



Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING** of Wentworth Shire Council will be held in the **WENTWORTH SHIRE COUNCIL CHAMBERS, DARLING STREET, WENTWORTH**, commencing at **10AM**.

*The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast.*

*All speakers should refrain from making any defamatory comments or releasing personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings – all liability will rest with the individual who made the comments.*

*The meeting must not be recorded by others without prior written consent of the Council in accordance with the Council's code of meeting practice.*

*Councillors & staff are obligated to declare Conflicts of Interest as required under the Local Government Act 1993 and Councils adopted Code of Conduct.*

*Councillors are reminded of their Oath of Office whereby they have declared and affirmed that they will undertake the duties of the Office of Councillor in the best interests of the people of Wentworth Shire and the Wentworth Shire Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.*

**KEN ROSS**  
**GENERAL MANAGER**

# **ORDINARY MEETING**

## **AGENDA**

### **11 OCTOBER 2024**

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**1 OPENING OF MEETING**

The Mayor requests that the General Manager Mmakes announcements regarding the live streaming of the meeting.

**2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the traditional owners of the land on which we live and work, and pay our respects to their elders past, present, and emerging.

**3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

**4 DISCLOSURES OF INTERESTS**

**5 CONFIRMATION OF MINUTES**

**Recommendation**

That the Minutes of the Ordinary Meeting held 14 August 2024 be confirmed as circulated.



## **ORDINARY MEETING MINUTES**

**14 AUGUST 2024**

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## 1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 7:00 pm.

## 2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

### PRESENT:

**COUNCILLORS:** Councillor Daniel Linklater  
Councillor Steve Cooper  
Councillor Peter Crisp  
Councillor Tim Elstone  
Councillor Susan Nichols  
Councillor Jo Rodda

**STAFF:** Ken Ross (General Manager)  
George Kenende (Acting Director Health and Planning)  
Geoff Gunn (Director Roads and Engineering)  
Simon Rule (Director Finance and Policy)  
Gayle Marsden (Executive Assistant to General Manager)  
Hannah Nicholas (Business Support Officer)

## 3 APOLOGIES AND LEAVE OF ABSENCE

## 4 DISCLOSURES OF INTERESTS

## 5 CONFIRMATION OF MINUTES

### Recommendation

That the Minutes of the Ordinary Meeting held 17 July 2024 be confirmed as circulated.

### Council Resolution

That the Minutes of the Ordinary Meeting held 17 July 2024 be confirmed as circulated.

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

**CARRIED UNANIMOUSLY**

### Council Resolution

That Standing Orders be suspended for the purpose of a Public Forum.

**Moved Cr Crisp, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

Public Forum

Glenis Beaumont spoke in regard to Item 9.13.

James Golsworthy spoke in favour of Item 9.10.

**Council Resolution**

That Standing Orders be resumed.

**Moved Cr Crisp, Seconded Cr Nichols**

**CARRIED UNANIMOUSLY**



## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

### 6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/24/523

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Hannah Nicholas - Business Support Officer

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner  
Strategy: 4.2 A strong, responsible and representative government

#### Summary

The Outstanding Actions report provides details of activities raised at previous Council meetings that remain outstanding.

#### Officer Recommendation

That Council receives and notes the list of outstanding matters as at 6 August 2024.

#### Council Resolution

That Council receives and notes the list of outstanding matters as at 6 August 2024.

**Moved Cr Rodda, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

## 7 MAYORAL AND COUNCILLOR REPORTS

### 7.1 MAYORAL REPORT

File Number: RPT/24/522

#### **Recommendation**

That Council receives and notes the information contained in the Mayoral report.

#### **Council Resolution**

That Council receives and notes the information contained in the Mayoral report.

**Moved Cr Linklater, Seconded Cr. Elstone**

**CARRIED UNANIMOUSLY**

Further to the correspondence received from Mr Bennett in relation to Council Resolution from item 9.3 of the July Council meeting, I propose the following Mayoral Minute.

#### **Mayoral Minute**

#### **Council Resolution**

That council waive campsite fees (in-kind support) to the value of \$3,500.

Based on Mr Bennetts estimated requirement of 38 campsites at the Wentworth Showgrounds for a portion of the period of the 2024 Sunraysia Safari Cross Country Rally, this would result in camping fees of \$6,840 payable to Council.

After partial fee waiver this would result in charges to Mr Bennett (Sunraysia Safari Cross Country Rally) of \$3,340.

**Moved Cr Linklater**

**CARRIED UNANIMOUSLY**

## 8 REPORTS FROM COMMITTEES

### 8.1 HERITAGE AND HISTORY ADVISORY COMMITTEE - 24 JULY 2024

File Number: RPT/24/537

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Hannah Nicholas - Business Support Officer

Objective: 2.0 Wentworth Shire is a great place to live  
Strategy: 2.5 To have a strong sense of place

#### Summary

A meeting of the Heritage and History Advisory Committee was held on 24 July 2024 and 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 items:

- Endorse Cr Nichols as Chair for the Wentworth Heritage and History Advisory Committee until after the upcoming NSW Local Government Elections
- Apply to Heritage NSW to have PS Ruby registered as a State Heritage Item
- Investigate funding opportunities to support the future preservation of the PS Ruby.

#### Officer Recommendation

That Council:

- a) Receives and notes the minutes of the Heritage and History Advisory group for the 24 July 2024 meeting
- b) Endorse Cr Nichols as Chair for the Wentworth Heritage and History Advisory Committee until after the upcoming NSW Local Government Elections
- c) Apply to Heritage NSW to have PS Ruby registered as a State Heritage Item
- d) Investigate funding opportunities to support the future preservation of the PS Ruby.

#### Council Resolution

That Council:

- a) Receives and notes the minutes of the Heritage and History Advisory group for the 24 July 2024 meeting
- b) Endorse Cr Nichols as Chair for the Wentworth Heritage and History Advisory Committee until after the upcoming NSW Local Government Elections
- c) Apply to Heritage NSW to have PS Ruby registered as a State Heritage Item
- d) Investigate funding opportunities to support the future preservation of the PS Ruby.

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

**CARRIED UNANIMOUSLY**

## 9 REPORTS TO COUNCIL

### 9.1 GENERAL MANAGERS REPORT

File Number: RPT/24/513

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Hannah Nicholas - Business Support Officer

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner  
Strategy: 4.2 A strong, responsible and representative government

#### **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  
Circular 24-13.
2. Meetings  
As listed.
3. Upcoming meetings or events  
As listed.
4. Other items of note  
Nil.

#### **Recommendation**

That Council receive and note the information contained within the report from the General Manager.

#### **Council Resolution**

That Council receive and note the information contained within the report from the General Manager.

**Moved Cr. Elstone, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

Cr Rodda gave a verbal report from the Wentworth Regional Tourism Inc meeting.

**9.2 UNION PICNIC DAY**

File Number: RPT/24/384

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Glen Norris - Manager Human Resources

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner  
Strategy: 4.3 An effective and efficient organisation

**Summary**

Union Picnic Day is an entitlement under the Local Government (State) Award for employees who are financial members of Union(s) only. Council is required to determine which day shall be regarded as the Union Picnic Day and the arrangements for the non-union members on the determined Union Picnic Day.

**Recommendation**

That Council:

- a) Approves Tuesday 5 November 2024 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Requires Non-union members to apply for 5 November 2024 from leave entitlements to enable the above arrangements

**Council Resolution**

That Council:

- a) Approves Tuesday 5 November 2024 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Requires Non-union members to apply for 5 November 2024 from leave entitlements to enable the above arrangements

**Moved Cr Crisp, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

### 9.3 CHRISTMAS LEAVE ARRANGEMENTS

File Number: RPT/24/385

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Glen Norris - Manager Human Resources

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.3 An effective and efficient organisation

#### **Summary**

This report sets out the proposed staffing arrangements for Council offices/areas closing over the Christmas and New Year period.

#### **Recommendation**

That Council approves the Christmas and New Year holiday arrangements.

#### **Council Resolution**

That Council approves the Christmas and New Year holiday close-down between 20 December 2024 and 30 December 2024.

**Moved Cr Rodda, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.4 DRAFT WENTWORTH REGION TOURISM & EVENTS STRATEGY 2024-2029**

File Number: RPT/24/524

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Lexi Stockman - Manager Tourism and Promotion

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region  
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

**Summary**

The draft *Wentworth Region Tourism & Events Strategy 2024-2029* has been developed after it was identified that Wentworth Shire Council does not currently have an updated Tourism & Events Strategy, with the last strategy completed in 2012.

The draft *Wentworth Region Tourism & Events Strategy 2024-2029* provides a framework to provide direction and consistency to all organisations and businesses within the tourism sector. The strategy includes a high-level plan that identifies the challenges currently faced within the local tourism industry as well as the main priorities and aspirations for the future, and how to achieve these goals.

The draft *Wentworth Region Tourism & Event Strategy 2024-2029* was presented at the 26 June Council meeting. It was requested that a Councillors workshop was to be held with Customer Frame for Councillors to review and discuss the strategy in more detail before community consultation commenced. The workshop was held on Thursday 25 July with Customer Frame and subsequently, the requested changes discussed have been made.

**Recommendation**

That Council endorses the updated draft *Wentworth Region Tourism & Events Strategy 2024-2029* for community consultation for 28 days.

**Council Resolution**

That Council endorses the updated draft *Wentworth Region Tourism & Events Strategy 2024-2029* for community consultation for 28 days.

**Moved Cr Rodda, Seconded Cr. Nichols**

**CARRIED UNANIMOUSLY**

**9.5 MONTHLY FINANCE REPORT - JULY 2024**

File Number: RPT/24/521

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 July 2024 were \$818,775.21. After allowing for pensioner subsidies, the total levies collected are now 7.97%. For comparison purposes 9.34% of the levy had been collected at the end of July 2023. Council currently has \$47,975,228.09 in cash and investments.

**Recommendation**

That Council receives and notes the Monthly Finance Report.

**Council Resolution**

That Council receives and notes the Monthly Finance Report.

**Moved Cr Rodda, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**



**9.6 MONTHLY INVESTMENT REPORT - JULY 2024**

File Number: RPT/24/533

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

**Summary**

As of 31 July 2024, Council had \$42 million invested in term deposits and \$5,975,228.09 in other cash investments. Council received \$131,098.63 from its investments for the month of July 2024.

In July 2024 Council investments averaged a rate of return of 5.06% and it currently has \$7,675,628.75 of internal restrictions and \$33,592,340.22 of external restrictions.

**Recommendation**

That Council receives and notes the monthly investment report.

**Council Resolution**

That Council receives and notes the monthly investment report.

**Moved Cr Crisp, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**9.7 QUARTERLY OPERATIONAL PLAN PROGRESS REPORT**

File Number: RPT/24/486

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 Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

**Summary**

In accordance with the Local Government Integrated Planning and Reporting Framework, Council develops a Four Year Delivery Program and a One Year Operational Plan, which details the actions to be undertaken by Council to implement the strategies established in the Community Strategic Plan.

The *Local Government Act 1993* requires that progress is reported to Council with respect to the principal actions detailed in its Operational Plan at least every six months. To better align with the Quarterly Budget Review Process, the Operational Plan progress report is also compiled on a quarterly basis.

**Recommendation**

That Council receives and notes the report.

**Council Resolution**

That Council receives and notes the report.

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

**CARRIED UNANIMOUSLY**

**9.8 JUNE QUARTERLY BUDGET REVIEW - FOURTH QUARTER 2023-2024**

File Number: RPT/24/535

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

**Summary**

A full analysis of Council's Income, Operating Expenditure and Capital Expenditure has been undertaken. Several variations have been identified against the original budget as outlined in this report. Council's revenue and expenditure is reviewed on a quarterly basis to identify any potential areas requiring a variation.

In the June Quarter the result of net variances if approved are an unfavourable operational variance of \$1,035,000 and a favorable capital variance of \$1,035,000. Note all June figures are prepared prior to accruals posting and prepared on a cash basis for budget purposes only.

**Recommendation**

That Council:

- a) Note the 2023/2024 Fourth Quarter Budget Review
- b) Approve the proposed revised 2023/2024 Changes to Operational and Capital Expenditure Budgets.

**Council Resolution**

That Council:

- a) Note the 2023/2024 Fourth Quarter Budget Review
- b) Approve the proposed revised 2023/2024 Changes to Operational and Capital Expenditure Budgets.

**Moved Cr. Elstone, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**9.9 AF003 REQUESTS FOR FINANCIAL ASSISTANCE**

File Number: RPT/24/530

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Annette Fraser - Team Leader Customer Service

Objective: 2.0 Wentworth Shire is a great place to live

Strategy: 2.4 A well informed, supported and engaged community

**Summary**

Council has provided an allocation of \$200,000.00 for the 2024/25 financial year for the funding of requests from the community for financial assistance. In this financial year, \$110,337.00 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 this financial year so far under delegated authority is \$2,000.00.

The total value of requests approved at the March 2024 Council Meeting for payment this financial year as event (Wentworth Christmas Eve Street Party) is happening this financial year, is \$7,700.00.

The total value of requests for this August 2024 funding application period totals \$29,342.22 which, if granted in full, would leave a balance in the financial assistance program of \$50,620.78.

<b>Financial Assistance Program starting balance 2023/24</b>	<b>\$200,000.00</b>
Annual fees & charges annual exemptions granted	\$110,337.00
Granted under delegated authority to 1 - 31 July 2024	\$ 2,000.00
Wentworth Regional Community Project Association Inc granted \$7,700.00 March 2024 Council Meeting	\$ 7,700.00
Available balance as at 1 August 2024	<b>\$ 79,963.00</b>
Financial request applications received 1 July – 31 July 2024	\$ 29,342.22
Remaining balance if all approved	<b>\$ 50,620.78</b>

**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 Financial Assistance program.

**Council Resolution**

That Council grant the full value of all requests for a total of \$29,342.22 from the financial assistance fund. Funding being Wentworth Show Society Inc \$5,000, Wentworth District Racing Club Inc \$5,000, Wentworth Pioneer Homes Inc \$4,342.22, Pomona Public School \$5,000, Pooncarie Racing Club Inc \$5,000, RFDS Operation Pelican Inc \$5,000.

**Moved Cr Rodda, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

**9.10 DA2023/031 BOATING FACILITY WITH VERANDAH SHED, BOATSHED, JETTY AND PONTOON 185 BOEILL CREEK ROAD LOT 1 DP 1215859 BOEILL CREEK**

File Number: RPT/24/405

Responsible Officer: George Kenende - Acting Director Health & Planning  
Responsible Division: Health and Planning  
Reporting Officer: Kerrie Copley - Planning Officer

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

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

**Summary**

A development application (DA2023/031) was received by Council on 17 March 2023 for a boating facility including a verandah shed, boatshed, jetty and pontoon to be located at 185 Boeill Creek Road Lot 1 DP 1215859 Boeill Creek on the outside bend of the Murray River.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, this type of development is permitted with consent when located within the RU1 Primary Production and W1 Natural Waterway zones.

The proposed development is to be located on site as ancillary development to the existing dwelling and other supporting structures. The proposed developments consist of a verandah shed to be located 30m from the Murray River, a boat shed located approximately 9.15m from the edge of the Murray River and a jetty with a pontoon on the river, facilitating access to and from the facilities. The proposed development does not meet the required criteria under clause 7.8 the WLEP 2011 as it occurs on the outside bend of the Murray River. Due to this non-compliance, a variation to the standard is required (usually referred to as a 4.6 variation).

Due to the variation being a non-numerical variation, the application cannot be determined under delegated authority, and must be determined by Council.

**Recommendation**

That Council:

1. Approve DA2023/031 being for a boating facility with verandah shed, boatshed, jetty and pontoon located at 185 Boeill Creek Road Lot 1 DP 1215859 Boeill Creek.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Council Resolution**

That Council:

1. Approve DA2023/031 being for a boating facility with verandah shed, boatshed, jetty and pontoon located at 185 Boeill Creek Road Lot 1 DP 1215859 Boeill Creek.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

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

**CARRIED UNANIMOUSLY**

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

*For the Motion :*                      *Clr.s Beaumont, Cooper, Crisp, Elstone, Linklater, Nichols and Rodda.*

*Against the Motion:*              *Nil.*

**9.11 DA2024/046 DEMOLITION OF EXISTING DWELLING AND REPLACEMENT DOUBLE STOREY DWELLING WITH SWIMMING POOL AND SAFETY BARRIER 175A WEST ROAD LOT 2 DP 1196467 BURONGA**

File Number: RPT/24/323

Responsible Officer: George Kenende - Acting Director Health & Planning  
Responsible Division: Health and Planning  
Reporting Officer: Kerrie Copley - Planning Officer

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

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

**Summary**

A development application (DA2024/046) was received by Council on 11 April 2024 for demolition of the existing dwelling & replacement double storey dwelling with swimming pool and safety barrier to be located at 175A West Road Lot 2 DP 1196467 Buronga within the river front setback.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, this development is permitted with consent when located within the RU1 Primary Production zone, despite the lot being below the Minimum Lot Size of 10,000ha as the proposal is intended to replace the existing lawfully constructed dwelling on the site.

The proposed development is to be located within the same footprint as the existing dwelling, completely within the high bank or river front area of the Murray River. The high bank in this case being an artificial high bank located in the position of the existing dwelling. The proposed double storey dwelling and swimming pool with safety barrier is to be located no closer to the river than the existing dwelling. The required river setback under clause 7.6 the WLEP 2011 is 30m from the high bank of the river. As part of the 7.6 assessment, a variation to the 30m river setback standard was required (usually referred to as a 4.6 variation).

Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

**Recommendation**

That Council:

1. Approve DA2024/046 for the demolition of the existing dwelling and replacement with double storey dwelling and swimming pool with safety barrier located at 175A West Road Lot 2 DP 1196467 Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Council Resolution**

That Council:

1. Approve DA2024/046 for the demolition of the existing dwelling and replacement with double storey dwelling and swimming pool with safety barrier located at 175A West Road Lot 2 DP 1196467 Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr Rodda, Seconded Cr. Elstone

CARRIED UNANIMOUSLY

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

*For the Motion :*                    *Clr.s Beaumont, Cooper, Crisp, Elstone, Linklater, Nichols and Rodda.*

*Against the Motion:*            *Nil.*



**9.12 EXPRESSION OF INTEREST - DISPOSAL OF 3 TRACTORS**

File Number: RPT/24/520

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

**Summary**

Council at its December 2023 meeting approved the replacement of 3 Council owned Massey Ferguson Tractors Plant Items 34,39 & 51, Council also decided not to accept any of the trade in prices submitted for the tractors as part of this tender response, opting to undertake an Expression of Interest for the disposal of the three tractors, gifting the 3 surplus tractors to interested local users or sporting groups. 5 responses have been received.

**Recommendation**

That Council consider the expressions of interest received and approve allocation of surplus Plant Items 34,39 & 51 to User/Sporting groups of their choosing.

**Council Resolution**

That Council accept submissions from the Australian Inland Botanic Gardens, Wentworth Showgrounds User Group and the Pooncarie Recreation User Group to receive the plant, with the Pooncarie Recreation User Group receiving plant 51.

**Moved Cr. Nichols, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**9.13 DARLING STREET FOOTPATH UPGRADE**

File Number: RPT/24/450

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Geoff Gunn - Director Roads and Engineering

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

**Summary**

Council secured funding through the Resources for Regions Program for various Council projects. One of the projects that will be funded by the Program is the Darling Street footpath upgrade. In May 2024, Council undertook community consultation for the project, as a result Council has produced a Consultation Report pertaining to the Darling Street footpath upgrade that includes findings and recommendations for the project going forward.

**Recommendation**

That Council:

- a) Receive and note the information in this report.
- b) Select one of the options available with regards to the London Plane Trees.

**Council Resolution**

That Council proceeds to develop the Darling Street footpath upgrade based on retaining the London Plane Trees and that the upgrade include a connection to the Caravan Park.

**Moved Cr Crisp, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.14 PROJECT & WORKS UPDATE - AUGUST 2024**

File Number: RPT/24/463

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

**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 months of July 2024 and the planned activities for August 2024.

**Recommendation**

That Council receives and notes the major works undertaken in July 2024 and the scheduled works for the following month.

**Council Resolution**

That Council receives and notes the major works undertaken in July 2024 and the scheduled works for the following month.

**Moved Cr. Nichols, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.15 TCORP LOAN ACCEPTANCE - BURONGA LANDFILL EXPANSION**

File Number: RPT/24/569

Responsible Officer: Simon Rule

Responsible Division:

Reporting Officer: Simon Rule - Director Finance and Policy

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

Strategy: 3.4 Use and manage our resources wisely

**Summary**

At the March 2024 Ordinary Council meeting, Council endorsed the future direction of the Buronga Landfill including the borrowing of \$12,000,000 to fund stage 1 of the Landfill Expansion.

**Recommendation**

That Council:

- a) Admits the late supplementary report for consideration.
- b) Accepts the Loan Offer from NSW TCorp.
- c) Delegates authority to the Mayor and the General Manager to sign loan documents and affix the Council Seal.

**Council Resolution**

That Council:

- a) Admits the late supplementary report for consideration.
- b) Accepts the Loan Offer from NSW TCorp.
- c) Delegates authority to the Mayor and the General Manager to sign loan documents and affix the Council Seal.

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

**CARRIED UNANIMOUSLY**

## 10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Cr Rodda asked if there could be an investigation into the Modikerr Way and Wilga Road intersection. Is there an opportunity to widen the road or traffic calming infrastructure?

The Director Roads and Engineering advised he will take the question on notice.

Cr Elstone congratulated the Mayor on a job well done and thanked the senior staff and fellow Councillors. He also paid special thanks and recognition to the Coomealla Memorial Sporting Club and Wentworth District Community Bank for their huge support of the community and Council.

Cr Crisp thanked his fellow Councillors for their work and wished those standing again good luck and those not a thank you for serving your community.

Cr Cooper thanked his fellow Councillors and wished those nominating all the best.

Cr Nichols thanked the Council staff for all their work during the term of Council. It was great to see the work that has been done by Council for the ratepayers.

## 11 CONCLUSION OF THE MEETING

7:56pm.

## NEXT MEETING

.....  
CHAIR

**6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS**

**7 MAYORAL AND COUNCILLOR REPORTS**

Nil

**8 REPORTS FROM COMMITTEES**

Nil

## 9 REPORTS TO COUNCIL

### 9.1 STATUTORY MEETING ITEM - OATH OR AFFIRMATION OF OFFICE

File Number: RPT/24/575

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

#### 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). The Oath must be taken by Councillors at or before the first meeting of Council after being elected. Councillor Michael Weeding undertook the Oath of office on Tuesday 8 October 2024.

#### Recommendation

That Council:

- a) Receives and notes the General Manager's report on the taking of an oath or affirmation of office by individual Councillors
- b) Notes the taking of the Oath from all Councillors and their signed Statements containing the oath.

#### Detailed Report

##### Report Detail

Section 233A of the *Local Government Act 1993* states:

- (1) *A Councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the Councillor is elected.*
- (2) *The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form--*

**Oath:** *I [name of Councillor [xx]] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Wentworth Shire and the Wentworth 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 [xx]] 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 Wentworth Shire and the Wentworth 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.*

- (3) *A Councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a Councillor (other than the first meeting of the council after the Councillor*

*is elected to the office or a meeting at which the Councillor takes the oath or makes the affirmation) until the Councillor has taken the oath or made the affirmation.*

- (4) Any absence of a Councillor from an ordinary meeting of the council that the Councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.*
- (5) Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a Councillor in the exercise of the Councillor's functions.*
- (6) The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).*

#### **Conclusion**

The official formal procedure where Councillors will take their Oath or affirmation will take place at this meeting.

#### **Attachments**

Nil



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

File Number: RPT/24/574

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

### **Summary**

Councils that elect their Mayors are required under section 290(1)(a) of the *Local Government Act 1993* (the Act) at the first meeting after an ordinary election of councillors, and within 3 weeks after the ordinary election, hold an election for Mayor and decide if Council wishes to have a Deputy Mayor.

Schedule 7 of the *Local Government (General) Regulation 2021*, provides for the election of 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**

1. That Council determines in the event of two or more nominations being received for Mayor the process to elect the Mayor either by ordinary ballot **or** open voting **or** preferential ballot;
2. That the General Manager receives nominations for the position of Mayor and declares whether an election is required, and if so conducts the election.
3. That Council determines if the position of Deputy Mayor will be elected for the Mayoral term being two years, or a shorter term.
4. 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.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to conduct an election of the Mayor and Deputy Mayor.

#### **Background**

Schedule 7 of the *Local Government (General) Regulation 2021*, provides for the election of Mayor by Councillors by either ordinary ballot, open voting or by preferential ballot. In recent years Council has used either a show of hands (open ballot) or the ordinary ballot method of voting.

It should be noted that Councillors can participate in mayoral elections using an open ballot by audio visual link but not where the other two methods of election are used.

Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person to vote if the mayoral election is held using either of these methods.

#### **Returning Officer**

The General Manager is the Returning Officer.

**Nominations**

- i. A Councillor may be nominated without notice for election as Mayor.
- ii. The nomination is to be made in writing by two 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.
- iii. The nomination is to be delivered or sent to the Returning Officer.
- iv. The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

**Election**

- i. If only one Councillor is nominated, that Councillor is elected.
- ii. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- iii. The election is to be held at the Council Meeting at which the Council resolves on the method of voting.
- iv. In this Clause, ballot has its normal meaning of secret ballot, open voting means voting by a show of hands or similar means.

**Deputy Mayor**

The *Local Government Act 1993* Section 232 states:

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

**Conclusion**

Council is required to determine the process to conduct a Mayoral election. The Mayor elected in October 2024 will hold their office until September 2026.

**Attachments**

Nil

### 9.3 STATUTORY MEETING ITEM - DELEGATIONS TO MAYOR AND GENERAL MANAGER

File Number: RPT/24/578

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

#### **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;

- a) Retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009
- b) Pursuant to Section 377 of the *Local Government Act 1993*, delegates to the Mayor, as elected at the Council Meeting on 11 October 2024, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).
- c) 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 11 October 2024 is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).
- d) Pursuant to Section 377 of the *Local Government Act 1993*, delegates to the General Manager, the powers, duties, authorities and functions of the position as listed in schedule 3 of the Delegation Policy (GOV009).
- e) Resolves that in the absence of the General Manager and when officially acting in the position of Acting General Manager, that staff member is authorised to exercise delegations of the General Manager as listed in schedule 3 of the Delegation Policy (GOV009).
- f) Resolves that the delegations to the Mayor and Deputy Mayor remain in place for a period of 2 years (the Mayoral term), or until revoked or amended by Council.

#### **Detailed Report**

##### **Purpose**

The purpose of this report is to establish the delegated authority of the newly elected Mayor, Deputy Mayor and for Council to delegate powers, duties and authorities to the General Manager.

##### **Background**

Section 377 of the *Local Government Act 1993* provides for the delegation of powers, duties, authorities and functions of Council.

Conclusion

It is recommended that Council delegate all functions, duties and responsibilities outlined in Schedule 1, Schedule 2 and Schedule 3 of the Wentworth Shire Council Delegations Policy (GOV009) as per *the Local Government Act 1993*.

Attachments

1. GOV009 Delegations Policy [↓](#)

**Wentworth Shire Council**

Word Document Reference: DOC/22/1980

**Council Policy No:GOV009****DELEGATIONS POLICY****POLICY OBJECTIVE**

The intent of this policy is to establish the functions of Council that it retains, and those it has delegated to others.

**1. POLICY STATEMENT**

This official Council ensures that Wentworth Shire Council establishes systems which deal with the delegation of powers and functions from the *Local Government Act 1993*.

**2. POLICY COVERAGE**

This policy applies to all areas of Council's operations and covers Council, the Mayor and the General Manager. The policy also extends to delegations from the General Manager to staff.

**3. STRATEGIC PLAN LINK**

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

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition

**5. POLICY CONTENT**

The *Local Government Act 1993* part 3 establishes the functions of a Council that can and cannot be delegated.

- Schedule 1 of this policy outlines the functions that are retained by Council, as required under section 377 of the Act.
- Schedule 2 of this policy outlines the functions of Council that it delegates to the Mayor.
- Schedule 3 of this policy outlines the functions of Council that it delegates to the General Manager.

It is the policy of this Council that:

- 5.1** Council retains all functions, duties and responsibilities outlined in schedule 1 of this policy.
- 5.2** Council delegates to the Mayor all powers, authorities, duties and functions outlined in schedule 2 of this policy.
- 5.3** There being no section 355 committees of council, no delegations of functions are required to section 355 Committees
- 5.4** Council delegates to the General Manager all powers, authorities, duties and functions outlined in schedule 3 of this policy.

**Wentworth Shire Council**

Word Document Reference: DOC/22/1980

**Council Policy No:GOV009****DELEGATIONS POLICY**

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- 5.5** The *Local Government Act 1993* and *Local Government (General) Regulations 2021* will, at all times, have precedence over any contradictory decision of council.
- 5.6** The General Manager is to maintain a Delegations Register for all delegations made to staff.
- 5.7** The Audit, Risk and Improvement Committee will review the exercising of delegations in its audit program.

**6. RELATED DOCUMENTS & LEGISLATION***Local Government Act 1993 (NSW)**Local Government (General) Regulations 2021 (NSW)**Environmental Planning and Assessment Act 1979***7. ATTACHMENTS**

Schedule 1 - Council retained functions

Schedule 2 - Council to the Mayor

Schedule 3 - Council to the General Manager

**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 31 January 2022. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed:  .....

2 February 2022

**General Manager Wentworth Shire Council****Date**

**Wentworth Shire Council**

Word Document Reference: DOC/22/1980

**Council Policy No:GOV009****DELEGATIONS POLICY****SCHEDULE 1 – COUNCIL RETAINED FUNCTIONS**

Pursuant to section 377 of the *Local Government Act 1993 (NSW)*, the Council retains the following functions, duties and responsibilities.

- (a) The appointment of a general manager,
  - (b) The making of a rate,
  - (c) A determination under section 549 as to the levying of a rate,
  - (d) The making of a charge,
  - (e) The fixing of a fee,
  - (f) The borrowing of money,
  - (g) The voting of money for expenditure on its works, services or operations,
  - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - (i) The acceptance of tenders which are required under this Act to be invited by the council,
  - (j) The adoption of an operational plan under section 405,
  - (k) The adoption of a financial statement included in an annual financial report,
  - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
  - (m) The fixing of an amount or rate for the carrying out by the council of work on private land,
  - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
  - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 8.2 of the Environmental Planning and Assessment Act 1979,
  - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
  - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) A decision under section 234 to grant leave of absence to the holder of a civic office,
  - (s) The making of an application, or the giving of a notice, to the Governor or Minister,
  - (t) This power of delegation,
  - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—
- (a) the financial assistance is part of a specified program, and
  - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

**Wentworth Shire Council**

Word Document Reference: DOC/22/1980

**Council Policy No:GOV009**

**DELEGATIONS POLICY**

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(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

(3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

The above retained delegations are consistent with those listed in Section 377 General power of the council to delegate, which specifically prevents the council from delegating the above mentioned functions.



**Wentworth Shire Council**

Word Document Reference: DOC/22/1980

**Council Policy No:GOV009****DELEGATIONS POLICY**

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**SCHEDULE 2 - DELEGATIONS FROM THE COUNCIL TO THE MAYOR**

Pursuant to the Local Government Act and Regulations, and any expressed policy or direction of Council, the Council in accordance with the provisions of Section 377 of the Local Government Act 1993 and every other enabling statutory power, delegates to the person who occupies the position of Mayor, to perform on behalf of Council the following powers, authorities, duties or functions.

**1.0 Executive Functions**

- 1.1 On behalf of the Council, supervise the General Manager in terms of the Local Government Act 1993 and Council's policies and delegations and to control and advise the General Manager in the execution of Council's decisions and policies.
- 1.2 Fulfill the functions of chief elected member of the Council and to perform all duties imposed upon the Mayor under the Local Government Act or other Acts or Regulations.
- 1.3 To give effect to the resolutions of Council in conjunction with the General Manager.
- 1.4 Approve leave for the General Manager, attendance at conferences and seminars in the terms and provisions of the General Managers Contract of Employment with Council.
- 1.5 Be the necessary signatory to documents requiring the Council's seal.

**2.0 Communications, media and public relations**

- 2.1 To respond to media publicity on Council matters.
- 2.2 To issue media releases and make statements to the media on behalf of council.
- 2.3 To sign letters (such as letters of support, letters to Government Ministers and the like) on behalf of the Council.

**3.0 Council meetings**

- 3.1 To call extraordinary meetings of the Council as deemed necessary.

**4.0 Legal**

- 4.1 When considered necessary or urgent, to request the General Manager to obtain legal advice or legal representation in any matter in which the Council is or may become involved.

**5.0 Policy**

- 5.1 To exercise in cases of necessity for the efficient and effective administration of the Council, the policy making functions of the governing body of the Council between meetings of the Council.

**6.0 Urgent Works (unbudgeted items)**

- 6.1 To authorise any work which is deemed urgent at a cost not exceeding \$5,000 provided such expenditure is reported to the Council at its next Ordinary Meeting.

**Wentworth Shire Council**

Word Document Reference: DOC/22/1980

**Council Policy No:GOV009****DELEGATIONS POLICY**

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**SCHEDULE 3 - DELEGATIONS FROM THE COUNCIL TO THE GENERAL MANAGER**

Pursuant to the Local Government Act and Regulations, and any expressed policy or direction of Council, the Council in accordance with the provisions of Section 377 of the Local Government Act 1993 and every other enabling statutory power, delegates to the person who occupies the position of General Manager, to perform on behalf of Council the following powers, authorities, duties or functions.

1. The functions of Council as specified in:
  - i. The Act, and related instruments; and
  - ii. Other Acts under which Council has powers, authorities, duties and functions;
  - iii. Any lawful resolution of Council.
2. Any function delegated to the council by the Office of Local Government, unless specifically retained by Council in Schedule 1.
3. The functions delegated in accordance with and subject to all current policies and codes officially adopted by the Council.

The General Manager is not delegated to undertake any of the roles, responsibilities and functions of Council as set out in Schedule 1 of this policy.

The General Manager is not delegated to undertake any of the roles, responsibilities and functions of Council as set out in Schedule 2 of this policy.

The General Manager may delegate functions, duties, roles and responsibilities to staff members of the Council, however the General Manager retains ultimate accountability for the actions of all Council employees.

**NB-** These same delegations are extended to a person who is deemed to be, by a formal resolution of Council, the Acting General Manager for a period of time. These delegations do not automatically flow to an Acting General Manager unless there is a formal resolution of Council.

## 9.4 USING COUNTBACKS TO FILL CASUAL VACANCIES

File Number: RPT/24/577

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

### **Summary**

Council has 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 14 September 2024 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.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to inform Council on the option to fill casual vacancies via a countback.

#### **Background**

Council has 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.

18 months from the current election is up to and including 14 March 2026. Any Councillor vacancy after this date will need to be filled via a by-election unless an exemption is granted by the Minister for Local Government.

#### **Report Detail**

In order 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.

Where Council resolves to fill a casual vacancy using a countback in the first 18 months of their terms, the General Manager is required under the *Local Government (General)*

*Regulation 2021* to notify the election manager of Council's ordinary election of Council's resolution within 7 days of the resolution.

Based on the information contained in this report, the options available to address this matter are to:

1. Resolve to fill Councillor vacancies up to 14 March 2026 via a countback of votes cast at the last ordinary election; or
2. Resolve to fill all Councillor vacancies up till and including the next general election in September 2028 via 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.

Based on the costs of the current election it is expected that a by-election will cost Council approximately \$70,000.

**Conclusion**

It is recommended that Council resolve to fill casual Councillor vacancies up to 14 March 2026 via a countback of votes cast at the last ordinary election.

**Attachments**

Nil

## 9.5 COUNCIL MEETING DATES AND TIMES

File Number: RPT/24/576

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

### 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 2025 meeting will be held on the selected day in the last week of June
3. The January will/will not be held
4. All Ordinary meetings of Council will commence at a time to be determined
5. Pre-meeting Briefings will/will not be held

### Detailed Report

#### Purpose

The purpose of this report is to set the date and time of Ordinary Meetings of Council up to the next statutory meeting to be held in September 2025.

#### Background

Section 365 of the *Local Government Act 1993* requires that Council meets at least ten times each year, each time in a different month.

The *Local Government Act 1993* or the *Local Government (General) Regulations 2021* does not cover the time a Council meeting should start.

The meeting time and dates for Ordinary Council meetings are required to be advertised in accordance with the requirements of the *Local Government Act 1993*.

If an Ordinary Meeting of Council clashes with an event, Council is in a position to alter the date of a particular Council Meeting by resolution of Council. It is also possible for Council to call an Extraordinary meeting of Council for a specific reason on a different day and time from that of the Ordinary meeting of Council.

The June meeting is typically held in the last week of June to ensure the draft Operational Plan, endorsed at the May meeting, has been on public exhibition for the required 28 days.

#### Report Detail

There are virtually no restrictions of what Council is able to resolve other than ensuring that at least ten meetings are held in the year. Council must decide the following:

- 1) The time of the Council meetings (currently 7:00pm).
- 2) The date and the day of the month of Council meetings (currently third Wednesday)

- 3) Whether a meeting will be held each month (the December & January meetings have in the past been discussed in relation to this). Should the same days be chosen as the previous term of Council the December meeting would fall on 18 December 2024 which is two days prior to Council closing for the Christmas break. An option would be to move this meeting forward one week to the 11 December 2024. The January meeting would fall on the 15 January 2025 with staff having to have all reports written and approved by 3 January 2024 after returning to work from the Christmas shut down on 30 January 2024 and having the 1 January public holiday off. The January meeting may be moved back to giving staff a more reasonable timeframe to write reports or not hold a January meeting as many people take holidays. Previous years the December meeting has been moved forward a week and the January meeting has not been held.
- 4) The date for the June meeting to allow the draft Operational Plan, endorsed at the May meeting, to be on public exhibition for the required 28 days. Traditionally this meeting is the chosen day in the last week of June.
- 5) Whether to hold a Pre-Meeting briefing prior to each Ordinary Council meeting and if so, a commencement time.

Conclusion

The *Local Government Act 1993* requires Council to hold a minimum of ten meetings a year. Council is able to determine the day and time for each Council meeting.

Attachments

Nil

## 9.6 STATUTORY MEETING ITEM - INTERNAL COMMITTEE REPRESENTATION

File Number: RPT/24/581

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

### **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. Council is able to review the existing Internal Committees and determine Councillor representation for these committees.

### **Recommendation**

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

### **Detailed Report**

#### **Report Detail**

The following committees are Advisory Committees and have no delegated authority and no decision making responsibilities. All recommendations from the Committees are presented to Council for consideration.

- Internal Audit and Risk Management Committee (Independent Advisory Committee)
- Floodplain Risk Management Committee
- Heritage and History Advisory Committee

Council has also established a number of User Groups namely:

- James King Park User Group (In line with open space single use tenants no Committee required)
- George Gordon Oval User Group
- Carramar Drive Sporting Complex User Group
- Wentworth Showgrounds User Group
- Wentworth Sporting Precinct User Group
- Pooncarie Sporting Reserve User Group

User Groups are those organisations that have a licence agreement with Council as the Land Manager to use a particular Reserve on a twelve month basis. The User groups have obligations as does Council which are included in the Licence Agreements. This being the case Council should consider the relevance of the James King Park User Group. James King Park only has one licenced user which is the Alcheringa Tennis Club. Should there be the need to liaise with the licenced user it can be achieved by direct contact by either party.

These User Group meetings are facilitated by the Director of Roads and Engineering. Councillor representation is required however, is limited to attending to keep informed of the User Groups requests or information ie not to vote on decisions, and meeting minutes will be reported to Councillors.

*Conclusion*

Council strategically reviews its committee structure at the Statutory meeting each year, to ensure that the committee structure remains relevant to the needs of Council and its community and nominates representatives for the committees.

**Attachments**

1. Current Internal Committees and Representation [↓](#)



## INTERNAL COMMITTEES

UPDATED 12 FEBRUARY 2024

Listing of Internal Committees and User Groups			
Advisory Committees	Meeting Frequency	Council Delegate(s)	Other Advisory Officers
Floodplain Risk Management Committee	When required	Mayor, Cr Elstone, Cr Nichols	Robert Rigby, David Buck, SES
Audit, Risk and Improvement Committee	Min Quarterly	Cr Beaumont	Roseanne Kava (Chair) Diane Schmidt, Caroline Smith
Heritage and History Advisory Committee	When required	Cr MacAllister and Cr Nichols Alternate Councillor - Cr Beaumont	Greg Harrison, Russell James, Robert Hannaford, Nikita Vanderbyl, Tony Bruce-Mullins & Staff
General Managers Performance Review Committee	When Required	Mayor, Deputy Mayor, Cr Elstone (Council Rep) Cr Beaumont (GM Rep)	
User Groups	Meeting Frequency	Delegate(s)	Alternate Councillor(s)
Carramar Drive Sporting Complex User Group	When required	Mayor, Cr Rodda, Cr MacAllister	N/A
George Gordon Oval User Group	When required	Cr Cooper, Cr Crisp, Cr Elstone	N/A
James King Park User Group	When required	Mayor, Cr MacAllister, Cr Rodda	N/A
Wentworth Showgrounds User Group	When required	Cr Beaumont and Cr Nichols	Cr Elstone
Wentworth Sporting Precinct User Group	When required	Cr Beaumont and Cr Cooper	N/A
Pooncarie Sporting Reserve User Group	When required	Cr Rodda, Cr Elstone	N/A

## 9.7 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEES

File Number: RPT/24/582

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.

### **Recommendation**

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

### **Detailed Report**

#### **Report Detail**

Council generally reviews the listing of External Committees on which it has representation annually. Additionally, the nominated delegate on each committee is also reviewed annually.

Councillors attending the External Committee meetings do so as an observer and can provide a written report to Council should it be required.

The listing of External Committees to which Council has appointed representatives is attached for information.

### **Attachments**

1. Current External Committees and Representation [↓](#)

**EXTERNAL COMMITTEES**

UPDATED 12 FEBRUARY 2024

Council periodically determines its representatives to a number of external bodies as indicated in the table below.

<b>Committee</b>	<b>Meeting Frequency</b>	<b>Nominated Representative(s)</b>
Australian Inland Botanic Gardens	Monthly	Cr MacAllister
Barkandji Indigenous Land Use Agreement Working Group	As required	Mayor, Deputy Mayor, Cr Elstone and General Manager
Bottle Bend Reserve Land Manager	Monthly	Cr MacAllister, (Cr Beaumont as alternate)
Bush Fire Management Committee	Twice per annum	Cr Nichols (Cr Elstone and Cr MacAllister as alternate)
ClubGRANTS Category One (1) Funding Committee	Twice per annum	Mayor
Country Mayor's Association of NSW	As required	Mayor
Community Safety Precinct Meeting	As required	Cr Cooper
Far West Joint Organisation – Broken Hill, Wentworth, Balranald, Central Darling	As required	Mayor and Deputy Mayor
Joint Regional Planning Panel	As required	Cr Crisp and Cr Nichols
Menindee Lakes SDLAM Stakeholder Advisory Group (SAG)	As required	Cr Elstone, Cr MacAllister
Murray Darling Association (Region 4)	Min. 4 times per annum	Mayor, Cr Elstone, Cr Nichols
Public Libraries NSW	Twice per annum	Cr Nichols
Wentworth Regional Tourism Inc.	Monthly	Cr Rodda
Wentworth Shire Health Interagency Group (WSIG)	Monthly	Cr MacAllister and Cr Rodda
Wentworth Shire Liquor Accord Committee	As required	Cr Nichols (Cr Beaumont as alternate)
Western Division Group of Councils	Min. 3 times per annum	Mayor, Cr Nichols, Cr Elstone
Willandra Lakes Region World Heritage Advisory Committee	Min. 3 times per annum	Cr MacAllister (Local Government Representative)

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

Nil

**11 CONCLUSION OF THE MEETING**

**NEXT MEETING**

30 October 2024