



Council Chambers,
BERRIGAN. 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **16th September, 2015**, when the following business will be submitted:-

9.00am

Extraordinary meeting.

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Berrigan Shire Council Business Paper, 16th September, 2015

Items requiring Council Resolution

- 10. GENERAL BUSINESS 56**
- 11. CLOSE OF MEETING**

No business, other than that on the Agenda, may be dealt with at this meeting unless admitted by the Mayor.

ROWAN PERKINS
GENERAL MANAGER



Council Meeting

Wednesday, 16th September, 2015

BUSINESS PAPER

- 1. APOLOGIES**
- 2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
- 3. VISITORS ATTENDING MEETING**

**10.15 am – Presentation of Australian Citizenship to:
Ms Annie Rosaline THOMAS.**

- 4. CONFIRMATION OF MINUTES**
RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 19th August, 2015 be confirmed.

5.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

RECOMMENDATION – that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 August 2015, be received and that the accounts paid as per Warrant No. 08/15 totalling \$5,385,136.48 be confirmed.

Items requiring Council Resolution

REPORT

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 August 2015 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 August 2015. The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 August 2015, totalling \$5,385,136.48 and will be submitted for confirmation of payment as per Warrant No. 08/15
- c) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. Council's Investment Policy,
 - ii. Section 625 of the Local Government Act 1993 (as amended),
 - iii. the Minister's Amended Investment Order gazetted 11 January 2011,
 - iv. clause 212 of the Local Government (General) Regulations 2005, and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70.
- d) As normal, August has seen an increase in total funds held compared to the end of July. This increase, results from the receipt of the normally scheduled Financial Assistance Grant and the payment of the first instalment (and in some instance the full year balance) of Council Rates.

Items requiring Council Resolution

Statement of Bank Balances as at 31 August 2015

Bank Account Reconciliation

Cash book balance as at 1 August 2015	\$ 2,554,047.32
Receipts for August 2015	\$ 4,528,619.40
Term Deposits Credited Back	\$ 2,000,000.00
	\$ 9,082,666.72

Less Payments Statement No 08/15

Cheque Payments V075558-V075564	\$ 7,181.54
Electronic Funds Transfer (EFT) payroll	\$ 445,990.29
Electronic Funds Transfer (EFT) Creditors E021841-E022009	\$ 900,823.74
Term Deposits Invested	\$ 4,000,000.00
Loan repayments, bank charges, etc	\$ 31,140.91
Total Payments for August 2015	\$ 5,385,136.48
Cash Book Balance as at 31 August 2015	\$ 3,697,530.24

Bank Statements as at 31 August 2015

Plus Outstanding Deposits	\$ 3,698,160.33
Less Outstanding Cheques	\$ 630.09
Reconciliation Balance as at 31 August 2015	\$ 3,697,530.24

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	115/15	180	2.90%	14/01/2016	\$ 2,000,000.00
AMP	117/15	180	2.90%	24/02/2016	\$ 2,000,000.00
Central Murray Credit Union	104/14	365	3.25%	19/03/2016	\$ 2,000,000.00
Defence Bank Limited	102/14	270	3.20%	29/12/2015	\$ 1,000,000.00
Defence Bank Limited	106/14	365	3.20%	4/04/2016	\$ 1,000,000.00
Hume	91/12	365	3.40%	10/01/2016	\$ 1,000,000.00
Hume	87/11	365	3.40%	27/01/2016	\$ 1,000,000.00
Hume	112/15	180	3.00%	9/09/2015	\$ 1,000,000.00
IMB	113/15	180	3.00%	8/09/2015	\$ 1,000,000.00
IMB	116/15	90	2.75%	20/10/2015	\$ 1,000,000.00
Goulburn Murray Credit Union	103/14	270	3.50%	13/09/2015	\$ 1,000,000.00
ME Bank	114/15	120	2.98%	9/11/2015	\$ 2,000,000.00
ME Bank	118/15	90	2.80%	25/11/2015	\$ 2,000,000.00
NAB	108/14	90	2.90%	9/11/2015	\$ 1,000,000.00
NAB	109/14	180	2.95%	22/02/2016	\$ 1,000,000.00
NAB (LIRS LOAN)	110/15	90	2.95%	6/10/2015	\$ 1,630,000.00
					\$ 21,630,000.00

Total Funds Held at 31 August 2015

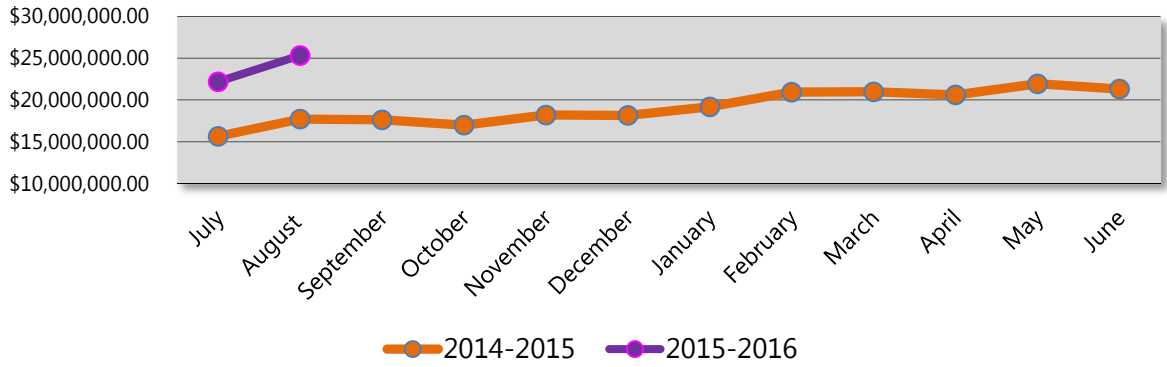
\$25,327,530.24

Carla von Brockhusen - Finance Manager

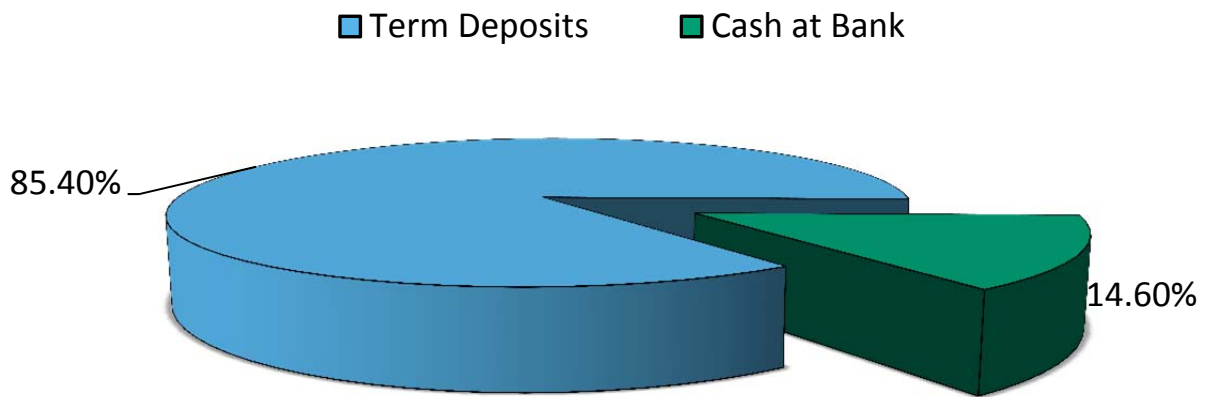
RESOLUTION

Items requiring Council Resolution

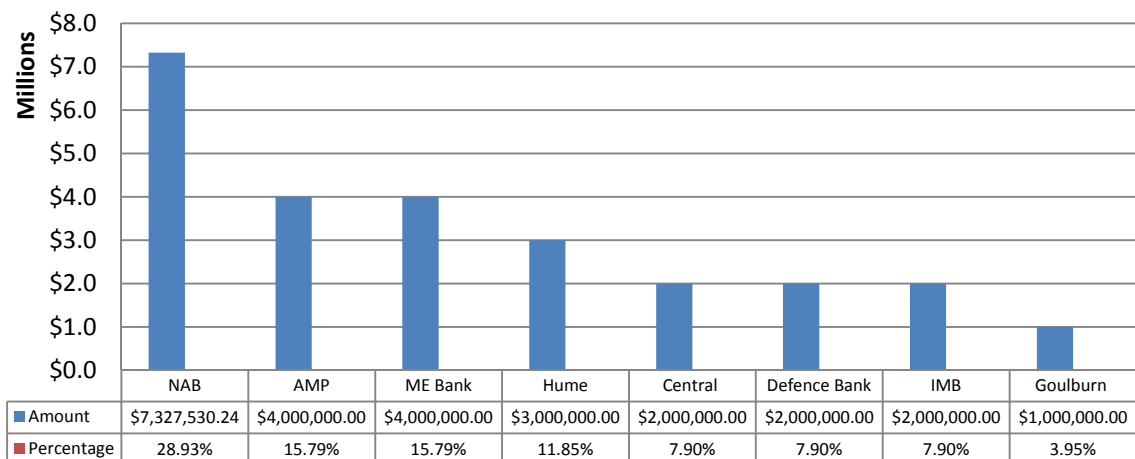
Total funds held



Funds held by type



Funds Held by Institution



RESOLUTION

Items requiring Council Resolution

Changes in Investment Portfolio for July 2015

Previous Investment			New Investment		
Prior Financial Institution	Amount	Interest Rate	Current Financial Institution	Amount	Interest Rate
AMP	\$1,000,000	3.30%			
GMCU	\$1,000,000	2.75%			
			AMP	\$2,000,000	2.90%
			ME BANK	\$2,000,000	2.80%
NAB	\$1,000,000	2.95%	NAB	\$1,000,000	2.95%

RESOLUTION

Items requiring Council Resolution

**5.2 SIGNAGE AT TOCUMWAL FORESHORE –
EXCLUSION OF DOGS ON MARKET DAYS**

AUTHOR: Development Manager

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE :3.1 Create safe, friendly and accessible communities

FILE NO: 11.011.1 & 30.162.1

RECOMMENDATION: that warning signs be erected at the Tocumwal Foreshore indicating that dogs are to be excluded on market days.

REPORT:

At the July 2015 General Council meeting it was resolved to place on public exhibition its intention to erect warning signage indicating that dogs are to be excluded from the Markets at the Tocumwal Foreshore.

The proposal was duly advertised in the local newspaper, on Councils website and on social media. Three submissions regarding this matter have been received. Two submissions supported Councils proposal whilst one submission was against the proposal. The Tocumwal Foreshore Committee is also in support of this proposal and has produced a draft market leaflet indicating this year's market dates and which also includes a note that indicate that dogs are no longer allowed at the market.

The minimal amount of responses received would indicate that public is generally ambivalent to this matter, however in the interests of public safety and hygiene it is considered that the erection of signage to exclude dogs from the market area is warranted and appropriate.

Items requiring Council Resolution

5.3 COUNCILLOR EXPENSES AND FACILITIES POLICY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 13.045.1

RECOMMENDATION: - that the Council

1. adopt the “Payment of Expenses and Provision of Facilities For Mayors and Councillors” draft policy, as set out below, and
2. place the draft on public exhibition for a period of 28 days with any public submissions received to be considered at the ordinary Council meeting to be held on 21 October 2015

PART 1 INTRODUCTION

This policy for the payment of expenses and the provision of facilities for Mayors and Councillors is effective from 21 October 2015, being the date it was adopted by the Council.

The policy comprises four parts, being:

1. Part I Introduction – defines key terms and describes the legislative and reporting requirements that prescribe the policy’s purpose, objectives and scope;
2. Part II Payment of Expenses – describes the general and specific provisions, circumstances and Council procedures related to the payment of allowable expenses;
3. Part III Provision of Facilities – outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources; and
4. Part IV Other Matters – provides guidance on issues related to Councillor acquisition and return of facilities and superannuation

This policy is made under Sections 252-254 of the *Local Government Act* 1993 (the Act), Section 403 of the *Local Government (General) Regulation* and in accordance with the Guidelines issued by the Office of Local Government (October 2009) in accordance with Section 23A of the Act.

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Items requiring Council Resolution

Broadly, the Act requires that the Council must annually adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and the other Councillors in relation to discharging the functions of civic office.

This Policy must comply with the provisions of the Act, the Regulation and the Guidelines.

1.1. Purpose

The purpose of the Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

1.2. Objectives and scope

1.2.1. Objectives

Berrigan Shire Council is committed to the following *Berrigan Shire 2023* strategic outcomes and objectives:

Good Government

2.2 Ensure effective governance by Council of Council operations and reporting;

The objectives of this policy are:

1. To outline the details and range of benefits provided to Councillors by the Council in a transparent manner.
2. To ensure that Councillors are reimbursed for expenses reasonably incurred in their performance of their role as a Councillor in a manner that is acceptable to the community.
3. To encourage members of the community to seek election to the Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a Councillor.
4. To ensure that Councillor use of Council facilities and resources is effective, efficient, appropriate, lawful and ethical.

1.2.2. Scope

The policy applies to all Councillors and if appropriate any Councillor administrators as well.

The policy does not apply to the receipt or expenditure of Councillors or Mayoral annual allowances.

The policy does not apply to Council staff. Council staff are regulated in similar matters by separate policy.

Items requiring Council Resolution

1.3. Making and adoption

Berrigan Shire Council is required on an annual basis to review and submit its policy to the Chief Executive of the Office of Local Government within 28 days of adoption by the Council, even if it is proposed to adopt an unchanged policy. Current policies must be submitted by 30 November each year.

Before adopting or amending this policy, the Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made prior to the adoption of the policy.

Even if changes that are considered not substantial are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.

At any time, other than the required annual adoption of this policy and if the proposed amendment is not substantial the Council is not required to provide public notice. The term “not substantial” should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

1.4. Legislative and other provisions

1.4.1. Legislative provisions

- Sections 252-254 of the *Local Government Act* 1993 – Payment of expenses and provisions of facilities.
- Section 428 of the *Local Government Act* 1993 – Annual reports
- Clause 217 of the *Local Government (General) Regulation* 2005 – Additional information for inclusion in annual reports.
- Clause 403 of the *Local Government (General) Regulation* 2005 – Payment of expenses and provision of facilities.
- Local Government (State) Award 2014.

1.4.2. Other Government Policy Provisions

- Office of Local Government Guidelines (May 2009) issued under section 23A of the *Local Government Act* 1993.
- Office of Local Government Circulars to Councils
 - Circular 05/08 Legal assistance for Councillors and council employees
 - Circular 08/24 Misuse of council resources

Items requiring Council Resolution

- Circular 08/37 Council decision making prior to elections
- Circular 11/27 Findings from review of Councillor expenses and facilities policies
- Model Code of Conduct for Local Councils in NSW, particularly Use of Council Resources.
- ICAC Publication – *No Excuse for Misuse*, preventing the misuse of council resources.

1.4.3. Other relevant Council documents and policies

- Private Use of Council Vehicles
- Communication Devices Policy
- Annual Schedule of Fees and Charges
- Berrigan Shire Council Code of Conduct
- Berrigan Shire 2023 (Community Strategic Plan)
- Berrigan Shire Council Delivery Plan 2013-2017
- Berrigan Shire Council Operational Plan 2014-15

1.5. Reporting

Section 428 of the Act requires councils to include in their Annual Report:

- The Council's policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors.
- The total amount of money expended during the year on providing those facilities and paying those expenses.
- Additional information as required by the *Local Government (General) Regulation 2005*.

1.6. Definitions

Expenses:

Payments made by the council to reimburse councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions.

Expenses must be outlined in a council's policy and may be either reimbursed to a councillor or paid directly by a council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities:

Items requiring Council Resolution

Equipment and services that are provided by councils to councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.

Functions of civic office / civic functions:

Functions that councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for the council and/or for the local government area.

Reasonable costs / expenses

A cost and expense that, in its amount and nature is consistent with what a reasonable person would incur, in the conduct of the same activity in the same or similar circumstance

PART 2 PAYMENT OF EXPENSES

2.1. General provisions

2.1.1. Payment of Expenses generally

Berrigan Shire Council is committed to ensuring that Councillors are reimbursed for expenses reasonably incurred in their role of Councillor so that they are not financially or otherwise disadvantaged in undertaking their civic duties.

To ensure consistency and transparency all expenses and costs claimed must be done so in accordance with the requirements of this policy.

Reimbursement of costs and expenses to Councillors will be processed following the submission of appropriate receipts and tax invoices, and the completion of the required claim forms.

A claim form must include an itemized account of expenditure and should not be general in nature. Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred, it was not general in nature, and that the Councillor certifies that the expense was for the purpose intended. Generally, this will only be acceptable when it was not possible to obtain a tax invoice or receipt, or proof of purchase was lost during the payment process (i.e. ticket taken and not returned by an automatic machine).

Where possible, expenses should be claimed as part of the Councillor monthly return. If waiting until the time of the monthly return would cause undue hardship, arrangements can be made to submit an earlier claim. All expenses must be claimed within 12 weeks of being incurred.

Berrigan Shire Council operates an internal requisition process that will enable most expenses associated with attendance at conferences, seminars and training courses to be directly invoiced to the council. This system can be

Items requiring Council Resolution

used to cover expenses relating to registration fees, travel and accommodation.

Where possible, provision will also be made for the cost of meals and incidentals not covered by registration fees to be charged back to the Council. This system will help minimize out-of-pocket expenditures to Councillors.

In certain circumstances Councillors attending conferences, seminars and training away from home may request payment in advance, in anticipation of any additional expenses that may be incurred (i.e. meals not covered by registration fees, taxi fares etc.). In most cases the advance will be in the form of petty cash and will need to be pre-arranged with the Council's Finance Section. On their return, Councillors must fully reconcile all expenses against the cost of the advance within 14 days.

A general expense allowance will not be available under any circumstance.

All expense provisions have a monetary cap. This cap is to ensure that Councillors and the community can have a reasonable expectation as to what the scope of expected expenses may be and also to serve as a guide to Councillors.

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as "Frequent Flyer" schemes or any other such loyalty programs while on Council business. However, it is acknowledged that incidental use of Council equipment or facilities may occur from time to time. Such incidental use is not subject to compensatory payment back to the Council.

Where more substantial private use does occur the Act provides that a payment may be made to cover the level of private use. Where this is expected or is likely to occur, specific expense and facility provisions reflect appropriate mechanisms to compensate the Council for such use.

Participation in Council elections is a private matter and Councillors must not use Council resources in the course of this participation.

In circumstances where it is appropriate for a Councillor to give a gift or benefit (for example, on a Council business trip or when receiving visitors, these gifts should be of token value and in accordance with any policy developed by the Council. Clarification of what token gifts and benefits are can be obtained from the Council's Code of Conduct, clause 5.3.

While this policy attempts to clearly articulate circumstances concerning the payment of expenses and provision of facilities it is possible that a dispute may arise regarding these.

In circumstances where such a dispute does arise the dispute will initially be referred to the Council by the General Manager for the determination. In making its determination the Council may use the services of one of its appointed Conduct Reviewers, its Solicitor or other appropriate external resource to assist with that determination.

Items requiring Council Resolution

2.1.2. Spouse and partner expenses

On occasions, it will be appropriate, and in some cases a requirement, that Councillors will be accompanied by their spouse, partner or accompanying person¹ to official functions and activities. In these instances, certain costs incurred by the Councillor on behalf of their partner (meaning spouse, partner or accompanying person), are properly those of the Councillor in the performance of his or her functions and are thus reimbursable.

Berrigan Shire Council will meet the reasonable costs of a partner attending official council functions within the local government area where it could be reasonably expected that the partner would attend.

The Council will also meet the expenses for the partner of the Mayor (or a Councillor when they are representing the Mayor), when they are called on to attend an official function of council or carry out an official ceremonial duty outside of the council area.

Where partners accompany Councillors to seminars and conferences and the like, the Councillor will be personally responsible for all additional costs associated with their partner's attendance, including travel, accommodation, meals, partner's programs etc.

The payment of partner expenses for attending appropriate functions as permitted above will be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by partners are not considered reimbursable expenses.

2.2. Specific expenses

2.2.1. Travel

All travel by Councillors should use the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

The mode and method of transportation to be used shall be agreed with the Council or the Mayor and the General Manager prior to the travel taking place, and where possible Councillors should attempt to travel with other representatives from the Council in order to minimize costs.

Where possible, a Council fleet vehicle will be made available to Councillors traveling outside of the local government area. These vehicles will need to be booked with the General Manager.

On occasions, it may be appropriate for Councillors using council vehicles to leave from home or another pre-arranged location due to the departure time.

¹ An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Items requiring Council Resolution

In these circumstances it may be reasonable for the Councillor borrowing the council vehicle to obtain the vehicle the night before. Likewise Councillors returning to Berrigan after 5pm may arrange to return the vehicle the following morning.

2.2.2. Local travel arrangements and expenses

As a rural council it should be recognized that Councillors will need to travel in order to carry out their civic duties.

In addition to travel within the local government area, it may be necessary for Councillors to travel outside of the local government area in order to represent the Council at meetings or events, or to take part in conferences and training activities. In most cases transportation options are limited, and with little or no public transportation the majority of travel will be by private or council provided motor vehicle.

While the Council is committed to meeting the special needs of Councillors in order to maximize participation in civic duties, the inherent nature of local government in a rural setting makes it necessary for Councillors to provide their own transport for activities within the LGA.

Where Councillors use their private vehicle for attendance at local events as part of their official duties they will be reimbursed at a rate determined by the relevant State Industrial Agreement for vehicle expenses, and should claim reimbursement as part of their usual monthly return.

2.2.3. Travel outside the LGA including interstate travel

It is acknowledged that Berrigan Shire Council is a border community and that interstate travel to Victoria and the ACT will be essential in the carrying out of the council's official duties. As such, travel to official events and activities in Victoria will be regarded in the same way as travel to locations in NSW.

As a rural LGA it is often necessary for Councillors to travel outside of the Shire in the conduct of their official duties. Councillors traveling to meetings and events within 200km of Berrigan Shire do not require the specific approval of the Council or General Manager.

Where possible, a council vehicle will be made available to Councillors traveling to events within 200km of the Shire. Where this is not possible Councillors will be reimbursed for the private use of their vehicle at the rate determined by the relevant Industrial Agreement for vehicle expenses and claimed as part of their monthly return.

Travel to meetings and events that are more than 200km from Berrigan Shire should be undertaken with the Council's or with the Mayor and the General Manager's consent. In these circumstances travel arrangements should be organized in consultation with the General Manager. If travel by motor vehicle

Items requiring Council Resolution

is the most suitable method of transportation, the Council will endeavour to provide a council vehicle. If it is not possible to use a council vehicle, the Council may agree to the Councillor using his/her own vehicle.

Where the Council agrees for a Councillor to supply their own vehicle, the Councillor may claim a reimbursement for the use of their vehicle for the distance travelled at the rate specified in the Local Government (State) Award 2014. Alternatively, where a Councillor chooses to use their own vehicle, and the Council related travel only forms part of the overall travel, the Councillor may claim for reimbursement of travel costs only calculated on the basis of the average fuel consumption of the vehicle and the distance travelled that relates to the Council purpose.

If the Councillor chooses to use their own vehicle despite a council vehicle being made available, or without the prior agreement of the Council, they will be ineligible to claim a reimbursement for travel more than 200km from the Shire.

Approval to travel to destinations in states other than NSW, the ACT or Victoria for the conduct of council business requires the prior approval of the Council. The application for approval should include full details of the trip, including itinerary, costs and reasons for travel. Travel arrangements for interstate travel will be coordinated by the Council on behalf of the Councillor.

2.2.4. Overseas travel

Berrigan Shire Council will not undertake any overseas travel unless a direct and tangible benefit for the council and the local community can be established.

All overseas travel will be approved by a meeting of the full council prior to a Councillor undertaking a trip. Travel will be approved on an individual trip basis and retrospective re-imbusement of overseas travel expenses that have not previously been authorized will not be permitted.

Before a proposal for overseas travel is approved, a detailed proposal, including nomination of the Councillors undertaking the trip, purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of a council business paper.

After returning from overseas, Councillors will provide a detailed report to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.

2.2.5. Reimbursement of motor vehicle expenses

Fuel costs associated with travel in a private motor vehicle will be reimbursed based on distance travelled at the rate specified in the relevant State Industrial Agreement, and not the cost of fuel.

Items requiring Council Resolution

Where travel is undertaken in a council fleet vehicle the vehicle should be refueled with the fuel card supplied. If this option is not feasible, Councillors may use an alternative fuel distributor and claim reimbursement for the actual cost of fuel.

Fuel cards may be used for fuel and oil only and Councillors will need the password to use the fuel card. Receipts for all transactions are required.

See also Section 2.2.3

2.2.6. Infringement notices

Councillors are personally responsible for all traffic or parking fines incurred while traveling in private or council vehicles on council business.

2.2.7. Vehicle security

Where travel overnight is required, and it is necessary to leave either a council or private vehicle being used with council approval in a public place such as an airport, the staff member should, where possible, use a secure parking area and claim a reimbursement for the relevant parking fee on their return.

2.2.8. Travel using other forms of transport

Where a Councillor is traveling by transport other than a private motor vehicle, the Council will meet the full actual cost of travel to and from events, including any associated costs such as parking and road tolls. These arrangements cover travel by air, public transport, taxis, hire cars etc. and should be arranged in consultation with the General Manager.

2.2.9. Extending travel arrangements

Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location, will require the prior approval of the Council or the Mayor and the General Manager.

In such instances Councillors should recognize that the Council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred following the completion of the business activity, including meal costs and accommodation, are not considered to be reimbursable expenses.

2.2.10. Accommodation

In carrying out their civic duties, Councillors will sometimes need to stay away from home. In these circumstances the Council will meet all reasonable accommodation expenses including breakfast and incidentals associated with

Items requiring Council Resolution

attendance at events, save that partners shall be responsible for any additional accommodation, meals and incidental expenses incurred on their behalf.

The wide range of events and conferences that Councillors attend often means that there is a diverse range of prices and standards for accommodation. For example the costs of staying in accommodation of a similar standard can be considerably different from regional to urban areas. Similarly, it may sometimes be necessary for a Councillor to stay in cabin accommodation at a conference in a regional area, or at a 4½ or 5 star venue in the city if this is the venue for a conference or event.

The Council will not reimburse more than \$400 per night for accommodation, although Councillors are expected to select accommodation in conjunction with the General Manager and at a standard that is appropriate to the location and event.

Reasonableness will be determined by the Mayor and the General Manager and will depend on the location of the event and the standards of accommodation available. In considering which events it may be appropriate for Councillors to attend, the potential cost of accommodation will be taken into consideration before a decision to participate is made.

Where a Councillor attends events that require travel outside of Berrigan Shire that would necessitate leaving home before 6am, returning home after 10pm or an overall working day exceeding 10 hours, then the Councillor may include accommodation after the event in travel arrangements. This should be done in consultation with the General Manager.

Where the Council conducts Corporate Planning events at a location more than 200km from Berrigan Shire, it shall provide accommodation on the evening before and each day of attendance, or as appropriate within these guidelines.

2.2.11. Incidental expenses

Reasonable out of pocket or incidental expenses associated with attending official functions, conferences, seminars or training courses that Councillors incur may be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms.

The Council will reimburse the actual cost of transport related expenses such as taxi fares, parking fees and road tolls. Other incidental expenses such as telephone or facsimile calls will be limited to \$20 per day, or such amount as may be negotiated with the Mayor and the General Manager in exceptional circumstances.

Where Councillors are required to carry out official duties outside of the LGA or sleep away from home, each Councillor may claim reimbursement for the

Items requiring Council Resolution

actual cost of sustenance (food and beverages) to a maximum of \$200 per day.

The cost of meals not included in registration fees for conferences or similar functions may be reimbursed after reconciliation. Councillors who choose not to eat a meal provided as part of a conference registration or accommodation package or the like will not be reimbursed for any additional food costs incurred.

Councillors may also claim reimbursement for meal or refreshments expenses incurred while attending business functions or meetings. In some circumstances it may be appropriate to offer an appropriate level of hospitality to non-council employees attending the meeting/function at the Council's request.

Meals or refreshments of this nature should be modest and the costs of meals limited to those outlined above, unless prior approval has been received from the Mayor and the General Manager. In order for these expenses to be reimbursed, it is important that the Councillor involved organizes pre-approval of these expenses with the Council or the Mayor and the General Manager.

2.2.12. Attendance at conferences and seminars

The Council is to be represented at Annual Conferences as under:

Local Government New South Wales

- MAYOR
- Deputy MAYOR
- General Manager
- One other Councillor

National Roads Congress

- Director of Technical Services
- One Councillor

The Council may nominate and authorise elected members whilst the General Manager may authorize employees to attend the above conferences, as may be required.

Attendance of Councillors at seminars and conferences must be authorized by the Council.

Requests to attend seminars and conferences not specified above should generally be made to the Council or, if urgent, the Mayor and the General Manager, outlining the benefits to the Council of attending the event.

Approval for discretionary trips and attendance at conferences and the like should, where possible be approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to attend seminars or

Items requiring Council Resolution

conferences outside of council meetings it should be given jointly by the Deputy Mayor and the General Manager.

Where attendance at a conference or seminar has been approved, the Council will cover the actual cost of registration fees including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of the Council. The reasonable cost of transportation and accommodation associated with attendance at the seminar or conference, and meals when they are not included in the registration fee, will also be met and as discussed elsewhere in this Policy.

2.2.13. Training and education expenses

Berrigan Shire Council encourages its Councillors to undertake relevant training and skills development to ensure they carry out their functions as effectively as possible. Where possible, the General Manager will make Councillors aware of training and educational opportunities.

Attendance at training activities will be by request to the Council or the General Manager who will determine the appropriateness of the request relative to the overall training requirements of all Councillors and budgetary levels established by the Council to provide Councillor training and development.

Where the Council is paying these expenses it is essential that the training or educational course is directly related to the Councillor's civic functions and responsibilities.

2.2.14. Attendance at dinners and other non-Council functions

Councillors attending dinners and other non-council functions are entitled to the reimbursement of their ticket or meal costs in accordance with this policy under the following circumstances:

1. The function is relevant to the council's interests; or
2. The Councillor receives an official invitation to attend a function organized by a community or business group operating within Berrigan Shire; or
3. The event will provide Councillors with a briefing on issues facing the local community.

The direct cost of attending such functions can be reimbursed as part of the Councillors normal monthly return. No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.

2.3. Communication costs

2.3.1. Communication devices installed in Councillors' residences

Items requiring Council Resolution

The Council will make available to each Councillor a mobile telephone and a tablet computer (“tablet”) for use on official council business. The type of mobile telephone and table provided will be chosen by the General Manager. Councillors may choose to use the machines provided or, alternatively, use their own privately owned phone and tablet.

Use of these devises is to be in line with Council Policy on Communication Devices. Councillors are responsible for any use or misuse of these devices at any time.

The Council will meet all costs associated with the use of these machines to a maximum value of \$100 per Councillor per month. This amount includes telephone rental, other service charges, use of data services and the making of telephone calls related to official council business.

Where Councillors choose not to have a mobile telephone and/or a tablet provided, the Council will meet direct expenses associated with the use of mobile telephone services for official duties to a maximum of \$100 per Councillor per month.

2.3.2. Communication expenses while travelling

The Council will reimburse Councillors for all reasonable council business related communication costs incurred while traveling on council business. Councillors are encouraged to use their Council-provided mobile telephone to make any calls relating to Council business.

In certain circumstances it may be appropriate for Councillors to use communication devices provided by accommodation providers. Councillors are however reminded that communication charges charged by accommodation providers are often inflated and should therefore be used only when absolutely necessary.

Other than the use of a Council-provided mobile telephone, the total of communication related expenses whilst traveling will be included in the Councillors \$20 daily limit for incidentals. Should the Councillor anticipate that this limit will be exceeded, they should contact the General Manager to make alternative arrangements.

The Council acknowledges that family responsibilities may sometimes impact on the Councillor’s ability to undertake their civic duties and therefore accepts that Councillors traveling away from home may need to maintain contact with family members while they are away. Where a Councillor incurs private call costs (including calls made on council provided mobile telephones) these should be limited to a maximum of 5 minutes and will be included in the maximum total for daily allowable incidental expenses.

2.3.3. Billing anomalies

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Items requiring Council Resolution

Where anomalies in billing amounts become apparent, call costs may be audited and the Councillor asked to reconcile calls made with the account statement.

2.4. Care and other related expenses

To allow Councillors to undertake their council business obligations, Councillors are able to claim for the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members.

These provisions only apply to council endorsed meetings (including working parties and committee meetings) and cover the period commencing 45 minutes prior to the meeting start and ending one hour after the completion of the meeting to an upper limit of \$20 an hour. All reimbursements are subject to the provision of an invoice and are paid on a “per Councillor” not “per care recipient” basis.

Councillors with a disability or special access needs will be provided with additional support to allow them to perform their normal civic duties and responsibilities. The level of support will be to a level comparable to that offered to staff members and reasonableness will be based on practicality and cost.

2.5. Insurance expenses and obligations

Councillors will receive the benefit of insurance cover to the limit specified in the Council’s insurance policies for the following matters arising out of the performance of their civic duties and/or exercise of their council functions.

All insurances are to be subject to any limitations or conditions set out in the Council’s policy of insurance.

2.5.1. Public Liability/Professional Indemnity

Public Liability and professional indemnity insurances apply in relation to claims arising out of the Councillor’s (alleged) negligent performance of civic duties or exercise of their functions as Councillors.

2.5.2. Councillors’ and Officers’ Liability

This policy covers Councillors against claims made against them for any alleged wrongful acts in the course of their duties.

Wrongful Act is taken to mean any act, error, misstatement, misleading statement, misleading conduct, omission, neglect or breach of duty made,

Items requiring Council Resolution

committed, attempted or allegedly made, committed or attempted by the insured person.

2.5.3. Personal Accident

Councillors are covered, within specified limits, for any personal injury obtained while engaged in or on any activity related to their official council duties including travel to and from these activities.

Full details of the insurance cover are available from the Council's Insurance Officer.

2.5.4. Motor Vehicle

Berrigan Shire Council has an insurance policy to cover loss or damage to council fleet vehicles. Councillors using these vehicles are covered by the policy.

2.6. Legal expenses and obligations

The Council will reimburse the reasonable legal expenses of:

1. A Councillor defending an action arising from the performance in good faith of a function under Section 731 of the *Local Government Act* 1993; or
2. A Councillor defending an action in defamation provided that the outcome of the legal proceedings is favourable to the Councillor

Reasonable legal costs will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- i) Local Government Pecuniary Interest and Disciplinary Tribunal
- ii) Independent Commission Against Corruption
- iii) Office of the NSW Ombudsman
- iv) Division of Local Government, Department of Premier and Cabinet
- v) NSW Police Force
- vi) Director of Public Prosecutions
- vii) Council's conduct Review Committee/Reviewer

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by a general

Items requiring Council Resolution

manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model code of conduct.

In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

The Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

The Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

No legal expense may be incurred by a Councillor without the express resolution of the Council prior to the expense being incurred.

2.7. Additional expenses for mayors

2.7.1. Communication costs – Mobile telephone

The Council will provide the Mayor with an additional \$150 business cost allowance for a mobile telephone - a maximum value of \$250 per month.

PART 3 PROVISION OF FACILITIES

3.1. General provisions

3.1.1. Provision of facilities generally

Berrigan Shire Council will provide Councillors with facilities equipment and services so that they can undertake their role as elected members of the Council.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not generally obtain private benefit from the provision of equipment or facilities, nor from any travel bonus or other such loyalty scheme.

3.1.2. Private use of equipment and facilities

Items requiring Council Resolution

It is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

Where more substantial private use occurs, Councillors will be expected to make a payment to cover the level of private use.

This payment will be made on a full cost recovery basis and where appropriate charged in accordance with the Council's adopted Annual Schedule of Fees and Charges (i.e. for photocopying, facsimile transmission etc.).

3.2. Specific facilities

3.2.1. Office equipment and supplies

The Council will make available for each Councillor a mobile telephone and tablet computer for use on official Council business. The Council will also provide associated hardware and software to facilitate electronic communication and storage of relevant Council documents.

Councillors will be provided with access to the photocopiers, facsimile machines, telephones and other relevant office equipment located at the council office in Berrigan for the purposes of official council business.

Each Councillor will be provided with a diary of a type and standard prescribed by the General Manager. The standard will be equivalent to diaries supplied to council staff members.

3.2.2. Office space

Councillors wishing to conduct formal meetings have access to meeting rooms at the Council office in Berrigan. These rooms must be booked through reception. See also the Councils policy on the use of the Council Chambers.

3.2.3. Secretarial support

All Councillors will be provided with adequate secretarial support so that the Council's official duties may be pursued in a professional manner.

3.2.4. Councillor name badges

All Councillors will be issued with a council name badge. Retiring Councillors will be permitted to retain their badges as a token of service to the Council.

3.2.5. Business cards

Items requiring Council Resolution

All Councillors will be issued with business cards to use during the performance of their official duties.

3.2.6. Meals and refreshments

Where Councillors attend meetings convened by the Council, minor refreshments may be provided in addition to any appropriate meals as determined by the General Manager.

3.2.7. Council vehicles

Access to a suitable vehicle (if available) will be provided for use on official duties. Vehicles will be sourced from the council's general fleet and bookings must be made in advance.

3.3. Additional Mayoral facilities

3.3.1. Mayoral vehicle

This section is to be read in conjunction with Council's general policy and in particular the Council's policy – Private Use of Council Vehicles.

The Mayor will be provided with a fully serviced and maintained executive standard council vehicle, including fuel card, for official duties and commuter use associated with such duties.

The Mayor shall be provided with full private use of the vehicle upon payment of a weekly amount as determined from time to time by the council as part of its Annual Schedule of Fees and Charges.

PART 4 OTHER MATTERS

4.1. Acquisition and returning of facilities and equipment

On the completion of their term of office, extended leave of absence or at the cessation of their civic duties and where requested, Councillors are required to return all equipment and facilities issued by the Council within 28 days. This includes mobile telephones and tablet computers provided to Councillors and associated peripherals, and the mayoral vehicle.

Dedicated mobile phone accounts provided by the Council for official purposes will be disconnected within 28 days of the cessation of duties.

Under certain circumstances the Councillor may be given the option to purchase the equipment previously allocated to them at an agreed fair market price.

4.2. Superannuation

Items requiring Council Resolution

4.2.1. Councillor contributions to superannuation

In accordance with the Australian Tax Office Interpretative Decision 2007/205, the Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

To establish this facility, a Councillor must submit a written request to the General Manager, using similar wording to that of a normal employee deduction request. The request cannot be retrospective.

REPORT:

Pursuant to s252(i) of the *Local Government Act* 1993, within five months after the end of each year, the Council must adopt a Policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of civic office.

Additionally, s252 provides that:

- 2) the policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a Councillor of a facility provided by the Council to the mayor or Councillor.
- 3) A Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy mayor (if there is one) or a Councillor otherwise than in accordance with a Policy under this section.
- 4) A Council may from time to time amend a Policy under this section.
- 5) a Policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

s253 of the *Local Government Act* is also relevant to adoption of such a Policy or its amendment and states:

- 1) A Council must give public notice of its intention to adopt or amend a Policy for the payment of expenses or provision of facilities allowing 28 days for the making of public submissions.
- 2) Before adopting or amending the Policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft Policy or amendment.
- 3) Despite subsections (1) and (2), a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.

Items requiring Council Resolution

- 4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a Council is to forward to the Director-General:
 - a) A copy of the Policy or amendment together with details of all submissions received in accordance with subsection (1), and
 - b) A statement setting out, for each submission, the Council's response to the submission and the reasons for the Council's response, and
 - c) A copy of the notice given under subsection (1).
- 5) A Council must comply with this section when proposing to adopt a Policy each year in accordance with section 252 (1) even if the Council proposes to adopt a Policy that is the same as its existing Policy.

There have been some minor changes to the formatting of the policy and some updating of terminology to reflect the changed status of the Office of Local Government and its Chief Executive. These changes make no substantive difference to the policy.

From an officer's perspective the Council's Policy is still relevant and does not require amendment.

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Items requiring Council Resolution

5.4 SURRENDER OF LEASE – TOCUMWAL VISITOR INFORMATION CENTRE

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 05.005.7

RECOMMENDATION: - that the Council sign and seal the surrender of lease to the Tocumwal Chamber of Commerce and Tourism for the Tocumwal Visitor Information Centre – Lot 42 DP 1122397

REPORT:

As a part of the handover of the Tocumwal Visitor Information to the Council from the Tocumwal Chamber of Commerce and Tourism it is necessary for both parties to surrender the current lease that would otherwise expire during December 2015.

After the existing lease is surrendered a new lease may be entered into.

Items requiring Council Resolution

5.5 PLANNING PROPOSAL – AMENDMENT OF BERRIGAN LEP – FINLEY PRESBYTERIAN CHURCH

AUTHOR: Development Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes

FILE NO: PF

RECOMMENDATION: that a Planning Proposal be prepared and submitted to The NSW Department of Planning and Environment for a Gateway Determination to amend Berrigan Local Environmental Plan 2013 to include the Finley Presbyterian Church as a Heritage Item in Schedule 5 of the Plan

REPORT:

In response to public concern regarding the proposed demolition of the Finley Presbyterian Church the Minister for Heritage, following advice from the Heritage Council of NSW, made an Interim Heritage Order (IHO NO. 129) under Section 24 of the *Heritage Act 1977* (NSW) over the church building and which was gazetted on 7 May 2015 in the Government Gazette No. 41.

The IHO is in place for a period of 12 months. The Office of Environment & Heritage has requested that Council prepare a heritage assessment and then submit a planning proposal to the Department of Planning and Environment to include the church as a heritage item on Berrigan Local Environmental Plan 2013.

In this regard the Heritage Division has noted that Berrigan Council has previously provided a letter of support for the retention of the church and including the building as a heritage item on the LEP. It should be noted that the church has now been listed by the National Trust of Australia (NSW) on the Trust Register. Whilst this listing does not have any legal force it does carry significant weight in supporting any proposal for inclusion as a heritage item on a local plan.

Council is in receipt of a number of reports, including the statement of significance undertaken by the National Trust, which would provide sufficient information to compile a heritage assessment of the church building to support a planning proposal.

Items requiring Council Resolution

It is considered that the preparation of a heritage assessment and a planning proposal would not have a significant impact on Council resources and it is therefore recommended that the request of the Office of Environment & Heritage to undertake this activity be supported.

RESOLUTION

Items requiring Council Resolution

5.6 INVESTMENT POLICY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 12.024.2

RECOMMENDATION: - That the Council:

- Revoke the “Investment Policy” adopted on 17 September 2014; and
- Adopt the Investment Policy set out below.

1. POLICY STATEMENT

In order to meet future financial commitments, Berrigan Shire Council retains cash that it has no plans to spend in the immediate future. To make better use of this cash and to retain its future value, the Council will invest these spare funds – in line with legislation and other legal requirements.

This policy is made under section 625 of the *Local Government Act* 1993 (the Act) and in accordance with the Ministerial Investment Order published in the Government Gazette of 12 February 2011.

2. PURPOSE

The purpose of this policy is to provide a framework for the investing of Council’s funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

The Council’s Financial Strategy 2012 commits the Council to the following action:

Maintain the existing Investment Policy settings prioritising preservation of capital over investment return.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

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Items requiring Council Resolution

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

3. SCOPE

This policy applies to all Council officers with responsibility for the investment of Council's funds.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.2.2.3:

Coordinate Council investments, financial management, financial operations and processing

5. DEFINITIONS

Credit risk – the risk that an institution or a product the Council has invested in fails to pay the interest and/or repay the principal of an investment;

Market risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;

Liquidity risk – the risk the Council is unable to redeem the investment at a fair price within a timely period; and

Maturity risk – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities.

Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);

Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;

Liquidity – ensuring that funds are available in a timely manner to meet the Council's cash flow requirements without the unanticipated, and potentially disadvantageous, sale of investment products.

6. POLICY IMPLEMENTATION

6.1 Delegation of authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer, or to other Officers. This is subject to regular review.

Items requiring Council Resolution

Officers' delegated authority to manage Council's investments shall be recorded in line with the Council's standard procedures regarding delegations.

Officers with delegated authority under this policy will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

6.2 Prudent person standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

6.3 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio.

Councillors and Officers are obliged to act in accordance with the Council's Code of Conduct and comply with the Council's procedures for declaring gifts and actual or perceived conflicts of interest.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest. Dealings between the Council and an independent advisor will be in line with the Council's Statement of Business Ethics.

6.4 Approved investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

6.5 Prohibited investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments;
- Collateralised Debt Obligations (CDOs);
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest).

6.6 Local economic benefit

The Council will give consideration to investment products from institutions that provide a direct economic benefit to the Berrigan Shire community. This may include:

Items requiring Council Resolution

- Institutions that operate a retail branch in the Shire
- Institutions specifically established for the purpose of investing in the local area including the Berrigan Shire, such as local credit unions.

This is conditional upon the Council complying with its other obligations under this policy and the achievement of comparable investment security and rates of return. Any such consideration will be in line with the Council's obligations under legislation and its purchasing policies and procedures.

6.7 Risk management

In accordance with the Council's Risk Management Policy and Framework, the Council should minimise risks and encourage and promote transparency and good governance.

Risks will be assessed with resultant investment decisions authorised by the General Manager, or in accordance with Delegated Authority.

Controls will be integrated into investment management strategies which recognise these risks:

- Credit risk
- Market risk
- Liquidity risk
- Maturity risk

When addressing these risks the Council and its officers will consider the following key principles:

- Preservation of Capital
- Diversification
- Liquidity

In addition to employing controls to reduce counterparty risk, management and operational controls for corruption prevention will be employed, which include:

- Fraud Control measures as identified in the Council's Fraud Control Policy and associated plans.
- Compliance with the Council's Code of Conduct
- The use of the Council's Gift and Conflict of Interest Disclosure procedures
- Reference to the Internal Reporting Policy.
- Monthly reporting to the Council
- External Auditing

6.8 Investment advisor

The Council may, from time to time, appoint a consultant to provide independent advice on the Council's investment strategy or on individual investment products. Independent advisors must be licenced by the Australian

Items requiring Council Resolution

Securities and Investment Commission and must be appointed by resolution of the Council.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy. This specifically excludes the appointment of advisors that receive commissions from providers of investment products likely to be reviewed or recommended.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

6.9 Measurement

The Council will measure and report on its investments to the Council on a market value basis. The market value is to be assessed at least once a month to coincide with the monthly Investment Report.

For the purpose of the annual financial statements, investments will be valued in line with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting

6.10 Benchmarking

Performance benchmarks can be established and should be based on sound and consistent methodology. When determining benchmarks, consideration should be given to the Council's risk profile and liquidity requirements.

Benchmarks will be determined by the Council on an as-needs basis but reviewed no less than annually as part of the Council's budget process.

Performance against benchmarks will be included in a monthly report to the Council.

6.11 Reporting and reviewing of investments

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

Items requiring Council Resolution

6.12 Policy review

This Investment Policy will be reviewed by the Council no less than annually. It will also be reviewed as required in the event of legislative changes.

The Investment Policy may also be amended as a result of other events that provide the Council with opportunities that are to the advantage of the Council and in the spirit of this policy.

Any amendment to the Investment Policy must be by way of Council resolution.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Compliance

All investments are to comply with the following

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Ministerial Investment Order*
- *Local Government Code of Accounting Practice and Financial Reporting*
- Australian Accounting Standards
- Division of Local Government Circulars

7.2 Relevant Council documents

- Long Term Financial Plan
- Financial Strategy 2012
- Fraud Control Policy
- Fraud Control Plan
- Risk Management Policy and Framework
- Code of Conduct
- Internal Reporting Policy
- Statement of Business Ethics

REPORT:

The Council, in its role as trustee of public monies, has a responsibility to prudently invest its surplus funds. To provide guidance to Council staff when investing Council funds, the Council has an Investment Policy. The policy complies with the Ministerial Investment Order issued in February 2011

This policy is required to be reviewed annually. It was last reviewed in September 2014.

The proposed policy is unchanged from the policy adopted last year; in the opinion of staff the policy is adequately meeting the needs of the Council.

Items requiring Council Resolution

As well as its Investment Policy, the Council's powers to invest in specific investment products are restricted by the Ministerial Investment Order.

The policy sets out the principles that the Council will use when investing surplus funds, lists any restrictions placed on specific types of investments and sets some requirements for reporting on investments to the Council. The policy addresses the risks to the Council as a result of its investments in line with the Council's Risk Management Policy and Framework.

The Council has traditionally taken a very conservative investment position and this is reflected in the proposed policy. The policy states that the Council's principal objective is the preservation of capital with investment return a lower priority.

Other than cash held for current expenditure, the Council's existing investment portfolio is solely made up of term deposits held with organisations listed as authorised deposit-taking institutions by the Australian Prudential Regulation Authority.

The Council currently has around \$25m under investment at present.

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Items requiring Council Resolution

5.7 2015 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 4.4 Connect local, regional and national road, rail, and aviation infrastructure

FILE NO: 04.039.1

RECOMMENDATION: that Cr and the Director of Technical Services attend the 2015 National Local Roads and Transport Congress to be held in Ballarat, from the 17th to the 19th November, 2015.

REPORT:

Registration information has been released for the 2015 National Local Roads and Transport Congress to be held in Ballarat from the 17th to the 19th November, 2015.

The theme of the Congress is Connecting Communities – Driving the Nation. A key aim of this year's Roads Congress is to highlight the importance of federal funding to local government in overcoming road and infrastructure challenges.

A copy of the program for the Congress is attached as Appendix "A".

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Items requiring Council Resolution

**5.8 BAROOGA RECREATION RESERVE
COMMITTEE OF MANAGEMENT**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 21.101.2

RECOMMENDATION: - that the Council:

A) Revoke existing members of the Barooga Recreation Reserve Committee of Management.

B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Barooga Recreation Reserve Committee of Management:

President	Ray Nye
Secretary/ Treasurer	Michael O'Dwyer
Committee	Max Steward, Sheila Keamy, Debbie Kruz, Andrew Leighton-Daly, Jason Campbell, Jordan Flanagan, Carly Brooks, Ben O'Dwyer, Anton Noble

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

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Items requiring Council Resolution

5.9 MARY LAWSON MEMORIAL WAYSIDE REST COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 21.101.10

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Mary Lawson Memorial Wayside Rest Committee of Management.
- C) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the MARY LAWSON MEMORIAL WAYSIDE REST Committee of Management:

President	Henry Matheson
Secretary/	Madeleine Wark
Treasurer	Maree Quirk
Committee	Chris Braybon, Marjorie Kable, Colin Drury, Colin Breust, Allan & Maree Matheson, Ken Jenkins, Ivy Matheson, Graham & Veronica Dobie, Phillip Matheson, Neville Rees, Doug Delmenico, Doug Walker, Peter Horneman, Danny Wark, Jan & Bill Braybon, Marge Matheson, Marie Quirk, John Milne, Doug Thomas, Lois Harley

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

Items for Noting

RECOMMENDATION – that Items for Noting numbered 6.1 to 6.3 Inclusive be received and noted.

**6.1 FINANCIAL ASSISTANCE GRANT
INDEXATION PAUSE**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.3 Strengthen strategic relationships and partnerships with community, business and government

FILE NO: 15.128.4

REPORT:

Further advice has been received from Local Government NSW which is circulated with this agenda as appendix “B”.

The two points raised in the latest advice are:

- The Federal Opposition drew a direct link between the pause in FAG indexation and its agreement with the Government to support the provision of a \$1.105b boost to Roads to Recovery funding; and
- Its submission to the NSW Parliamentary Inquiry into local government included evidence of the impact of the FAG indexation freeze had had on Councils sparking significant interest from the Committee in the need to fix local government funding first (ie before reform).

The requested resolutions have already been made by the Council.

NOTING

Items for Noting

6.2 WORK HEALTH & SAFETY COMMITTEE

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 4.1 Invest in local job creation, retention and innovation

FILE NO: 22.112.1

REPORT:

The Minutes of the Work Health & Safety Committee meeting held on 14th August, 2015 are attached as Appendix "C" for Councillors information.

Items for Noting

6.3 DEVELOPMENT DETERMINATIONS FOR MONTH OF AUGUST 2015

AUTHOR: Executive Support Officer

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

REPORT: APPLICATIONS DETERMINED FOR AUGUST

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken		
6/16/DA/D9	12 Lot Subdivision	205 BURMA ROAD, TOCUMWAL NSW 2714 (Lot36//DP1190777)	Berrigan Shire Council	BERRIGAN SHIRE COUNCIL	Approved 27-08-2015	\$ 260000.00	Active 33	Total 33	
7/16/DA/DM	Sandpit	1197 MULWALA-BAROOGA ROAD, BAROOGA NSW 3644 (Lot1//DP798419)	Mr Andrew Goldman	MRS A M WILLIAMS AND MR P J WILLIAMS	Approved 18-08-2015	\$ 20000.00	Active 26	Total 26	
8/16/DA/DM	Change of Use - Residential Storage Shed to Information and Educational Facility	14205 RIVERINA HIGHWAY, BERRIGAN NSW 2712 (LotD//DP360459)	Ms Lynette Sutton	MS LS SUTTON	Approved 25-08-2015	\$ 312369.00	Active 13	Total 28	
11/16/DA/DM	Telecommunications Tower	278 MICKLES ROAD, FINLEY NSW 2713 (Lot11//DP621870)	Ericsson Australia	MRS S L CONNORS	Approved 12-08-2015	\$ 19000.00	Active 5	Total 15	
6/16/CD/M1	BV Dwelling	31 MURRAY GROVE, BAROOGA NSW 3644 (Lot16//DP1092267)	Metricon Homes P/L	MR J NYE & MRS R NYE	Approved 19-08-2015	\$ 61080.00	Active 16	Total 16	
15/16/DA/D1	BV Dwelling & Attached Garage	45 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot3/10/DP758981)	Thomas Edward & Mary Gorman	MR TE GORMAN AND MRS M GORMAN	Approved 17-08-2015	\$ 134161.00	Active 9	Total 9	
16/16/DA/DM	Aircraft Hangar	37 LIBERATOR PLACE, TOCUMWAL NSW 2714 (Lot24//DP1190776)	CPE Construction	NIMBUS INVESTMENTS PTY LTD	Approved 24-08-2015	\$ 200000.00	Active 11	Total 11	
8/16/CD/M6	Additions to Dwelling	29 COBRAM STREET, BERRIGAN NSW 2712 (Lot8//DP3394)	Mr Jason Bruce Pilgrim	MR HR & MRS SE KOFOED	Approved 11-08-2015	\$ 360135.00	Active 1	Total 1	
9/16/CD/M6	Additions to Dwelling	QUIRKS ROAD, FINLEY NSW 2713 (Lot46//DP752288)	Mrs Louise Hatty	MR D V HATTY	Approved 17-08-2015	\$ 20900.00	Active 1	Total 1	
10/16/CD/M6	Additions to Dwelling	94 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot2//DP746593)	Mr Colin McNamara	MR P J SMITHERS	Approved 18-08-2015	\$ 176000.00	Active 2	Total 2	
11/16/CD/M4	Residential Storage Shed	10 NANGUNIA STREET, BERRIGAN NSW 2712 (Lot8//DP237596)	Mr Bill Norris	MR WA NORRIS	Approved 25-08-2015	\$ 15460.00	Active 1	Total 1	
12/16/CD/M4	Pergola	6 ARRAMAGONG STREET, BAROOGA NSW 3644 (Lot26//DP248812)	Bourke Builders Pty Ltd	MR G K FROST & MS J A NEWSOME	Approved 26-08-2015	\$ 190375.00	Active 1	Total 1	
14/16/CD/PC	Construction of Dwelling & Garage	73 BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1068277)	Master Builders Association	MR G HUGHES & MRS LJ HUGHES	Approved 20-08-2015	\$ 20039.00	Active 1	Total 1	

Items for Noting

APPLICATIONS PENDING DETERMINATION AS AT 02/09/2015

Application No.	Date Lodged	Description	Property Location
30/15/DA/DD	12-09-2014	Upgrade of Skate Park	82-96 DENISON STREET, FINLEY NSW 2713 (Lot1/18/DP758412)
125/15/DA/D9	30-06-2015	22 Lot Subdivision	HUGHES STREET, BAROOGA NSW 3644 (Lot21//DP1090571)
12/16/DA/D1	23-07-2015	Relocated Dwelling & Carport	46 COREE STREET, FINLEY NSW 2713 (Lot21//DP1090571)
14/16/DA/D9	28-07-2015	Weighbridge & Sampling Stand	118 SILO ROAD, TOCUMWAL NSW 2714 (Lot218//DP752296)
18/16/DA/D2	13-08-2015	Vinegar Plant Installation	139 HUGHES STREET, BAROOGA NSW 3644 (Lot12D//DP1143435)
17/16/DA/D7	20-08-2015	Inground Fibreglass Swimming Pool	115-117 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot5/3/DP758981)
19/16/DA/DM	24-08-2015	Underpass	895 WOOLSHED ROAD, FINLEY NSW 2713 (Lot65//DP752285)
20/16/DA/DM	26-08-2015	Aircraft Hangar	26 LIBERATOR PLACE, TOCUMWAL NSW 2714 (Lot65//DP752285)
13/16/CD/M6	26-08-2015	Additions to Dwelling - Carport	23 CLAIRE DRIVE, TOCUMWAL NSW 2714 (Lot18//DP844053)

TOTAL APPLICATIONS DETERMINED / ISSUED

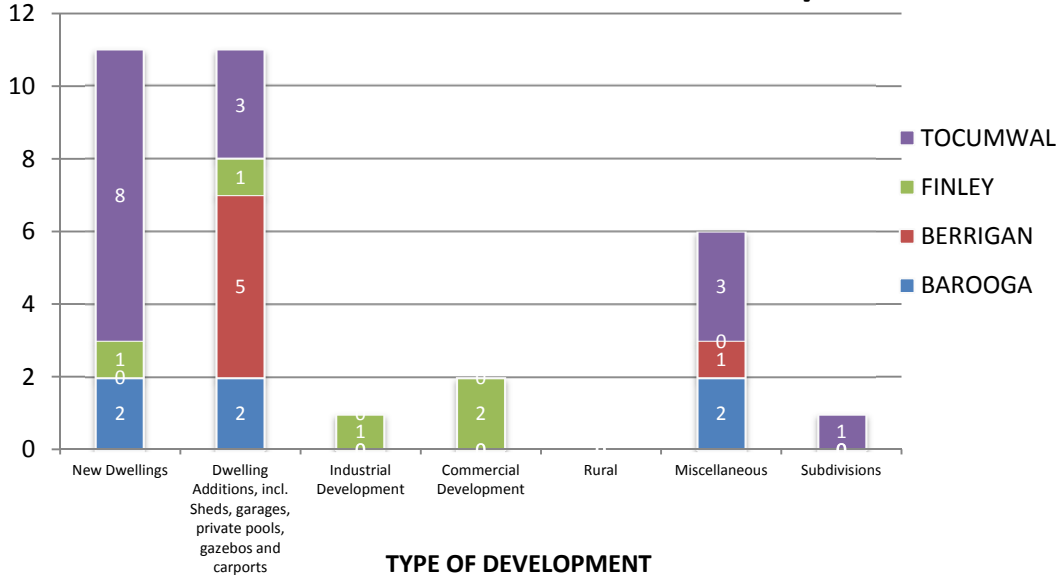
	This Month (August)	Year to Date	This Month Value	Year to Date Value
<i>Development Applications Determined</i>	6	16	\$884,260	\$9,858,215
<i>Construction Certificates Issued</i>	2	10	\$572,260	\$1,778,055
<i>Complying Development Cert. Issued</i>	7	16	\$589,964	\$1,847,965
<i>Local Activity Approvals Issued</i>	3	13	0	0

OTHER CERTIFICATES ISSUED FOR JULY

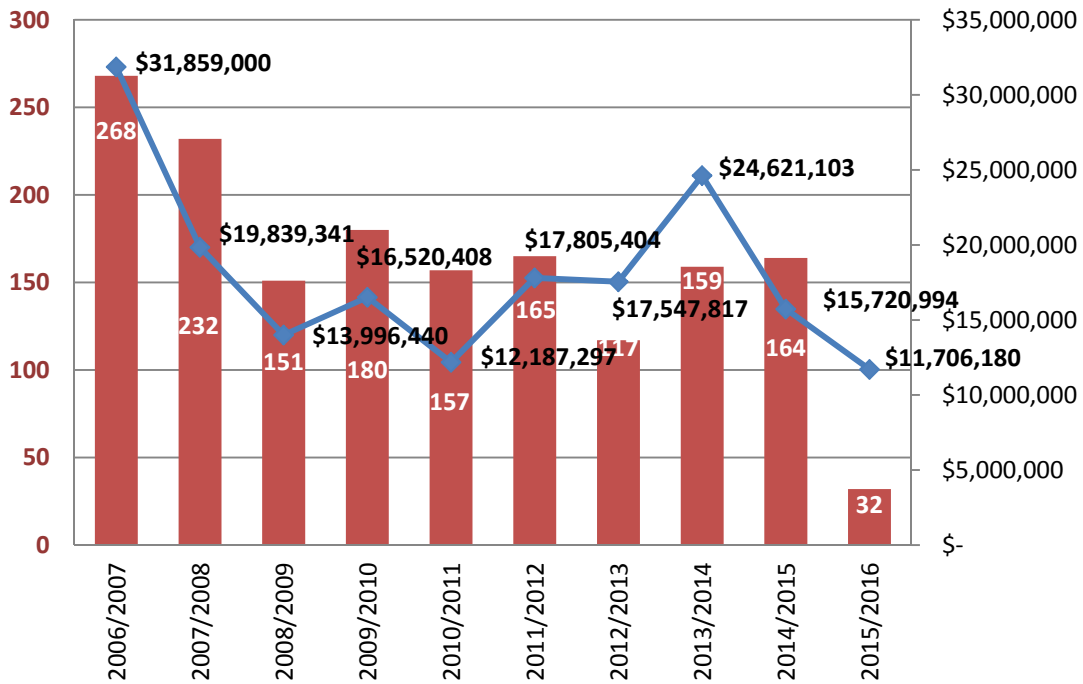
	149(2) Planning Certificate		149(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		121zp Certificate Outstanding Notices or Orders under EP&A Act 1979		149(D) Building Certificate		Swimming Pool Certificate	
	August	Year Total	August	Year Total	August	Year Total	August	Year Total	August	Year Total	August	Year Total
BAROOGA	14	24	2	4	2	4	2	4	0	0	0	0
BERRIGAN	3	8	0	0	0	1	0	0	0	0	0	0
FINLEY	9	16	1	2	0	0	0	0	0	0	0	0
TOCUMWAL	7	17	0	0	1	2	0	0	0	0	1	1
TOTAL	33	65	3	6	3	7	2	4	0	0	1	1

Items for Noting

DEVELOPMENT ACTIVITY 2015 / 2016



DEVELOPMENT ACTIVITY



Items requiring Council Resolution

7 CLOSED COUNCIL

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

7.1 PURCHASE OF LAND

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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Items requiring Council Resolution

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

It is not in the public interest to reveal potential land sale information provided to the Council regarding a specific parcel of land.

RECOMMENDATION - that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

7.1 PURCHASE OF LAND

Council closed its meeting at The public and media left the Chamber.

Confidential Items requiring Council Resolution

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Items requiring Council Resolution

Open Council resumed at

**RESOLUTIONS FROM THE CLOSED
COUNCIL MEETING**

The following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

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Committee meeting reports

7.1 MINUTES OF A CORPORATE SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 2ND SEPTEMBER, 2015 IN THE COUNCIL CHAMBERS COMMENCING AT 9:00AM.

RECOMMENDATION – that recommendations numbered 1 to 4 inclusive of the Corporate Services Committee Meeting held on 2nd September, 2015 be adopted.

5.1 BAROOGA RECREATION RESERVE – FUNDING REQUEST

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Supported and engaged communities
STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 21.101.2

RECOMMENDATION NO. 1: that, in lieu of the Council's commitment to replace the carpet at the Barooga Recreation Reserve function room, the Council provide a contribution of \$3,850 towards the following works completed by the Barooga Recreation Reserve Committee of Management:

- Installation of carpet and supply and installation of underlay in the function room
- Replacing the covers on the new second-hand tables for the function room
- Installing donated safety netting behind the goals at the northern end of the main oval.

5.2 COUNCILLOR EXPENSES AND FACILITIES POLICY

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 13.045.1

Committee meeting reports

RECOMMENDATION NO. 2: - that the Council note the draft "Payment of Expenses and Provision of Facilities For Mayors and Councillors" policy attached as Appendix "B".

5.3 FINLEY SCHOOL OF ARTS AND WAR MEMORIAL HALL

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO:

RECOMMENDATION NO. 3 - that the Council:

- a) adopt the Finley School of Arts and War Memorial Hall Community Engagement Strategy attached as Appendix "C"
- b) form a working party consisting of Crs. Morris, Hill, Bruce, Curtin, Jones and Director Corporate Services to progress project
- c) Amend the Engagement Strategy to include a meeting with founders of the Hall.

GENERAL BUSINESS

Cr Bruce

– Water allocations

RECOMMENDATION NO. 4: - that the Council lobby to increase maximum allowable water carryover to 20% in lieu of the current 50%

Items requiring Council Resolution

8. MAYOR'S REPORT

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RECOMMENDATION – that the Mayor's Report be received.

Items requiring Council Resolution

9. DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

10. GENERAL BUSINESS

RESOLUTION