



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 10 November 2015

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 10 November 2015**

**MINUTES**

– **WELCOME**

**Prayer**

**Acknowledgement of Indigenous Heritage**

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **PRESENTATION BY COUNCIL'S AUDITOR, MR DENNIS BANICEVIC OF PRICEWATERHOUSECOOPERS, IN RESPECT OF COUNCIL'S AUDITED 2014/2015 FINANCIAL STATEMENTS**

– **SECTION 1 - Confirmation of Minutes**

– **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**

– **SECTION 2 - Mayoral Minutes**

– **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**

– **SECTION 3 - Reports for Determination**

**Planning Decisions**

**General Manager**

**City Planning**

**Infrastructure Services**

**Support Services**

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

– **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

**ORDINARY MEETING**

**Minutes: 10 November 2015**

**ORDINARY MEETING**

Minutes: 10 November 2015

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>ATTENDANCE</b>	<b>4</b>
	<b>PRESENTATION BY COUNCIL'S AUDITOR</b>	<b>4</b>
	<b>SECTION 1 - Confirmation of Minutes</b>	<b>4</b>
	<b>SECTION 3 - Reports for Determination</b>	<b>5</b>
	<b>PLANNING DECISIONS</b>	<b>5</b>
Item: 186	CP - DA0503/14 - Lot A DP 359072 - 135 Mountain Avenue, Yarramundi - Truck Depot - Retrospective Application - Extension to existing outbuilding, landfill and use of property - (95498, 111135, 97761)	5
	<b>CITY PLANNING</b>	<b>11</b>
Item: 187	CP - Hawkesbury City Council - Annual Report - 2014/2015 - (95498, 124414)	11
Item: 188	CP - Voluntary Planning Agreements for Large Lot Developments in the Kurrajong - Kurmond Investigation Area - (95498, 124414)	12
	<b>INFRASTRUCTURE SERVICES</b>	<b>13</b>
Item: 189	IS - Management of South Windsor Tennis Courts - (95495, 79354, 73611)	13
Item: 190	IS - Request for Additional Dates for the Governor Phillip Park Markets - (95495, 79354, 129069)	13
Item: 191	IS - Hawkesbury War Memorial Honour Roll Eligibility Criteria - (95495, 79354)	14
	<b>SUPPORT SERVICES</b>	<b>15</b>
Item: 192	SS - Execution of Transfer Granting Easement - 110 March Street, Richmond - (95496, 112106)	15
Item: 193	SS - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2015 - (95496, 96332)	15
	<b>QUESTIONS FOR NEXT MEETING</b>	<b>16</b>
	Councillor Questions from Previous Meetings and Responses - (79351)	16
	Questions for Next Meeting	17

## ORDINARY MEETING

Minutes: 10 November 2015

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 10 November 2015, commencing at 6:31pm.

Pastor Andrew Mann of Hawkesbury Community Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

### ATTENDANCE

**PRESENT:** Councillor K Ford, Mayor, Councillor Dr W Mackay (OAM), Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, C Paine, B Porter, P Rasmussen, J Reardon, T Tree and L Williams.

**ALSO PRESENT:** Acting General Manager – Laurie Mifsud, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Chief Financial Officer – Emma Galea, Deputy Chief Financial Officer – Vanessa Browning, Acting Manager Corporate Services and Governance – Nicole Cooney and Administrative Support Coordinator - Natasha Martin.

### PRESENTATION BY COUNCIL'S AUDITOR

The Auditor's report was presented to Council by Mr Dennis Banicevic of PricewaterhouseCoopers, in respect of Council's audited 2014/2015 Financial Statements.

### SECTION 1 - Confirmation of Minutes

#### 317 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 27 October 2015, be confirmed.

**ORDINARY MEETING**

**Meeting Date:** 10 November 2015

**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 186**                    **CP - DA0503/14 - Lot A DP 359072 - 135 Mountain Avenue, Yarramundi - Truck Depot - Retrospective Application - Extension to existing outbuilding, landfill and use of property - (95498, 111135, 97761)**

**Previous Item:**            156, Ordinary (29 September 2015)

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Councillor Ford declared a pecuniary interest in this matter as he lives at 142 Mountain Avenue, Yarramundi. He left the Chamber and did not take part in voting or discussion on the matter.

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In the absence of the Mayor, the Deputy Mayor, Councillor Mackay, in accordance with Section 369(1) of the Local Government Act 1993, acted as Chairperson.

Mr Greg Hall addressed Council, speaking for the recommendation.

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Paine.

***Refer to RESOLUTION***

**318 RESOLUTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Paine.

That development application DA0503/14 at Lot A DP 359072, 135 Mountain Avenue, Yarramundi for a Truck Depot - Extension to existing outbuilding, landfill and use of property be approved subject to the following conditions:

**General**

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The development shall comply with the provisions of the National Construction Code – Building Code of Australia.
4. The building shall not be used or occupied until the issue of an appropriate occupation certificate.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Council within seven days of issuing the certificate. A registration fee applies.

## ORDINARY MEETING

Meeting Date: 10 November 2015

6. This development falls within the Sewerage Scheme controlled by Council. Therefore Council is the approving authority for all sewer works.
7. A Building Certificate is to be obtained prior to the issue of a construction certificate.

### **Prior to Issue of Building Certificate**

8. A structural engineer shall inspect and certify that the building is structurally adequate to resist the loads likely to be imposed upon it.

### **Prior to Issue of Construction Certificate**

9. Council is the sewer authority for this development. As this development involves works in connection to the on-site septic system, a payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a construction certificate.
10. Two additional personnel exit doors are required to be provided in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. The exit doors are required to swing in the direction of egress and be provided with lever type handles and illuminated exit signage. Details are required to be provided with the construction certificate application.
11. Bollards are required to be provided to all personnel exit doors in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015.
12. An accessible WC is required to be provided to serve the building in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. Details are required to be provided with the construction certificate application.
13. Emergency Lighting, Illuminated Exit Signage and Portable Fire Extinguishers are required to be provided throughout the building in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. Details are required to be provided with the construction certificate application.
14. An accessible car-parking space is required to be provided in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. Details are required to be provided with the construction certificate application.
15. Braille and tactile signage is required to be provided in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. Details are required to be provided with the construction certificate application.

### **Prior to Commencement of Works**

16. The applicant shall advise Council of the name, address and contact number of the Principal Certifying Authority, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
17. At least two days prior to commencement of works, notice is to be given to Council, in accordance with the Environmental Planning and Assessment Regulation.
18. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.



## ORDINARY MEETING

Meeting Date: 10 November 2015

19. The waste management plan shall be amended to include any construction works. An amended copy of the waste management plan shall be provided to the Principal Certifying Authority prior to the commencement of works.
20. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - a) Unauthorised access to the site is prohibited.
  - b) The owner of the site.
  - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.

### During Construction

21. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
24. Works shall not impeded or divert any natural water flow from adjoining properties. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
25. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
26. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
27. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority .
28. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Council. Inspections must be conducted on the exposed pipes prior to covering. Please phone (02) 4560 4444 to arrange inspections.

## ORDINARY MEETING

Meeting Date: 10 November 2015

29. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
30. The filled area shall be battered at a slope not exceeding one vertical to three horizontal.
31. All constructed batters shall be topsoiled and turfed immediately upon completion of construction.
32. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
33. Disabled parking shall be provided in accordance with AS2890.6.

### **Prior to Issue of an Interim Occupation Certificate**

34. Written clearance from Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.
35. A compliance certificate from Council's Development Services Branch confirming completion of internal and external drainage must be submitted to the Principal Certifying Authority.
36. A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted.

### **Use of the Development**

37. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
38. No internal or external alterations shall be carried out without prior approval of Council.
39. Servicing or washing of trucks and other vehicles associated with the truck depot is not permitted on the property, except for minor maintenance to trucks involving the topping up of oil and fluids and changing of tyres, air filters and windshield wipers.
40. Only small quantities (maximum of 20 litres of oil and 10 litres of other fluids) of oil, fuel, brake fluid, radiator fluid, battery acid and other chemicals/fluids used to maintain the trucks are to be kept in the approved outbuilding.

These are to be stored in a bunded area to contain any potential spills

41. The hours of operation for the premises are regulated by a reviewable condition as follows:
  - a) The hours of operation are restricted to:  
7am and 6pm Mondays to Fridays  
8am and 6pm Saturdays, Sundays and public holidays  
  
Reviewable extended hours
  - b) During the trial period of six months, from date of issue of this consent, the use may operate as follows:  
  
5am and 6pm Mondays to Fridays  
8am and 6pm Saturdays, Sundays and public holidays

## ORDINARY MEETING

Meeting Date: 10 November 2015

- c) The extended hours in (b) above may be reviewed by Council at any time during the trial period. Such a review will occur in the event that a breach of the maximum noise restriction criteria has occurred and has not been satisfactorily resolved following a written request from Council.
  - d) Notwithstanding the right of Council to review the hours of operation during the trial period a further application may be lodged by the owner to continue the extended hours of operation outlined in (b) above before the end of the trial. Council's consideration of a proposed continuation of the hours of operation will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other relevant stakeholders.
  - e) The purpose of the reviewable condition is to allow ongoing assessment of the hours of operation in relation to neighbourhood amenity and operational performance, and allow the management to demonstrate successful practices in relation to the above.
42. The truck depot activity shall not employ more than two persons.
43. Only a total of four truck movements per day is permitted to and/or from the property.
44. The tanker can only be brought to/parked on the property if empty.
45. Any oil or liquid spills must be cleaned up promptly. Necessary materials and equipment shall be kept onsite to contain and clean up any spills. Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997.
46. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
47. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
48. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a) been assessed by a properly qualified person
  - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
49. Waste is to be stored in an appropriate manner in a covered area and removed at regular intervals.
50. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
51. Noise generated as a result of the activity shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DECs' Industrial Noise Source Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of other properties and associated outdoor areas.
52. The activity shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
53. Waste is to be separated where appropriate for reuse and recycling.

**ORDINARY MEETING**

**Meeting Date:** 10 November 2015

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Calvert	NIL
Councillor Conolly	
Councillor Creed	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Ford was not in the Chamber when the vote was taken.

**ORDINARY MEETING**

**Meeting Date:** 10 November 2015

**CITY PLANNING**

**Item: 187**

**CP - Hawkesbury City Council - Annual Report - 2014/2015 - (95498, 124414)**

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**MOTION:**

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Mackay.

*Refer to RESOLUTION*

**319 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Mackay.

That:

1. Council's 2014/2015 Annual Report be received and noted and a copy be forwarded to the Office of Local Government and any other necessary authorities prior to 30 November 2015 as required.
2. The full Annual Report also be made available on Council's website by the 30 November 2015.

**ORDINARY MEETING**

**Meeting Date:** 10 November 2015

**Item: 188**                    **CP - Voluntary Planning Agreements for Large Lot Developments in the Kurrajong - Kurmond Investigation Area - (95498, 124414)**

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Mr Glen Falson addressed Council, speaking for the recommendation.

Mr Michael Want addressed Council, speaking against the recommendation.

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Mackay.

*Refer to RESOLUTION*

**320 RESOLUTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Mackay.

That:

1. Council agree to offers to enter into negotiations for Voluntary Planning Agreements in the Kurrajong/Kurmond Investigation Area in the absence of an adopted Section 94 developer contributions plan.
2. Any Voluntary Planning Agreement for this locality to be based on CPI adjusted cash contributions on a per lot release basis consistent with the offers discussed in this report.
3. Negotiations for draft VPAs should include consideration of a Clause to terminate the VPA once the Section 94 Plan is adopted with no retrospective provisions should the amended contributions be different to the VPA contribution amount.
4. To reinforce Council's previous resolutions planning proposals that have completed public exhibition are not to be reported to Council for finalisation until a Section 94 Plan is adopted or the report is accompanied by a draft Voluntary Planning Agreement that is proposed to be placed on public exhibition.

Councillors Lyons-Buckett, Rasmussen and Williams requested that their names be recorded as having voted against the motion.

**ORDINARY MEETING**

**Meeting Date:** 10 November 2015

**INFRASTRUCTURE SERVICES**

**Item: 189**                    **IS - Management of South Windsor Tennis Courts - (95495, 79354, 73611)**

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

*Refer to RESOLUTION*

**321 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

That the existing delegation of authority given to the Hawkesbury Sports Council Inc. under the provisions of Section 377 of the Local Government Act 1993, to manage and maintain various sporting facilities throughout the area be extended to include the management and maintenance of the South Windsor Tennis Courts, on the basis outlined in the report, including the payment of an annual maintenance fee of \$3,000 (indexed to CPI), plus all utility costs.

**Item: 190**                    **IS - Request for Additional Dates for the Governor Phillip Park Markets - (95495, 79354, 129069)**

**Previous Item:**        35, Ordinary (10 March 2015)

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

*Refer to RESOLUTION*

**322 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

That:

1. Eclectic Markets and Events Market be given approval for two additional Sunday Markets on 29 November 2015 and 31 January 2016.
2. The approvals be subject to the following:
  - a) Council's general park conditions.
  - b) Council's fees and charges.
  - c) The Richmond Park and Windsor Foreshore Plans of Management.
  - d) Satisfactory management of conflict with other users.
  - e) Council reserving the right to suspend the use where conflicts of use arise.

**ORDINARY MEETING**

**Meeting Date:** 10 November 2015

**Item: 191                    IS - Hawkesbury War Memorial Honour Roll Eligibility Criteria - (95495, 79354)**

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Mr David Bowles and Mr Geoffrey Brand addressed Council, speaking against the recommendation.

A MOTION was moved by Councillor Conolly, seconded by Councillor Rasmussen.

That the proposed Hawkesbury War Memorial Eligibility Criteria 2015 attached to this report not be accepted and that a report be brought to Council recognising the autonomy of each sub-branch to have different criteria.

An AMENDMENT was moved by Councillor Mackay, seconded by Councillor Creed.

That Council adopt the proposed Hawkesbury War Memorial Eligibility Criteria 2015 as attached to the Council report with the deletion of Criteria 7 and the deletion of Process Step 5.

The Amendment was carried on the casting vote of the Mayor, Councillor Ford and became the motion.

**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Creed.

*Refer to RESOLUTION*

**323 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Creed.

That Council adopt the proposed Hawkesbury War Memorial Eligibility Criteria 2015 as attached to the Council report with the deletion of Criteria 7 and the deletion of Process Step 5.

The Motion was carried on the casting vote of the Mayor, Councillor Ford.



**ORDINARY MEETING**

**Meeting Date:** 10 November 2015

**SUPPORT SERVICES**

**Item: 192**                    **SS - Execution of Transfer Granting Easement - 110 March Street, Richmond - (95496, 112106)**

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

*Refer to RESOLUTION*

**324 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

That authority be given for the Transfer Granting Easement, as well as any other necessary documentation regarding an easement over Lot 2 in Deposited Plan 575929, 110 March Street, Richmond, in association with consent condition No 39 of DA0600/13, to be executed under the Seal of Council.

**Item: 193**                    **SS - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2015 - (95496, 96332)**

**Previous Item:**        163, Ordinary (29 September 2015)

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

*Refer to RESOLUTION*

**325 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

That Council:

1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2015.
2. Thank its Auditor, Mr Dennis Banicevic of PricewaterhouseCoopers, for his presentation in respect of Council's audited 2014/2015 Financial Statements.

**ORDINARY MEETING**

**Meeting Date:** 10 November 2015

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meetings and Responses - (79351)**

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Responses to Questions in relation to previous Questions for Next Meeting were provided and discussed.

**ORDINARY MEETING****Meeting Date:** 10 November 2015**Questions for Next Meeting**

#	Councillor	Question	Response
1	Reardon	Requested that the branches of the tree adjacent to the ramp at Council's Administration Building be pruned.	Director Infrastructure Services
2	Porter	Enquired why neighbours are not notified of the lodgement of a development application, yet residents in an adjoining Council are notified.	Director City Planning
3	Lyons-Bucket	Enquired if a fine has been issued regarding the breach at Redbank, North Richmond.	Director City Planning
4	Lyons-Bucket	Enquired if the adequate works have now been put into place at Redbank, North Richmond.	Director City Planning
5	Lyons-Bucket	Requested information regarding the ongoing monitoring and if there will be an audit of the damage to Redbank Creek in regards to the aquatic life of the Creek.	Director City Planning
6	Williams	Requested that the North Richmond District Community Association be advised of any development applications received for Redbank, North Richmond.	Director City Planning
7	Williams	Enquired if Council is aware of the reasons for the removal of the sediment barriers at the Redbank, North Richmond that caused siltation going to the creek.	Director City Planning
8	Calvert	Enquired if there are any plans for cycle-ways and footpaths to extend from Richmond to North Richmond and when that would take place.	Director Infrastructure Services
9	Calvert	Enquired if a flood sign on Richmond Road near the corner of St Marys Road has been installed.	Director Infrastructure Services
10	Calvert	Enquired if Council ensures that employees of contractors receive proper wages and work conditions and if Council manages that as part of the tender process.	Director Support Services
11	Rasmussen	Requested that Council be provided a full briefing on the Redbank Creek environmental emergency.	Director City Planning
12	Rasmussen	Enquired if Council has standard operating procedures in place to deal with environmental emergencies.	Director City Planning

**ORDINARY MEETING**

**Meeting Date:** 10 November 2015

The meeting terminated at 8:09pm.

Submitted to and confirmed at the Ordinary meeting held on 24 November 2015.

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Mayor