



WENTWORTH SHIRE COUNCIL

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, SHORT STREET, WENTWORTH**, commencing at **10:00AM**.

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

10 JANUARY 2022

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING OF MEETING	1
2	PRAYER OR ACKNOWLEDGEMENT OF COUNTRY.....	1
3	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE	1
4	DISCLOSURES OF INTERESTS	1
5	CONFIRMATION OF MINUTES	1
6	OUTSTANDING MATTERS FROM PREVIOUS MEETINGS	26
7	MAYORAL AND COUNCILLOR REPORTS	26
	Nil	
8	REPORTS FROM COMMITTEES	26
	Nil	
9	REPORTS TO COUNCIL	27
9.1	Statutory Meeting Item - Oath and Affirmation of Office	27
9.2	Statutory Meeting Item - Election of Mayor and Deputy Mayor	29
9.3	Statutory Meeting Item - Delegations to Mayor and Deputy Mayor.....	33
9.4	Statutory Meeting Item - Review of Internal Committees	40
9.5	Statutory Meeting Item - Review of External Committees.....	44
9.6	Statutory Meeting Item - Council Meeting Dates & Time	46
9.7	Using Countbacks to Fill Casual Vacancies.	48
9.8	General Manager's Report	50
10	NOTICES OF MOTIONS / QUESTIONS WITH NOTICE	57
	Nil	
11	CONCLUSION OF THE MEETING	57
	NEXT MEETING	57

1 OPENING OF MEETING

THE MAYOR REQUESTS THAT THE GENERAL MANAGER MAKES
ANNOUNCEMENTS REGARDING THE LIVE-STREAMING OF THE MEETING.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

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 17 November 2021 be confirmed as
circulated.



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

17 NOVEMBER 2021

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING OF MEETING	1
2	PRAYER OR ACKNOWLEDGEMENT OF COUNTRY.....	1
3	APOLOGIES AND LEAVE OF ABSENCE.....	1
4	DISCLOSURES OF INTERESTS	1
5	CONFIRMATION OF MINUTES	1
6	OUTSTANDING MATTERS FROM PREVIOUS MEETINGS	2
7	MAYORAL AND COUNCILLOR REPORTS	3
7.1	Mayoral Report	3
8	REPORTS FROM COMMITTEES	4
8.1	Internal Audit & Risk Management Committee	4
9	REPORTS TO COUNCIL	6
9.1	General Manager's Report	6
9.2	Easy To Do Business - Service NSW	7
9.3	Australia Day 2022 Awards	8
9.4	Monthly Finance Report	9
9.5	Monthly Investment Report	10
9.6	Presentation of Annual Financial Statements to Council and the Public ..	11
9.7	AF003 Requests for Financial Assistance	12
9.8	Code of Conduct Complaint Statistics for the period ended 30 September 2021.....	13
9.9	End of Term Report.....	14
9.10	Classification of Land	15
9.11	New Licence - Dareton Men in a Shed - Crown Reserve 85836.....	16
9.12	Warrakoo Station Complex, Cal Lal Road, Rufus - State Heritage Register nomination	18
9.13	Delegated Authority Approvals as at end of October 2021	19
9.14	Projects and Works Report Update - November 2021	20
10	NOTICES OF MOTIONS / QUESTIONS WITH NOTICE	21
11	CONCLUSION OF THE MEETING.....	21
	NEXT MEETING	21

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 matter 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 Council 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

.....
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 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.

Detailed Report

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. It is to be noted that Councillor Steve Cooper has taken the Oath of Office in the presence of the General Manager.

Attachments

Nil

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.

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 and Deputy Mayor by Councillors by either ordinary ballot, open voting or by preferential ballot. In recent years Council has used either a show of hands or the ordinary ballot method of voting.

Returning Officer

The General Manager is the Returning Officer.

Nominations

- i. A Councillor may be nominated without notice for election as Mayor or Deputy 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 & also Deputy Mayoral election and term of office for the Deputy Mayor. The Mayor is elected for a period of two years whereas the Deputy Mayor may be elected for a shorter term.

Attachments

- 1. Nomination Form Mayor [↓](#)
- 2. Nomination Form Deputy Mayor [↓](#)



NOMINATION FOR MAYOR

We hereby nominate Councillorfor the position of
MAYOR of the Council of the Shire of Wentworth.

Date:

Councillor:

Councillor:

I hereby consent to being nominated for the position of **MAYOR**.

Councillor:



NOMINATION FOR DEPUTY MAYOR

We hereby nominate Councillorfor the position of
DEPUTY MAYOR of the Council of the Shire of Wentworth.

Date:

Councillor:

Councillor:

I hereby consent to being nominated for the position of **DEPUTY MAYOR**.

Councillor:

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.

Detailed Report

Purpose

The purpose of this report is to establish the delegated authority of the newly elected Mayor and Deputy Mayor.

Background

Section 377 of the *Local Government Act 1993* provides for the delegation of powers, duties, authorities and functions of Council. This Council has traditionally approved the Delegations to the Mayor and Deputy Mayor immediately following the ballot held at the statutory meeting.

Attachments

1. Delegations Policy [↓](#)

Wentworth Shire Council

Word: DOC/19/17134

PDF: DOC/17/12215

Council Policy No. GOV009

DELEGATIONS POLICY**DOCUMENT SUMMARY**

This Official Council Policy deals with the delegation of powers and functions from the Local Government Act.

1. STATEMENT OF POLICY INTENT

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

2. POLICY SCOPE

This policy is applicable to Council, the Mayor, the GM and formally s355 Committees of Council. The policy also extends to delegations from the General Manager to staff.

3. BACKGROUND INFORMATION

The Local Government Act 1993 part 3 establishes the functions of a Council that can and can't 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 s355 Committees of Council (where applicable).
- Schedule 4 of this policy outlines the functions of Council that it delegates to the GM.

4. DEFINITIONS AND ABBREVIATIONS (used in this policy)

This table summarises the main definitions and abbreviations contained within this policy

The Act	Local Government Act 1993 (NSW)
Regulations	Local Government Act (General) Regulations 2005 (NSW)
GM	General Manager

5. POLICY

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, there being no section 355 committees of council, no delegations of functions are provided to section 355 Committees
- 5.4 Council delegates to the General Manager all powers, authorities, duties and functions outlined in schedule 4 of this policy.
- 5.5 The Local Government Act and regulations 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 rolling audit program.

Document Approval

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on the 17/10/2018. All previous versions of this policy are null and void.

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

Page 1 of 6

Wentworth Shire Council

Word: DOC/19/17134

PDF: DOC/17/12215

Council Policy No. GOV009

DELEGATIONS POLICY

6. ATTACHMENTS TO THIS POLICY

Schedule 1 - Council retained functions

Schedule 2 - Council to the Mayor

Schedule 3 - Council to Section 355 Committees

- Nil

Schedule 4 - Council to the GM



5 Nov 2018

A/ Approved by Council and signed by
General Manager of Wentworth Shire Council

Signed & Dated

Document Approval

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Page 2 of 6

Wentworth Shire Council

Word: DOC/19/17134

PDF: DOC/17/12215

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 82A 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.

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.

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Page 3 of 6

Wentworth Shire Council

Word: DOC/19/17134

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Council Policy No. GOV009

DELEGATIONS POLICY**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 witness 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 that such expenditure is reported to the Council at its next Ordinary Meeting.

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Page 4 of 6

Wentworth Shire Council

Word: DOC/19/17134

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Council Policy No. GOV009

DELEGATIONS POLICY

**SCHEDULE 3 - DELEGATIONS FROM THE COUNCIL TO S355
COMMITTEES**

Nil

Document Approval

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Page 5 of 6

Wentworth Shire Council

Word: DOC/19/17134

PDF: DOC/17/12215

Council Policy No. GOV009

DELEGATIONS POLICY**SCHEDULE 4 - 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 Director General, 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 set out in Schedule 3 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 officially nominated, by a formal resolution of Council, as the Acting General Manager for a period of time, however, these delegations do not automatically flow to an Acting General Manager unless that person, by resolution of Council, is deemed to be the Acting General Manager.

Document Approval

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

Page 6 of 6

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

Detailed Report

Report Detail

The following committees have been operating as Advisory Committees that 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
- Floodplain Risk Management Committee
- Australia Day Committee
- Council Roads and Road Safety Committee
- Cemeteries Committee
- Willowbend Advisory Committee
- Waste Facilities Advisory Committee
- Wentworth Civic Centre Redevelopment Committee
- PS Ruby Advisory Committee

The Internal Audit and Risk Management Committee will be replaced by the Audit, Risk and Improvement Committee (ARIC) which will be an independent advisory committee.

The *Local Government Act 1993* (NSW) and the *Local Government (General) Regulation 2021* require Council to have:

- An Audit, Risk and Improvement Committee (ARIC) that continuously reviews and provides independent advice to the Council on how it is functioning and managing risk;
- A robust risk management framework that accurately identifies and mitigates the risks facing the Council and its operations; and
- An effective internal audit function that provides independent advice as to whether the Council is functioning effectively and the Council's internal controls to manage risk are working.

These three mandatory governance mechanisms are a vital part of the NSW Government's plan to ensure that councils are doing things the best way they can for their communities and are on track to delivering their community's goals and objectives.

The guidelines are being developed to assist Council to comply with statutory requirements under the Local Government Act and Local Government Regulation. They also seek to strengthen risk management and internal audit practices in councils by setting a minimum standard that reflects a "best practice" approach.

Council will be required under the Local Government Regulation to comply with these Guidelines when establishing and operating its Audit Risk and Improvement Committee, risk management framework and internal audit functions. It should be noted that the guidelines are currently in draft format on Public exhibition and we await finalisation by the Office of Local Government.

Councils must appoint an Audit, Risk and Improvement Committee by 4 June 2022. This committee will be permitted to have one non-voting Councillor member and a minimum of three independent members with suitable skills.

Options

In relation to the Internal Audit and Risk Management Committee prior to appointing an Audit, Risk and Improvement Committee there are two options:

1. Proceed with the appointment of the Mayor, four Councillors and an alternate Councillor as previously and run the committee as we have in the past noting there would be one meeting prior to establishing the independent Audit, Risk and Improvement Committee
2. Not establish an Internal Audit and Risk Management Committee and have financial reports, policies and risk items that would normally go before the committee presented to the whole Council for resolution

The Australia Day Committee, Cemeteries Committee, Wentworth Civic Centre Redevelopment Committee and the Waste Facilities Committee consist of all Councillors and nominated staff.

In relation to the above committees there are the following options:

1. Continue to run these as Advisory Committees with all Councillors as representatives
2. Address matters that would normally be put to these Committees through direct reports to Council, noting that the Wentworth Civic Centre Redevelopment currently has quarterly reports that are put before Council in line with Office of Local Government requirements.

In relation to the PS Ruby Advisory Committee it is suggested that reports that would normally be put before this committee be presented to the whole Council for resolution.

The Council Roads and Road Safety Committee has been superseded and made redundant by the Local Traffic Committee which is an advisory body to Council. It is, primarily, a technical review committee that is required to advise the Council on traffic related matters referred to it by Council. The Local Traffic Committee for all Councils in New South Wales comprises representatives from New South Wales Police, Transport for New South Wales, the Local State Member of Parliament or their nominee and Council (Director of Road and Engineering). Councillors are kept informed regarding roads and road works through the Roads & Engineering monthly Council report. Should Councillors have any concerns regarding roads or road safety they can be dealt with through Councils customer request system.

The Floodplain Risk Management Committee has been superseded by the Flood Risk Management Committee which will consist of three community members, three Councillors, a Local SES member and nominated Council delegates.

Council has also established a number of User Groups, namely:

- James King Park User Group
- George Gordon Oval User Group
- Carramar Drive Sporting Complex User Group
- Wentworth Showgrounds User Group
- Wentworth Sporting Precinct User Group

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.

Attachments

1. Internal Committees [↓](#)

INTERNAL COMMITTEES

Listing of Internal Committees and User Groups			
Advisory Committees	Meeting Frequency	Council Delegate(s)	Other Advisory Officers
Australia Day Committee	As required	All Councillors	General Manager and nominated delegate(s)
Cemeteries Committee	As required	All Councillors	General Manager and nominated delegate(s)
Floodplain Risk Management Committee	As required	Mayor, 3 Councillors	Director Health and Planning, and external members
Internal Audit and Risk Management Committee	Min Quarterly	Mayor, 4 Councillors plus 1 alternate Councillor	General Manager and nominated delegate(s)
PS Ruby Advisory Committee	As required	Mayor & 3 Councillors	General Manager and nominated delegate(s)
Roads and Road Safety Committee	Min. Quarterly	Mayor & 3 Councillors	N/A
Waste Facilities Advisory Committee	As required	All Councillors	General Manager and nominated delegate(s)
Willowbend Advisory Committee (est. 7/2/18)	As required	Mayor, Deputy Mayor, 1 Councillors	General Manager and nominated delegate(s)
Wentworth Civic Centre Redevelopment Committee	As required	All Councillors	General Manager and nominated delegate(s)
User Groups	Meeting Frequency	Delegate(s)	Alternate Councillor(s)
Carramar Drive Sporting Complex User Group	When required	2 Councillors	N/A
George Gordon Oval User Group	To be advised	2 Councillors	N/A
James King Park User Group	When required	2 Councillors	N/A
Wentworth Showgrounds User Group	When required	2 Councillors	N/A
Wentworth Sporting Precinct User Group	To be advised	3 Councillors	N/A

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.

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.

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

Attachments

1. External Committees as at end of 2021 Council Term [↓](#)

EXTERNAL COMMITTEES

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

Committee	Meeting Frequency	Nominated Representative(s)
West Darling Arts	When required	Cr. Evans
Australian Inland Botanic Gardens	Monthly	Cr. MacAllister
Bottle Bend Reserve Land Manager	Monthly	Cr. MacAllister (Cr. Nichols as alternate)
Bush Fire Management Committee	Twice per annum	Cr. Wheeldon (Cr. Elstone 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. Nichols
Critical Water Advisory Group	As required	Cr. MacAllister & Cr. Elstone
Far West Joint Organisation – Broken Hill, Wentworth, Balranald, Central Darling	As required	Mayor and Deputy Mayor
Joint Regional Planning Panel	As required	Cr. Wheeldon and Cr. Nichols (Cr. Heywood as alternate)
Menindee Lakes SDLAM Stakeholder Advisory Group (SAG)	As required	Cr. MacAllister
Murray Darling Association (Region 4)	Min. 4 times per annum	Cr. Elstone (Chair) and Cr. Heywood
North West Rail Alliance	4 times per annum	Cr. MacAllister
NSW Locks 8 & 9 SDLAM Stakeholder Advisory Group (SAG)	As required	Cr. Wheeldon (Cr. MacAllister as alternate)
Public Libraries NSW	Twice per annum	Cr. Wheeldon
Wentworth Regional Tourism Inc.	Monthly	Cr. Nichols (Cr. Wheeldon as alternate)
Wentworth Shire Health Interagency Group (WSHIG) – approved 03/04/19	Monthly	Cr. MacAllister
Wentworth Shire Liquor Accord Committee	As required	Cr. Nichols
Western Division Group of Councils	Min. 3 times per annum	Mayor, noting also that Cr. Evans is a member of the executive committee.
Willandra Lakes Region World Heritage Advisory Committee	Min. 3 times per annum	Cr. MacAllister (this is an application process it is not automatic)

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.

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 2022.

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 specific reasons 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 10:00 am).
- 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 January meeting has in the past been discussed in relation to this)
- 4) The date for the June meeting to allow the draft Operational Plan, endorsed at the May meeting, has been on public exhibition for the required 28 days

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 and the meeting location.

Attachments

Nil

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.

Detailed Report

Purpose

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

Background

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.

18 months from the current election is up to and including 4 June 2023. 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.

Matters under consideration

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

Options

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 4 June 2023 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 2024 via a by-election.

Legal, strategic, financial or policy implications

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 4 June 2023 via a countback of votes cast at the last ordinary election.

Attachments

Nil

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.

Detailed Report

1. OLG Circulars

1.1 Circular 21-40

- The "Hit the Ground Running" webinars will focus on the key elements of a councillor's role and responsibilities.
- All Councillors are encouraged to participate in the "Hit the Ground Running" webinars. They will provide essential information to support Councillors in serving their community and fulfilling their responsibilities.
- Councils are encouraged to incorporate the webinars into the Councillor induction and refresher program they are required to deliver to elected members after the December 2021 council elections.

- General Managers should widely promote the webinars and strongly encourage attendance by providing relevant session dates in the council calendar and assisting Councillors with their registration.
- An online registration system will soon be made available for Councillors to register their attendance and information provided about how to register.

2. Meetings

Following is a list of meetings or events attended by the General Manager for the period of 8 November 2021 – 31 December 2021

Date	Meeting	Location
9 Nov 2021	Mayoral Meeting	Wentworth
9 Nov 2021	Local Emergency Management Committee	Buronga
11 Nov 2021	Remembrance Day	Wentworth
11 Nov 2021	Collaborative Care Working Party Meeting	Video Conference
11 Nov 2021	Cross Border Commissioner Briefing	Video Conference
15 Nov 2021	Local Emergency Management Committee Wentworth/Balranald	Video Conference
16 Nov 2021	Mayoral Meeting	Wentworth
16 Nov 2021	Better Baaka Presentation	Video Conference
17 Nov 2021	Pre Meeting Briefing	Wentworth
17 Nov 2021	Ordinary Council Meeting	Wentworth
18 Nov 2021	Cross Border Commissioner Briefing	Video Conference
19 Nov 2021	Wentworth Hospital Function	Wentworth
22 Nov 2021	Crown Land Meeting	Video Conference
22 Nov 2021	Community Strategic Plan Community Consultation	Wentworth
23 Nov 2021	Collaborative Care Service Planning Workshop No 1	Video Conference
24 Nov 2021	Community Strategic Plan Community Consultation	Dareton
25 Nov 2021	Cross Border Commissioner Briefing	Video Conference
29 Nov 2021	Local Emergency Management Committee Wentworth/Balranald	Video Conference
30 Nov 2021	Native Title Webinar	Video Conference
30 Nov 2021	Community Strategic Plan Community Consultation	Buronga/Gol Gol
2 Dec 2021	Collaborative Care Service Planning Workshop No 2	Video Conference
6 Dec 2021	Local Emergency Management Committee Wentworth/Balranald	Video Conference
6 Dec 2021	Community Strategic Plan Community Consultation – Dareton Senior Citizens	Dareton
7 Dec 2021	StateCover Meeting	Video Conference
9 Dec 2021	Collaborative Care Working Party Meeting	Video Conference

9 Dec 2021	Murray Regional Tourism Presentation	Mildura
10 Dec 2021	Local Emergency Management Committee Wentworth/Balranald	Video Conference
10 Dec 2021	Helen Dalton Community Awards	Botanical Gardens
10 Dec 2021	All staff Meeting	Council Depot
10 Dec 2021	Mildura Sporting Complex Opening	Mildura
13 Dec 2021	Community Safety Precinct Meeting	Buronga
13 Dec 2021	Wentworth Shire Community Re-engagement Event	Dareton
13 Dec 2021	Wentworth Regional Tourism Meeting	Coomealla
14 Dec 2021	Community Working Party Meeting	The Hub Namatjira Reserve
14 Dec 2021	Menindee Lakes Joint Flood Operations Exercise - WaterNSW/SES/Council/MDBA	Video Conference
14 Dec 2021	FWJO Regional Transport Strategy Meeting	Video Conference
27 Dec 2021	Rural Fire Service Commissioner and Minister for emergency Services and Resilience	Dareton / Wentworth

3. Events

Following is a list of upcoming events, conferences or committee meetings, including out of region meetings where the Shire has been requested to attend in an official capacity.

Date	Meeting	Proposed Attendees	Location
18-19 Jan 2022	Councillor training in conjunction with Broken Hill City Council	All Councillors and Executive Staff	Broken Hill

4. Other items of note

Nil

Attachments

1. 2022 "Hit the Ground Running" Councillor Webinars [↓](#)
2. "Hit the Ground Running" schedule of webinars [↓](#)



Office of
Local Government

Circular to Councils

Circular Details	21-40 / 7 December 2021 / A799160
Previous Circular	18-46 – New Councillor Induction and Professional Development Requirements
Who should read this	Mayors / Councillors / General Managers / Council Governance staff
Contact	Council Governance Team / 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Information/Council to Implement

2022 "Hit the Ground Running" councillor webinars

What's new or changing

- Under the *Local Government (General) Regulation 2021* (the Regulation), councils must ensure that induction training is delivered to councillors who have been elected for the first time and refresher training for councillors who are re-elected, within 6 months of their election. Councils are also required to provide supplementary training to mayors.
- To assist councils in the delivery of their councillor induction and refresher training, the Office of Local Government (OLG) will be holding a series of "Hit the Ground Running" webinars during early 2022.
- OLG will also soon be issuing an updated edition of the *Councillor Handbook* which will be published on OLG's website [here](#).
- These resources will provide councillors with essential information to serve their community and fulfil their civic responsibilities.
- Because of the COVID-19 pandemic and councillor work and family commitments, the "Hit the Ground Running" webinars will be held online once a week on Saturdays over 1-2 hours. Recordings of the webinars will be made available on OLG's website.
- Councillors will receive a certificate of attendance to provide to councils for each of the webinars they attend.
- Session details and dates are provided in the attachment to this circular.

What this will mean for your council

- The "Hit the Ground Running" webinars will focus on the key elements of a councillor's role and responsibilities.
- All councillors are strongly encouraged to participate in the "Hit the Ground Running" webinars. They will provide essential information to support councillors in serving their community and fulfilling their responsibilities.
- Councils are encouraged to incorporate the webinars into the councillor induction and refresher program they are required to deliver to elected members after the December 2021 council elections.
- General managers should widely promote the webinars and strongly encourage attendance by providing relevant session dates in the council calendar and assisting councillors with their registration.
- An online registration system will soon be made available for councillors to register their attendance and information provided about how to register.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Where to go for further information

- The *Councillor Induction and Professional Development Guidelines* are available on OLG's website [here](#).
- The 2021 *Councillor Handbook* will soon be available on OLG's website [here](#).
- An online registration system will soon be made available for councillors to register their attendance at the webinars and information provided about how to register.
- For further information, contact OLG's Council Governance Team on (02) 4428 4100.



Brett Whitworth
Deputy Secretary Planning Delivery and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Attachment

Date	Session
Sat 5 Feb	Roles and Responsibilities Participants will understand everything councillors need to know to achieve positive community outcomes and understand the context in which councils operate. Participants will understand their council's role in the local community, the different roles of a councillor and how to manage the challenges involved.
Sat 12 Feb	Making the most of meetings Participants will understand the purpose, process and expectations for council meetings and how to maximise the benefits.
Sat 19 Feb	Integrated Planning and Reporting Participants will understand how to engage with their community, set the long-term direction of council and ensure that money and other resources are used effectively. Participants will understand their obligations under Integrated Planning and Reporting, its effectiveness as a planning tool and be updated regarding general strengths and areas for development.
Sat 26 Feb	Internal Audit Participants will learn about the new mandatory local government risk management and internal audit framework with particular emphasis on how audit, risk and improvement committees will support councillors to perform their roles as the strategic drivers and decision makers of councils.
Sat 5 March	The governing body and financial management of councils Participants will gain an understanding of their legislative responsibilities in relation to accounting practice, financial management and financial reporting of councils.
Sat 12 March	Appropriate conduct and ethical decision-making Participants will understand the Model Code of Conduct and how to protect and enhance their individual and council's credibility and reputation through appropriate conduct.
Sat 19 March	Working together Participants will learn how to create a healthy, inclusive and respectful workplace that is fundamental for creating a successful organisation.
Sat 26 March	Metro Strategic Planning Participants will receive an introduction and overview and gain an understanding of their responsibilities as a councillor when it comes to strategic planning for metro areas, including the roles of the Department of Planning, Industry and Environment, the Greater Sydney Commission and the Western Parkland City Authority.
Sat 2 April	Local and Regional Strategic Planning Participants will receive an introduction and overview and gain an understanding of their responsibilities as a councillor when it comes to local and regional strategic planning.
Sat 9 April	Introduction to Crown land, native title, and Aboriginal land rights Participants will receive an introduction to Crown land and council requirements under the <i>Crown Land Management Act 2016</i> and gain an understanding of the <i>Native Title Act 1993</i> , and Aboriginal land rights under the <i>Aboriginal Land Rights Act 1983</i> .

<u>Easter Saturday</u>	
Sat 23 April	Water: Make it your business Participants will develop a greater understanding of their additional responsibilities when councils provide essential water services. Using case studies and interviews the seminar will illustrate a range of water issues that councillors will encounter when making decisions about drinking water, recycled water and sewage.
Sat 30 April	Ongoing Professional Development Participants will learn what it takes to be successful in the role, as well as understand what their individual training and support requirements are and how they can undertake further professional development during their term as a councillor.

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

11 CONCLUSION OF THE MEETING

NEXT MEETING

31 January 2022