

**PUBLIC FORUM
QUESTIONS/ANSWERS
26 July 2017**



Questions – Katrina Willis

Proposed Ellerton Drive Extension – loan financing

1. Further to responses to Public Forum questions on 28 June 2017, can the council confirm that it has no plans to require any form of security for the \$36 million loan to cover developers' contributions to building the proposed EDE?

Response – Community Connections

The requirement for developers to fund the outstanding cost of the EDE is contained within the Googong LPA and other Section 94 Plans. There is no need to require any other form of security from developers.

Proposed Ellerton Drive Extension – financing

2. With respect to the \$36 million loan funding council will be underwriting for the non-grant component of the proposed EDE construction cost, please provide a breakdown of how the capital cost has been apportioned in the s94 plan and to whom:
 - i. Googong
 - ii. Tralee
 - iii. New or recent or proposed developments
 - iv. Existing ratepayers

Response – Community Connections

- Googong – 84.67%
- Tralee – 4.77%
- Other Developers – 10.56%
- Council – Nil - Council contribution has been covered by the \$50m grant.

3. Further to responses to 12 July Public Forum questions, why did the business paper presented to the June 26 meeting state that Roads and Maritime Service (RMS) would be repaying the \$6.3 million allocated in the 2017-18 QPRC budget to pay for the 'biodiversity offset' for the proposed EDE?

Response – Community Connections

The costs to meet the biodiversity offset requirements for the EDE are included in the total cost of the project (\$86m). No additional funding is required for this purpose. It should be noted that the funding for this project is being provided from three different sources which will require money to be transferred between the RMS and Council and vice versa as the project progresses. This administrative function will be managed between Council and RMS.

4. If council is paying for the offset what is the new estimate of the loan funding the council will bear to build the EDE?

Response – Community Connections

Refer to Q3.

Googong plans

5. What is the relationship of the Googong Voluntary Planning Agreement (now Local Planning Agreement) to the Googong Section 94 Contributions Plan?

Response – Natural and Built Environment

The Googong LPA applies to the land that will be developed by Googong Township Pty Ltd. The Googong S94 Plan relates to the land that will be developed by other developers.

6. Why is the Googong Voluntary Planning Agreement (Local Planning Agreement) being renegotiated?

Response – Natural and Built Environment

The Googong LPA is reviewed from time to time as various elements contained within the LPA change. The current review will seek to alter a range of matters, one of which is to update the cost of off-site roads contained within the LPA to reflect CPI and other escalation costs. The draft LPA will be publicly exhibited before coming to Council for approval.

7. Do the list of matters being renegotiated include contributions to road construction costs? If so, please provide details.

Response – Natural and Built Environment

See question 4.

Departure of Australian Electoral Commission Eden-Monaro electorate office from Queanbeyan

8. Is the council aware that the AEC has announced it will be moving the Eden-Monaro electoral office from the Queanbeyan CBD to Civic?

Response – Interim General Manager

Yes, Council is aware of the move and has been advised that the Australian Electoral Commission chose to relocate the office to reduce costs. The Local Member continues to have an office in Queanbeyan.

9. Did the AEC or the Australian Government notify the council that it intended to do so this?

Response – Interim General Manager

No

10. What representations, if any, did the council make to the AEC or the Australian Government to keep the office in the Queanbeyan CBD?

Response – Interim General Manager

Council was not aware of the move until it had been finalised.

Greyhound racing

11. With respect to the Administrator's public comments about greyhound racing in Queanbeyan published in the Queanbeyan Age-Chronicle in June this year, is the council endorsing the practice of greyhound racing?

Response – Interim General Manager

The Administrator stated that *'he would help facilitate the discussion of bringing the sport to Queanbeyan but a decision would require an in-depth assessment.'* This statement does not provide an endorsement.

12. Is the council actively developing options to provide facilities for greyhound racing in Queanbeyan?

Response – Interim General Manager

No discussions have been held.

13. Has the council discussed the matter with any groups, if so, who and when?

Response – Interim General Manager

No

14. What would it cost to provide facilities in Queanbeyan for greyhound racing?

Response – Interim General Manager

No discussions have been held.

15. Will the council be seeking public feedback on any proposal to permit greyhound racing in Queanbeyan? If so, when?

Response – Interim General Manager

If a greyhound racing facility was to progress, it would be subject to a development application which would allow the community to provide feedback.

Rationale for rating categories

The integrated plans for 2017-18 set out numerous rating categories.

16. What is the rationale for each category?

Response – Finance

Rating categories are defined in the *Local Government Act 1993*, and each rateable property must be categorised prior to being levied a general rate each year. Each rating category/subcategory is published in the adopted Revenue Policy and is shown below:

Rating categories and sub-categories

Section 494 of the LGA requires Council to make and levy ordinary rates on all rateable land for the year 2017-18. In accordance with the provisions of section 514 of the LGA, all parcels of rateable land in Council's area have been declared to be within one or other of the following categories:

- Farmland
- Residential
- Business
- Mining

Council has determined the category / sub category for each parcel of rateable land is in accordance with the definitions set out in Sections 515, 516, 517, 518, 519 and 529 of the LGA.

Residential (Section 516 LGA)

Section 516 of the LGA, provides that:

“Land be categorised as ‘residential’ if it is a parcel of rateable land valued as one assessment and:

- (a) its dominant use is for residential accommodation (otherwise than as a hotel, motel, guest house, backpacker hostel or nursing home) or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations, or*
- (b) in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes, or*
- (c) it is rural residential land.”*

Farmland (Section 515 LGA)

Section 515 of the LGA provides that: -

“(1) Land is to be categorised as ‘farmland’ if it is a parcel of rateable land valued as one assessment and its dominant use is for farming (that is, the business or industry of grazing, animal feedlots, dairying, pig farming, poultry farming, viticulture, orcharding, beekeeping, horticulture, vegetable growing, the growing of crops of any kind, forestry, oyster farming, or fish farming, within the meaning of the Fisheries Act and Oyster Farms 1935, or any combination of those businesses or industries) which:

- (a) has a significant and substantial commercial purpose or character,*
 - (b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).*
- (2) Land is not to be categorised as farmland if it is rural residential land.”*

Mining (Section 517 LGA)

Section 517 of the LGA provides that: -

*“(1) Land is to be categorised as **mining** if it is a parcel of rateable land valued as one assessment and its dominant use is for a coal mine or metalliferous mine.”*

Business (Section 518 LGA)

Section 518 of the LGA provides that: -

“Land is to be categorised as ‘business’ if it cannot be categorised as ‘farmland’, ‘residential or mining’”.

Rating sub-categories (Section 529 LGA)

In accordance with Section 529 of the LGA, the former Queanbeyan City Council will continue to have sub-categories of the 'Residential Ordinary rating category. These sub-categories are called:

- Residential Urban
- Residential Googong
- Residential Tralee
- Rural Residential.

Each of the Residential sub-categories are declared to be 'centre of population' or 'rural residential' in accordance with this section of the LGA.

'Rural Residential' is defined within the LGA as:

rural residential land means land that:

- (a) is the site of a dwelling, and
- (b) is not less than 2 hectares and not more than 40 hectares in area, and
- (c) is either:
 - (i) not zoned or otherwise designated for use under an environmental planning instrument, or
 - (ii) zoned or otherwise designated for use under such an instrument for non-urban purposes, and
- (d) does not have a significant and substantial commercial purpose or character.

In 2017-18 properties in the former Queanbeyan City Council will levied in the following categories and sub-categories:

Category	Category	Category	Category
Residential Ordinary	Farmland	Business Ordinary	Mining
Sub-Category		Sub-Category	
Residential Urban		Business Queanbeyan CBD	
Residential Googong		Business Industrial	
Residential Tralee		Business – Jerrabomberra	
Rural Residential		Business – Karabar	
		Business - Googong	

In 2017-18 properties in the former Palerang Council will levied in the following categories:

Category	Category	Category	Category
Residential Ordinary	Farmland	Business Ordinary	Mining

17. What, if any work has the council undertaken to review the different categories for rates since the special rate variation was applied?

Response – Finance

As part of the merger, Council is not permitted to increase the general rate yield by more than the rate peg amount set by the NSW Independent Pricing and Regulatory Tribunal or commence the harmonisation of rating categories. Council will have the opportunity after 2020 to review its rating categories. The rating categories have not been adjusted due to the implementation of the one-off 5.8% Special Rate Variation in 2010-11. The SRV was applied to all rating categories in the former Queanbeyan City Council area.

18. What was the outcome of any review?

Response – Finance

N/A

19. Is council proposing further changes to any of the rating categories? Is so, please provide details.

Response – Finance

The NSW Government has advised that Council is unable to commence harmonisation of its rating categories within the first four years of the merger under the Rate Path Freeze Policy.

Dunns Creek Rd

Council has said it will not build Dunns Creek Rd before the year 2041 and then only if the estimated population of Googong increases above the projected population of 17,500.

20. What is the population trigger to build Dunns Creek Rd?

Response – Community Connections

The building of Dunns Creek Road is not reliant on a single criteria nor is it triggered by population increases alone. The location of development that may occur in the future will have a large bearing on the need for Dunns Creek Road. The capacity of Queanbeyan's roads will be monitored as development proceeds and decisions on the timing of Dunns Creek Road will be made using this data and the future planning directions Council may set. The data referred to in your statement above was heavily qualified at the time and should not be considered as a target date or population number that will trigger the construction of Dunns Creek Road.

21. Based on current population projections, when is this likely to be reached?

Response – Community Connections

Refer to question 20.

22. Given that section 94 funds attributable from Googong towards road costs are being directed towards the proposed Ellerton Drive Extension (currently \$24.5 million), how does the council propose to fund construction of Dunns Creek Rd?

Response – Community Connections

Funding sources for Dunns Creek Road have not be determined at this time. It is anticipated that it would be a combination of developer contributions and government grants.

Proposed Ellerton Drive Extension – termite mounds

23. Can the council confirm that the NSW Office of Environment and Heritage (OEH) required the council to commission a study into a number of termite mounds in the footprint of the proposed EDE that were not destroyed during the work undertaken in January 2017?

Response – Community Connections

Yes.

24. Who conducted the study?

Response – Community Connections

The work was undertaken in conjunction with Council staff, RMS staff, Rosenberg's Goanna experts and NGH Environmental.

25. When was the work done?

Response – Community Connections

May and June 2017.

26. What did the study find?

Response – Community Connections

The work identified some termite mounds existing within the development footprint of Ellerton Drive Extension and classified the mounds into the following groups:

- Regenerated mounds: mounds which were originally cleared in January 2017 but have regenerated on or adjacent to the cleared mound
- New termite mounds which have grown after January 2017
- Non-habitat mounds that probably existed prior to January 2017 but have no potential for habitat due to the mound being inactive, invaded by ants or not a suitable size as identified by the Rosenberg's Goanna experts
- Potential habitat termite mounds which existed prior to January 2017 and were identified as being potential habitat by the Rosenberg's Goanna experts.

A more detailed investigation of the 10 potential habitat termite mounds was then undertaken to determine if there was any evidence of goanna breeding activity. None of the mounds inspected contained any evidence of goanna breeding activity and were reclassified as non-habitat mounds. Some mounds were not inspected for evidence of the Rosenberg's Goanna as they currently sit outside the contractual clearing limits of the construction work.

27. Did the study make any recommendations? If so, what are they? Has the council implemented them?

Response – Community Connections

The Strategy for Termite Mound Management recommends that:

- Regenerated mounds which were previously cleared in January 2017 can be removed at any time
- New mounds which were identified as not being used by Rosenberg's Goanna will be provided with a one metre exclusion zone around the mound until they can be cleared in the December/January clearing window

- New mounds which were not inspected for the presence of Rosenberg's Goanna will be protected by a five metre exclusion zone.

28. Has the council forwarded the report of the study to OEH? If so, has the council received a response from OEH?

Response – Community Connections

No, however the strategies described in question 27 were developed in conjunction with OEH.

29. Will the council make a copy of the report available to the public on its website? If not, why not?

Response – Community Connections

The document is yet to be finalised. When finalised, the document will be available upon request.

Council's new website – removal of public documents

30. Further to responses from the Public Forum on 12 July, how will people know to request a document if they don't know the document exists?

Response – Community Choice

As stated in the response on 12 July, Council's website is not a records management system. Council develops many documents that are publicly available, but are not published on its website. Residents who have an interest in a particular matter can request access to the document under the *Government Information (Public Access) Act 2009*. Most applications would be considered an informal access application and would be available free of charge.

31. Why should people have to pay under government access to information laws to get documents that previously were available to the public for free on the council website?

Response – Community Choice

Documents that are publicly available can be requested via an information access application and documents would be available free of charge. The only cost with an informal access application is in regards to copying, however in most circumstances, the document would be provided via email.

CBD property sales

32. Further to responses from the Public Forum on 12 July, if the sale of properties has not been negotiated yet, what commercial-in-confidence information could the heads of agreement possibly contain?

Response – Interim General Manager

A request to release the Heads of Agreement may be considered under the terms of the *Government Information (Public Access) Act 2009*. Further information on the process can be found at <https://www.qprc.nsw.gov.au/Council/Council-business/Access-Council-information>

Questions – Paul Hubbard

Proposed Memorial Park

33. If there are only eight burials in the bushland section of the cemetery (as per your last response) why can't the site be redesigned to cater for the extension, given that Council Records indicated that Geotechnical, Environmental, flora and fauna reports and the green light from the Aboriginal community were all given prior to the Minister rezoning the land to Special Uses Cemetery to facilitate the expansion of the Queanbeyan Lawn Cemetery on 12 March 2001.

Response – Natural and Built Character

Council was required to manage Portion 75 as a Bushland Cemetery, following an adopted Native Vegetation Management Plan. The NVMP contained areas of buffer between the surrounding residential estate and protected areas of higher conservation value. Plots for burials and ashes internment were then sold within approved areas. A purchaser acquires a legal right of burial, in perpetuity, and the family then owns that site. In 2007, due to further threatened species, Council resolved to amend the area that could be used for a cemetery. This was followed by a further tightening of federal legislation protecting Native Vegetation which resulted in Council resolving in 2009 to seek a new cemetery site.

34. We are told that the land DP819333 has some environmental protection, and yet in Queanbeyan Local Environmental Plan (Poplars) 2013, Schedule 1 Additional permitted uses (Clause 2.5)

“Use of certain land at 300 Lanyon Drive, Jerrabomberra” - states you can put in a sewage treatment plant. How many other areas have had their Schedule 1 altered to support Council decisions?

Response – Natural and Built Character

There are three primary local environmental plans applying to the former Queanbeyan LGA. Of these, [Queanbeyan LEP 2012](#) has 23 items listed in Schedule One, [Queanbeyan LEP \(Poplars\) 2013](#) has one item and Queanbeyan LEP (South Tralee) 2012 has two items. All of these LEPs were implemented in accordance with Council resolutions at that time.

35. Amendment to the Queanbeyan Development Control Plan (QDCP) 2012 – Queanbeyan Development, Control Plan 2012, Part 6 states:

6.4 Where the building setbacks In the Greenleigh Estate are proposed to be amended to , to ensure that adequate buffers are provided between build forms and goes on to prescribe that in the absence of a building envelopes front setbacks are to be assessed on merit, within Greenleigh Estate.

Who approved these changes to make Greenleigh a better place with regard to it environmental standing?

Response – Natural and Built Character

It is proposed to remove existing site specific controls for a number of localities from the Development Control Plan, including for Greenleigh Estate. Where necessary, other controls have been drafted to ensure any new development continues to be appropriately sited, including the controls referred to in the question. Staff are currently reviewing submissions in respect of the draft changes to the DCP. The changes have not yet been

approved and will be reported to the Council at the Planning and Strategy meeting of 9 August 2017.

- 36. On several occasions I have asked about other parcels of land for the proposed cemetery. I do not believe any other land was investigated, short of looking at google maps – If there is any evidence of Geotechnical, Environmental or any other type of selection process can you please tell us. (The fact that it was an Environmental zone means nothing if you can change a schedule 1) to make Greenleigh a better place with regard to it environmental standing?**

Response – Natural and Built Character

As previously advised, Council has reviewed land parcels within 10-15 km of the major population centres of Queanbeyan Jerrabomberra and growth areas of Tralee and Googong. Not all properties investigated or negotiated proceeded to external Geotechnical Engineering assessment due to property owners or management declining access.

- 37. Will you rule out a Crematorium being built on the Googong site?**

Response – Natural and Built Character

Should planning for the Googong site progress to development application phase, it would be a commercial decision for a future Council, based on demand, financial viability and access to services, that includes a decision to consider a crematorium.

- 38. May I please have a copy of the Gateway Documentation that has been delivered to the NSW Government.**

Response – Natural and Built Character

Council is yet to forward the relevant documents to the Department of Planning and Environment. When it does, those documents will be uploaded to the Department's LEP Tracking system where they can be viewed by the public (see <http://leptracking.planning.nsw.gov.au/Default.aspx>).