

19 QUESTIONS WITH NOTICE

19.1 Question with notice: Councillor Tatrai - Terralong Street footpath maintenance

Councillor Yasmin Tatrai has submitted the following question with notice for consideration:

Question

I would like to enquire about the cleaning schedule for the footpaths outside businesses on Terralong Street, Kiama.

1. Is there a regular schedule for the cleaning of footpaths?
2. Are businesses notified in advance to ensure that any objects potentially in the way of the mobile street cleaner can be moved out of the way?
3. Is it possible to conduct cleaning during early morning or after business hours to reduce disruptions to businesses?

Councillor information provided

Background

Terralong Street Kiama experiences significant foot traffic and is currently in need of cleaning and maintenance, as it appears quite worn and tired.

Chief Executive Officer response

In response to the queries on the cleaning of the footpaths on Terralong Street, the following is advised:

1. Council deploys a small footpath sweeper Monday to Friday, which has a high-pressure cleaning wand built into it. This machine is deployed to sweep the footpath surface to lift accumulated debris and litter, while the cleaning wand is used to pressure wash bin enclosures and bench seats when needed. There is no set schedule for washing of footpath surfaces. In general Council will respond to Customer Request Management (CRM) submissions as received. Council staff do undertake inspections of some known problem locations where the pavers become sticky from food dropped by patrons, or other shaded areas that become slippery when wet, for extra cleaning as needed.
2. The reactive approach to footpath cleaning involves notifying the businesses during the day that the high-pressure washing would be completed early the following morning to minimise disruption. This allows the businesses to make adjustments to any furniture or operations.
3. As noted above, any footpath cleaning is undertaken in the early morning to minimise business disruption. Council's cleaning staff commence the Kiama town centre cleaning from 4.30am, with earliest business reported to open at 5am.

19.2 Question with notice: Councillor Tatrai - Legal advice costs for Councillors regarding conflicts of interest.

Councillor Yasmin Tatrai has submitted the following question with notice for consideration:

Question

1. How much does it cost for councillors to seek legal advice concerning their ability to sit in and vote on matters potentially related to conflicts of interest?
2. Who exactly pays for the legal advice in such circumstances?
3. Under what circumstances would a councillor require legal advice and is the option available to all councillors?
4. How much of council money has been spent this year on legal advice for councillors?
5. Are these costs budgeted for?

Councillor information providedBackground

Recently, I noticed Councillors obtained legal advice to determine if they could participate in discussions and votes amidst potential conflicts of interest.

Chief Executive Officer response

The questions raised by the Councillor will be answered as per the numbering above.

1. There is no set cost for obtaining legal advice. In accordance with Council's Procurement Policy, when legal services or advice is required, fee estimates are obtained from at least two (2) members of the Legal Panel. Each estimate is provided on a case by case basis taking into consideration the level of service required and the amount of time likely to be taken. Councillors are entitled to ask for advice on how to best manage potential conflicts.
2. Council has a consolidated legal budget for the payment of legal expenses.
3. It is a matter for each Councillor to manage their own conflicts of interest in line with the Code of Meeting Practice for Councillors (the Code).

The standard approach to obtaining advice in relation to conflicts of interest is to initially seek guidance from industry experts and/or the Office of Local Government. If however conflicting advice is received, or further clarification is required, legal advice may be requested.

4. The total amount spent this year on legal advice for Councillors is \$1,851.96.
5. Please refer to the response at point 2.

19.3 Question with notice: Councillor Warren - Curramore Causeway Jamberoo

Councillor Erica Warren has submitted the following question with notice for consideration:

Question

1. Is the Curramore Causeway sitting in our Asset Management Plan?
2. What is the plan for the causeway?
3. When is the causeway due for works?
4. What is Council's process for maintaining the culvert and drainage?

Councillor information providedBackground

Residents who live along Curramore Road and who have to traverse the Turpentine Creek causeway, are frequently at risk of being isolated during heavy rain events, and driving is made dangerous. Timely preventative road work by Council is essential. How do we best bring this to Kiama Council's attention?

1. The ongoing problem regarding pipe blockage at the Turpentine Creek causeway has been temporarily addressed by two council outdoor staff members using manual force (ramming) to remove large rocks wedged within the relatively small pipe underneath the causeway. This problem will continue to exist because each heavy rain event brings more rocks from further upstream to potentially clog the pipe resulting in the raging water backing up and the creek level rapidly increasing. After each flood event residents have been removing rocks that block the entrance to the pipe but have not been able to remove the rocks wedged within so thank you to the two outdoor council staff for your efforts to clear the pipe.
2. The causeway was financed and constructed by residents living west of the causeway (possibly in the 1970s) and with each heavy rain event resulting in flash flooding, resident access to the highway is cut. There are 9 families living west of the causeway; the collective age range of this group of residents is newborn to eighty, all of whom are cut off from essential services during a flood event. It is of major concern that medical access may not be available in an emergency even via helicopter given the terrain and overhead power lines. It would seem that the construction of a bridge is the only solution to this ongoing problem for the residents living west of the causeway.

Chief Executive Officer response

In answer to the items raised:

1. Council's Roads Asset Management Plan (AMP) considers all assets within this portfolio that are classified as road type assets. This includes road networks,

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19.3 Question with notice: Councillor Warren - Curramore Causeway Jamberoo (cont)

bridges and major culverts which are the asset categories of a causeway such as this.

2. The AMP's do not provide a low-level detailed management plan for individual assets, but rather a high-level strategic overview of the activities and costs to maintain a whole asset class at a desired level of service. There are currently numerous culverts and causeways across the LGA rural road network similar to this location. The causeway and Curramore Road itself are also within the floodplain of the adjacent Turpentine Creek, so it is very unlikely that any upgrades to the causeway will result in changes to flood access when the surrounding roads are also underwater.
3. The AMP includes a 10-year forecast plan which programs renewal of assets nearing the ending of the life, and ongoing maintenance costs. The road asset listed at this location has been included in the forecast renewal program within the next couple of years. Defect road patching rectification work has been identified as part of maintaining the asset until renewal works are completed. In the future if it is determined to be high risk, Council could reassess the performance and design life of the culvert asset.
4. Maintenance of culvert and drainage assets is currently treated as reactive. Council's Customer Request Management (CRM) requests to undertake maintenance and cleaning of assets is responded to according to the levels of service as stated in the AMPs. CRM's are prioritised based on risk, with a target timeframe to make safe (ie warning signage, barricades, etc) within 5 business hours. Blocked drains and culverts will have blockages removed within 30 days.

Item 19.3