



ORDINARY MEETING

Date of meeting: 13 February 2024
Location: Council Chambers
Time: 6:30 PM

MINUTES

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1. PROCEDURAL MATTERS

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 13 February 2024, commencing at 6:30pm.

Welcome

The Mayor, Councillor Sarah McMahon acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

ATTENDANCE

PRESENT: Councillor Sarah McMahon, Mayor, Councillor Barry Calvert, Deputy Mayor and Councillors Shane Djuric, Eddie Dogramaci, Amanda Kotlash, Mary Lyons-Buckett, Jill Reardon, Les Sheather, Paul Veigel, Danielle Wheeler and Nathan Zamprognio.

ALSO PRESENT: General Manager - Elizabeth Richardson, Director City Planning - Meagan Ang, Director Infrastructure Services - Will Barton, Director Corporate Services - Laurie Mifsud, Acting Manager Corporate Communication – David Catt, Chief Financial Officer – Vanessa Browning, Acting Manager Strategic Planning – Jack Kensey, Acting Manager Regulatory Services – Rob Wainhouse, Manager Economic Development – Phil Moore, Manager Community Planning and Partnerships – Liz Murphy and Administrative Support Coordinator – Melissa Ryan, Executive Assistant to Director Corporate Services – Amy Birks.

APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK

An apology was received from Councillor Patrick Conolly.

16 RESOLUTION:

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Reardon that the apology be accepted.

DECLARATIONS OF INTEREST

Councillor McMahon declared interests on Items 4.4.1, 4.5.2 and 4.5.3.

Councillor Wheeler declared interests on Items 4.5.2 and 4.5.3.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

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2. CONFIRMATION OF MINUTES

17 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Veigel that the minutes of the Ordinary Meeting held on 30 January 2024, be confirmed.

ADJOURNMENT OF MEETING

The Mayor, Councillor McMahon adjourned the meeting at 9pm for a short break. The meeting resumed at 9:14pm.

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3. MAYORAL MINUTES

3.1.1. MM - Cost Shifting Onto Local Government (79353, 79633)

MOTION:

RESOLVED on the motion of the Mayor, Councillor McMahon.

Refer to RESOLUTION

18 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor McMahon.

That:

1. Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year.
2. A copy of the cost shifting report be placed on Council's website so that our communities can access it.
3. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.
4. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking a meeting with the Mayor, Deputy Mayor and General Manager to discuss the impacts of cost shifting in the Hawkesbury.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

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4. REPORTS FOR DETERMINATION

4.2. GENERAL MANAGER

4.2.1. GM – 2024 National Assembly of Local Government – Conference Motions – (79351)

Directorate: General Manager

Mr Michael Want addressed Council, speaking for the recommendation in the business paper.

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

Refer to RESOLUTION

19 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

That Councillors provide any proposed motions for the 2024 National General Assembly of Local Government to the General Manager by Friday, 23 February 2024.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly

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4.3. CITY PLANNING

4.3.1. CP – Windsor Liveability Project Update – (95498)

Previous Item: 5.1.5 Ordinary (21 November 2023)

Directorate: City Planning

Councillor Wheeler read Mr Graham Edds address to Council, speaking against the recommendation in the business paper.

MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Sheather.

Refer to RESOLUTION

20

RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Sheather.

That Council note:

1. The information contained within the report regarding the Windsor Liveability Project.
2. The Heritage Committee's advice regarding the paving substrate for the Liveability Project – Windsor Stage 1.
3. That Council Officers will assess the tenders that are returned for the Liveability Project – Windsor Stage 1, inclusive of all viable substrate options.
4. That Council Officers will continue to provide information to the Heritage Committee for future stages, including Dharug representatives.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

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4.3.2. CP - Bligh Park Community Services Request for Exclusive Use of Land - (95498)

Directorate: City Planning

Ms Catherine Murphy addressed Council, speaking against the recommendation in the business paper.

MOTION:

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

21 **RESOLUTION:**

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Lyons-Buckett.

That Council:

1. Note the matters in relation to Bligh Park Community Services Incorporated.
2. Further discuss with Bligh Park Community Services Incorporated and the Police if necessary, to formulate exclusive use of the premises (area that is used) during the times of their tenancy.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

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4.3.3. CP - NSW Government's Proposed Changes to Create Low and Mid-Rise Housing - (95498)

Directorate: City Planning

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Sheather.

Refer to RESOLUTION

22 RESOLUTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Sheather.

That Council endorse the draft submission attached as Attachment 3 to the report, to the NSW Government's proposed policy changes to create low and mid-rise housing in the Hawkesbury Local Government Area.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

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4.4. CORPORATE SERVICES

4.4.1. CS – December 2023 Quarterly Budget Review Statement – (95496, 96332)

Previous Item: 4.2.2, Ordinary (20 June 2023)

Directorate: Corporate Services

Councillor McMahon declared a less than significant non-pecuniary interest as her son plays for the Hawkesbury Hawks at Turnbull Oval and no further action is required.

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

Refer to RESOLUTION

23 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

That Council receive the information contained in this report regarding the December 2023 Quarterly Budget Review, and that the Budget adjustments, as summarised in the report and detailed in Attachment 1 to the report, be adopted.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

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4.4.2. CS – Proposed Road Closure Part of 111 and 112 Horans Lane, Grose Vale – (95496,159585)

Directorate: Corporate Services

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

Refer to RESOLUTION

24 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

That:

1. Council publicly exhibit and notify adjoining owners of the proposed road closure located within 111 and 112 Horans Lane, Grose Vale as shown in the location plan attached as Attachment 1, to this report.
2. At the expiration of the public exhibition period outlined in Part 1, the following action be taken:
 - a) Should any submissions be received regarding the proposed road closure, a further report be submitted to Council, or
 - b) Should no submissions be received:
 - i. Council approve the road closure as shown in Attachment 1 to this report, being part of the closed portion of the road reserve located within 111 and 112 Horans Lane, Grose Vale.
 - ii. Authority be given for the Road Closure Plan, and any documentation in association with the matter to be executed under the Seal of Council.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

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4.5. INFRASTRUCTURE SERVICES

4.5.1. IS - Restoration of Thomas James Bridge, Settlers Road, Wisemans Ferry - (95495)

Directorate: Infrastructure Services

MOTION:

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Reardon.

Refer to RESOLUTION

25 RESOLUTION:

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Reardon.

That Council:

1. Receive and note the report on the Restoration of the Thomas James Bridge, Settlers Road, Wisemans Ferry.
2. Accept the variation by Delaney Civil Pty Ltd to contract T00157 - *Remedial Works at Thomas James Bridge* for the purpose of undertaking the restoration of the Settlers Road Landslip, as outlined in Confidential Attachment 1 to this report.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogn.

Against the Motion: Nil.

Absent: Councillor Conolly.

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4.5.2. IS – Proposed Site for the Hawkesbury Fire Control Centre – (95495)

Directorate: Infrastructure Service

Councillor McMahon declared a less than significant non-pecuniary interest as she is a volunteer member of the Hawkesbury Communications Rural Fire Brigade and no further action is required.

Councillor Wheeler declared a less than significant non-pecuniary interest as she and her son are both members of the Rural Fire Service and no further action is required.

Mr Kevin Jones and Mr Joshua Torrens addressed Council, speaking for the recommendation in the business paper.

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

26 RESOLUTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Lyons-Buckett.

That Council:

1. Receive and note the report on the proposed site for the Hawkesbury Fire Control Centre;
2. Endorse 6 McKinnons Road, Wilberforce as the site for a new Emergency Services Precinct, incorporating the new Hawkesbury Fire Control Centre;
3. Commence the acquisition, in whole or part, of 6 McKinnons Road, Wilberforce for the purpose of developing the new Emergency Services Precinct, including the Hawkesbury Fire Control Centre;
4. Delegate authority to the General Manager to negotiate with the property owner of 6 McKinnons Road, Wilberforce, the acquisition of either the whole or part of 6 McKinnons Road, Wilberforce, with a further report to be brought to a future Council meeting on the outcomes of those negotiations; and
5. Write to the Minister for Planning and the Minister for Emergency Services and ask that they reform the legislation so that Rural Fire Service emergency infrastructure are as eligible as other community infrastructure for expedited approval pathways.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

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4.5.3. IS – Quarter 2 – 2023/2024 Capital Projects Report – (95495)

Previous Item: 4.5.2, Ordinary (21 November 2023)

Directorate: Infrastructure Services

Councillor McMahon declared a less than significant non-pecuniary interest as she is a member of the Hawkesbury Communications Brigade and no further action is required.

Councillor Wheeler declared a less than significant non-pecuniary interest as her son is a member for Wilberforce Brigade and she is a member of Hawkesbury Communications Brigade in the Rural Fire Service and no further action is required.

A PROCEDURAL MOTION was moved by Councillor Lyons-Buckett, that Item 4.5.3. be separated into two parts to hear and debate the section on Packer Road, Blaxlands Ridge separate from the remainder of the report regarding the Quarter 2 – 2023/2024 Capital Projects Report.

For the Motion: Councillors Djuric, Dogramaci, Lyons-Buckett, Sheather, Wheeler and Zamprogno.

Against the Motion: Councillors McMahon, Calvert, Kotlash, Reardon and Veigel.

Absent: Councillor Conolly.

The Procedural Motion was carried.

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PACKER ROAD, BLAXLANDS RIDGE

Mr Barry Kennedy, Mr David Ingram, Ms Ruth Atkinson and Ms Caroline Hocking addressed Council, speaking against the recommendation in the business paper.

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

Refer to RESOLUTION

27 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

That:

1. Council proceed with the sealing of Packer Road, Blaxlands Ridge by choosing an appropriate Tender as outlined in the Confidential Attachment 3 to Item 4.5.3. in the business paper.
2. Any adjustment to Council's Capital Work Program involving the sealing of Packer Road, Blaxlands Ridge be referred to a Councillor Briefing.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

QUARTER 2 – 2023/2024 CAPITAL PROJECT REPORT

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

Refer to RESOLUTION

28 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

That Council receive and note the Quarter 2 - 2023/2024 Capital Projects Report.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

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6. NOTICES OF MOTION

6.1.1. NM - Disaster and Emergency Management Committee

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Wheeler.

Refer to RESOLUTION

29 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Wheeler.

That:

1. Council hold a meeting of the Disaster and Emergency Management Committee in March 2024.
2. A report be prepared for that meeting containing the following:
 - a) Status of outstanding resolutions from previous meetings including:
 - Update on the Pitt Town Evacuation Route
 - Update on riverbank stabilisation matters
 - Update on the Molino Stewart study of drainage schemes that operate on the floodplain between Agnes Banks and Wilberforce
 - Progress on the review of the Hawkesbury Flood Study.
3. At that meeting, provide an update on the progress of the Floodplain Management Sub-Committee and minutes of meetings held to date, specifically outlining:
 - An update of the progress of the MacDonald Valley Flood Study
 - A summary of how the sub-committee has facilitated broader community consultation and participation in Floodplain Risk Management initiatives through informing and liaising with member community groups.
4. Provide a list of prioritised works related to disaster and emergency management which have been put forward or are intended to be put forward for grant funding opportunities.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

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MOTION:

RESOLVED on the motion of Councillor Dogramaci, seconded by Councillor Kotlash.

Refer to RESOLUTION

30

RESOLUTION:

RESOLVED on the motion of Councillor Dogramaci, seconded by Councillor Kotlash that the time of meeting extend past 11:00pm.

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6.1.2. NM - Companion Animals

Mr Michael Want addressed Council, speaking for the recommendation in the business paper.

A MOTION was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Council:

1. By March 2024, enters into a Memorandum of Understanding (MOU) with Animal Welfare League (AWL) Hawkesbury to provide \$5,000 interim funding to support AWL's existing desexing, microchipping and registration program. The MOU is to include a time limit, geographical constraint (Hawkesbury LGA only) and socio-economic thresholds (eg healthcare holder, pensioner). This MOU will enable increased desexing prior to the 2024/2025 financial year and allow Council to assess if it is more effective and feasible to support AWL's program or begin its own.
2. Receive a briefing on the operating procedures at the Companion Animal Shelter, including measures in place to reduce hoarding, on-selling and adoption by people previously found guilty of animal welfare abuses.
3. Receive a briefing on the Community Cat Program Trial, with the view to considering participation in this or a similar scientific trial, including how Council could work with local rescues, veterinarians and other parties, and tolerance for a Trap, Neuter, Return program in the LGA.

For the Motion: Councillors Djuric, Dogramaci, Lyons-Buckett, Wheeler and Zamprogno.

Against the Motion: Councillors McMahon, Calvert, Kotlash, Reardon, Sheather, Veigel.

Absent: Councillor Conolly.

The Motion was lost.

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8. CONFIDENTIAL REPORTS

31 RESOLUTION:

RESOLVED on the motion of Councillor Veigel, seconded by Councillor Reardon.

That the Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

Attachment 1 to Item 4.5.1. - T00157 Remediation Works at Thomas James Bridge, Variation Evaluation - Settlers Road Landslip Works

REASON FOR CONFIDENTIALITY

*This attachment is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

Attachment 1 to Item 4.5.2. – Hawkesbury Fire Control Centre – Acquisition Costs

REASON FOR CONFIDENTIALITY

*This attachment is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the disposal of property by the Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public

Attachment 3 to Item 4.5.3. - Tender T00163 Report - Packer Road Upgrade

REASON FOR CONFIDENTIALITY

*This attachment is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

32 RESOLUTION:

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Veigel that open meeting be resumed.

Meeting terminated at 11:22pm.

Submitted to and confirmed at the Ordinary meeting on 12 March 2024.

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Ordinary Meeting

End of Minutes

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.