



BUSINESS PAPER

**Economic and Community
Sustainability Committee Meeting
Wednesday, 8 June 2022**

INVERELL SHIRE COUNCIL**NOTICE OF ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MEETING**

3 June, 2022

An Economic and Community Sustainability Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 8 June, 2022, commencing at **10:30AM**.

Your attendance at this Economic and Community Sustainability Committee Meeting would be appreciated.

Please Note: Under the provisions of the Code of Meeting Practice the proceedings of this meeting (including presentations, deputations and debate) will be recorded. The audio recording of the meeting will be uploaded on the Council's website at a later time. Your attendance at this meeting is taken as consent to the possibility that your voice may be recorded and broadcast to the public.

I would like to remind those present that an audio recording of the meeting will be uploaded on the Council's website at a later time and participants should be mindful not to make any defamatory or offensive statements.

P J HENRY PSM

GENERAL MANAGER

Agenda

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Note: Mr Paul Pay has declared a non-pecuniary interest in Item #8.1 'Expression of Interest to Lease 40 Campbell Street, Inverell', the nature of the interest arises from a family member being an employee of Pathfinders.

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – regulated by the *Local Government Act 1993* and Office of Local Government
- **Non-pecuniary** – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- 1st** Do I have private interests affected by a matter I am officially involved in?
2nd Is my official role one of influence or perceived influence over the matter?
3rd Do my private interests conflict with my official role?

Local Government Act 1993 and Model Code of Conduct

For more detailed definitions refer to Sections 442, 448 and 459 or the *Local Government Act 1993* and Model Code of Conduct, Part 4 – conflicts of interest.

Disclosure of pecuniary interests / non-pecuniary interests

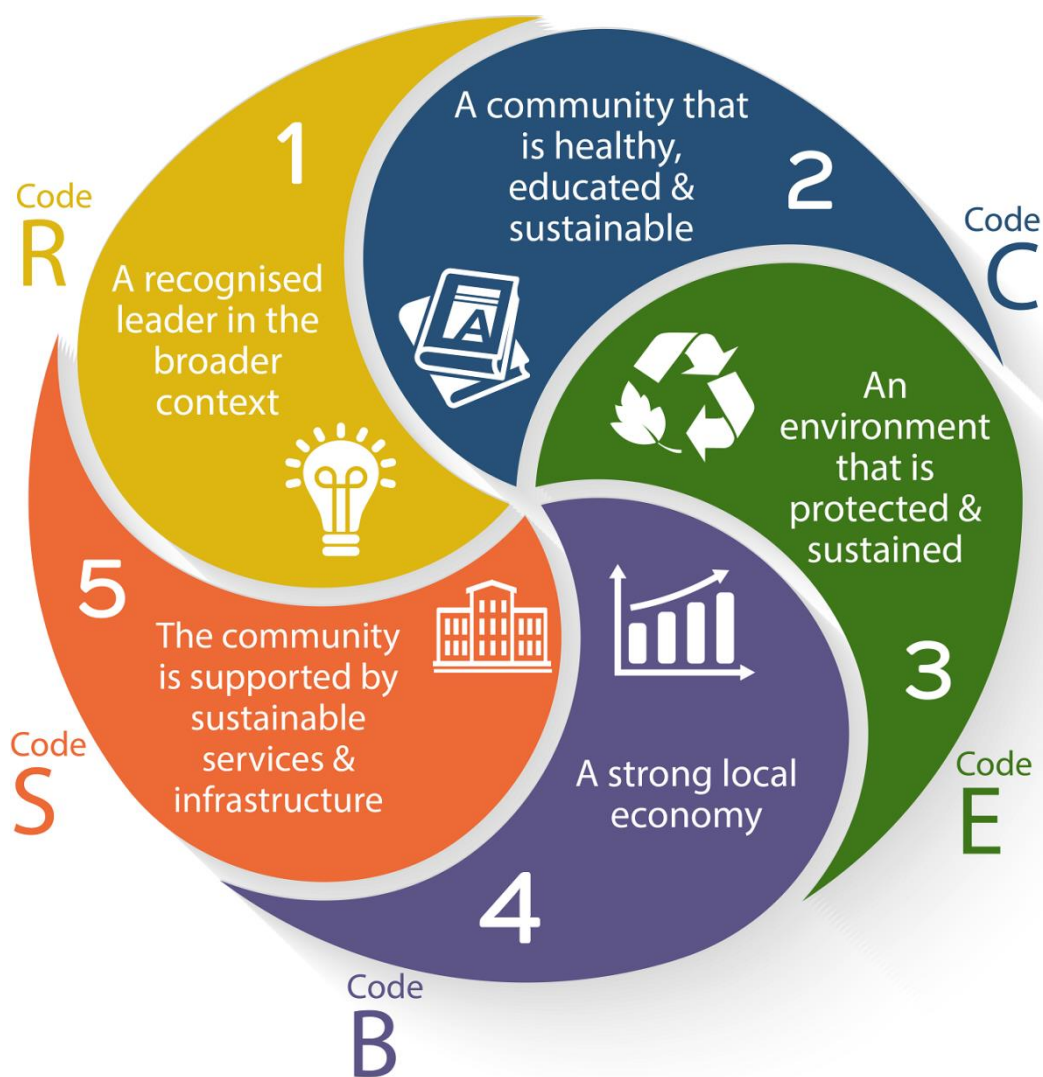
Under the provisions of Section 451(1) of the *Local Government Act 1993* (pecuniary interests) and Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Forms can be downloaded at [Disclosure of pecuniary interests form](#) or [non-pecuniary interests form](#)

Quick Reference Guide

Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan;
- Inverell Shire Council Delivery Plan; and
- Inverell Shire Council Operational Plan.



1 APOLOGIES

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Economic and Community Sustainability Committee Meeting held on 11 May, 2022, as circulated to members, be confirmed as a true and correct record of that meeting.

**MINUTES OF INVERELL SHIRE COUNCIL
ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 11 MAY 2022 AT 10:00AM**

PRESENT: Cr Paul King OAM (Chairperson), Cr Paul Harmon (Mayor), Cr Kate Dight, Cr Nicky Lavender and Cr Jo Williams.

IN ATTENDANCE: Cr Stewart Berryman, Cr Di Baker, Cr Jacko Ross and Cr Wendy Wilks.
Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services) and Paul Pay (Director Corporate and Economic Services).

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Economic and Community Sustainability Committee Meeting held on 13 April, 2022, as circulated to members, be confirmed as a true and correct record of that meeting.

3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

4 INFORMATION REPORTS

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Cr Paul Harmon

That the information report be received and noted.

CARRIED

4.1 ADVANCE PAYMENT OF 2022-2023 FINANCIAL ASSISTANCE GRANT \$15.8.13/14

5 GOVERNANCE REPORTS

5.1 QUARTERLY BUDGET AND OPERATIONAL PLAN 2021/2022 \$12.5.1

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Kate Dight

That the Committee recommend to Council that:

- i) Council's Quarterly Operational Plan and Budget Review for 31st March, 2022 be adopted; and*
- ii) The proposed variations to budget votes for the 2021/2022 Financial Year be adopted providing an estimated Cash Surplus at 31st March, 2022 from operations of \$6,161.*

CARRIED

5.2 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2

COMMITTEE RESOLUTION

Moved: Cr Jo Williams

Seconded: Cr Kate Dight

The Committee recommend to Council that:

- i) the report indicating Council's Fund Management position be received and noted; and*
- ii) the Certification of the Responsible Accounting Officer be noted.*

CARRIED

5.3 AASB 124 RELATED PARTY TRANSACTIONS S12.2.2

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Kate Dight

The Committee recommend to Council that:

- a) The report be received and noted; and*
- b) In accordance with AASB 124, Key Management Personnel (KMP) complete section 1 and 2 of Council's KMP – Related Party Transactions Questionnaire and return completed forms to Council by 22 June, 2022.*

CARRIED

The Meeting closed at 10.15am.

3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

Mr Paul Pay has declared a non-pecuniary interest in Item #8.1 'Expression of Interest to lease 40 Campbell Street, Inverell', the nature of the interest Arises from a family member being an employee of Pathfinders.

4 NOTICES OF BUSINESS

4.1 NOTICE OF MOTION - ARTS NORTH WEST

File Number: S26.5.4 / 22/18596

I, Councillor Kate Dight, give notice that at the next Economic and Community Sustainability Meeting to be held on 8 June 2022, I intend to move the following motion:

MOTION:

1. *That Council rescind Resolution 2022/66 authorising membership of Arts North West for 2022/2023.*
2. *That Arts North West be advised that Council withdraws membership of that organisation.*
3. *That Council investigate avenues for supporting cultural activities in the Shire through the strategic use of the funds in the cultural votes in Council's Operational Plan.*

RATIONALE:

The recent series of events held as part of the 'Touring Events Program' have not achieved the level of support anticipated. This 'Touring Events' program claimed major benefit arising from membership of Arts North West.

Given the concerns expressed at the April Ordinary Meeting of Council regarding benefits from membership, the lack of success of the 'Touring Events' Program means that the issue of membership should be revisited.

I commend this Notice of Motion to Council.

COUNCILLOR KATE DIGHT

DATE 3 JUNE 2022

ATTACHMENTS:

Nil

5 DESTINATION REPORTS

5.1 COUNCILLOR SUPERANNUATION

File Number: S22.30.3 / 22/14126

Author: Paul Pay, Director Corporate and Economic Services

SUMMARY:

This report requires the Committee to consider the inclusion of superannuation contribution payments in addition to the remuneration received for performing the role of an elected member, commencing 1 July, 2022. Council is required to resolve to make superannuation contribution payments to elected members prior the payment being implemented.

RECOMMENDATION:

That the Committee recommends to Council that:

1. Council approve payment of the superannuation contribution payments in accordance with section 245B of the Local Government Act 1993;
2. Councillors who wish to receive the superannuation contribution payment at the current superannuation guarantee charge (10.5% in 2022-2023), complete the attached 'Superannuation Standard Choice' form and return it to the Director Corporate and Economic Services by COB 22 June, 2022; and
3. Councillors who wish to either forego the superannuation contribution payment or receive a payment that is less than the superannuation guarantee contribution (10.5% in 2022-2023), are required to notify the Director Corporate and Economic Services in writing by COB 22 June, 2022.

COMMENTARY:

Historically, under the *Commonwealth Superannuation Guarantee (Administration) Act 1993*, councils across Australia were not required to make superannuation contributions in relation to the fees they pay to mayors and councillors. This is because mayors and councillors are elected to a civic office in a council and are not employees of the council.

On 24 May, 2021, the *Local Government Amendment Act 2021* commenced to include provision in the Act for optional superannuation payments for Councillors starting from 1 July, 2022. Under section 254B of the Act, Council is required to resolve to allow payment of a 'superannuation contribution payment' to Councillors, before payments can be made.

The amount of superannuation contributions payment is the amount the council would have been required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act 1993*, if the councillor were an employee of the council.

A person is not, for the purpose of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.

Payments are limited to the superannuation guarantee amount under Commonwealth legislation (set at 10.5 per cent in 2022-2023). If agreed, superannuation contributions are payable at the same intervals as a Councillor's annual fee, currently monthly. Each Councillor will be asked to nominate a registered superannuation fund for receipt of the payment using the attached 'Superannuation Standard Choice' form (a copy of this form will be provided at the Committee meeting). Councillors with have the option to use Council's default fund – Active Superannuation if they choose to do so.

Council may also choose not to provide superannuation for Councillors. If superannuation is allowed as recommended, an individual Councillor may still choose not to accept this payment by notice in writing to the Director of Corporate and Economic Services.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

The draft 2022-2023 Budget and Long-Term Financial Plan provide for superannuation contributions for the mayor and councillors. The total superannuation guarantee amount for all 9 elected representatives would be \$15,560 in 2022-2023.

LEGAL IMPLICATIONS:

Section 254B of the *NSW Local Government Act 1993*

ATTACHMENTS:

1. Superannuation Standard Choice Form [↓](#)

Superannuation standard choice form

When to use the form

- ! **Did you know you can complete this online?**
Visit ato.gov.au/superchoiceform

About the form

The *Standard choice form* has three sections:

- Section A, which the employee completes by providing details of their choice of super fund, together with supporting documents.
- Section B, which the employer completes by providing details of their nominated super fund (before they give the form to an employee).
- Section C, which the employer completes to document the choice process for an employee.

Employers must retain the returned form as their record of the choice process. Completed forms must be retained for five years.

! Choosing a super fund

For more information about things to consider when choosing a super fund, visit moneysmart.gov.au and search for 'choosing a super fund'.

MySuper is a product type you can have with a super fund. It is the default product your employer will pay your super into, unless they need to pay to a different fund under the choice of fund rules. You can view and compare MySuper products by using the YourSuper comparison tool. Go to ato.gov.au/yoursuper, or log into ATO Online services through myGov to compare MySuper products.

Employers

Use this form to offer eligible employees their choice of super fund. You must fill in the details of your nominated super fund, also known as your default fund, before giving the form to employees.

Give this form to an employee when:

- you hire a new employee who is eligible to choose a super fund
- an existing eligible employee asks you for it
- you can no longer contribute to an employee's nominated super fund or it is no longer a complying fund
- you change your employer-nominated super fund and need to advise employees affected by this change.

Employees

Use this form to advise an employer of your choice of super fund.

You must provide the required information so your employer can make contributions to your nominated super fund.

- ! **From 1 November 2021, if you start a new job and you do not advise your employer of your choice of super fund, your employer may need the ATO to identify if you have a 'stapled super fund'. A stapled super fund is an existing super account which is linked, or 'stapled', to you and follows you when you change jobs.**

If you want to make sure your employer is paying into a particular fund, it's important that you complete this form and return it to your employer. You can complete an online version. To do this, log in to ATO online services through myGov and select 'new employment' from the Employment menu.

For more information on stapled super funds and making a choice visit ato.gov.au/superchoice



Section A: Employee to complete

If you choose your own super fund you will need to obtain current information from your fund to complete items 3 or 4.

Item 3

Nominating your APRA fund or RSA

Complete this item if you are nominating an APRA (Australian Prudential Regulation Authority) regulated fund or a retirement savings account (RSA).

You must include the unique superannuation identifier (USI) provided by your fund.

Your employer **may choose not to accept** this form if you do not provide all information requested and a letter from the fund trustee or RSA provider confirming that the fund or RSA:

- is a complying fund or RSA, and
- will accept payments from your employer.

This letter may contain other information to help your employer make super contributions using the SuperStream standard. Some funds may have a copy of this compliance letter and USI on their website. For other funds you will need to contact them to get this information.

Item 4

Nominating your self-managed super fund (SMSF)

Complete this item if you are nominating a self-managed super fund (SMSF).

You must include your SMSF's ABN, bank account details and electronic service address (ESA) (so the fund can receive electronic messages and payments from your employer using SuperStream).

Find out more

- ato.gov.au/Super/SuperStream – for information about how SuperStream applies to SMSF's

If you are using an SMSF message service provider they will provide you with an electronic service address alias to include as the ESA on the form.

You must attach copies of the following documents to support your SMSF choice:

- a document confirming the fund is regulated – this can be printed from superfundlookup.gov.au
- a letter from the trustee of the SMSF confirming that the fund will accept payments from your employer – if you are the trustee, or a director of the corporate trustee, you can confirm acceptance by placing an 'X' in the relevant box on the form.

Things you should know

- Your employer is not liable for the performance of the super fund you or they nominate.
- You should not seek financial advice from your employer unless they are licensed to provide it.
- From 1 November 2021, if you start a new job where you are eligible to make a choice and you do not advise your employer of your choice of super fund, your employer may need to ask the ATO to identify if you already have a super account. The ATO will notify you if this happens.
- You can **request a change** to the fund your employer pays your super into at any time by filling out this form and returning it to your employer. When you return this form to your employer, they will have two months to action your request. If you are a new employee from 1 November 2021, and your employer must contribute before this time, if they don't pay to your choice fund, your employer may pay into your 'stapled super fund' or their employer nominated account if the ATO advises them you do not have a stapled super fund.
- Your employer is only required to accept one choice of fund from you in a 12-month period; however, they may choose to accept more.
- Any money you have in existing funds will remain there unless you arrange to transfer it (roll it over) to another fund – before you transfer your super, consider any impacts, including loss of insurance, fund performance or any fees or charges you may incur. If unsure, you may want to seek independent financial advice.
- If you quote your TFN to your employer for super purposes, they must provide it to the super fund.

You may have lost super

- It is important to keep track of your super – if you've ever changed your name, address or job, you may have lost track of some of your super.
- Having multiple super accounts could mean you are paying fees you are unaware of, which could reduce your retirement savings. Your super is your money, you should check it regularly.
- You can manage your super using ATO online services through myGov. This will enable you to view details of all your super accounts, including any you may have lost track of. You can use ATO online services to consolidate eligible multiple accounts. Before consolidating any accounts, consider impacts such as insurance, fees, and fund performance.

Find out more

- ato.gov.au/keepingtrack – keeping track of your super
- moneysmart.gov.au/how-super-works/consolidating-super-funds – MoneySmart consolidating super funds
- ato.gov.au/yoursuper – view and compare MySuper products by using the YourSuper comparison tool. Log into ATO Online services through myGov to access the personalised version.

Sections B & C: Employer to complete

If an employee nominates their own super fund, they will provide information at section A that will assist you to prepare for, and make contributions to super funds using SuperStream.

SuperStream is a standard for the way employers pay contributions and send information to super funds. This form collects information that employers will need when using SuperStream.



Find out more

- ato.gov.au/SuperStreamforEmployers – for more information on SuperStream.

Section B

Complete section B before giving this form to your employee.

The super fund you nominate must be authorised to offer a MySuper product. If you need to confirm your MySuper arrangements contact your default super fund.

Sign and date this section on the day you give the form to your employee.

Section C

Complete section C after your employee returns this form to you. Record the date you accept your employee's choice of fund and the date that you act on the choice. Retain the form with your records. Do not send the form to the ATO or to super funds.



Find out more

- ato.gov.au/employersuper – for more information on super, offering an employee a choice of fund or paying super contributions



Help

- If you do not speak English well and want to talk to a tax officer, phone the Translating and interpreting Service on **13 14 50** for help with your call.
- If you have a hearing or speech impairment and have access to appropriate TTY or modem equipment, phone **13 36 77**. If you do not have access to TTY or modem equipment, phone the Speech to Speech relay Service on **1300 555 727**.

Things you should know

The quarterly* due dates for super guarantee contributions are:

- 28 October
- 28 January
- 28 April
- 28 July

New employees from 1 November 2021

If you haven't received a completed form from a new employee and a super contribution is due, to avoid penalties you must request the employee's stapled super fund from the ATO and make the payment to that fund by the due date.

- If the ATO advises the employee does not have a stapled super fund, you can make the payment to your nominated default super fund or another fund that meets the choice of fund rules.
- In the two months after you receive a new employee's completed form, super contributions should be made to the employee's chosen fund or their stapled super fund. You can only make contributions to your nominated fund if the ATO advises there is no stapled super fund.

Existing employees

- For existing employees, that started before 1 November 2021, in the two months after you receive their completed form you can pay their super contributions to either their current fund or the new fund they have nominated.
- After the two month period you must make super guarantee contribution payments to the new fund your employee nominated.
- You do not have to action an employee's fund nomination if they have nominated a fund in the previous 12 months; however, you may choose to action their request.



Find out more

- Phone **13 10 20** between 8am and 6pm, Monday to Friday, to speak to a tax officer
- Phone our publications ordering service on **1300 720 092** for copies of our publications
- Write to us at:
Australian Tax Office
PO Box 3578
Albury NSW 2640

* You can pay contributions more regularly than quarterly, for example, some employers pay fortnightly or monthly based on employee workplace agreements or arrangements with super funds.

Our commitment to you

We are committed to providing you with accurate, consistent and clear information to help you understand your rights and entitlements and meet your obligations. If you feel that this publication does not fully cover your circumstances, or you are unsure how it applies to you, you can seek further assistance from us.

We regularly revise our publications to take account of any changes to the law, so make sure that you have the latest information. If you are unsure, you can check for more recent information on our website at ato.gov.au or contact us.

This publication was current at **October 2021**.

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Superannuation Standard choice form

For use by employers when offering employees a choice of fund and by employees to advise their employer of their chosen fund.

Section A: Employee to complete

! Where your super should be paid is your choice. From 1 November 2021, if you start a new job and you do not advise your employer of your choice of super fund by completing this form, most employers will need to check with the ATO if you have an existing super account to pay your super into.

1 Choice of superannuation (super) fund

I request that all my future super contributions be paid to: (place an **X** in one of the boxes below)

The APRA fund or retirement savings account (RSA) I nominate ☐ Complete items 2, 3 and 5

The self-managed super fund (SMSF) I nominate ☐ Complete items 2, 4 and 5

The super fund nominated by my employer (in section B) ☐ Complete items 2 and 5

2 Your details

Name

Employee identification number (if applicable)

Tax file number (TFN)

! You do not have to quote your TFN but if you do not provide it, your contributions may be taxed at a higher rate. Your TFN also helps you keep track of your super and allows you to make personal contributions to your fund.

3 Nominating your APRA fund or RSA

You will need current details from your APRA regulated fund or RSA to complete this item. To do this you can contact your fund or RSA directly, or you can view your fund or RSA account details by logging into ATO online services via the ATO app or through myGov and selecting Super.

Fund ABN

Fund name

Fund address

Suburb/town

State/territory

Postcode

Fund phone

Unique superannuation identifier (USI)

Your account name (if applicable)

Your member number (if applicable)

Correct information about your super fund is needed for your employer to pay super contributions. Your employer **may choose not to accept** this form if you do not provide:

- all the information requested on this form
- a letter from your fund stating they are a complying fund and can accept contributions from your employer (some funds may have a copy of this compliance letter on their website. For other funds you will need to contact them for this information).

4 Nominating your self-managed super fund (SMSF)

You will need current details from your SMSF trustee to complete this item.

Fund ABN

Fund name

Fund address

Suburb/town

State/territory

Postcode

Fund phone

Fund electronic service address (ESA)

Fund bank account

Bank account name

BSB code (please include all six numbers)

Account number

Required documentation

You need to attach a document confirming the SMSF is an ATO regulated super fund. You can locate and print a copy of the compliance status for your SMSF by searching in the Super Fund Lookup service at <http://superfundlookup.gov.au/>

If you are the trustee, or a director of the corporate trustee you can confirm that your SMSF will accept contributions from your employer by making the following declaration (place an **X** in the box below):

☐ I am the trustee, or a director of the corporate trustee of the SMSF and I declare that the SMSF will accept contributions from my employer.

If you are not the trustee, or a director of the corporate trustee of the SMSF, then you must attach a letter from the trustee confirming the fund will accept contributions from your employer.

5 Signature and date

If you have nominated your own fund in Item 3 or 4, check you have attached the required documentation and then place an **X** in the box below.

☐ I have attached the relevant documentation.

Signature

Date

Day Month Year
 / /

Return the completed form to your employer as soon as possible.

Section B: Employer to complete

You must complete this section before giving the form to an employee who is eligible to choose the super fund into which you pay their super contributions.

! Sign and date the form when you give it to your employee.

6 Your details

Business name

ABN

Signature

Date / /

7 Your nominated super fund

If an employee does not choose their own super fund, and the ATO has advised the employee does not have a stapled super fund (for new employees from 1 November 2021), you can meet your SG obligations by paying super guarantee contributions on their behalf to the fund you have nominated below or another fund that meets the choice requirements:

Super fund name

Unique superannuation identifier (USI)

Phone (for the product disclosure statement for this fund)

Super fund website address

Section C: Employer to complete

! Complete this section when your employee returns the form to you with section A completed.

8 Record of choice acceptance

In the two months after you receive the form from an existing employee you can continue to make super contributions to their current fund or you can contribute to the new fund the employee nominated. After the two-month period you must make payments to the new fund chosen by the employee.

For new employees commencing employment from 1 November 2021, within the two month period, super contributions should be made to the employee's chosen fund or the stapled super fund if the employee has not made a choice. You can only make contributions to your nominated fund if the ATO advises you the employee does not have a stapled super fund.

! If you don't meet your obligations, including paying your employee superannuation guarantee contributions to the correct fund, you may face penalties.

Date employee's choice is received / /

Date you act on your employee's choice / /

! Employers must keep the completed form for their own record for five years. **Do not send it to the Australian Taxation Office, the employer's nominated fund or the employee's nominated fund.**

PRIVACY STATEMENT

The ATO does not collect this information; we provide this form as a means for employees to identify and provide necessary information to their employer. An employer is authorised to collect an employee's TFN under the *Superannuation Industry (Supervision) Act 1993*. It is not an offence for an employee not to quote their TFN. However, quoting a TFN reduces the risk of administrative errors and if the employee does not quote their TFN their contributions may be taxed at a higher rate.

An employee can get more details regarding their privacy rights by contacting their superannuation fund.

5.2 SAPPHIRE WIND FARM COMMUNITY BENEFIT FUND COMMITTEE MEMBERS

File Number: S2.17.10 / 22/14796

Author: Paul Henry, General Manager

SUMMARY:

Expressions of Interest were invited from community members for appointment to the Sapphire Wind Farm Community Benefit Fund Committee that will continue to manage the distribution of funds provided by the developer of the Sapphire Wind Farm.

The Committee is being asked to consider the Expressions of Interest received and make a recommendation to Council in respect of membership.

RECOMMENDATION:

A matter for the Committee.

COMMENTARY:

The Sapphire Wind Farm and Inverell Shire Council has set up a Community Fund in 2018 to:

- i) deliver community benefits through the funding of infrastructure or service projects within the boundaries of Inverell Shire;
- ii) support the work of community- based groups and encourage local community innovation in service delivery; and
- iii) provide funding for issues that are of significance to the community.

This Committee is a S.355 Committee of Council. Council must appoint the members to the Committee.

The total annual fund is currently \$187,000.

Residents and/or ratepayers from the community were invited to express an interest in the Sapphire Wind Farm Community Benefit Fund Committee. The Committee's local knowledge will assist in determining which applications are the most deserving for funding from this community endowment fund.

Members of the Committee will need to commit to:

- a) fostering collaboration between the Sapphire Wind Farm and the Community,
- b) acknowledging the partnership between the Sapphire Wind Farm and the Community and promote the availability of support funding provided from the fund,
- c) monitoring the factors outside the direct control of the Committee that are critical to the success of the Committee and seek to influence those with direct control to overcome any matters that are problematical; and
- d) make timely decisions and take action so as not to hold up any approved project funding by the Committee.

The Committee is asked to meet at least quarterly, review the applications and have the option to participate in relevant launches and funding presentations. Committee members will serve for the remainder of the current Council term.

The Committee is made up of two (2) Councillor Representatives, one (1) Sapphire Wind Farm Representative and two (2) Community Members. The General Manager is the servicing officer for the Committee.

Expressions of Interest closed on Friday 29 April, 2022. The following persons expressed an interest in the two (2) Community Member positions on the Committee:

- Fiona Adams
- Phillip Girle
- Jacko Ross
- Ben Swan

Copies of the respective expressions of interest have been circulated separately for the information of Committee Members.

The applications were forwarded to CWP for notation.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

5.3 EXPIRING LICENCE AGREEMENTS

File Number: S5.10.65 / 22/18001

Author: Kristy Paton, Corporate Support Officer - Publishing

SUMMARY:

The Committee is advised of six (6) Licence Agreements that are due to expire 30 June, 2022.
The Committee is requested to consider renewing the Agreements.

RECOMMENDATION:

That the Committee recommends to Council that the following Licence Agreements be renewed for a further term.

Macintyre High School – S5.10.19

- i) Council renew the agreement with Macintyre High School for Lot 1, DP 771853 Brissett Street, Inverell for a three (3) year period with a further three (3) year option under the same terms and conditions;*
- ii) the licence fee be \$60.00 per annum (GST inclusive); and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

Paul Humphreys S5.10.34

- i) Council renew the agreement with Mr Paul Humphreys for Part Public Reserve and Part Unformed Road, Macintyre Street, Inverell for a three (3) year period with a three (3) year option under the same terms and conditions;*
- ii) The Licence fee be \$245.98 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

Colin Laidlaw – S5.10.38

- i) Council renew the agreement with Colin Laidlaw for Part Lot 549, DP 753287, north west corner of Cameron Park and part closed road, Inverell for a three (3) year period with a further three (3) year option under the same terms and conditions;*
- ii) The licence fee to be \$501.50 per annum (GST Exclusive) with a 3% CPI increase per annum; and*
- iii) The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

P and J Dixon S5.10.40

- i) Council renew the agreement with Mr Peter and Mrs Jennifer Dixon for Part Public Reserve, Old Bundarra Road, Inverell for a three (3) year period with a further three (3) year option under the same terms and conditions;*
- ii) the licence fee be \$1449.10 per annum (GST inclusive) with a 3% increase per annum; and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

Kameg Pty Ltd S5.10.45

- i) Council renew the agreement with Kameg Pty Ltd for Part of Ring Street, Adjacent to Lot 3, Section 1 DP 5609, Inverell, for a three (3) year period with a further three (3) year option under the same terms and conditions;*
- ii) the licence fee to be \$933.21 per annum (GST inclusive) with a 3% increase per annum;*

and

- iii) *the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

Grant Hoscher S5.10.70

- i) *Council renew the agreement with Mr Grant Hoscher for Part Unformed Road adjoining Lot 133, DP 753287, Dog Trap Lane, Inverell, for a three (3) year period with a further three (3) year option under the same terms and conditions;*
- ii) *the licence fee to be \$75.35 per annum (GST inclusive) with a 3% increase per annum; and*
- iii) *the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

COMMENTARY:

Six (6) Licence Agreements are due to expire on 30 June, 2022. The listed Licence Agreements herein have been audited for compliance of Licence conditions and payment of associated fees.

It is noted that the licences are issued subject to the licensee providing Public Liability Insurance for \$10M. These Policies now cost over \$500 p.a.

The Committee is asked to consider the following Licence holders to be offered new Agreements, under the same terms and conditions for a three (3) year period with a three (3) year option.

5.10.19	Macintyre High School	01/07/22-30/06/25
5.10.34	Mr Paul Humphreys	01/07/22-30/06/25
5.10.38	Mr Colin Laidlaw	01/07/22-30/06/25
5.10.40	Mr Peter and Mrs Jennifer Dixon	01/07/22-30/06/25
5.10.45	Kameg Pty Ltd	01/07/22-30/06/25
5.10.70	Mr Grant Hoscher	01/07/22-30/06/25

1. **Licence Agreement, Macintyre High School - Lot 1, DP 771853, Corner Brissett & Killean Streets, Inverell.**



The authorised use of the land is for the purpose of grazing or holding of stock and agricultural purposes. The land is operated as part of the school's Ag Plot.

Public Liability insurance is required to the amount of \$10M. Last amount billed was \$60.

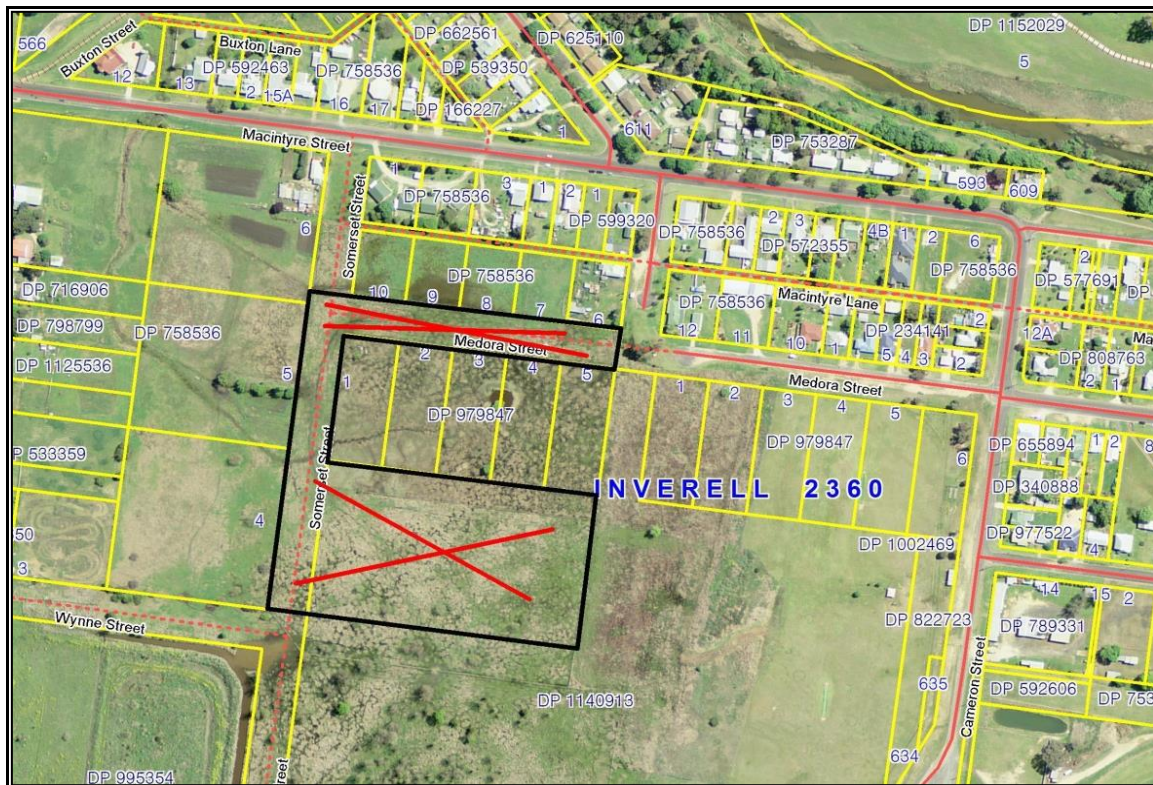
2. **Licence Agreement, Mr Paul Humphreys - Part Public Reserve and Part Unformed Road, Macintyre Street, Inverell**



The authorised use of the land is for the purpose of grazing or holding of stock and is 2 hectares in size.

Public Liability insurance is required to the amount of \$10M. Last amount billed was \$238.82.

3. Licence Agreement, Mr Colin Laidlaw – Part Lot 1, DP 1140913, Cameron Park and Part Closed Road, Inverell.



The land adjoins the property and authorised use of the land is for the purpose of grazing stock. Public Liability insurance is required to the amount of \$10M. Last billed amount was \$486.90.

4. Licence Agreement, Mr Peter and Mrs Jennifer Dixon - Part Public Reserve, Old Bundarra Road, Inverell.



The authorised use of the land is for the purpose of grazing stock. Public Liability insurance is required to the amount of \$10M. Last billed amount was \$1406.89.

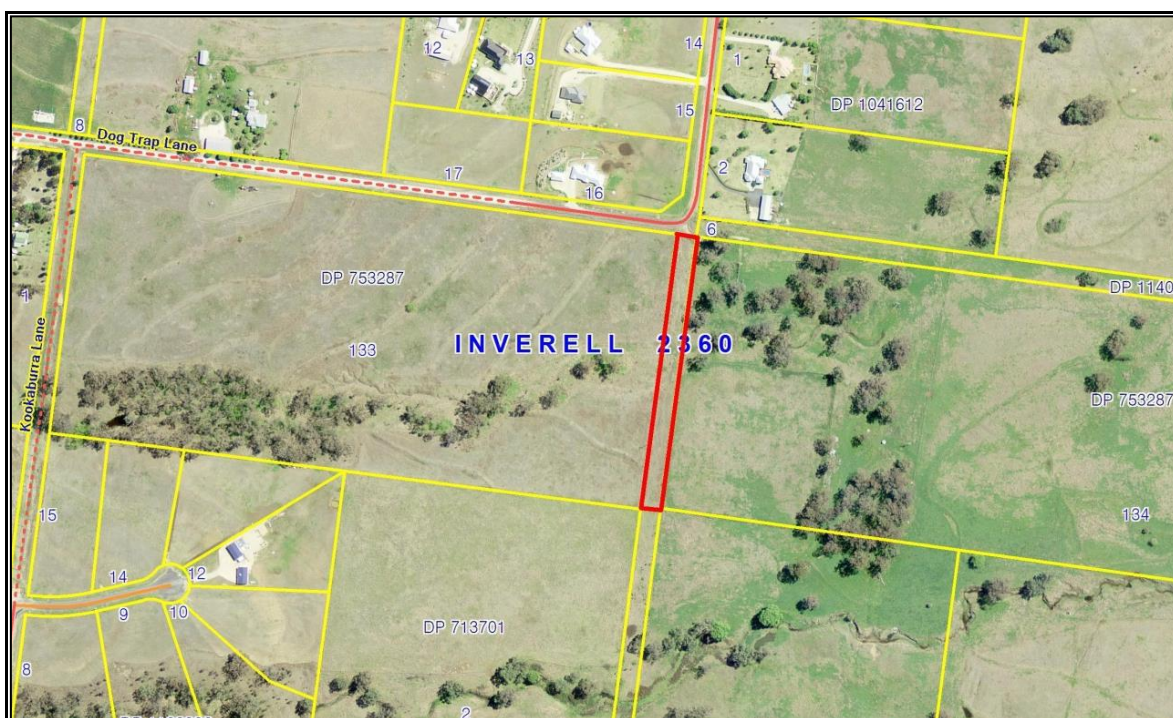
5. Licence Agreement, Kameg Pty Ltd - Part of Ring Street, Adjacent to Lot 3, Section 1 DP 5609, Inverell.



The authorised use of the area is for a truck weighbridge location.

Public Liability insurance is required to the amount of \$10M. Last billed amount was \$906.03.

6. Licence Agreement, Mr Grant Hoscher - Part Unformed Road adjoining Lot 133, DP 753287, Dog Trap Lane, Inverell.



The authorised use of the land is for the purpose of grazing stock. Public Liability insurance is required to the amount of \$10M. Last billed amount was \$73.16.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

5.4 REFERRAL OF CONFIDENTIAL REPORTS**File Number:** S4.11.17/14 / 22/18546**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

Referral of Confidential Reports

RECOMMENDATION:

That the Committee move into Closed (Public excluded) meeting of the Committee and that the press and members of the public be asked to leave the chambers whilst the Committee considers the following items:

Item: #8.1 S32.10.1/14 – Request for Reduction in Water Account

Authority: Section 10A (2)(a) “Personnel matters concerning particular individuals (other than councillors.)” *Local Government Act 1993.*

Item: #8.2 S5.10.166 – Expression of Interest to Lease 40 Campbell Street, Inverell

Authority: Section 10A (2)(d)(i) “Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it” *Local Government Act 1993.*

COMMENTARY:

In accordance with the provisions of Section 9 (2A) *Local Government Act 1993*, the General Manager is of the opinion that consideration of the following item(s) is likely to take place when the meeting is closed to the public.

Item: S32.10.1/14 – Request for Reduction in Water Account

Description: Council has received a request seeking Council’s assistance by issuing an amended water account based on average usage due to an excessive water leak.

Reason: Section 10A (2)(a) “Personnel matters concerning particular individuals (other than councillors.)” *Local Government Act 1993.*

Item: S5.10.166 – Expression of Interest to Lease 40 Campbell Street, Inverell

Description: Expressions of Interest for the lease of 40 Campbell Street, Inverell closed on 19 May, 2022. The Committee is being asked to consider the recommendation of the Review Panel regarding this tenancy.

Reason: Section 10A (2)(d)(i) “Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it” *Local Government Act 1993.*

6 INFORMATION REPORTS**6.1 NSW PUBLIC LIBRARY ASSOCIATION NORTH EAST ZONE MEETING AND EXECUTIVE****File Number:** S3.6.1/16 / 22/17757**Author:** Sonya Lange, Manager Library Services**SUMMARY:**

The North East Zone of the NSW Public Library Association met in Inverell on 12 May, 2022, and conducted an AGM and Ordinary meeting.

COMMENTARY:

The New South Wales Public Library Association is the peak body for public libraries in NSW, providing advocacy, professional development, networking and recognition for members. The North East Zone reaches from the Tweed to Kempsey, and inland to Narrabri. Representatives of a number of member Councils of the Zone met in Inverell for the bi-annual meeting, gathering for the purposes of information exchange and advocacy. The AGM elected the Executive Committee for the 2022/23 year:

Chair: Cr. Cathy Reading, Narrabri Shire Council

Deputy Chair: Cr. Karen Toms, Clarence Valley Council

Secretaries: Kathryn Breward, Regional Librarian, Clarence Valley Regional Library; Sonya Lange, Manager Library Services, Inverell Shire Library.

Delegates discussed a range of topics including:

- the role of libraries during times of community hardship (Pandemics, Fires and Floods),
- changes to service provision as a result of Coronavirus impacts,
- the role of the NSWPLA in advocating for sustainable library funding,
- failure to achieve designation of libraries as an essential service (by the NSW Government) during 2021 lockdowns; and
- significant activities, programs and infrastructure developments of member libraries.

Delegates enjoyed a presentation by Mr Peter Caddey on Inverell's "Soundtrail" projects, and were impressed by the facilities offered by the Inverell Shire Library, Council, and the wider community.

ATTACHMENTS:

Nil

7 GOVERNANCE REPORTS

7.1 GOVERNANCE - MONTHLY INVESTMENT REPORT

File Number: S12.12.2 / 22/18329

Author: Robert Kimmince, Manager Financial Services

SUMMARY:

To report the balance of investments held as at 31 May, 2022.

RECOMMENDATION:

The Committee recommend to Council that:

- i) the report indicating Council's Fund Management position be received and noted; and*
- ii) the Certification of the Responsible Accounting Officer be noted.*

COMMENTARY:

Contained within this report are the following items that highlight Council's Investment Portfolio performance for the month to 31 May, 2022 and an update of the investment environment:

- (a) Council's Investments as at 31 May, 2022;
- (b) Council Investments by Fund as at 31 May, 2022;
- (c) Interest – Budgeted vs. Actual;
- (d) Investment Portfolio Performance;
- (e) Investment Commentary; and
- (f) Certification – Responsible Accounting Officer.

Term Deposit Investment Group											
Investment	Borrower	FUND	Rating	Interest Frequency	Purchase Date	Last Coupon Date	Maturity Date	Current Yield	Principal Value	Current value	Term (days)
22/19	Community First Credit Union	Sewer	NR	Maturity	07-Dec-21	07-Dec-21	07-Jun-22	1.00%	1,000,000	1,000,000	182
19/31	Westpac Bank	Water	AA-	Annually	25-Jun-19	25-Jun-21	25-Jun-22	2.30%	1,000,000	1,000,000	1096
19/34	Westpac Bank	General	AA-	Annually	25-Jun-19	25-Jun-21	25-Jun-22	2.30%	2,000,000	2,000,000	1096
19/32	Westpac Bank	General	AA-	Annually	27-Jun-19	27-Jun-21	27-Jun-22	2.30%	2,000,000	2,000,000	1096
22/01	Bank of Sydney	General	NR	Annually	19-Jul-21	19-Jul-21	19-Jul-22	0.65%	1,500,000	1,500,000	365
22/24	National Australia Bank	General	AA-	Maturity	19-Apr-22	19-Apr-22	19-Jul-22	0.77%	2,000,000	2,000,000	91
22/02	Bank of Sydney	General	NR	Annually	03-Aug-21	03-Aug-21	03-Aug-22	0.64%	1,000,000	1,000,000	365
20/05	Bank of Queensland	General	BBB+	Annually	03-Sep-19	06-Sep-21	05-Sep-22	1.80%	1,000,000	1,000,000	1098
20/06	Bank of Queensland	General	BBB+	Annually	13-Sep-19	14-Sep-21	13-Sep-22	1.80%	1,000,000	1,000,000	1096
22/04	Bank of Sydney	Water	NR	Annually	17-Sep-21	17-Sep-21	19-Sep-22	0.63%	1,000,000	1,000,000	367
22/06	Bank of Sydney	Sewer	NR	Annually	30-Sep-21	30-Sep-21	30-Sep-22	0.60%	1,500,000	1,500,000	365
22/07	MyState Bank	General	BBB	Annually	01-Oct-21	01-Oct-21	04-Oct-22	0.50%	2,000,000	2,000,000	368
22/08	AMP BANK	General	BBB	Annually	05-Oct-21	05-Oct-21	05-Oct-22	0.80%	2,000,000	2,000,000	365
22/25	Westpac Bank	General	AA-	Maturity	19-Apr-22	19-Apr-22	19-Oct-22	1.31%	2,000,000	2,000,000	183
22/13	AMP BANK	Water	BBB+	Annually	25-Nov-21	25-Nov-21	25-Nov-22	1.00%	1,000,000	1,000,000	365
22/18	AMP BANK	General	BBB	Maturity	07-Dec-21	07-Dec-21	07-Dec-22	1.00%	2,000,000	2,000,000	365
21/10	Warwick Credit Union	General	NR	Maturity	22-Jan-21	22-Jan-21	23-Jan-23	1.00%	1,500,000	1,500,000	731
22/29	Bank of Queensland	Sewer	BBB	Quarterly	27-May-22	27-May-22	27-Feb-23	2.80%	2,000,000	2,000,000	276
22/05	AMP BANK	General	BBB	Annually	20-Sep-21	20-Sep-21	20-Mar-23	0.80%	1,000,000	1,000,000	546
22/12	AMP BANK	General	BBB+	Annually	25-Nov-21	25-Nov-21	25-May-23	1.00%	1,000,000	1,000,000	546
22/14	AMP BANK	General	BBB+	Annually	25-Nov-21	25-Nov-21	25-Mar-23	1.00%	1,000,000	1,000,000	485
20/32	Auswide Bank	General	BBB	Annually	24-Mar-20	24-Mar-22	24-Mar-23	1.88%	1,000,000	1,000,000	1095
22/22	Westpac Bank	General	A	Quarterly	29-Mar-22	29-Mar-22	29-Mar-23	1.56%	1,950,000	1,950,000	365
22/26	Bank of Sydney	General	NR	Maturity	16-May-22	16-May-22	16-May-23	3.10%	200,000	2,000,000	365
22/28	AMP BANK	General	BBB	Maturity	27-May-22	27-May-22	27-Nov-23	3.30%	2,000,000	2,000,000	549
22/23	ING	General	A	Annually	19-Apr-22	19-Apr-22	19-Apr-23	2.21%	2,000,000	2,000,000	365
21/16	National Australia Bank	Water	AA-	Annually	28-Jun-21	28-Jun-21	28-Jun-23	0.60%	1,000,000	1,000,000	730
21/17	ICBC - Industrial and Commerci	General	A	Annually	29-Jun-21	29-Jun-21	29-Jun-23	0.70%	1,000,000	1,000,000	730
21/18	National Australia Bank	Water	AA-	Quarterly	29-Jun-21	29-Mar-22	29-Jun-23	0.65%	2,000,000	2,000,000	730
22/09	National Australia Bank	General	A	Annually	06-Oct-21	06-Oct-21	06-Oct-23	0.64%	1,000,000	1,000,000	730
22/10	Westpac Bank	General	A	Quarterly	25-Oct-21	25-Apr-22	25-Oct-23	0.91%	2,000,000	2,000,000	730
22/11	Westpac Bank	General	A	Quarterly	25-Nov-21	25-May-22	25-Nov-23	1.28%	1,000,000	1,000,000	730
22/27	Australian Unity Bank	General	BBB	Annually	26-May-22	26-May-22	27-Nov-23	3.50%	1,000,000	1,000,000	550
22/15	ICBC - Industrial and Commerci	General	A	Annually	02-Dec-21	02-Dec-2					

Floating Rate Notes												
As at Date	Borrower	FUND	Rating	Interest Frequency	Purchase Date	Last Coupon Date	Coupon End Date	Current Yield*	Principal Value	Current value	Coupon Term	Maturity Date
									-	-		
* Yield changes every 3 months and is a margin over the 3 month BBSW (Bank Bill Swap Rate)												
180 Day Deposit Accounts												
As at Date	Borrower	FUND	Rating	Interest Frequency	Purchase Date	Last Coupon Date	Maturity Date	Current Yield	Principal Value	Current value	Term	
31/5/2022	AMP Bank	General	BBB+	Monthly	28/6/2021	30/11/2021	21/11/2022	0.70%	2,500,000	2,509,363		
Sub Total - Cash Deposits Accounts Investment Group									2,500,000	2,509,363		
Cash Deposit Accounts												
As at Date	Borrower	FUND	Rating		Purchase Date	Last Coupon Date	Maturity Date	Current Yield	Value at beg year	Current value	Term	
31/5/2022	Commonwealth Bank	General	A		9/11/2020			0.00%		1,255		
31/5/2022	Macquarie Bank	General	AA-	Monthly	9/11/2020	31/5/2022		0.60%	4,011,560	2,027,192.16		
31/5/2022	Macquarie Bank	Water	AA-	Monthly	9/11/2020	31/5/2022		0.60%	2,504,313	2,514,855.25		
31/5/2022	Macquarie Bank	Sewer	AA-	Monthly	9/11/2020	31/5/2022		0.60%	1,501,380	1,507,699.58		
Sub Total - Cash Deposit Accounts								-	-	6,051,002	-	-

B) Council Investments by Fund 31 May, 2022

Portfolio by Fund	30/04/2022	31/05/2022
General Fund	\$51,486,535	\$52,487,811
Water Fund	\$12,513,274	\$12,514,855
Sewer Fund	\$7,006,752	\$7,007,700
TOTAL	\$71,006,560	\$72,010,365

Council's investment portfolio has increased during May 2022 by \$1M. This increase was in respect of normal cash flow movements for receipts collected and payments made during May 2022.

Interest – Budgeted verses Actual Result to Date

	Ledger	2021/2022 Budget \$	Actuals to Date \$	Accrued Interest to Date \$	TOTAL \$
General Fund	128820	394,000.00	210,546.90	266,131.62	476,678.52
Water Fund	812350	64,000.00	34,222.72	48,428.77	82,651.49
Sewer Fund	906320	41,000.00	65,280.27	11,797.26	77,077.53
TOTAL		499,000.00	310,049.89	326,357.65	636,407.54

Term deposit interest rates have improved recently with a 12-month term deposit now yielding 1-3%. Given our strong investment balances, Council is expected to exceed interest revenue targets in 2021/2022. Any additional interest received during 2021/2022 will be allocated to Council's Investment Equalisation Reserves to help fund future budget reductions in interest revenue.

C) Investment Portfolio Performance

Investment Portfolio Return		Benchmarks		
	% pa	RBA Cash Rate	Aus Bond Bank Bill	11am Cash Rate
Benchmark as at 30/04/2022		0.35%	1.180%	0.35%
Term Deposits	1.39%			
Cash Deposit Accounts	0.60%			
180 Day Call Account	0.70%			
Floating Rate Notes	0.00%			

D) Investment Commentary

Council's investment portfolio exceeded all benchmarking indexes except for Cash accounts. Money is held in cash deposits accounts for liquidity purposes.

Council's investment portfolio of \$72M is almost entirely invested in fixed term deposits. Overall, the portfolio is highly liquid, highly rated and short-dated from a counterparty perspective.

Council's investment advisor, Michael Chandra, Imperium Markets, provides the following commentary on Fixed Interest Rates:

"The US Fed meets again on June 15 and a 50bp Fed funds rate hike is all priced in, followed by another 50bp in the July meeting.

Domestically, the RBA's accompanying May Statement of Monetary Policy (SoMP) was broadly in line with the messaging from Governor Lowe previously suggesting "further increases in interest rates will be necessary over the months ahead" and of the cash rate lifting to around 2.50% over the next few years.

The forecasts in the SoMP though highlights the risk that the RBA front loads its hiking cycle given core inflation is only forecast to get to within the 2-3% band by mid-2024 at +2.9% y/y, at which point wages growth is forecast to be running at +3.7% y/y."

The RBA Minutes from the May meeting contained two key insights:

1. The RBA will most likely increase interest rates in June no matter what the Wage Price Index prints given "...the recent evidence on wages growth from the Bank's liaison and business surveys was clear"; and

2. The RBA is prepared to move in greater than 25bp increments if necessary, noting that May's decision to lift interest rates by 25bp reflected "the historical practice of changing the cash rate in increments of at least 25bp" and that "an argument for an increase of 40bp could be made given the upside risks to inflation and the current very low level of interest rates".

Following the RBA's rate rise in May, markets are currently pricing in around twelve additional rate rises over the next two years (up to 3.25%), against the RBA's 'neutral' target of 2½%:

Term deposit rates will continue to increase over the near future as the cash rate increases. This will generate additional interest revenue for Council.

Certification – Responsible Accounting Officer

I Paul Pay, hereby certify that the investments listed in this report have been made in accordance with Section 625 of the *Local Government Act 1993*, Clause 212 of the Local Government (General) Regulations 2005 and Council's Investment Policy.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Council's term deposit portfolio was yielding 1.33% p.a. at month-end, with a weighted average duration of around 328 days or 10.9 months. Council is well positioned to take advantage of increasing term deposit rates as investment mature.

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

8 CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)**RECOMMENDATION:**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with the reasons stated in the referral reports:

- 8.1 Expression of Interest to Lease 40 Campbell Street Inverell**
- 8.2 Request for Reduction in Water Account - Inverell Golf Club**