed role of councillors under section 232 "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor".

In support of this, regulations have been made requiring councils to provide induction training and ongoing professional development for Mayors and Councillors.

The Office of Local Government has issued guidelines under section 23A of the *Local Government Act 1993* to assist councils to develop and deliver induction training and ongoing professional development activities for their Mayor and Councillors in compliance with the regulations.

**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 Linklater, Seconded Cr. Evans**

**CARRIED**

## **10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**

### **10.1 QUESTIONS WITH NOTICE & BEATING OF THE BOUNDS**

Cr Susan Nichols requested that the questions with notice from last term be continued in to this term of Council and that the "Beating of the Bounds" be organised in a timely manner.

### **10.2 LETTERS OF ACKNOWLEDGEMENT**

Cr Susan Nichols requested that letters of acknowledgement be sent to all previous councillors who either retired or were not re-elected.

### **10.3 FOOTPATHS MURRAY STREET AND CADELL STREET**

Cr Greg Evans requested that Council investigate footpaths for Murray Street and Cadell Street. Currently no footpath to the Lock or the Junction Park.

## **11 CONCLUSION OF THE MEETING**

Meeting closed at 11:25AM

## **NEXT MEETING**

31 January 2022 commencing at 6:30pm pre-meeting briefing at 5pm

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**CHAIR**