

13. QUESTIONS WITHOUT NOTICE

13.1 Questions Without Notice

1. Councillor Kolkman referred to the roadworks currently being undertaken along Narellan Road, noting that there is now a 'no bicycle/pedestrian allowed' sign. Councillor Kolkman asked the General Manager if representations could be made to the Roads and Maritime Services seeking a solution to allow bicycle riders a safe thoroughfare whilst travelling from Narellan to Campbelltown.

The General Manager advised that appropriate representations would be made to the Roads and Maritime Services regarding this matter and the outcome would be advised to Councillors by way of memo.

2. Councillor Kolkman advised that a representative from the ACCC was heard during a recent ABC radio broadcast advising that severe action would be taken against any organisation that was not passing on the savings from the recently abolished carbon tax. Councillor Kolkman asked Council's Acting Director Business Services if Council increased our charges at the time the carbon tax was introduced, and if so, will Council following the ruling of the ACCC in this matter.

Council's Acting Director Business Services advised that Council's Domestic Waste Management charge is calculated each year based on expenditure required to deliver the service. This charge was impacted initially by increased contractor charges indirectly fluctuated by carbon tax. This has been adjusted through the current years charge and passed on to ratepayers.

3. Councillor Brticevic advised that there is an extensive amount of rubbish piling up along Campbelltown Road adjacent to Sweeney's at Scenic Hills, and requested that this area be tidied up.

Council's Acting Director Planning and Environment advised that this matter would be investigated with a view to cleaning the area as requested.

4. Councillor Lound thanked all staff involved in coordinating the recent matches played between the Western Sydney Wanderers and Sydney FC.
5. Councillor Borg asked the following questions in regard to the World of Learning Child Care Centre, Denham Court:

- What does the current consent allow for?
- Is the operation of the site in accordance with the consent?
- What are the main points of non-compliance?

Council's Acting Director Planning and Environment advised that the current consent allows for up to 50 children and up to 74 children with the upgrade of the adjacent intersection to a Type B intersection. The site was not currently operating in accordance with the consent due to the following two main reasons:

- Operating above 50 children without the construction of the required intersection
- Operating above 74 children.

Councillor Borg noted that he was aware of a new development application being submitted for this site that proposes to increase the student numbers to 130 and upgrade the adjacent intersection to cater for the additional vehicle movements. Councillor Borg further noted that this facility has not complied with conditions of consent over the previous 11 years.

Council's General Manager advised that these issues would be investigated and appropriate action taken as necessary.

6. Councillor Borg referred to the Hindu Temple located at 201 Eagleview Road, Minto and asked the following the questions:

- Is there a valid consent for the use of this site?
- Are they operating in accordance with the consent?
- If there is found to be a non-compliance of the consent, what will Council do about it?

Council's Acting Director Planning and Environment advised there are valid consents issued for the use of this site however the operator is not operating entirely in accordance with the their consent in that they have not yet constructed a portion of Eagleview Road along the frontage of the site. Council's Acting Director Planning and Environment advised that Council has served orders on owner of the site for the construction of the outstanding works with a deadline of 5 August 2014.

Council's General Manager advised that any non-compliance with consent would be enforced appropriately.

7. Councillor Borg referred to The Mandir located at 203 Eagleview Road, Minto and asked whether an appropriate development application has been lodged for the conduct of heritage and cultural tours.

Council's Acting Director Planning and Environment advised that Council was in receipt of a development application however further information is required from the applicant before its determination.

Councillor Borg enquired whether the application would be determined under delegated authority.

Council's Acting Director Planning and Environment advised that the application would be presented to the full Council for its determination.

8. Councillor Lake referred to the M5 freeway exit along Campbelltown Road adjacent to St Andrews, noting that there is continual rubbish being dumped in this location. Councillor Lake asked if a mobile camera can be placed in this location to assist Council in identifying and prosecuting the offenders.

Council's Acting Director City Works advised that this matter would be investigated as requested with a view to installing the mobile camera.

9. Councillor Lake noted that the full length of the M5 freeway between Glenfield and the Narellan Road exit is continually littered with rubbish and asked the General Manager if he would consider writing to the Roads and Maritime Services and the Minister for Environment requesting that the M5 freeway be cleaned up on a regular basis.

Council's General Manager advised that the Roads and Maritime Services have recently changed contractors responsible for the cleaning up of the M5 Freeway and that Council's Acting Director City Works is currently in discussions with the new contractor regarding this matter.

10. Councillor Dobson asked Council's Director Community Services if she could be provided with a copy of the submission that won Amarina Early Learning Centre the National Award.

Council's Director Community Services advised that she would provide a copy to Councillor Dobson as requested.

11. Councillor Dobson advised that she has been made aware that the area surrounding the Airds Pond has been recently sprayed with poison and advised that the pond now appears lifeless. Councillor Dobson asked to be advised as to what type of poison has been used to spray in this area and if this poison has been used elsewhere in the Airds area.

Council's Acting Director Planning and Environment advised that this matter would be investigated and that Councillor Dobson would be advised of the outcome by way of memo.

12. Councillor Dobson asked the General Manager if she could be provided with a copy of the letter that Council wrote to the Premier seeking a meeting regarding Airds/Bradbury and also be provided with a copy of the Premier's response.

Council's General Manager advised that he would provide copies to Councillor Dobson as requested.

13. Councillor Dobson asked Council's Acting Director Planning and Environment to be provided with a copy of Council's Koala Management Plan.

Council's Acting Director Planning and Environment advised that he would provide Councillor Dobson with a copy as requested.

14. Councillor Dobson asked Council's Acting Director Planning and Environment to be provided with a copy of the koala mapping strategy and associated attachments undertaken by the Australian Koala Foundation.

Council's Acting Director Planning and Environment advised that he would provide Councillor Dobson with a copy as requested.

15. Councillor Thompson requested a status update on the shared zone at Macquarie Road, Ingleburn.

Council's Acting Director City Works advised that this matter would be the subject of a report to the next City Works Committee meeting.

16. Councillor Thompson referred to the excessive height of the hedges located at Macquarie Road, Ingleburn adjacent to Oxford Road, noting that this is a safety concern and requested that they be trimmed appropriately.

Council's Acting Director City Works advised that this matter would be investigated with a view to trimming the hedges as requested.

17. Councillor Thompson referred to the World of Learning Child Care Centre, Denham Court noting that Council prosecuted this business for the use of signs and asked whether other businesses within the Local Government Area are similarly prosecuted for their sign usage.

Council's General Manager advised that the World of Learning Child Care Centre was in breach of their conditions of consent in regards to the use of signs and that any business within the Local Government Area that are in breach of their conditions of consent would have appropriate action taken against them.

18. Councillor Rowell congratulated the Member for Wollondilly in obtaining \$1.7m for the upgrade of Appin Road, Campbelltown.
19. At the Council meeting held on Tuesday 1 July 2014, Councillor Hawker asked a number of questions regarding the construction of a memorial rose garden at Ingleburn. The General Manager provided Councillors with a response by way of memo prior to this meeting and Councillor Hawker asked that a copy of this memo be included in the minutes:

The General Manager agreed to Councillor Hawker's request and the contents of the memo are detailed below:

- Q1) Are you aware of the recent notification of the construction of a rose garden at Ingleburn? Yes.
- Q2) Who authorised the construction of the garden? As far as I am aware, there was no formal authorisation to construct a rose garden at Ingleburn. The General Manager did request a quote for the construction of a rose garden at Ingleburn and this could have possibly been misinterpreted by Council's Manager Operations to proceed with the work.
- Q3) When was it authorised? There was no formal authorisation of the rose garden.
- Q4) Was the garden constructed on Council land? The property where the rose garden has been constructed is on crown land in the care control and management of the Council.
- Q5) Did Council seek prior approval to construct the garden on Crown Land? There has been no formal consideration of the garden and its location and therefore there has been no approval sought from the Department of Lands.
- Q6) How was it funded and by whom? There have been several requests from different organisations to provide funding for the garden. It was my understanding that the Ingleburn RSL Sub Branch had given a commitment to fund garden. I am not sure that the Sub Branch will provide funding for the garden given my discussions with Mr Glenn Cushion, CEO of Ingleburn RSL.

Q7) How was the funding obtained through the club?

- a) who sought the funding? It is my understanding that funding was sought by Councillor Wal Glynn with the support of Mr Ray James, President of the Ingleburn RSL Sub Branch.
- b) who was it authorised by? There was no formal authorisation of this proposal.
- c) was it authorised under the Council Seal? No.

Q8) Did any of the following take place prior to commencement of construction?

- a) approval from the full Council for construction to commence? No the Council has considered no report in respect to this matter other than the briefings prepared by the Director Business Services relating to the commemorations of the First World War and the 100th anniversary of Anzac day.
- b) any delegated authority by Council officers for construction to commence? There has been no approval or consideration of this proposal by Council and therefore there has been no delegation.
- c) approval from the full Council for official naming of the garden? Council has not considered a report in relation to this proposal.
- d) approval from the full Council or any other Council official for any person to seek private/outside community funding for the project? There has been no formal approval from the Council. Council received correspondence from the member for Werriwa the Hon Laurie Ferguson MP in relation to this matter seeking Council support. The Director Business Services replied to the correspondence indicating that the proposal was a matter for Council and that he would recommend matching funding after consideration by Council.

Q9) What steps will you take to ensure that the Council is not put in a position where it has to retrospectively authorise conduct that has already occurred? Council has been placed at times, in a position where projects inadvertently have commenced without formal Council approval. The governance framework requires that Council formally adopts all proposals before their commencement however variations to particular proposals can occur and require Council approval on a retrospective basis. I would prefer not to place Council in a position where retrospective approval is to be considered. However there can be a range of circumstances where this may be necessary.

Q10) Will you ensure that a full report is circulated to Councillors regarding this matter? Should the Council wish that a full report be presented given the circumstances surrounding this proposal, I would be happy to prepare a report for the consideration of the Council.

20. Councillor Hawker asked the General Manager if he would establish whether Council's Code of Conduct had been adhered to in regard to all aspects of the construction of the rose garden at Ingleburn.

Council's General Manager advised that he would investigate the matter as requested and advised Councillors by way of memo.