

**PUBLIC FORUM
QUESTIONS/ANSWERS
14 June 2017**



Questions – Paul Hubbard

Proposed memorial park

- 1. Can you please show me where the \$2.25 million loan for the cemetery was first identified in any budget papers?**

Response – Chief Financial Officer

The requirement to expand the capacity of Queanbeyan's cemetery services has been identified in the 2009-13 and 2013-17 Delivery Programs. A figure for the purchase of land to commence planning for a proposed memorial park was not included in Council's 2016-17 budget as the price was not known and Council was expecting to complete the purchase in a later year. During the negotiations, the land owner declined to enter into an option agreement, meaning that the purchase would be required to be finalised by 30 June 2017. Council has elected to fund the purchase via reserves, as identified in the closed session report in February 2017. A report is scheduled for the June Council meeting to borrow funds and replenish the reserves.

- 2. Was Administrator Overall the sole proponent of this amount?**

Response – Chief Financial Officer

The value of the property was determined by an independent valuation and negotiation between Council officers and the owner and then reported to Council for decision.

- 3. If not – (from question 2) who else was involved with requesting this budget?**

Response – Chief Financial Officer

N/A

- 4. With respect to the \$2.25 million dollar loan. Why was the first time that this figure has appeared on QPRC documents in (Page 6 of the Ordinary Meeting of the QUEANBEYAN-PALERANG REGIONAL COUNCIL held 24 May 2017. Mr Tim Overall – Administrator, Chairperson) was this a last minute decision made by Administrator Overall?**

Response – Chief Financial Officer

The Quarterly Budget Review contained an error in regards to the funding for the land Council has purchased. The Budget Review should have stated that the purchase was funded from reserves, not loan funding as mentioned. The closed session report to the February Council meeting identified the purchase as coming from reserves. A report is scheduled for the June Council meeting to borrow funds and replenish the reserves.

5. What are the terms of the loan?

Response – Chief Financial Officer

See question 1 and 4

6. If the loan will not be paid back in 2016-17, does it show up in the 2017-18 budget papers?

Response – Chief Financial Officer

See question 1 and 4

7. Can you please highlight where the \$2.25 loan repayments appear in the 2017-18 Draft Operational Plan?

Response – Chief Financial Officer

See question 1 and 4

**8. I notice that the \$2.25million is not part of the 2017-18 Draft Operational Plan
Some of the other key projects in this year's budget include:**

- . *More than \$19m worth of road maintenance and upgrades*
- . *Start of construction of the Ellerton Drive Extension*
- . *\$900,000 for the Bungendore landfill reinstatement*
- . *\$700,000 for the Macs Reef landfill reinstatement*
- . *\$2.75m for the Braidwood Waste Transfer Station construction*
- . *\$6.5m towards the design and planning for the upgraded Queanbeyan Sewage Treatment Plant*
- . *\$25m towards the redevelopment of the Council Headquarters, Queanbeyan*

Are you trying to pull the wool over the rate payers eyes by rushing the loan through this financial year?

Response – Chief Financial Officer

Council has allocated \$168,000 in the 2017-18 draft Operational Plan for the proposed memorial park. The purchase of the land occurred in 2016-17. The funding included in the 2017-18 draft Operational Plan has been allocated to progress some of the studies and investigations that will be required on the parcel of land. The scope of the studies and investigations will be provided by the NSW Department of Planning if Council resolves to proceed with a Planning Proposal.

9. I note in the 2017-18 Draft Operational plan, you have planned to spend \$168,000 (Project 760502 new Cemetery Budget \$168,000) What is the purpose of this funding?

Response – Chief Financial Officer

See question 8.

10. I note that in the Quarterly Budget Review Statement for the Quarter Ending 31st March 2017 (Page 7 of the Ordinary Meeting of the QUEANBEYAN-PALERANG REGIONAL COUNCIL held 24 May 2017) you have identified as

Capital Income / Proceeds from Loans & Leases code 279 in the Qtr 3 Budget 2016/17 an amount of - \$2,250,000. Does that mean the loan has already been taken out?

Response – Chief Financial Officer

See question 4

11. Where is the corresponding expense? Are you trying to pull the wool over the rate payer's eyes by hiding the purchase in other line items?

Response – Chief Financial Officer

See question 4

12. Has the purchase of land for the Royalla/Googong parcel of land, from the Gibbs Family been finalised?

Response – Natural and Built Environment

The purchase was settled in early June.

13. *Item 066/17 – Potential Land Acquisition Page 15 of the Minutes of the Ordinary Meeting of the QUEANBEYAN-PALERANG REGIONAL COUNCIL held 22 February 2017*

Now that the land had been purchased and there can be no information that could cause commercial advantage, will you release the minutes of the closed session that resolved in a parcel of land at 1187-1241 being purchased?

Response – Natural and Built Environment

The minutes of the closed session report were made publicly available via Council's website along with the minutes from the Ordinary Council meeting.

14. Did the members of the meeting know that the land being purchased was for a cemetery?

Response – Natural and Built Environment

Yes, that information was included in the closed session report.

15. Can I see the report that is referenced in the minutes?

Response – Natural and Built Environment

Items of legal, commercial or privacy privilege are reported to Council via closed session in accordance with Section 10a of the Local Government Act NSW 1993. While the minutes are published, the report remains confidential.

16. *In your answer to my question 15 received on the 24th I was advised: "E1 is high in ecological value and is the most protected land from development. It is managed by National Parks and Wildlife because of its ecological values and it is unlikely that they would consider rezoning this land for a SP1 Special Activity zone. "*

Why bother rezoning? Just change the land use table for zone E1 to permit cemeteries and crematoriums with consent and extend the existing cemetery to the south. Just like you intend to do with the Royalla/Googong E4 parcel of land.

Response – Natural and Built Environment

There is no intention to rezone or adjust permitted schedules of use to enable cemeteries with consent across the E1 zones within the Local Government Area at this time.

- 17. Further to my previous question, I have been given advice that;
“Clause 2.5 and Schedule 1 of all standard instrument local environmental plans in NSW enables Council’s to permit a specific type of development on a site (usually identified by lot/DP description) that would otherwise be prohibited in the zone applying o the land. Schedule 1 and an LEP Map identifies the site and Schedule 1 also identifies the additional use that is being permitted. Clause 2.5 provides Council’s with an option permitting a particular development on a site without changing the land use table relating to the zoning of the site.”**

Can/will you change a portion of the land south of the existing Cemetery on the corner of Lanyon Drive and Tomsitt Drive DP819333 to have its land use table changed to permit cemeteries and crematoriums with consent as per the clause identified above?

Response – Natural and Built Environment

See question 16

- 18. As the contents of all investigation documents associated with the prospective sites are commercial in confidence, as they relate to property not in Council’s ownership
Can I please have the Name of the company / person that carried out the investigation and the date/s of the reports?
Have the inspections really been done?**

Response – Natural and Built Environment

Preliminary fauna and flora surveys were conducted onsite by appropriately qualified Environmental Science staff. Initial geotechnical assessment was conducted by an external, Geotechnical Engineering consultant. Both studies at the Old Cooma Rd site were conducted in the first half of 2017. Following the settlement of the purchase, the preliminary geotechnical and environmental reports have been uploaded to Council’s website.

19. Draft Operational Plan 2017-18

Borrowing – page 32

As previously adopted by Council, the following loan funding will be utilised during 2017-18:

- . Ellerton Drive Extension – Total project cost \$86m, Government contribution \$50m, Council loan \$36m
- . Queanbeyan Headquarters Redevelopment - \$25m loan
- . Braidwood Waste Transfer Station - \$2.7m loan

Why isn't the \$2.25 million dollar loan for the grave yard shown here?

Is this another misleading process by not exposing the unnecessary loan?

Response – Chief Financial Officer

See questions 1 and 4

20. You have advised that, at its ordinary meeting on 26 August 2015 Council resolved;

That Council authorise the General Manager to approach relevant property owners to secure options over land identified for potential cemetery purposes, to allow formal planning to proceed. Where were/are the other parcels of land?

Response – Natural and Built Environment

As previously stated, the search areas were to the south and east (Googong/Royalla and Carwoola), between 10-15 km from the Queanbeyan and Jerrabomberra urban areas and outside of the Googong and Tralee/South Jerrabomberra growth areas. The search exclude any environmentally-restricted areas such as the Googong Dam catchment.

21. Can you please identify the original parcels of land that were identified?

Response – Natural and Built Environment

All investigations associated with the prospective sites are commercial in confidence, as they relate to property not in Council's ownership.

22. If the Royalla /Googong parcel of land was chosen as the best – can I see the report?

Who evaluated the report?

If everything is commercial in confidence can I have the name of the author/s and the dates of the reports?

Response – Natural and Built Environment

As publicly stated at the community meeting in Queanbeyan on 10 May 2017, staff assessed various locations and specific sites with the assistance of consultants against a list of desirable criteria. E.g. distance from population base, outside environmentally sensitive area, size of site, depth of soil profile etc. The criteria are established by Cemeteries and Crematoria NSW.

23. Who owns the parcel of land to the south of the existing Cemetery on the corner of Lanyon Drive and Tompsitt Drive Currently zoned as DM?

Response – Natural and Built Environment

Council is unable to release the details of the owner.

24. Why can't the graveyard be extended into the land to the south of the existing Cemetery on the corner of Lanyon Drive and Tomsitt Drive Currently zoned as DM, taking special care to maintain the conservation aspects?

Response – Natural and Built Environment

Council does not own this land and it is currently zoned E2 – environmental conservation under the Queanbeyan Local Environmental Plan.

25. Does QPRC intend to subdivide, sell and make a healthy profit for the land to the south of the existing Cemetery on the corner of Lanyon Drive and Tomsitt Drive?

Response – Natural and Built Environment

Council does not own this land.

26. Who made this decision to purchase the land for a proposed cemetery

Response – Natural and Built Environment

The decision to commence negotiations with relevant property owners was made by the Council, at the Council meeting on 26 August 2015. The decision to purchase a specific property after the earlier negotiations was made by Council, 22 February 2017.

27. Your answer to my previous question indicates that the Administrator resolved to purchase the land. *S.1 Potential Land Acquisition - The Administrator resolved that Council agree to enter into a Contract to purchase land at 1187 – 1241 Old Cooma Road, Royalla generally in accordance with the conditions outlined in the report. Why doesn't the word Cemetery, Crematorium, grave yard or even Memorial park appear in the minutes of the 22nd Feb? There is no way a Googong resident, or any resident for that matter would know what the parcel of land was for.*

Response – Natural and Built Environment

The report stated that Council would enter into a contract to purchase the land, pending the outcome of a number of preliminary studies. If those studies had shown that there were significant issues with the land that would have affected the progression of planning for a memorial park, Council would not have progressed with the purchase. Council had always planned to inform the community as soon as the studies were completed and the purchase had progressed.

28. Is this another misleading process by not exposing the use of the land?

Response – Natural and Built Environment

No.

29. <https://maps.six.nsw.gov.au/> Welcome to SIX Maps, an online mapping tool for NSW to SIX Maps, an online mapping tool for NSW produced by the NSW Spatial Service of the NSW Government.
- Type Googong into the search box
 - Scroll down and locate the parcel of land identified for the grave yard
 - Click in the identifying tool icon (the lower case "l" at the top of the screen)

- d. Click on the parcel of land identified for the grave yard (click to add a point)
- e. An information box will pop up identifying:
 - i. Suburb – GOOGONG
 - ii. LGA - Queanbeyan Palerang
 - iii. Lot - Lot 2 DP112382
 - iv. Address – 1241 Old Cooma Road GOOGONG

I think you have it wrong – please correct.

Were you purposefully trying to disguise the location by misnaming the location in all of the QPRC documents?

Response – Natural and Built Environment

As stated in the reply to a similar question at the 24 May Public Forum, Council's property database previously showed the blocks of land that Council has identified for a proposed memorial park as being in Royalla. Council is provided with information such as this from Land and Property Information, a NSW Government department. Other nearby blocks are identified as being either Royalla or Googong. Council staff requested a review by LPI. The data was updated by the LPI soon after the Public Forum questions were finalised on 24 May.

- 30. In 1998, Council purchased land known as Portion 75 (DP805912) for the purposes of extending the Lanyon Drive Cemetery. As this site is already zoned SP1 and in Council ownership, why isn't it being used to provide additional land for a cemetery?**

Response – Natural and Built Environment

This land is part of the current cemetery and is known as the Bush Cemetery. The site is an active burial site and contains a number of existing graves and ashes. This land is still being used and is factored into the service life of Lanyon Dr Cemetery.

Questions – Katrina Willis

Proposed Ellerton Drive Extension – ineffectual nest boxes

A recent study the Australian National University conducted into the effectiveness of nest boxes that replaced hollow bearing trees on the Hume Highway duplication project, near Wagga Wagga, found the nest boxes were ineffectual.

The study was published in the journal *Biological Conservation* and reported on ABC Online on 20 May 2017.

31. Is the council aware of the study and its findings?

Response – Community Connections

Council is aware that a study was conducted to measure the effectiveness of nest boxes as an offsetting tool.

32. Has the council considered the implications of the study's findings for gliders, possums and birds affected by the loss of 101 hollow bearing trees cut down on the route of the proposed Ellerton Drive Extension?

Response – Community Connections

Nest box installation is a condition of the OEH concurrence to the project under the NSW *Threatened Species Conservation Act (1995)* and do not form part of the biodiversity offset requirements for the project.

Nest boxes are used to provide short-term supplementary breeding habitat and shelter for hollow-dependent fauna where hollows have been removed. Nest boxes are not an offsetting mechanism and are regarded by the NSW Office of Environment as a mitigation measure. This is a long standing position of OEH that has been most recently confirmed in the Biodiversity Assessment Methodology currently on exhibition as part of the NSW biodiversity reform process.

There is an abundance of hollow-bearing trees within the adjacent natural habitat and it is anticipated that any displaced fauna will find preferred permanent denning sites nearby.

33. Given that the same mitigation strategy is being employed on the proposed EDE project, has the council discussed the study findings with Roads and Maritime Services (RMS) and the Office of Environment and Heritage (OEH)?

Response – Community Connections

Council has spoken to RMS on this matter.

34. If so, what was the outcome of the discussions? If not, will council raise this matter with RMS and OEH?

Response – Community Connections

RMS advised that nest boxes are used to provide short-term breeding habitat and shelter for hollow-dependent fauna where hollows have been removed. RMS do not regard nest boxes as an offsetting mechanism. Roads and Maritime typically install nest boxes to mitigate biodiversity impacts on major road construction projects, together with a range of other measures including fauna underpasses and overpasses, widened revegetated medians and native vegetation rehabilitation.

RMS explained that they routinely monitor installed nest boxes to determine the effectiveness of this mitigation measure. The success (ie. fauna take up) of nest box installation can depend on a range of factors including the number of natural hollows in adjacent areas, the rarity of the target species, competition from more common species as well as the design of installed nest boxes. RMS uses the outcomes of this monitoring to further refine nest box design and installation on future road construction projects. Roads and Maritime notes the *Biological Conservation* article "The anatomy of failed offset" focuses one project in one location. RMS considers that conclusions on the effectiveness of nest box installation for road construction projects across NSW cannot be inferred from the data in the article.

RMS advised that they had engaged the authors of the *Biological Conservation* article to undertake five years of nest box monitoring from 2010 until 2015. The authors have used the outcomes of the monitoring as a basis for the article. RMS go further to say that the *Biological Conservation* article is based on a false assumption that nest box installation is utilised by Roads and Maritime as a biodiversity offset. RMS do not utilise nest box installation for biodiversity offsets and were not provided with an opportunity to review the article prior to its publication. Had they been provided an opportunity to comment on the article, they would have corrected this matter.

RMS plans to facilitate a wider discussion within the scientific community as to the value of nest boxes, as nest boxes are routinely recommended by ecological consultants as part of the mitigation strategies proposed for new road development. Timing for this work is still being developed and RMS will ensure that the views of the article's author and his team are considered through this process.

Ellerton Drive Extension - Compensation for compulsory land acquisition

35. Can council confirm that it is a party to two separate legal actions seeking compensation for the acquisition of land on the Curtis Estate?

Response – Organisation Capability

One of the parties has appealed to the Land and Environment Court to be recognised a party for the purposes of compensation in respect the road corridor acquisition. The other party has also appealed to the Land and Environment Court against the compensation offered for the acquisition of the road corridor.

36. Have either or both matters been settled?

Response – Organisation Capability

No

37. If so, what was the outcome?

Response – Organisation Capability

N/A

38. If not, when does council expect the matters to be resolved?

Response – Organisation Capability

The matters will be considered in the second half of the year.

39. How will council fund any compensation the NSW Land and Environment Court orders it to pay to Moss Capital and Cannchar Pty Ltd?

Response – Organisation Capability

Compensation that is paid for the land acquisition will be a charge to the EDE project.

Ellerton Drive Extension - noise mitigation measures

Initial designs of the proposed EDE showed noise walls along the length of the proposed road route. However, council advised at the community update meeting in Queanbeyan in May 2017 that noise walls would not be built along the entire length of the road route.

40. Who decided to make this change? When was it made? Why was it made?

Response – Community Connections

The preliminary designs that went on public exhibition as part of the exhibition of the Review of Environmental Factors in December 2014, did not show noise walls along the entire length of the route.

41. What is the expected cost saving from this decision?

Response – Community Connections

See question 40.

42. What alternative noise mitigation measures are proposed for properties adjacent to the road route and where noise walls will no longer be built?

Response – Community Connections

See question 40.

43. Where exactly will noise walls be built? How high will they be? What material will be used to build them?

a) Response – Community Connections

- b) North of existing Ellerton Drive – on the property boundary, a mix of 3.0m and 3.6m high concrete hebel wall with the top 600 to 1200mm being a clear panel.
- c) South of existing Ellerton Drive – on the property boundary, a 2.4m high concrete hebel wall with the top 600mm being a clear panel.
- d) Near the Taylor Place neighbourhood – on the outside of the shared path and edge of batters, a 2.4m high timber infill wall
- e) No. 36 to No. 40 Severne Street – on the property boundary, a 2.4m high timber infill wall with the top 600mm being a clear panel.
- f) Near the Lonergan Drive neighbourhood - on the outside of the shared path from the emergency road connection to Lonergan Drive to the northern bridge abutment, a 2.4m high timber infill wall
- g) Near the Doeberl Place neighbourhood – 55m of noise wall along the south-east side of the bridge and 4.2m high concrete hebel wall along the eastern edge of EDE from the southern bridge abutment to the point the onramp merges with EDE.

- h) Barracks Flat Drive neighbourhood from the river to 76 Barracks Flat Drive – 4.2m high concrete hebel wall on the outside of the shared path
- i) Barracks Flat Drive neighbourhood from 74 Barracks Flat Drive to No.12 Alfred Place – 4.2m high concrete hebel wall on the outside of the shared path with openings to adjacent neighbourhoods.

Ellerton Drive Extension – Outcome of RMS tender process

- 44. The deadline for bids to build the proposed EDE closed on 16 May 2017. Has RMS updated the council on the outcome of the tender process?**

Response – Community Connections

RMS have advised Council of who submitted tenders and how many tenders were received. A decision on awarding the tender is to be made by the RMS.

- 45. If so, can the council advise:**

- **how many bids were received**
- **how the bids were assessed, including council’s role in the process**
- **when the assessment is due to be completed**
- **how the community will be advised of the outcome of the tender process**
- **the anticipated commencement date for road construction**

Response – Community Connections

Seven tenders plus an additional six alternative tenders were received. Two Council staff are included in the tender assessment committee. The tender assessment committee are reviewing the tenders in accordance with RMS procedures and policies. Contract award is expected to take place in August. A media release from the RMS will be issued to inform the community of the contract award. Road construction is expected to commence after the contractor’s construction management plans and the like have been released for use by RMS (usually a month following the awarding of the contract).

Jumping Creek Estate – proposed rezoning and housing development

- 46. Please provide an update on the council’s request to the NSW Government for a Gateway Determination for Jumping Creek Estate.**

Response – Natural and Built Environment

A Gateway Determination for the deferred areas of Jumping Creek was received in November 2016 enabling Council to proceed with the proposed amendment subject to consulting with relevant public authorities. Once this consultation has concluded the draft amendment can be publically exhibited.