

**PUBLIC FORUM
QUESTIONS/ANSWERS
27 February 2019**



Questions – Katrina Willis

Googong Urban Development Local Planning Agreement

- 1. Does the most recent variation in the Googong Urban Development Local Planning Agreement include any clause to reassign the \$30M that township developers had been required to contribute towards the duplication of old Cooma Rd? If so, what will the funds now be used for?**

Response – Natural and Built Character

At this stage there is no variation to the Googong Urban Development Planning Agreement although work has started on this following Council's resolution of 23 January 2019 (Minute No. 008/19) to agree in principle to vary it. Once this process reaches the stage where public exhibition is appropriate it will be advertised and any comments received will be considered and reported to Council.

Googong – resident population levels

- 2. Can the council advise the forecast resident population of Googong by the year 2030?**

Response – Natural and Built Character

Population estimates are available to 2031 and indicate that Googong's population will be 11,588.

CBD land sales

- 3. Can the council advise details of the public works it expects Downtown Q P/L and any of its contractors to provide in return for giving away council property in Crawford and Collett streets?**

Response – CEO

Council is not 'giving away' property. As reported, the Heads of Agreement executed with Downtown Q enables consideration of the sale and development of several of Council's CBD sites, subject to stages and development concepts being acceptable to Council. The only stage considered to date is the properties fronting Crawford and Rutledge Streets, adjacent to the redevelopment of the head office at 257 Crawford Street.

As reported to Council, in lieu of cash for the sale of those properties (based on market valuation), Council will accept works in kind to equivalent value. Those works are envisaged as public domain and car parking works on the Lowe precinct, the specifications of which will emerge from the CBD masterplan refresh.

Ellerton Drive Extension - sediment control plan

4. **Is the council aware that the *Protection of the Environment Operations Act (NSW)*, which governs actions including road construction, states (at section 120) that it is an offence to pollute water, including putting sediment in a place where it can enter water?**

Response – Community Connections

Council is aware of Section 120 of the POEO (Protection of the Environment Operations) Act. A significant amount of project resources are allocated to ensuring the project complies with the Environmental Protection Licence (EPL)

Council also notes that Section 122 of the POEO Act states that pollution regulated by an EPL is defensible if the pollution was not in breach of the EPL conditions. Breaches of the EPL are reported to the Environment Protection Authority (EPA) on a monthly basis. No breaches relating to erosion and sediment control have been reported to date.

5. **Does the council have a copy of the sediment control plan prepared for the construction of the Ellerton Drive Extension, as required, refer Review of Environmental Factors? If so, will the council publish the plan on its website?**

Response – Community Connections

Table 23 of the Review of Environmental Factors (REF) assigns the responsibility of reviewing erosion and sediment control plans to the Principal of the contract. Roads and Maritime Services (RMS) is the Principal of the construction of Ellerton Drive extension and Council is working in partnership with the RMS.

Council does not intend to place the erosion and sediment control plans on its website. The EPL for the project (#20852) is publicly available and can be found on the EPA website.

6. **Has the council formed a view as to whether the provisions of the sediment control plan were adhered to on the occasion of the major pollution event that occurred in Queanbeyan River in December 2018?**

Response – Community Connections

The discharge in December 2018 was not in breach of the Ellerton Drive extension project EPL or the POEO Act. Erosion and sediment controls are continually monitored on the project to ensure that work complies with the EPL and project approvals. The EPA is the regulatory authority for the project.

7. **If so, what is the council's view? If not, what steps has the council taken, or does the council intend to take, in response to the pollution event in the Queanbeyan River with regard to the impact that the Ellerton Drive Extension construction site had on the pollution event?**

Response – Community Connections

See response to question 6.

8. **Given the apparent inadequacy of the sediment control plan to account for heavy rain fall, which is now a recurring feature of summer in our district and was evident at least as early as 2013, will the council be requesting the EPA to review and update the sediment control plan, as provided for in the approval conditions, to reduce the likelihood of**

another pollution event during construction of the Ellerton Drive Extension?

Response – Community Connections

The EPA does not have a review or approval role with regards to the contractor's progressive erosion and sediment control plans.

Erosion and sediment controls are continually monitored on the project to ensure that work continually complies with the EPL and project approvals.

9. If not, how can the council provide a guarantee to the community that the Ellerton Drive Extension will not contribute to another pollution event in the Queanbeyan River?

Response – Community Connections

The contractor implements a range of controls to ensure compliance with the EPL including regular inspections by a qualified and experienced soil conservationist.

The Principal (RMS) also tracks compliance with the EPL by review of progressive plans and regular inspection of onsite controls. This inspection regime will continue until the project is completed.

Queanbeyan River pollution event

10. Further to responses to public forum questions on 23 January 2019, has the council identified the source of pollution at Googong that contributed to the December 2019 pollution event in Queanbeyan River? If so, can the council provide details?

Response – Natural and Built Character

Sediment in stormwater runoff occurs during rain events. There were several rain events in December which contributed to sediment loads in the runoff which ultimately discharge to the Queanbeyan River. The main contributors of sediment to stormwater in Googong is from individual building sites and from the construction of large scale subdivision works. Council is investigating an alleged breach of conditions of consent which may have resulted in excessive sediment being discharged to stormwater. That investigation is likely to take some time and details will not be made available to the public until such time as Council is satisfied that the alleged breach can be proved.

11. What action has the council taken in response to this apparent breach of requirements not to pollute the river?

Response – Natural and Built Character

As indicated above, the investigation is ongoing. However, Council is able to enforce conditions of consent relating to controlling erosion and sediment control within the resources available to it.

12. Have council staff identified any measures that need to be taken to reduce the risks of future pollution events arising from the same sources? If so, what are they?

Response – Natural and Built Character

This will form part of the investigation but ongoing monitoring of all building sites and subdivision construction sites continues within the limits of the resources available to Council.

13. What research, if any, has the council undertaken into the changes in patterns of rainfall in Queanbeyan-Palerang LGA in recent years which may give rise to the need to review and update stormwater management control measures?

Response – Natural and Built Character

Council has carried out a climate change risk assessment which has identified that the intensity of storm events is likely to increase as the effects of climate change become more pronounced. However, this has not translated into any changes to erosion and sediment control measures. Council relies on the “Blue Book”, a statewide publication from the Office of Environment and Heritage to guide it in sediment and erosion control measures. Appropriate changes to this document at a State level will filter through to local government controls throughout the State.