



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 **Wednesday 18th February, 2015**, when the following business will be submitted:-

9.00AM

Public Question Time

COUNCIL MEETING

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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, 18th February, 2015

BUSINESS PAPER

1. **APOLOGIES**
2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
3. **VISITORS ATTENDING MEETING**
11.00 am. Mr Pat Westwood, Rural Fire Service
Southern Border Team
4. **CONFIRMATION OF MINUTES**
RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 21st January, 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 January 2015, be received and that the accounts paid as per Warrant No. 01/15 totalling \$3,184,617.45 be confirmed.

REPORT

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 January 2015 is certified by the Finance Manager.

Items requiring Council Resolution

- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 January 2015.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 January 2015, totalling \$3,184,617.45 and will be submitted for confirmation of payment as per Warrant No. 01/15
- d) The Finance Manager certifies that all Investments have been placed in accordance with Council's Investment Policy, Section 625 of the Local Government Act 1993 (as amended), the Minister's Amended Investment Order gazetted 11 January 2011, clause 212 of the Local Government (General) Regulations 2005 and Third Party Investment requirements of the Office of Local Government Circular 06-70.
- e) January has shown an increase in total funds held at the end of December. The increase is due primarily to the receipt of the LIRS Loan on 2 January 2015. Otherwise the results would have shown a decrease, comparable with the same period last year and representing the general pattern in cash holdings over the year.

Total funds held are expected to increase in February with the receipt of the 3rd instalment of the FAG and Rates and Water instalments.

Changes in Investment Portfolio for January 2015

Previous Investment			New Investment		
Prior Financial Institution	Amount	Interest Rate	Current Financial Institution	Amount	Interest Rate
			NAB (LIRS Loan)	\$1,630,000	3.50%
Hume B/S	\$1,000,000.00	3.40%	Hume B/S	\$1,000,000	3.40%
IMB	\$2,000,000.00	3.40%	IMB	\$2,000,000	3.40%
Hume B/S	\$1,000,000.00	3.70%	Hume B/S	\$1,000,000	3.40%

RESOLUTION

Berrigan Shire Council Business Paper, 18th February, 2014

Items requiring Council Resolution

Statement of Bank Balances as at 31 January 2015

Bank Account Reconciliation

Cash book balance as at 1 January 2015	\$ 1,642,632.12
Receipts for January 2015	\$ 2,577,715.86
Transfers from NAB at Call Account/Term Deposits Credited Back	\$ -
	<u>\$ 4,220,347.98</u>

Less Payments Statement No 01/15

Cheque Payments V075445-V075461	\$ 31,615.73
Electronic Funds Transfer (EFT) payroll	\$ 452,505.36
Electronic Funds Transfer (EFT) Creditors E020093-E020372	\$ 1,055,616.85
Transfers to NAB At Call Account/Term Deposits Invested	\$ 1,630,000.00
Loan repayments, bank charges, etc	\$ 14,879.51
Total Payments for January 2015	<u>\$ 3,184,617.45</u>
Cash Book Balance as at 31 January 2015	<u>\$ 1,035,730.53</u>

Bank Statements as at 31 January 2015	\$ 1,039,288.40
Plus Outstanding Deposits	
Less Outstanding Cheques	\$ 3,557.87
Reconciliation Balance as at 31 January 2015	<u>\$ 1,035,730.53</u>

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
National Australia Bank	01/09	At Call	2.60%		\$ 518,205.65
AMP	99/13	270	3.50%	12/06/2015	\$ 1,000,000.00
Central Murray Credit Union	104/14	90	3.75%	14/03/2015	\$ 2,000,000.00
Bendigo Bank	85/11	180	3.45%	9/06/2015	\$ 2,000,000.00
BOQ	107/14	150	3.45%	10/02/2015	\$ 1,000,000.00
Defence Bank Limited	102/14	210	3.55%	29/03/2015	\$ 1,000,000.00
Defence Bank Limited	106/14	210	3.55%	9/04/2015	\$ 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
IMB	105/14	180	3.40%	13/07/2015	\$ 2,000,000.00
Goulburn Murray Credit Union	101/14	270	3.65%	13/05/2015	\$ 1,000,000.00
Goulburn Murray Credit Union	103/14	270	3.50%	13/09/2015	\$ 1,000,000.00
NAB	108/14	180	3.55%	12/05/2015	\$ 1,000,000.00
NAB	109/14	90	3.50%	26/02/2015	\$ 1,000,000.00
NAB (LIRS LOAN)	110/15	90	3.50%	6/04/2015	\$ 1,630,000.00
					<u>\$ 18,148,205.65</u>

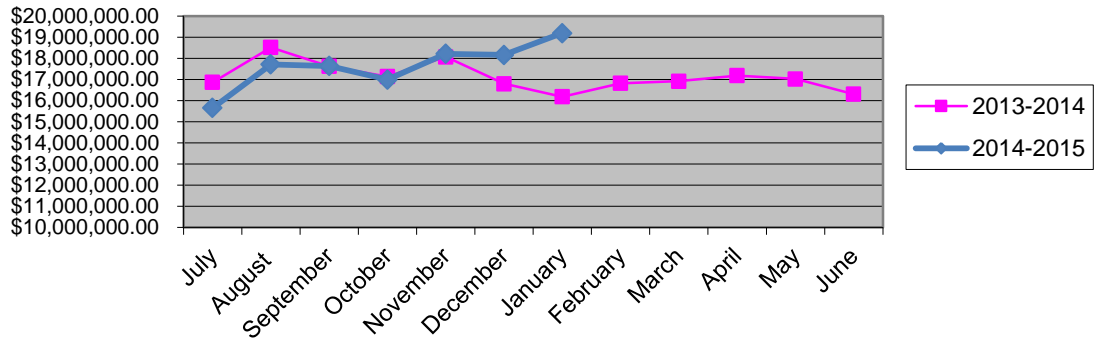
Total Funds Held at 31 January 2015	<u>\$19,183,936.18</u>
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Carla von Brockhusen - Finance Manager

RESOLUTION

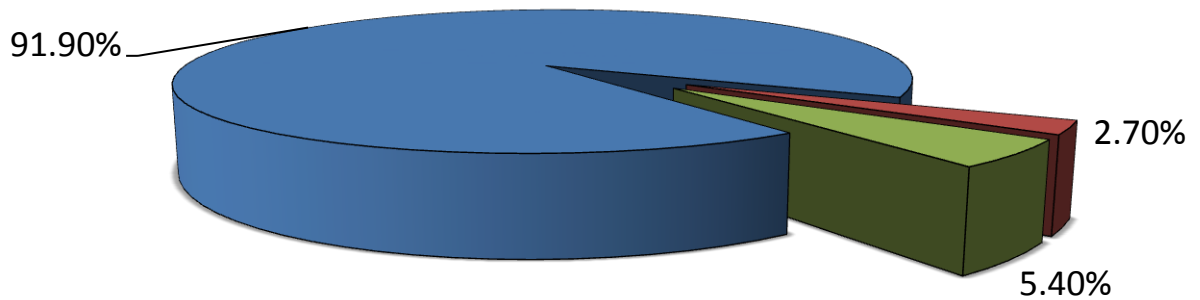
Items requiring Council Resolution

Total Held at Month End

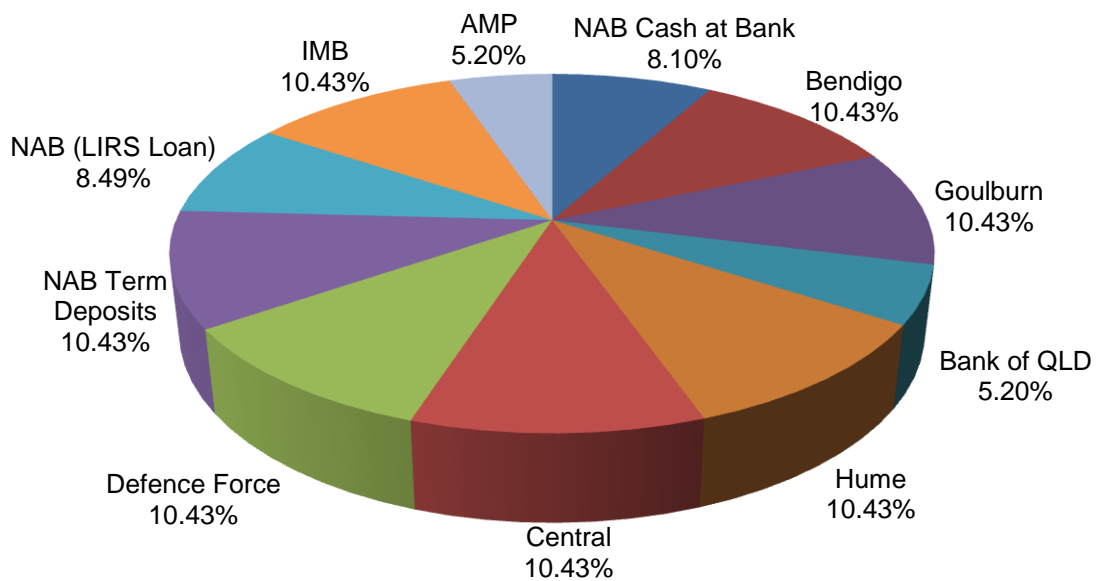


Held at Month End

■ Term Deposits ■ At Call ■ Cash at Bank



Held with each Institution at Month End



RESOLUTION

Items requiring Council Resolution

6 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.

6.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW

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

- (a) personnel matters concerning particular individuals (other than councillors)

Items requiring Council Resolution

It is not in the public interest to reveal details of personnel.

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*.

6.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW

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

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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:

RESOLUTION

Items requiring Council Resolution

5.2 LOCAL POLICY FOR THE RELOCATION OF PREVIOUSLY USED RESIDENCES

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:

RECOMMENDATION: that the Local Policy for the Relocation of Previously Used Residences, as set out below, be adopted under the provisions of Section 161 of the Local Government Act 1993.

1. POLICY STATEMENT

This policy is to ensure the following:

- A consistent style of dwelling within an area.
- Some certainty to owners of existing properties that there is a minimum acceptable standard of dwelling development within an established streetscape.
- To prevent low cost; poor quality and inappropriate development.
- That genuine developers have the opportunity to undertake alternative residential construction in appropriate locations by re-using existing resources.
- That such projects are completed in an appropriate period of time with minimal impact on adjoining residents.
- To minimize potential exposure to previously used building products now banned from sale or use in residential construction (such as asbestos cement or lead paint) in the interests of environmental health.
- The protection of public interest.

2. PURPOSE

The purpose of this policy is to ensure that previously used residences should only be relocated to areas where upon completion they will be compatible with surrounding structures and be of a satisfactory quality, design, size and appearance which will positively contribute to the built environment of the proposed locality.

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Items requiring Council Resolution

3. SCOPE

This policy applies to the RU5 - Village Zones of Barooga, Berrigan, Finley and Tocumwal; and

to the R5 Large Lot Residential Zones throughout the Shire of Berrigan, under the provisions of Berrigan Local Environmental Plan 2013.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 1.1.1.3

In accordance with relevant legislation, codes and policies – process and approve / refuse development applications.

5. DEFINITIONS

Previously used residence– These are dwellings which have at some time been occupied. They may have been constructed as transportable buildings or conventionally constructed on a site with piers and platform floor.

Relocation - The physical moving of a residence from one site to another for the purposes of being used as a dwelling house.

6. POLICY IMPLEMENTATION

6.1 Application

Previously used residences must be compatible with the existing surroundings upon completion.

All residences must make a positive contribution to the built environment.

Previously used residences will generally only be considered appropriate as infill development in older established areas, not in newly established subdivisions or housing estates.

Where the proposed (previously used) residence is located on a site outside the Shire, the applicant must provide the Council with clear and current photographs of the structure and a written report from a suitably qualified and experienced building professional to state that the building is structurally sound and suitable for transportation by a competent person.

Items requiring Council Resolution

Any building which was constructed elsewhere more than five years previously will be carefully scrutinized by the Council and applicants will need to provide a compelling submission to support the proposal to relocate. Such buildings may not satisfy the present construction standards required by the Building Code of Australia (for water proofing; glazing; framing, etc); but must satisfy the performance requirements of the Code.

Any building constructed before 1987 may potentially contain asbestos building products. Work Health & Safety Regulations now prohibit the use of asbestos and lead based paint in residential construction work. The relocation of a previously used residence is considered to be construction work and may therefore require the safe treatment or removal of such products.

Developers will need to satisfy the Council that the project will be completed within an acceptable period of time. This will vary depending upon the age, style and location of the building and may involve the payment of a ten thousand dollar (\$10,000) refundable cash bond or provision of a bank guarantee prior to commencement of any work. In any event, the Council will require the structure to have the external appearance of a new dwelling within three months of its relocation to any site.

6.2 Concessions

It is expected that all development should positively contribute to the public domain. Buildings should be attractive when viewed from public places.

In developing policies, the Council hopes to provide guidance to potential developers and the general community as well as to development assessment staff.

The Council may choose to vary this plan at any time without further community consultation upon assessment of an individual development application. All proposals will be given a merit based assessment by authorised staff and proposals which fail to satisfy the requirements of this policy will be referred to the Council for final determination.

Applicants must satisfy the Council that there will be a positive community benefit gained from varying this plan.

Examples of this may include:

Dwellings which were constructed more than five years previously, that are to be relocated and modified by substantial additions or by cosmetic

Items requiring Council Resolution

modernization such as brick veneering, replacement of windows, re-pitching and replacement of roofing.

A concession for relocation of a manufactured home from an approved caravan park or manufactured home estate onto a single residential allotment as a separate dwelling, granny flat, or accommodation for an additional member of the family

A concession may also be granted by the Council on the grounds of genuine financial hardship, where alternative accommodation is unattainable and the proposal will be an improvement to existing circumstances. This may be seen to be in the public interest where it will result in an improvement to the neighbourhood.

6.3 Community Consultation

The relocation of previously used dwellings into residential areas of the Village zone can often be quite a sensitive matter to the existing residents. It is important for the Council to ensure that an informed assessment of the merits of each proposal is made in the public interest. In order to achieve this, every application for relocation of a used residence, which was constructed more than five years previously and is proposed within the Village zone, will be publicly advertised and adjoining landowners invited to make comment.

6.4 Council Requirements for submitting an Application

All development proposals for relocation of previously used residences are required to obtain development consent from the Council in accordance with the provisions of the *NSW Environmental Planning & Assessment Act 1979*.

If development consent is granted to the applicant, it will then be necessary to obtain a construction certificate and to appoint a Principle Certifying Authority, prior to the commencement of any work.

Failure to do so is an offence under the Act, for which substantial penalties apply.

6.5 Additional Requirements

Additional information to be submitted with application:

- Plans
- Photographs
- Professional building condition report
- Approximate age or year of original construction (Where a building is less than 5 years old a copy of the previous

Items requiring Council Resolution

construction approval documents or occupation certificate must be provided).

- Detailed specification of materials used in construction (including linings and cladding materials)
- Details of any proposed modifications
- Expected time table for completion of specified work
- Written submission in support of the proposal

Council requirements for submitting a development application are specified on the back of the development application form.

7 RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Environmental Planning & Assessment Act 1979*
- *Berrigan Shire Council Local Environmental Plan 2013*
- *Work Health and Safety Act 2011*

7.2 Council policies

- **Berrigan Shire 2023 (Community Strategic Plan)**
- **Berrigan Shire Council Development Control Plan 2014**

REPORT:

At the October 2014 General Council meeting it was resolved to place the above Policy on public exhibition as per the provisions of Section 160 of the Local Government Act 1993. This Policy is to replace the current Policy (see Appendix "B") and reflects recent changes in legislation.

In particular, the format of the Policy document has been changed to reflect the requirements of Integrated Planning and Reporting, recognizes the changes in zoning implemented by the introduction of Berrigan Local Environmental Plan 2013, introduction of Berrigan Shire Council Development Control Plan 2014 as well as other related legislation, policies and strategies.

In addition the requirement for the provision of a refundable cash bond or bank guarantee to ensure the development is completed in an acceptable time frame and to an acceptable standard has been increased from \$5,000 to \$10,000 to reflect current costs.

The Policy was duly exhibited and no submissions regarding the document were received by Council.

Items requiring Council Resolution

It is now considered that the Policy, as outlined above, be adopted under the provisions of Section 161 of the local Government Act 1993.

RESOLUTION

Items requiring Council Resolution

5.3 NAMING OF THE BAROOGA WALKING TRACK

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: 02.036.1

RECOMMENDATION: - that the Council name the footpath shown in the image below, the “Bullanginya Track” and advise other bodies as required.



RESOLUTION

Items requiring Council Resolution

REPORT:

The Barooga Advancement Group has formally written to the Council to request that the new walking track at Barooga be named "The Bullanginya Track". The request is attached as Appendix "C".

Under the Council's *Naming of Community Facilities and Open Space Policy*,

Requests for naming or renaming a facility must be submitted to the Council in writing and include sufficient information on the name and its link to the facility to allow the Council to make a decision.

The request has come to the Council in writing. While the Committee has not provided any information on the derivation of the name, the term "Bullanginya" has strong ties to the Barooga area – being the name of the lagoon and the bridge that crosses it.

The Policy further states:

While there is no obligation to undergo a public consultation process, the Council may seek public comment should it feel it to be appropriate.

Approval of the proposed name will then be determined by the Council by means of a Council resolution based on the report provided and the judgment of the Council.

From here, the Council has three options:

1. Approve the name as it stands
2. Seek further information about the proposed name, from the requesting party and/or the general community by way of consultation.
3. Reject the proposed name

The name appears to be appropriate and there is no apparent reason that the Council could not adopt the name should it wish.

Items requiring Council Resolution

5.4 CONDUCT OF 2016 COUNCIL ELECTION

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.055.3

RECOMMENDATION: - that the Council resolves:

1. Pursuant to S296(2) and (3) of the Local Government Act that an election arrangement be entered into by contract for the electoral Commissioner to administer all elections of the Council; and
2. Pursuant to S296(2) and (3) of the Local Government Act as applied and modified by S18, that a Council poll arrangement be entered into by contract for the electoral Commissioner to administer all council polls of the Council; and
3. Pursuant to S296(2) and (3) of the Local Government Act as applied and modified by S18, that a Council constitutional referendum arrangement be entered into by contract for the electoral Commissioner to administer all constitutional referenda of the Council.

REPORT:

As Councillors may be aware, the next ordinary election for Berrigan Shire Council will be held on Saturday 10th September 2016.

The Local Government Act provides that such election is to be administered by the general manager of the Council.

The also provides that the Council may enter into an arrangement to have the Electoral Commissioner administer all of its elections if it resolves at least eighteen months before an ordinary election (10/3/2015) that such an arrangement be entered into and the arrangement is actually entered into at least fifteen months before the election 10/6/2015).

In a practical sense the Council has the option of the general manager or the Electoral Commissioner conduct its election. If the general manager conducts the election this is normally via contracting in a specialist service provider.

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Items requiring Council Resolution

Where a Council elects to have the Electoral Commissioner conduct its ordinary election this extends to Council polls and any referenda for the period ending eighteen months before the next ordinary election unless otherwise terminated by the parties.

The Electoral Commissioner has conducted the Council's previous two elections and despite ongoing concerns regarding the cost of the service the elections have been conducted without any major issue.

I hoped for this election to at least market test alternative providers however this has not occurred due to both the preoccupation with the Fit for the Future program itself and also concerns with having multiple service providers contracted in the event that a merger for the Council becomes a reality.

Given the above and the previous performance of the Electoral Commissioner it is recommended that the Council continue with its previous practice of engaging the Electoral Commissioner to conduct its 2016 ordinary election and any subsequent polls or referenda.

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Items requiring Council Resolution

5.5 FOOTPATH CONSTRUCTION – COBRAM STREET, BERRIGAN (FROM ALEXANDER AVENUE TO SOUTHERN BOUNDARY OF 74 COBRAM STREET)

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 28.167.2

RECOMMENDATION: - that the Council include the footpath on the east side of Cobram Street, Berrigan from Alexander Avenue to the southern boundary of 74 Cobram Street in the Capital Works Program for 2015/16 to be constructed as a half-cost scheme.

REPORT:

Council has provided in its current Capital Works Program for the construction of a gravel footpath from the end of the existing path in Cobram Street, Berrigan to the intersection with Racecourse Road. This work was to be done in conjunction with the Berrigan Conservation Group.

The section of footpath past the more rural blocks south of 74 Cobram Street, Berrigan has been completed with gravel and consultation held with the property owners of the urban blocks to determine their support or otherwise for the project.

These consultations have revealed that the majority of the residents would prefer to contribute half cost to have a concrete footpath installed rather than a gravel path.

The consultation did not include the 3 owners of the lots from Alexander Avenue to where the path on the western side finishes as it was intended that pedestrians could cross the road at this point, however, if it is proposed to construct a concrete path it would seem reasonable to extend it to Alexander Avenue.

The area also includes Council owned land across the Horsefall Street road reserve and it would seem appropriate to construct the kerb returns and a small area of sealed pavement on this road rather than run the concrete footpath across it. This is suggested as this section of road will need to be opened and constructed as a condition of any further development of the

Items requiring Council Resolution

Amaroo site and it would seem pointless to construct a concrete path that would have to be removed in the next few years.

The total estimated cost of the project is \$39,500 with the cost to Council estimated at \$22,500.

The existing gravel path project has a balance of available funds of \$5,438 that can be carried forward for these works leaving a required additional allocation of \$17,000.

If Council is inclined to include the works in the next financial year we will commence the process to create the half cost scheme.

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Items requiring Council Resolution

5.6 FIT FOR THE FUTURE – FACILITATION AND BUSINESS CASE

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.010.1

RECOMMENDATION: - That the Council

1. Formally withdraw from the current facilitation process with the Mid-Murray group of Councils regarding amalgamation and/or formation of a Mid-Murray Joint Organisation.
2. Subject to discussion at the Council's Corporate Workshop and the agreement of Jerilderie Shire Council commission a Merger Business Case via the Office of Local Government's *Fit for the Future* process

REPORT:

Facilitation

The Mayor, General Manager and Director Corporate Services attended a facilitation session in Mathoura on 3-4 February 2015..

Representatives were present from each of the Councils marked to be included in the proposed Mid-Murray Joint Organisation, i.e.:

1. Berrigan Shire Council
2. Conargo Shire Council
3. Deniliquin Shire Council
4. Jerilderie Shire Council
5. Murray Shire Council
6. Council of the Shire of Wakool

The facilitation was funded by the Office of Local Government (OLG) under its *Fit for the Future* program.

RESOLUTION

Items requiring Council Resolution

While ostensibly requested to explore options to establish a Joint Organisation (JO), the facilitation actually rolled out looked to progress a merger between all six councils – or subsets thereof.

It became apparent very early on in the facilitation that there was two distinct groups – a western group (Conargo, Deniliquin, Murray and Wakool) and an eastern group (Berrigan and Jerilderie).

At the end of the facilitation session, the representatives from Berrigan and Jerilderie both indicated that they would recommend to their Councils that they withdraw from further discussions with the group regarding amalgamation and JO formation.

While the facilitation process did not lead to any action directly by the Council, it was nonetheless useful to attend:

1. It demonstrated the Council is proactively looking at a range of options
2. It confirmed the Council's views about its preferred strategic direction and partner
3. While the Council's preference is not to be part of a Mid-Murray JO, the proposed governance and servicing arrangements proposed for that JO are in line with the Council's preference for a slim and flexible JO model.

Finally this facilitation process saw the representatives from Berrigan and Jerilderie Shires came to an in-principle agreement to prepare a business case regarding the amalgamation of the two Councils.

Merger Business Case

The in-principle agreement to prepare a merger business case came about to address a range of issues:

1. To demonstrate further to the Office of Local Government and the "Expert Panel" that the Council is seriously considering the recommendation of the Independent Panel.
2. To provide the Council with as much information as possible about its options. This decision will be one of the most significant made by this Council in this term and it is important that the Council is fully informed.
3. To provide information suitable for the Council to take to the community to seek their views on an amalgamation. In order to make an informed decision, the community needs to have some information provided to them and the Council is the only organisation in this area with the capacity to do so.

Items requiring Council Resolution

The decision to prepare a business case for a merger does not commit the Council to proceed to a merger with Jerilderie – at this stage the Council has resolved to submit the “Improvement” stand-alone template.

To allow for a fair comparison the in-principle agreement with Jerilderie also includes the preparation of a “status quo” stand-alone business case – preferably by the same organisation preparing the merger business case.

The Office of Local Government under the *Fit for the Future* program provides some funding to assist Councils with preparation of a Merger Business Case. In the case of this proposal, the funding is 50% of the cost (including travel and incidentals) up to a total of \$30,000. Note that this would require a matching Council contribution of \$30,000 for a maximum total project cost of \$60,000. This may be less depending on the scope of the project.

In the Merger Business Case Guide (attached as Appendix “D”) the Office of Local Government has set the broad scope of the merger business case as:

1. provide a high level strategic and economic appraisal of the feasibility of a proposed merger option
2. consider the factors set out in section 263 of the *Local Government Act 1993* [see below], and
3. include undertaking due diligence to assess any high level risks of the proposed merger option(s) to enable the participating councils to make a decision to proceed to a merger and complete the Council Merger Proposal - Template 1, should the councils choose to do so.

The factors set out in s263 *Local Government Act 1993* are

- (a) *the financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned,*
- (b) *the community of interest and geographic cohesion in the existing areas and in any proposed new area,*
- (c) *the existing historical and traditional values in the existing areas and the impact of change on them,*
- (d) *the attitude of the residents and ratepayers of the areas concerned,*
- (e) *the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for that area,*

Items requiring Council Resolution

- (e1) the impact of any relevant proposal on the ability of the councils of the areas concerned to provide adequate, equitable and appropriate services and facilities,*
- (e2) the impact of any relevant proposal on the employment of the staff by the councils of the areas concerned,*
- (e3) the impact of any relevant proposal on rural communities in the areas concerned,*
- (e4) in the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the resulting area or areas into wards,*
- (e5) in the case of a proposal for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented,*
- (f) such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas.*

To be eligible to access Government funding, partner councils must:

- a. Agree, by resolution of each council, to investigate and fund the merger business case for the proposed merger option.
- b. Complete a Request for Quote document (using a template document provided by the OLG) and submit to the OLG.
- c. Seek quotations from at least three Panel members (open invitations to tender are not required).
- d. Outline how the group of councils intends to distribute the remaining 50% of the cost of the merger business case (on a percentage split basis).
- e. Provide a copy of the final report to the OLG prior to payment of the final invoice.

Alternatively, the Council may consider developing its own business case outside the OLG process – either in-house or through a consultant.

The advantages of developing its own case:

Items requiring Council Resolution

1. May be more cost effective, with the Council able to set the scope of works and do much, if not all, of the work in-house
2. Provide the Council with more control of the process, including more input into the assumptions and parameters used in the business case

The disadvantages of developing its own case include:

1. No subsidy from the OLG
2. A report outside the OLG process may not carry as much weight with the "Expert Panel"

Further discussion on the merits of commissioning a Merger Business Case will take place at the Corporate Workshop prior to the Council meeting.

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Items requiring Council Resolution

5.7 RFS COROWA BERRIGAN ZONE ESTIMATES BID

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 9.106.4

RECOMMENDATION: - that the Council endorse the 2015/16 Rural Fire Service Corowa Berrigan Zone estimates bid.

REPORT:

In 2010, the Corowa/Berrigan Rural Fire Service Zone Liaison Committee resolved to no longer hold meetings on a scheduled basis.

As such, the 2015/16 estimates bid for the zone is presented to the Council directly for approval. A copy of the estimates bid is attached as Appendix "E".

The 2015/16 estimates do not include any provision for a new appliance in Berrigan Shire. This is in keeping with the Zone convention of alternating the purchase of major equipment between Corowa Shire and Berrigan Shire.

However, it does include the purchase of the second hand Landcruiser (cat 9) firefighting vehicle. This would be an additional vehicle housed in Berrigan Shire and the views of the Council regarding this are sought.

The Council's contribution of 11.7% for 2015/16 will amount to \$84,510.86, offset by previous reimbursement of \$54,731.81.

The RFS Southern Team Leader Patrick Westwood will attend the meeting to speak to this report.

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Items for Noting

RECOMMENDATION – that Items for Noting numbered 6.1 to 6.2 Inclusive be received and noted.

6.1 FIT FOR PURPOSE AFTER FIT FOR THE FUTURE

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.010.1

REPORT:

The Institute of Public Works Engineering Australia Ltd (NSW Division) has developed a workshop to help Councillors and staff establish a more consistent, reliable and repeatable basis for:

- Optimising decision making in relation to community infrastructure;
- Helping the community make the connection between level of service and risk (including public safety);
- Analysing the infrastructure gap and backlog whilst dealing with network deficiencies and capacity challenges;
- Meeting the requirements of the Local Government Act and the Civil Liabilities Act;
- Developing integrated long term infrastructure plans with aligned financial plans; and
- Advocating to governments for better funding deals for our communities.

A workshop is to be held at Jerilderie on 1st April 2015 with a paid day session for staff and a free condensed session for Councillors from 5.30 – 7.30 pm.

Whilst staff have not yet considered attendance, it would be appreciated if Councillors wishing to attend could advise me to allow for registration.

The IPWEA has a good track record in providing quality training and information.

NOTING

Items for Noting

6.2 DEVELOPMENT DETERMINATIONS FOR MONTH OF JANUARY 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 JANUARY

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken
59/15/DA/DM	Change of Use - Motor Showroom to Funeral Chapel	277-283 MURRAY STREET, FINLEY NSW 2713 (Lot133//DP752283)	North East Survey Design Pty Ltd	MR L F & MRS WALSH	S Approved 21-01-2015	\$ 15000.00	Active Total 27 27
61/15/DA/D1	BV Dwelling & Attached Garage	15 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot76//DP1131677)	R.F & E.J Buck	MR RF & MRS BUCK	EJ Approved 08-01-2015	\$ 197398.00	Active Total 17 17
62/15/DA/D3	Fire Protection Water Storage Supply	30-34 JERSEY STREET, TOCUMWAL NSW 2714 (Lot301//DP722009)	Poolside Cobram	MR MA CARTWRIGHT & MRS CARTWRIGHT	Approved JG 09-01-2015	\$ 49900.00	Active Total 16 16
65/15/DA/D1	BV Dwelling & Residential Storage Shed	6-8 BAROOGA STREET, TOCUMWAL NSW 2714 (LotA//DP389293)	Mr Colin Brown	MS S PISANI	Approved 16-01-2015	\$ 290000.00	Active Total 14 14
66/15/DA/D5	Residential Storage Shed	121 DENISON STREET, FINLEY NSW 2713 (Lot4//DP215132)	Mr Fred Vance	MR F J A VANCE	Approved 19-01-2015	\$ 12500.00	Active Total 8 8
67/15/DA/D5	Residential Storage Shed	BAROOGA-TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot7//DP1138900)	Mr John Pauw	MR JH PAUW & MRS D PAUW	Approved 21-01-2015	\$ 80000.00	Active Total 10 10
41/15/CD/M5	Inground Fibreglass Swimming Pool	72-74 KELLY STREET, TOCUMWAL NSW 2714 (Lot7/19//DP758981)	Poolside Cobram	MR LE THURTELL & MRS EW THURTELL	Approved 14-01-2015	\$ 42500.00	Active Total 3 3
42/15/CD/M1	BV Dwelling & Attached Garage	7 LA BELLE COURT, TOCUMWAL NSW 2714 (Lot10//DP1194758)	Metricon Homes	MR R D & MRS S G CLARK	Approved 14-01-2015	\$ 302432.00	Active Total 2 2
43/15/CD/M5	Inground Fibreglass Swimming Pool	94 ALEXANDER ROAD, FINLEY NSW 2713 (Lot91//DP752303)	Poolside Cobram	WATTLE VALLEY PASTORAL CO. PTY. LTD.	Approved 13-01-2015	\$ 50945.00	Active Total 1 1
68/15/DA/DM	Steel Clad House	5 HOYLE STREET, TOCUMWAL NSW 2714 (Lot1//DP434732)	Mr Mark Whelan	MR M J WHELAN & MRS J WHELAN	Approved 28-01-2015	\$ 80000.00	Active Total 8 8

NOTING

Items for Noting

69/15/DA/D4	On Farm Water Storage System	150 OLD COBRAM ROAD, BERRIGAN NSW 2712 (Lot130//DP820107)	Mr Jason Noonan	MR JC NOONAN & MRS FA NOONAN	Approved 30-01-2015	\$ 35000.00	Active 6	Total 6
44/15/CD/M4	Carport	23 KAMAROOKA STREET, BAROOGA NSW 3644 (Lot7//DP248812)	Mark & Alison Brown	MR M A BROWN AND MRS A M BROWN	Approved 29-01-2015	\$ 4000.00	Active 1	Total 1

APPLICATIONS PENDING DETERMINATION AS AT 06/02/2015

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)
64/15/DA/D5	24-12-2014	Residential Storage Shed	36 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot120//DP1070311)
71/15/DA/D1	28-01-2015	BV Dwelling & Attached Garage	11 GYPSIE CRESCENT, BAROOGA NSW 3644 (Lot 46//DP1110847)
72/15/DA/D1	30-01-2015	BV Dwelling & Attached Garage	11 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot 72//DP1131677)
73/15/DA/D5	03-02-2015	Carport	17-19 WOLLAMAI STREET, FINLEY NSW 2713 (Lot 4//DP534387)
45/15/CD/M1	03-02-2015	BV Dwelling	3366 NEWELL HIGHWAY, FINLEY NSW 2713 (Lot 44//DP752294)
74/15/DA/D5	03-02-2015	Residential Storage Shed	32-34 HOYLE STREET, TOCUMWAL NSW 2714 (Lot 10/4/DP6464)
75/15/DA/D5	03-02-2015	Residential Storage Shed	85 WOLLAMAI STREET, FINLEY NSW 2713 (Lot 1//DP981583)
76/15/DA/D1	04-02-2015	BV Dwelling & Attached Garage	4 GYPSIE CRESCENT, BAROOGA NSW 3644 (Lot 52//DP1110847)
77/15/DA/D5	04-02-2015	Carport	8 NUGGET FULLER DRIVE, TOCUMWAL NSW 2714 (Lot 104//DP1070311)
46/15/CD/M6	05-02-2015	Pergola/Verandah	17 EMILY STREET, TOCUMWAL NSW 2714 (Lot 15//DP573135)

TOTAL APPLICATIONS DETERMINED / ISSUED

	This Month (January)	Year to Date	This Month Value	Year to Date Value
<i>Development Applications Determined</i>	8	76	\$759,798.00	\$9,083,595.00
<i>Construction Certificates Issued</i>	6	51	\$709,798.00	\$5,320,519.00
<i>Complying Development Cert. Issued</i>	4	44	\$399,877.00	\$2,824,453.00
<i>Local Activity Approvals Issued</i>	6	37	0	0

OTHER CERTIFICATES ISSUED FOR JANUARY

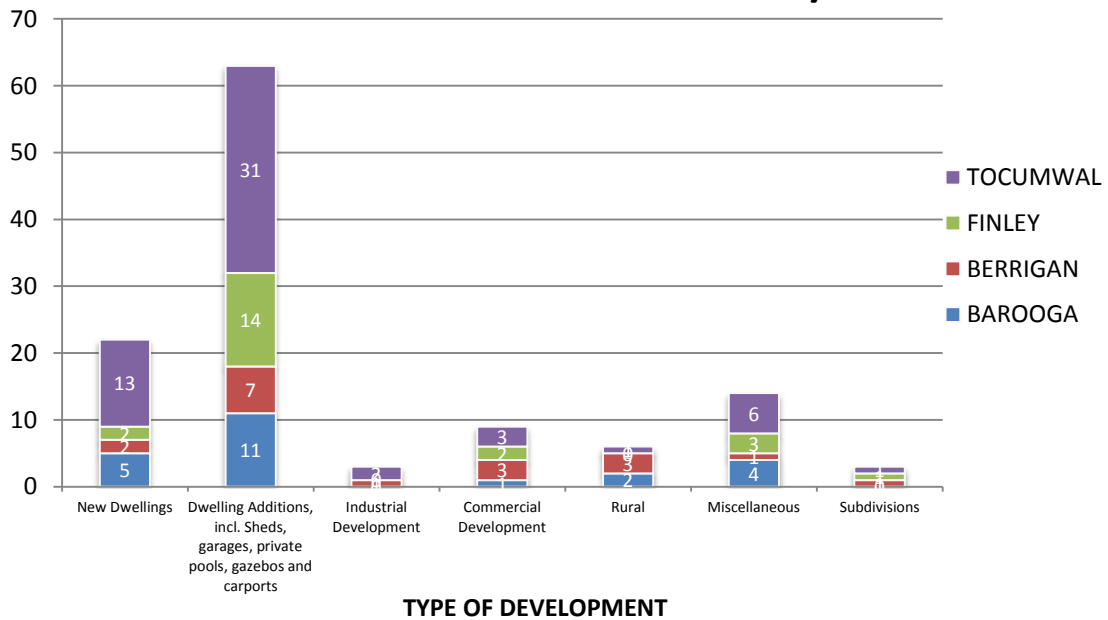
149(2) Planning Certificate	149(5) Certificate	735A Certificate Outstanding Notices or Orders under LG Act 1993	121zp Certificate Outstanding Notices or Orders under EP&A Act 1979	149(D) Building Certificate	Swimming Pool Certificate
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NOTING

Items for Noting

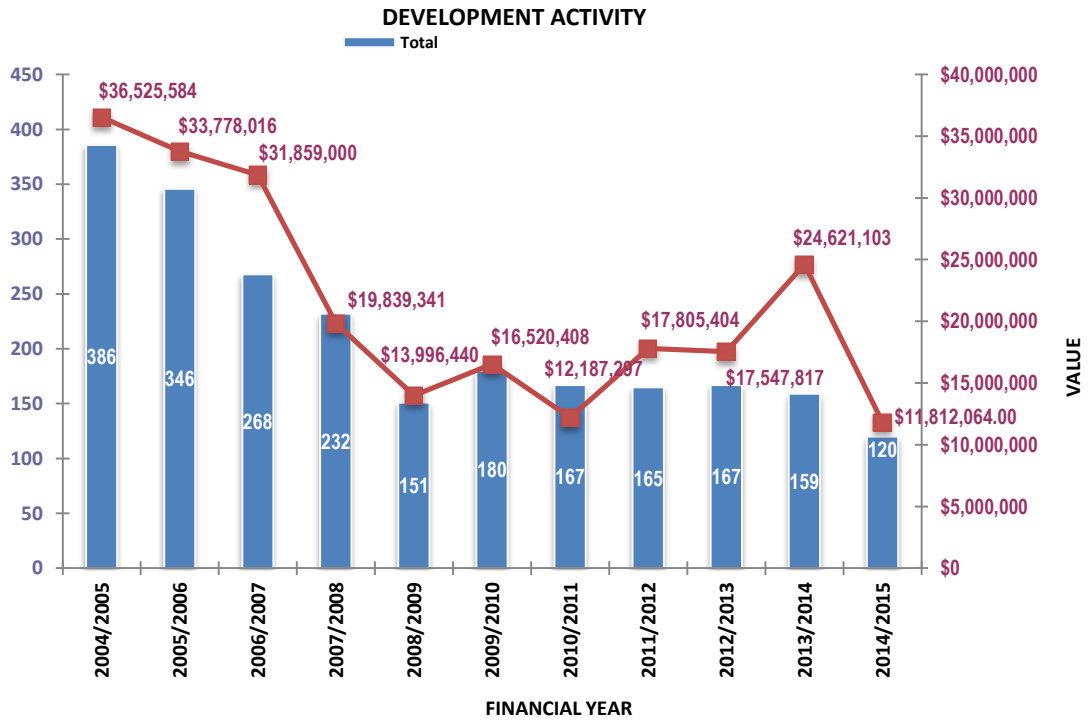
	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total
BAROOGA	7	52	0	1	0	0	0	0	0	1	0	1
BERRIGAN	8	31	1	2	5	11	2	3	0	2	0	0
FINLEY	9	57	0	3	3	3	2	2	0	0	0	1
TOCUMWAL	19	85	0	0	0	0	0	0	0	2	0	0
TOTAL	43	225	1	6	8	14	4	5	0	5	0	2

DEVELOPMENT ACTIVITY 2014 / 2015



NOTION

Items for Noting



Committee meeting reports

7.1 MINUTES OF THE RISK MANAGEMENT COMMITTEE HELD ON WEDNESDAY, 4TH FEBRUARY, 2015 COMMENCING AT 4.00 PM

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RECOMMENDATION – that recommendations numbered 1 to 3 inclusive of the Risk Management Committee Meeting held on 4th February, 2015 be adopted.

4. RLSSA POOL AUDIT ACTION PLAN

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 27.121.2

RECOMMENDATION NO 1:

1. that Council note the RLSSA Pool Audit Action Plan attached as Appendix 1;
2. that the Council adopt the following recommendations of the RLSSA Pool Audit, and identified on the Pool Audit Action Plan.

1. All swim teachers hold a current AUSTSWIM teacher licence or equivalent (All pools);

Recommend that Council staff ensure anybody hiring the pool for the purpose of conducting swimming lessons holds the appropriate qualifications and provides evidence of this.

2. All program leaders or instructors hold a current qualification appropriate to the group and activity undertaken (All pools);

This specifically relates to aquatic activities such as swimming coaching, diving coaching, aqua-aerobics, infant and pre-school children. Dependent upon the group demographic and the type of activity, there is a list of qualifications the RLSSA require as a minimum.

Recommend that Council staff ensure anybody hiring the pool for the purpose of conducting these activities holds the appropriate qualifications and provides evidence of this.

3. Any staff dealing with special needs clients receive training or accreditation in appropriate qualifications (All pools);

Committee meeting reports

Recommend that lifeguards should not be responsible for ensuring they hold the appropriate qualifications for dealing with special needs groups as this can be varied and outside the scope of our lifeguard's qualifications. Appropriate qualifications are specific to those school groups hiring the pool, with the responsibility of identifying and determining the need for this with those groups.

4. The facility provide functional defibrillation equipment for use by qualified staff (Tocumwal and Berrigan pools);

Finley Pool is currently the only pool with defibrillation equipment, with Berrigan considering purchasing the equipment. Recommend the purchase of any equipment the responsibility of the Committee, however Council would need to ensure that there are people trained in its use. This may include volunteers and lifeguards.

5. Exits from the facility must be marked with illuminated signage (All pools);

Recommend illuminated signs not be installed in accordance with the Building Code. The pool building's dimensions do not support the installation of illuminated signage. The pools are never open outside of daylight hours, with natural light available.

6. An emergency lighting system be installed that is automatically activated in the event of lighting or power failure (All pools);

Recommend that an emergency lighting system not be installed in accordance with the Building Code. The pool building's dimensions do not support the installation of an emergency lighting system.

7. The nature of change room floors and walls should be of a suitable slip resistance and non-abrasive surface (All pools);

Recommend that the floors and walls remain as is. Council's Building Surveyor inspected the change room floors and walls and provided the following assessment:

Whilst the concrete floors are a little worn in some places, applying a non-slip coating would potentially create more problems with peeling, and further trip and slip hazards. The walls are solid brick with minimal risk of injury; applying lining would be of significant cost, with minimal risk reduction.

8. Consideration be given to the installation of the following (All pools):
 - Ramps

Committee meeting reports

- Handrails
- Change areas
- Hoists
- Lifts

Recommend no further action with installation of the listed items. This was raised in the 2007 audits. Further action was not recommended. Installation of these items would be costly and it is doubtful if the benefits would justify the cost. Berrigan Shire Council residents with special needs have access to a suitable facility at Barooga, one subsidised by the Council.

9. All facilities maintain a current Keep watch @ Public Pools Partner Agreement which is renewed every 12 months, including (All pools):
- a) Erecting signage consistent with Keep Watch @ Public Pools;
 - b) Making available Keep Watch @ Public Pools resources at facility entry points.

Recommend no further action in renewing an agreement with RLSSA Keep Watch @ Public Pools.

Initially when the Keep Watch @ Public Pools program was introduced it allowed the Council access to resources free of charge, this included flyers, posters and signage.

Whilst Keep Watch @ Public Pools is a policy which is enforced at all pools, to continue as a registered partner of the program now involves purchasing the resources.

10. Two qualified staff members are in the facility and on duty at any time it is open (Finley and Berrigan Pools);

Recommend no change to the current practice of one lifeguard.

Due to the layout of the pools at Finley and Berrigan, this has been a recommendation from the early pool audits conducted in 2007. Actions then were to assess appropriate staffing levels. In line with the 2014 audit it is timely to reassess staffing levels to ensure Council is still committed to the practice of employing only one lifeguard at the pools.

11. All isolated areas be sufficiently supervised and regularly checked such as changerooms every 30 – 60 minutes;

Recommend no further changes to current practices.

Due to the practice of employing only one lifeguard, conducting periodic checks of changerooms is not achievable, unless volunteers are used to

Committee meeting reports

conduct checks. Changerooms are checked at the beginning and end of the pool session.

12. Changes in gradient, in depths less than 1.6 metres be marked with signage on the adjacent concourse or above the water and, as soon as possible with signage or markers on the pool floor (Tocumwal Pool);

Recommend that depth indication is applied onto the pool floor following an assessment when the pool is emptied at the end of the season.

Current depth indication is at 1.0m and 1.5m using tiles on the pool edges.

13. The metric depth markings be situated to allow them to be viewed from within the pool and conform to the following characteristics (Tocumwal Pool):
 - a) At least 100mm in height in a colour contrasting with their backgrounds;
 - b) Be posted at shallow water, deep water and at gradient changes.

Recommend no further action be taken and the risks with non-compliant tiles be absorbed.

Depth markings are on the side of the pool which can be viewed from within the pool, however the height of the numbers at Tocumwal is approximately 75mm, not the 100mm as stipulated.

14. Where no diving signs are used that they be compliant with current pictograms (All pools).

Recommend no further action be taken regarding installation of new signage.

Below is the current no diving sign erected at the pools:

Committee meeting reports



Below is what the current pictogram should look like:

<http://www.online->



[sign.com/build_sign.php?pic=263](http://www.online-sign.com/build_sign.php?pic=263)http://www.online-sign.com/build_sign.php?pic=263

Council's Signs as Remote Supervision Policy, adopted on 20/11/2013 states that as new standards are released and symbols change, existing signage will continue to reflect retrospective standards until complete sign replacement is deemed necessary.

Committee meeting reports

5. RISK MANAGEMENT STRATEGIC PLAN REVIEW

AUTHOR: Enterprise Risk Manager
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 27.121.2

RECOMMENDATION NO 2: that the review of the 2013-2016 Risk Management Strategic Plan, circulated as Appendix 2 be noted.

6. LOOSE-FILL ASBESTOS INSULATION UPDATE

AUTHOR: Enterprise Risk Manager
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 27.121.2

RECOMMENDATION NO 3: that the Council write to the State Ministers and Workcover concerning the remedial action to be taken with the identification of loose-fill asbestos insulation within the Berrigan Shire and recommending that the effected properties be demolished and the sites remediated and owners compensated.

Committee meeting reports

7.2 MINUTES OF A CORPORATE SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 4TH FEBRUARY, 2015 IN THE COUNCIL CHAMBERS COMMENCING AT 4.30 PM.

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

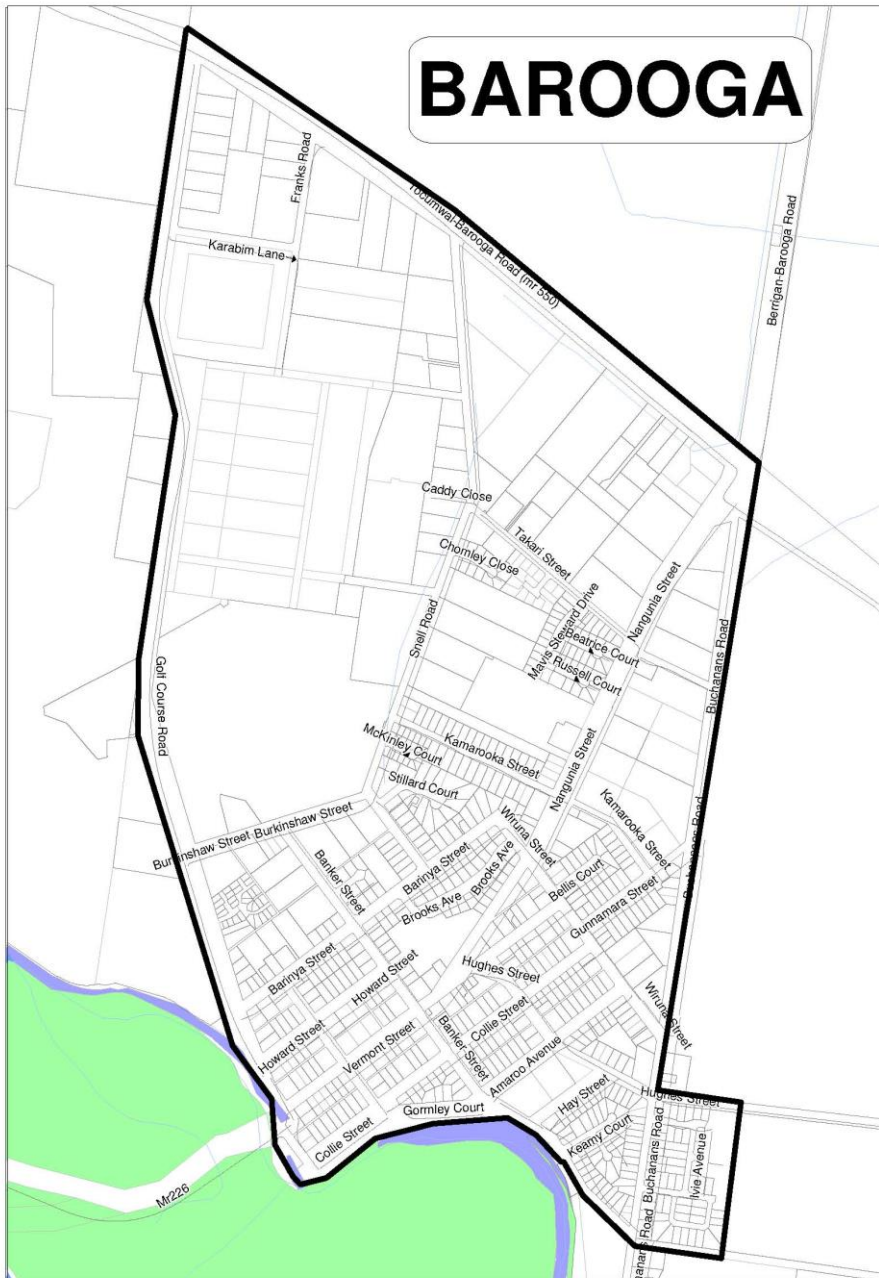
5. RE-ESTABLISHMENT OF ALCOHOL FREE ZONES

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Supported and engaged communities
STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 24.128.14

RECOMMENDATION NO 1: that the Council advertise its intention to re-establish Alcohol Free zones in accordance with Section 644B(4) of the *Local Government Act 1993*, for twenty-four hours per day, for a four year period commencing on 1 July 2015 until 30 June 2019, affecting the areas within the Shire depicted in the plans below:

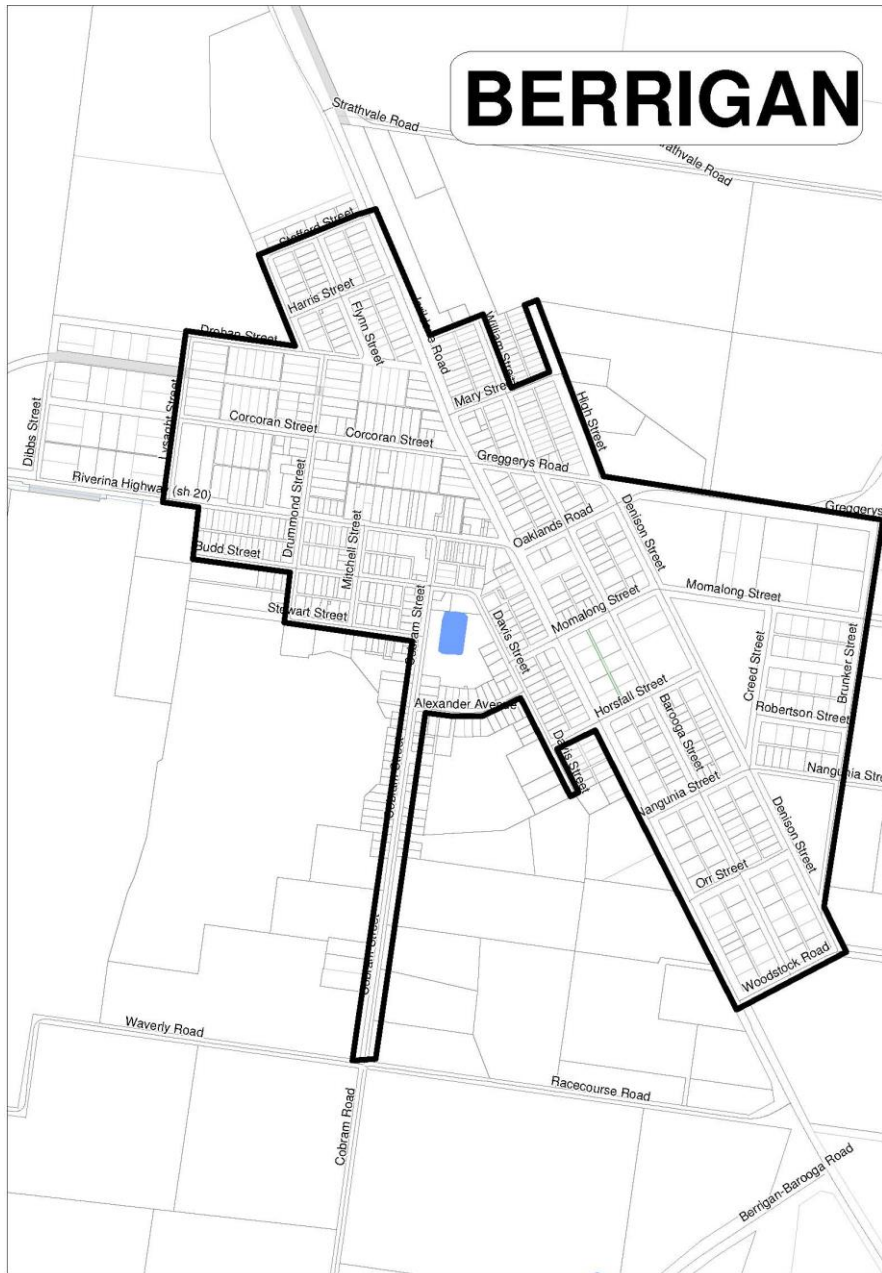
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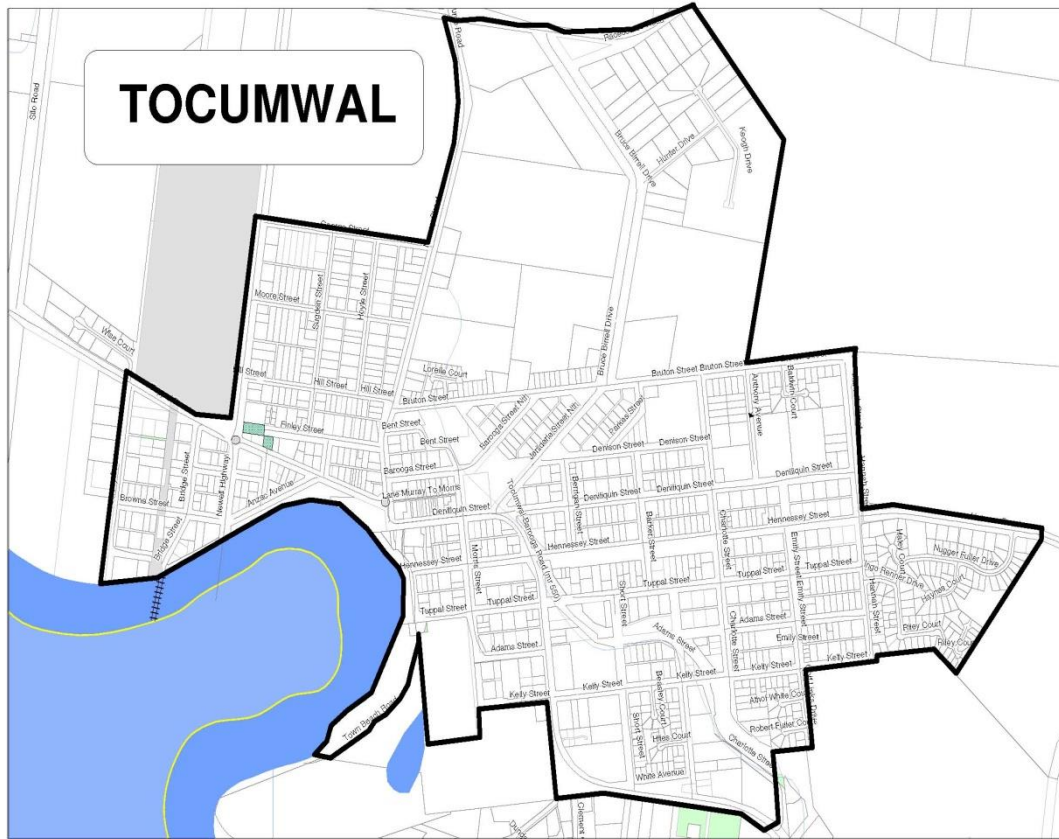


Committee meeting reports



COMMUNITY

Committee meeting reports



Further, that written submissions be invited until 27 March 2015 with any submissions to be considered by the Council at the meeting to be held on 15 April 2015.

GENERAL BUSINESS

Finley Showgirl Dinner

RECOMMENDATION NO 2: that the Council meet the cost of Cr. Hill and partner to attend the Finley Showgirl dinner.

COMMUNITY

Committee meeting reports

7.3 MINUTES FOR LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY 3RD FEBRUARY, 2015 COMMENCING AT 11:00 AM

RECOMMENDATION – that recommendations numbered 1 to 4 inclusive of the Local Traffic Committee Meeting held on 3rd February, 2015 be adopted.

- 1. 5TH MURRAY RIVER ROD RUN ROAD CLOSURE – SECTIONS OF DENILQUIN ROAD AND DENILQUIN STREETS AND DUFF STREET, TOCUMWAL**

RECOMMENDATION NO.1 – that Council approve the road closure with condition that RMS and NSW Police be listed as parties of interest on the Certificate of Currency.

- 2. TRUCK BRAKE NOISE COMPLAINTS – BAROOGA RESIDENTIAL AREAS**

RECOMMENDATION NO.2 – that signs advising trucks not to use air brakes not be installed in Barooga.

- 3. SCHOOL CROSSING DENISON STREET, FINLEY (TUPPAL STREET END)**

RECOMMENDATION NO.3 – that former school crossing at the catholic school in Denison Street, Finley not be reinstated.

- 6. PROPOSED PEDESTRIAN CROSSING AT JERILDERIE STREET, BERRIGAN NEAR MOMALONG STREET INTERSECTION.**

RECOMMENDATION NO.4 – that no pedestrian crossing be created in Jerilderie Street, Berrigan in front of the skate park.

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

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Items requiring Council Resolution

10. GENERAL BUSINESS

RESOLUTION