

**PUBLIC FORUM
QUESTIONS/ANSWERS
8 June 2016**



Questions – Peter Kontis

Noise Walls – (also to be provided to the EDE enquiries team for their records and formal acknowledgement and reply)

A few weeks ago, notably after public submissions on the EDE had closed, Council asked a small number of what it considers to be “EDE noise-affected” residents in Greenleigh to contact them about its proposed noise mitigation measures. Greenleigh Residents’ Group (GRG) would like it on the public record that a great many more residents than those identified and contacted by QCC will be “noise-affected”, and yet those residents are not considered by Council to be entitled to have a voice with respect to noise reduction measures proposed along the EDE route. GRG would like it officially recorded that GRG: (i) is opposed to the proposed 2.4m timber infill noise wall at the end of Lonergan Drive and along the proposed EDE route and believes 3.6m Hebel walls should be built at a minimum as originally stated by QCC; and (ii) is opposed to the fact that Council has proposed no noise walls on the Queanbeyan bridge from Greenleigh across to Fairlane Estate.

- No noise walls on the bridge will mean that noise, pollution and vibration from trucks and 1000s of vehicles day and night will travel extensively up the river corridor and into Fairlane Estate and Greenleigh residents’ homes who QCC haven’t even identified as being “noise-affected”. This is unacceptable.
- The 2.4m height of the proposed noise walls at the end of Lonergan and at the back of Greenleigh residences to East Queanbeyan will be ineffective in significantly reducing noise and vibration from truck exhausts (which are higher than 2.4m).
- Timber construction material for noise walls is completely inappropriate for Greenleigh - an area that is already considered a high bushfire hazard area that will be made much worse by the construction of a major road posing much greater fire risks from car collisions and fires, cigarette ends flicked out of vehicle windows, etc.

1. **In light of the fact that information from QCC has twice now only been provided to select residents and only (days) after relevant public consultations/submissions closed, will Council listen to the concerns of Greenleigh residents and commit publicly on the record to, at a minimum, constructing 3.6m (or higher) Hebel noise walls along the proposed EDE route from, and including both sides of, the proposed bridge across the river, alongside Greenleigh and to East Queanbeyan if the EDE is approved?**
2. **The Preliminary Documentation for the EPBC process clearly states there are new noise wall locations and proposed changes to construction (eg height, material etc) since the public consultation process on the Review of Environmental Factors documents (REF) closed on 6 February 2015. However, no details on noise walls were provided in the SIS Addendum when it was**

exhibited for formal public submissions. When will residents have the opportunity to formally provide comments on the impact of those noise wall locations, design, construction, etc for inclusion in the Submissions Report to be considered by decision-makers (ie the Administrator or others, and OEH)?

3. At the community meeting on 25 May 2016, Council staff stated that the type and construction of noise mitigation measures could change right up to the point of EDE construction, subject to cost when the tender process is finalised. This means residents can have no certainty about what exactly the impact of the road might be on them as Council can continually keep moving the goal posts on proposed noise mitigation measures on the basis of costs but at the significant detriment to quality life for residents. What assurances can Council give residents that any future changes to noise mitigation measures and EDE design and construction will only be for the better for residents ie resulting in better “quality of life” outcomes for residents than what Council has already committed to and advised?
4. If developers are to pay for a large proportion of the proposed EDE, why does Council continue to try to reduce EDE construction costs (eg by reducing quality and height of noise walls, etc) to the detriment of residents’ quality of life?
5. Is the Administrator /Council giving a higher priority to reducing the financial impact of the proposed EDE on developers rather than reducing the devastating impact on 1000’s of residents?

Response – Infrastructure Services

In April 2016 letters were sent out to properties advising that they were identified by the current noise model as being a property which will most likely experience noise levels above the criteria set in the NSW Road Noise Policy (RNP). These properties are expected to require mitigation to bring their expected noise levels down to the RNP criteria.

As per the response provided for the 27 April 2016 public forum, there is a clear distinction between properties affected by road noise and properties exceeding the RNP criteria. It is acknowledged that there will be properties likely to experience an increase in noise if the EDE were built, however not all properties will experience noise levels above the RNP criteria and not all properties would require mitigation. Notwithstanding, the proposed mitigation measures would provide some noise reduction benefits to all properties.

Council is committed to continue our ongoing engagement with properties that require noise mitigation and will continue to provide updates to these properties as the proposal progresses. This consultation can be undertaken in addition to any exhibition periods. The proposed noise mitigation measures included in the detailed design of the road provides sufficient noise reduction levels to meet the RNP criteria.

1. The whole community were provided the opportunity to offer comment on the noise mitigations measures included in the preliminary design stage. These were publicly exhibited during the Review of Environmental Factors (REF) exhibition period

between December 2014 and February 2015. The recent exhibition period of the SIS Addendum did not relate to noise impacts.

The noise assessment does not support a higher noise wall near the end of Lonergan Drive or a noise wall along the western side of the bridge. The design does include a 2.4m high and 55m long noise wall on the south-eastern side of the bridge to reduce noise levels to the RNP criteria for properties on that side of the bridge.

2. As per the response provided for the 27 April 2016 public forum, the purpose of the SIS Addendum was to look at the impacts that the changed footprint would have on flora and fauna listed as threatened and vulnerable under Commonwealth and NSW legislations. Noise walls are outside the scope of the Species Impact Statement and its Addendum.
3. Council has made the undertaking to apply the NSW Road Noise Policy (RNP) guidelines when making decisions on noise mitigation measures. Regardless of what type and construction of noise mitigation is chosen, the end product would need to reduce noise levels to the criteria set in the RNP.
4. Council will endeavour to obtain the best value for money for the proposal.
5. See question 4.

Confirmation on design of EDE, future duplication, responsibility for ongoing maintenance costs etc

QCC's website states "Queanbeyan City Council (QCC) is proposing to construct a 3.9km extension and 700m upgrade of Ellerton Drive, Queanbeyan, on the NSW Southern Tablelands" It is proposed that the EDE would be "a new two lane single carriageway of sealed road with one bridge crossing over the Queanbeyan River and provisions for cyclists. The works would be constructed in one stage (2017 – 2019). The development footprint is defined as the final formed extent of the earthworks required for the proposal, including all cut and fill batters. The development footprint now includes ... new noise wall locations, stockpile and compound sites, erosion and sediment control elements and shared path connections to various neighbourhoods". In contrast, the Preliminary Documentation for the EPBC approvals process for the EDE describes the proposal as "Construction and operation of a new four lane dual carriageway of sealed road. The proposed new road will be an extension of Ellerton Drive at East Queanbeyan and would provide a link to Old Cooma Road at Karabar, New South Wales. The new section of road would be 4.6km long." The construction is stated as being in two stages: "Stage 2 (required sometime after 2031) would involve the construction of the additional two lanes within the area that would be cleared and stabilised during Stage 1."

6. **To clear this up once and for all, will the proposed EDE be a single lane road or a dual carriageway as there is a clear discrepancy between QCC's website and the preliminary documentation for the EPBC process?**

Response – Infrastructure Services

The website and covering letter to the hard copies of the Preliminary Documentation also states that the "design for the proposal has progressed since it was deemed to be a controlled action in September 2014. The proposal is now for the construction and operation of a new two-lane single carriageway of sealed road with one bridge crossing over the Queanbeyan River and provisions for cyclists."

The Preliminary Documentation includes a copy of the original EPBC Referral that was received by the Commonwealth Department of Environment on 11 August 2014. It is this referral document that refers to a four-lane dual carriageway built in two stages. However as stated on our website and the covering letter, the proposal has changed since the submission of the referral. It was found that a four-lane dual carriageway is not required in the future.

The proposed Ellerton Drive Extension will be a single lane road, with climbing lanes included where required.

- 7. If 65% of the construction cost of the proposed EDE was apportioned to the Googong developers in the Googong and Tralee Traffic Study, can QCC confirm that Googong developers will be paying at least 65% towards Stage 2 (i.e the duplication) of the EDE's construction if and when it is built? If not, why not and what percentage of the total cost will developers contribute if the road is ever duplicated?**

Response – Infrastructure Services

See question 6.

- 8. What percentage of Stage 2 costs will the ratepayers and taxpayers be liable for if the road is ever duplicated?**

Response – Infrastructure Services

See question 6.

- 9. In today's terms, what is the estimated cost for Stage 2 of the EDE?**

Response – Infrastructure Services

See question 6.

- 10. If a 4 lane dual carriageway is needed in the future, why isn't Council building it now in today's dollars and when developers are clearly legally liable for paying for a large proportion of the cost now?**

Response – Infrastructure Services

See question 6.

- 11. What financial guarantees and insurance are in place to ensure the developers are held to account for the EDE duplication construction cost post 2031?**

Response – Infrastructure Services

See question 6.

- 12. Will residents be footing the ongoing maintenance bill for the EDE if built?**

Response – Infrastructure Services

Council will be responsible for the maintenance of the EDE if built.

13. The Preliminary Documentation for the EPBC approvals process for the EDE states *“the development footprint is defined as the final formed extent of the earthworks required for the proposal, including all cut and fill batters”*, We read this to mean the development footprint advertised for public comment will accommodate the duplication of the EDE post 2031 ie no increase to the current footprint or more environmental destruction will be required for Stage 2. Can QCC please clarify and confirm if this is the case?

Response – Infrastructure Services

See question 6.

EPBC approvals process: how will submissions made and Commonwealth findings be considered in final EDE decision-making

QCC’s emailed public notice on the Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) approvals process for the proposed EDE states the deadline for public comments on the preliminary documentation is 3 June 2016. We understand QCC must then collate the feedback and responses into a new report for the Commonwealth Environment Minister by 17 June. The Minister is then required to make a decision on whether or not to approve the proposal within 40 days ie by 5 August 2016. However, QCC’s emailed public notice also states *“The feedback and responses for the preliminary documentation ...will not form part of the Submissions Report developed for the NSW determination process. The EPBC approval process will not delay or impact on the development of the NSW Determination Report for the Ellerton Drive Extension and will not delay that Report being presented to Council for consideration”*

14. When is Council/the Administrator expecting the NSW Determination Report to be finalised and presented to the decision-maker(s) for consideration?

Response – Infrastructure Services

The draft Determination Report is currently with the NSW Office of Environment and Heritage for review. The statutory period for review is 21 days, however the Office of Environment and Heritage may ‘stop the clock’ at any time during this period to seek further information or clarification. Should OEH provide concurrence, the proposal will be presented at a Council meeting for a decision.

15. How will the decision-maker on the EDE (presumably the newly appointed Administrator of the new merged Queanbeyan/Palerang Council unless one of the canvassed options is adopted – see Q30-32 below) get to see the feedback from the public on the EPBC approvals process so s/he can take this feedback into account in their decision-making?

Response – Infrastructure Services

Council’s email stated that the Commonwealth Department of Environment “will be considering public comments and Council’s responses to the feedback as part of their assessment and approval process” and that “this is a Commonwealth Government process and separate to the NSW determination process.”

The feedback received as part of the Commonwealth EPBC approvals process is not required to be seen by the decision maker(s) for the determination of the proposal which is being made under Part 5 of the NSW Environmental Planning and Assessment Act.

16. How can the decision-maker be expected to decide for or against a road when the costs of any Commonwealth environmental offsets will not be able to be determined until the Commonwealth determines what additional offsets may be required ie until after the EPBC approvals process is finalised?

Response – Infrastructure Services

An estimated cost for property acquisitions is included in the overall cost estimate for the proposal which the decision maker(s) will be provided with.

Land to be purchased for the EDE

The proposed EDE EPBC preliminary documentation states “Land council is looking to purchase includes:

- Lot 174 DP 793880
- Lot 4 and 5 DP 872684
- Road corridor through Lot 1 DP711905
- All Lots of DP 15222 and DP15764”

17. Which of these lots are still to be purchased by QCC?

Response – Infrastructure Services

This information is read out of the copy of the original EPBC referral which is included in the EPBC preliminary documentation. The proposal has changed since the submission of the original EPBC referral on 11 August 2014.

Council is finalising the sale of the corridor through Lot 1 DP711905 which is now Lot 3 DP1199045 and has acquired the corridor through some lots of DP15222 and DP15764. At this stage there is no requirement to purchase any of the other lots.

Business case for the EDE

18. Can GRG please have a copy of the Business Case for the EDE?

Response – Infrastructure Services

As previously mentioned in Public Forum replies and at the Community Meeting on 25 May 2016, the Business Case is a RMS document and is considered Cabinet in Confidence.

19. If Council is not prepared to provide a copy of the Business Case as requested, why not?

Response – Infrastructure Services

See question 18

20. Who prepared the Business Case for the EDE and when was it finalised?

Response – Infrastructure Services

The NSW Roads and Maritime Service prepared the business case.

- 21. If the Business Case is not finalised, has the Administrator/Council sought and/or obtained legal advice on the legality of making such a significant financial decision on the EDE for a Council in dire financial straits, committing ratepayers to multi-million dollar inter-generational debt, without a finalised business case?**

Response – General Manager's Office

Council is the determining authority for the approval of the REF. No further legal advice is required. When the Determination Report is presented to Council for assessment, information will be provided on the financial impact of the project.

- 22. If yes, who is giving that legal advice and what is the cost?**

Response – General Manager's Office

N/A

- 23. If received, what is the outcome of that legal advice?**

Response – General Manager's Office

N/A

Failure to consult with former Palerang residents on the EDE

On 12 May 2016, all Queanbeyan and Palerang Councillors were sacked by the NSW Premier Mike Baird. Queanbeyan and Palerang Councils were amalgamated, and Tim Overall, the former Queanbeyan Mayor, was undemocratically appointed as sole Administrator for the new amalgamated Queanbeyan Palerang Regional Council for the next 15 months until the next local government elections. We understand this means that Mr Overall now has unfettered powers (subject to following due process) to make arbitrary decisions on behalf of the new amalgamated Council without having to consult with anyone and without any regard to the views of former democratically elected Councillors representing their constituents in both Queanbeyan and Palerang.

It is well known that the now sacked democratically elected Queanbeyan councillors were split on whether or not to approve the proposed EDE with 6/10 Councillors against the EDE. The Queanbeyan community is also deeply divided on the proposed EDE on social, financial and environmental grounds. Further, Palerang residents have never been given the opportunity to comment on this expensive proposal which will adversely impact on rates longer-term and which a great many are unlikely to use. It is understood from discussions with a number of now sacked Palerang councillors that they opposed it also. On 28 April, prior to being sacked, Palerang Councillors formally resolved that in the event of Palerang Council merging with Queanbeyan, Palerang residents must be consulted on the \$100m EDE before any decision is made.

- 24. In light of these facts, will Mr Overall as the sole Administrator do the right and honourable thing by all residents in the new merged Queanbeyan/Palerang Shire and delay making any decision on the \$100m+ EDE until after a new**

amalgamated Council is democratically elected in the local government elections in Sept/Oct 2017?

Response – General Manager’s Office

As mentioned at the Community Meeting on 25 May, the Administrator sought advice from the Minister of Local Government soon after the merger was announced. The Minister advised that business was continue as normal and that the Administrator should progress with tasks as the Council would have prior to the merger.

In particular it is noted that the background material supporting the Notice of Motion that led to Palerang Council’s resolution argued that the risk of then Palerang ratepayers being required to support the construction cost of the EDE if a merger occurred. Council is satisfied that the such risk is minimal.

25. When will residents in the former Palerang Shire have an opportunity to lodge formal submissions on the EDE, the Species Impact Statement (SIS) and SIS Addendum and other documentation on the proposal?

Response – General Manager’s Office

As mentioned above, the draft Determination Report, which includes the Submission Report, has been submitted to the NSW Office of Environment and Heritage for concurrence. Council does not plan to publicly exhibit the documents again, unless required by the OEH. Submissions on the documents were not restricted to residents from the former Queanbeyan City Council.

26. Will the Administrator consider submissions from residents in the former Palerang shire before making a decision on the EDE? If not, why not?

Response – General Manager’s Office

See question 25.

27. Has the Administrator/Council sought and/or obtained legal advice as to the legality of a decision being made on the proposed EDE without first consulting with residents in the former Palerang shire, in light of Palerang Council’s resolution on 28 April 2016?

Response – General Manager’s Office

No

28. If yes, who is giving that legal advice and what is the cost?

Response – General Manager’s Office

N/A

29. If received, what is the outcome of that legal advice?

Response – General Manager’s Office

N/A

Options under consideration by Administrator and NSW Government “to address residents’ concerns on the EDE”

At the community meeting on 25 May, the Administrator, Mr Overall, stated publicly he is currently canvassing with the NSW Government “options to address residents’ concerns on the EDE”.

- 30. What are the specific residents’ concerns the Administrator is seeking to address through the options being canvassed eg is it social impacts, financial impacts, environmental impacts, lack of democratic decision-making process, other or all of these?**

Response – General Manager’s Office

It is intended that an information report will be presented to an upcoming Council meeting regarding the options.

- 31. What are the options he is canvassing?**

Response – General Manager’s Office

See question 30

- 32. How does the Administrator consider each of these options would address residents’ concerns?**

Response – General Manager’s Office

See question 30.

Savings and efficiency gains from the Queanbeyan-Palerang merger

At the community meeting on 25 May, Mr Peter Bascomb, Deputy General Manager of Council, stated the business case for the merger of the two Councils, showing forecast savings and efficiencies and where they were likely to be sourced from, was on a “Stronger Communities” (?) website and had been prepared/commissioned by the NSW Government. We have been unable to find that report anywhere online.

- 33. Can Council please advise the title of that report, publish a copy on Council’s website if not already there and/or provide a web-link to the report elsewhere on the internet?**

Response – General Manager’s Office

The correct website is www.strongercouncils.nsw.gov.au. Information on predicted savings for the newly-formed councils can be found under the Frequently Asked Questions page.

The former Queanbeyan City Council commissioned LKS Quaero to develop a report on the proposed merger of Queanbeyan City and Palerang councils. This report was developed prior to the merger announcement and makes reference to potential savings based on the methodology applied by KPMG. KPMG was engaged by the NSW Government and the full financial analysis has not been made available.

The LKS Quaero report is available on this page - <http://www.qcc.nsw.gov.au/Council/Local-Government-Reform/Local-Government-Reform>

- 34. What are the forecast savings and efficiency gains in the report and over what period? Where does the report suggest those savings and efficiencies might be made, and how much is attributable to each source?**

Response – General Manager’s Office

In the report mentioned above, LKS Quaero analysed the net benefits of a merger using similar methodology to that used by KPMG. As detailed in the former Queanbeyan City submission on the proposed merger, LKS Quaero found that savings were achievable at a lesser scale than those shown by KPMG.

Prior to the merger, the former Queanbeyan City engaged Professor Percy Allan to undertake a full asset and financial sustainability review. Now that the merger has been announced, a similar review will be undertaken in respect to the former Palerang council and the results will be combined and assessed. While assumptions have been made about potential savings, the completion of the review will provide the organisation of a clearer picture of its current situation and potential savings into the future.

- 35. Given Mr Overall, as sole Administrator, will be held accountable for achieving those forecast savings and efficiency gains, does Mr Overall consider the forecast savings and efficiency gains are achievable over the specified period?**

Response – General Manager’s Office

Council has not been provided with detailed information regarding the forecast savings as identified by the Government. It is noted that the KPMG forecast was for savings over twenty years, and that an elected Council will be in place from September 2017. Policy decisions made over the twenty years may make the identification of savings difficult.

- 36. If the report does not specify where the savings are to be made from and how much, can Mr Overall please set out where he intends to source savings and efficiency gains from?**

Response – General Manager’s Office

See question 34.

- 37. What does Mr Overall project will be the efficiency gains and savings over the next year, 2 years and forward years arising from the merger?**

Response – General Manager’s Office

See question 34.

- 38. How much savings does Mr Overall expect to achieve from: (a) staff cuts/job losses; (b) cuts to services; (c) cancelled projects; and (iv) other measures (please specify what these might be)?**

Response – General Manager’s Office

As stated at the three community meetings held by Council, there are no plans for any job, service or project cuts or reductions. Due to the growth in the two former council areas, it is likely that new jobs will be created to ensure services are provided to the wider community.

39. If staff cuts/job losses are foreshadowed, where in the merged organisation will these be eg in regional posts of Bungendore and Braidwood, or Queanbeyan office? What % of jobs are expected to be cut in each office? What services are likely to be affected as a result of staff cuts, if any?

Response – General Manager’s Office

As stated at the three community meetings, there are no plans for staff cuts. Regardless, the majority of staff are protected against forced redundancies for three years under the Local Government State Award. Further, staffing numbers at rural centres with a population less than 5000 must remain in perpetuity. This means that if a rural centre with a population of less than 5000 had 50 Council employees prior to the merger, this number must be maintained moving forward. This applies to the total number of employees, not the specific positions, so there can be some movement between offices if required.

40. Can you please provide comparative charts or tables showing:
- a. projected annual expenditure for the forward years for both Queanbeyan and Palerang Councils (separately) before the merger and for the new amalgamated Council post merger for:
 - i. key Council services (please break down by key Council service); and
 - ii. staffing levels and salaries by each service area?
 - b. projected annual revenue for the forward years for both Queanbeyan and Palerang Councils (separately) before the merger and for the new amalgamated Council post merger from:
 - i. rates;
 - ii. water; and
 - iii. sewerage?

Response – Finance

Some broad financial assumptions can be found in the Long Term Financial Plans of the two former councils (see links below).

Former Palerang Council LTFP -

http://www.palerang.nsw.gov.au/sites/palerang/files/public/images/documents/palerang/current/2013/LTFP_Document_Public_Exhibition.pdf

Former Queanbeyan Council LTPF -

<http://www.qcc.nsw.gov.au/ArticleDocuments/979/Resourcing%20Strategy.pdf.aspx>

The newly-formed Council will be developing a Long Term Financial Plan and will publicly exhibit the document prior to adoption. A timeframe for this has not been finalised at this stage.

Administrator role and responsibilities

41. With the Administrator (Mr Overall) now taking on the role and responsibilities of the two former councils, has Mr Overall been fully briefed about his role and responsibilities as Administrator to ensure he is fully aware of his responsibilities, authority and accountability as an Administrator?

Response – General Manager’s Office

The NSW Department of Premier and Cabinet has provided information and guidance on the role of the Administrator.

42. Does Mr Overall have personal or professional indemnity insurance?

Response – General Manager’s Office

Council is continuing with the policies that existed prior to the merger. The Administrator is indemnified by Council’s Public Liability/Professional Indemnity Insurance cover which extends to all Council activities and staff.

43. If so, have or will ratepayers pay for any of that insurance and, if yes, what is the cost to ratepayers?

Response – General Manager’s Office

This is part of Council’s annual costs.