



## **Ordinary Meeting of Council**

**Wednesday 24 March 2021**

**4.00pm**

**Council Chambers**

**209 Comur Street, Yass**

**Citizenship Ceremony**

**PRAYER:**

**All Stand:**

**Mayor:** *Let us be still and remember the presence of God. As we commence our meeting let us together pray for guidance and help.*

**All say together:**

*Almighty God, we ask your blessing upon this Council.*

*Direct and prosper our deliberations to the true welfare of Australia and the people of Yass Valley Amen.*

**FUTURE MEETINGS**

**April 2021**

**Wednesday 28th**

**4.00pm**

**Ordinary Meeting of Council**



# Ordinary Meeting of Council

## A G E N D A

Open Forum

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### Webcasting

This meeting is being webcast, a reminder to those in attendance that you should refrain from making any defamatory statements.

### Acknowledgement of Country

I acknowledge that we are meeting on the ancestral land of the Ngunnawal people. I recognise the Ngunnawal as the traditional custodians and pay respect to the Elders of the community and their descendants.

<b>1. Prayer</b>	
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## **Close of Meeting Time**

**Chris Berry**  
**GENERAL MANAGER**



## **Minutes of the Ordinary Meeting of Council**

**Wednesday 24 February 2021**

Council Chambers  
209 Comur Street, Yass

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## Open Forum

### Presentation – A/g Inspector Dave Cowell, Yass Police

## Presentations to Council – Items on the Meeting Agenda

### SPEAKERS VIA ZOOM

#### Gary Shiels – GSA Planning and Miriam Bellew

Item 6.2 Development Application No DA200214 – Dwelling 631 Wargeila Road, Bango

#### Matilda Kaveney

Item 6.4 Development Application No DA200267 – Subdivision, 15 Gundaroo Terrace, Gundaroo

### Presentation by Auditors – Annual Financial Statements

Monique Oosthuizen & Stewart Thompson (Deloitte) & Dominika Ryan (Audit Office NSW)

## Council Meeting - The Deputy Mayor declared the meeting open at 4.49 pm.

### Present

Councillors Nathan Furry, Deputy Mayor, in the Chair, Cecil Burgess, Geoff Frost, Allison Harker, Jasmin Jones (via Zoom), Michael McManus, Mike Reid and Kim Turner.

Also present were the General Manager – Chris Berry, Director Planning & Environment – Julie Rogers, Director Infrastructure & Assets – James Dugdell, Director Corporate & Community – Mark Eady and Corporate Planning & Executive Support Officer – Shirree Garland.

### Acknowledgement of Country

#### 1. Prayer

A minutes silence was observed in recognition of the passing of Con Novitski.

#### 2. Apologies

***RESOLVED that apologies be received from Councillor Abbey and leave of absence be granted.***

***(Turner/Frost ) 1***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### 3. Declaration of Interest/Disclosures

**Councillor Harker** declared a non-significant, non-pecuniary conflict of interest in Item 13.6 – Tender Evaluation Report – Dog Trap Road Rehabilitation Segments 7B & 8 YVC/IA/17.2020 and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Harker declared an interest as family members reside on that section of the Road.

**Councillor Jones** declared a significant, non-pecuniary conflict of interest in Item 6.2 – Development Application No DA200214 – Dwelling, 631 Wargeila Road, Bango and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Jones declared an interest as the neighbouring property is owned by a regular advertiser in her newspaper business and Council's decision could give them a pecuniary advantage.

#### **4. Confirmation of Minutes**

***RESOLVED that the minutes of the Ordinary Council Meeting held on 16 December 2020 resolution numbers 224-249 inclusive, be taken as read and confirmed.***

**(Turner/Reid) 2**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### **5. Mayoral Minute**

#### **6. Director of Planning & Environment Reports**

##### **6.1 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT**

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###### **SUMMARY**

Reporting on development standard variations approved in 2020.

***RESOLVED that the report on approved development variations be for 2020 be noted.***

**(Reid/Harker) 3**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 04:52 pm Councillor Jones left the Chambers.

##### **6.2 DEVELOPMENT APPLICATION NO DA200214 - DWELLING, 631 WARGEILA ROAD, BANGO**

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###### **SUMMARY**

Presenting a further report on an application for a dwelling at 631 Wargeila Road, Bango. The application is referred to Council as it involves a variation (by greater than 10%) to the minimum lot size development standard for a dwelling in the RU1 Primary Production zone. Council deferred consideration at its December 2020 meeting and requested a further report.

***RESOLVED that :***

- 1. Conditional approval of Development Application No DA200214 for a dwelling house and workshop at 631 Wargeila Road, Bango to vary the development standard contained in clause 4.2B(3)(a) of the Yass Valley LEP 2013 be supported for the following reasons:***

- The development application is consistent with surrounding lot sizes and dwellings and***

- *The development will assist with the environmental management of agricultural land*
- 2. *The concurrence of the NSW Department of Planning, Industry & Environment be sought for the proposal.*

*(McManus/Turner)* 4

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, M McManus, M Reid and K Turner

AGAINST: Nil

At 05:00 pm Councillor Jones returned to the Chambers.

### **6.3 DEVELOPMENT APPLICATION NO DA200037 - SHED, 12 DAVID STREET, GUNDAROO**

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#### **SUMMARY**

To consider Development Application No DA200037 for a shed at 12 David Street, Gundaroo. The application is reported to Council as it originally attracted four submissions. Council deferred consideration at its December 2020 meeting to allow the Applicant to present a redesign which has now been submitted.

***RESOLVED that Development Application No DA200037 for the revised shed at 12 David Street, Gundaroo be approved, subject to:***

1. *A reduction in the wall height of the shed to a maximum of 3.8m and maximum pitch height of 6.9m*
2. *Standard conditions of Development Consent apply*
3. *A condition be included that strictly prohibits the use of the shed for business and industrial purposes*

*(McManus/Reid)* 6

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **6.4 DEVELOPMENT APPLICATION DA200267 - SUBDIVISION, 15 GUNDAROO TERRACE, GUNDAROO**

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#### **SUMMARY**

Presenting the assessment of an application for a two lot subdivision at 15 Gundaroo Terrace, Gundaroo. The application is referred to Council as it has attracted five submissions. Approval is recommended subject to conditions which include the formation/upgrade of David Street adjacent to the site.

***RESOLVED that Conditional Development Consent be issued for the two lot subdivision of 15 Gundaroo Terrace, Gundaroo***

*(Harker/Reid)* 7

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil



**Motion**

***RESOLVED that the opening of David Street be considered as part of 2021/22 Budget process***

***(Jones/Burgess) 8***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

**7. Director of Infrastructure & Assets Reports**

**7.1 FIXING COUNTRY BRIDGES PROGRAM GRANT**

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**SUMMARY**

To advise of a grant offer under the NSW Fixing Country Bridges Program and to obtain Council's approval to accept the grant and to allocate the associated contribution from Council.

***RESOLVED that :***

- 1. The grant for \$288,000 under the NSW Fixing Country Bridges Grant Program be accepted for the replacement of the Bango Lane Timber Road Bridge***
- 2. A \$50,000 Council contribution, as required by the grant approval, be allocated from the State Roads Reserve***
- 3. The project be included in the 2020/21 Operational Plan***

***(Burgess/Reid) 9***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

**8. Director of Corporate & Community Reports**

**8.1 ANNUAL FINANCIAL STATEMENTS 2019/20**

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**SUMMARY**

Council has received the auditor's reports on the Annual Financial Statements for the year ended 30 June 2020. Council is now required to adopt the financial statements and to authorise the presentation of the audited statements to the public.

***RESOLVED that the 2019/20 Annual Financial Statements be adopted and authorise the presentation of the financial statements to the public***

***(Frost/Harker) 10***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **8.2 SIX MONTHLY PROGRESS REPORT ON THE 2017/18 - 2020/21 DELIVERY PROGRAM - JULY 2020-DECEMBER 2020**

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### **SUMMARY**

In line with the Integrated Planning and Reporting Framework, Council is required to prepare every six months, a report on progress against the actions and activities identified in its Delivery Program. This report contains the status of actions and activities undertaken for the period 1 January 2020 to 30 June 2020.

***RESOLVED that the six monthly Progress Report for the 2017/18 – 2020/21 Delivery Program for period 1 July 2020 to 31 December 2020 be noted***

**(Turner/Reid) 11**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **8.3 2ND QUARTER BUDGET REVIEW 2020/21**

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### **SUMMARY**

This report represents the 2nd Quarterly Budget Review Statement (QBRS) for the period 1 October 2020 to 31 December 2020 in the financial year ending 30 June 2021.

***RESOLVED that :***

- 1. The 2<sup>nd</sup> Quarterly Budget Review Statement adjustments, as detailed in the attachments, be adopted and the relevant income and expenditure budget adjustments be approved***
- 2. In accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 31 December 2020 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure***

**(Turner/Reid) 12**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### 8.4 INVESTMENT AND BORROWINGS REPORT - DECEMBER 2020

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##### SUMMARY

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 31 December 2020. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

***RESOLVED that the Investment Report as at 31 December 2020 be received and it be noted that the summary has been prepared in accordance with the Act, the Regulations and Council's Investment Policy***

(Turner/Reid) 13

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### 8.5 INVESTMENT AND BORROWINGS REPORT - JANUARY 2021

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##### SUMMARY

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 31 January 2021. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

***RESOLVED that the Investment Report as at 31 January 2021 be received and it be noted that the summary has been prepared in accordance with the Act, the Regulations and Council's Investment Policy***

(Turner/Reid) 14

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### 8.6 RATES ARREARS

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##### SUMMARY

To update Council on rate arrears to the end of the second quarter of the 2020/21 financial year.

Rate arrears totalled \$1,129,323.95 as at 30 June 2020 and this has now been reduced to \$670,945.22 as of 31 December 2020. This represents an improvement of \$458,378.73 or 40.59%.

***RESOLVED that the report on rates arrears be noted***

(Turner/Reid) 15

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 8.7 LOCAL TRAFFIC COMMITTEE

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### SUMMARY

To provide Council with the option of establishing a shared Local Traffic Committee with Goulburn Mulwaree, Upper Lachlan Shire Council and Yass Valley Council.

***RESOLVED that the report on the Local Traffic Committee be noted and that no further action be taken in relation to a shared Local Traffic Committee***

***(McManus/Turner) 16***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 8.8 POLICY REVIEW

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### SUMMARY

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*. Council policies are reviewed to ensure they remain fit for purpose. To that end, the *Delegations to Staff Policy* and the *Interaction between Councillors and Staff Policy* have been reviewed and determined to be unnecessary.

***RESOLVED that the Delegations to Staff Policy GOV-POL-09 and the Interaction between Councillors and Staff Policy GOV-POL-14 be rescinded***

***(Harker/Reid) 17***

FOR: Councillors C Burgess, N Furry, A Harker, M McManus, M Reid and K Turner

AGAINST: Councillors G Frost and J Jones

## 8.9 CIVIC PRECINCT PROJECT - LOCATION OPTIONS

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### SUMMARY

To present a report on the locality options for a new Civic Precinct and to recommend a preferred location.

***RESOLVED that the site at 209 Comur Street, Yass be endorsed as the preferred location for a new Civic Precinct***

***(Turner/Reid) 18***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **8.10 CIVIC PRECINCT PROJECT - DESIGN PHASE FUNDING**

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### **SUMMARY**

Council has previously approved work to develop plans for a new Civic Precinct to include administration, a library, and other community facilities. All necessary procurement work has now been completed to engage contractors and consultants to achieve the objective of a shovel ready design. Approval is now sought to set aside the funds required for the completion of a masterplan, schematic design and all necessary development approval documentation (up to phase 3 of 7 phase project). Contractors and consultants engaged by Council in accordance with this approval will lead and incorporate community consultation into the final design.

***RESOLVED that \$672,000 be allocated from the 2020/21 budget for the provision of plans and documentation for a new Yass Civic Precinct Development Application***

***(Frost/Reid) 19***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M Reid and K Turner

AGAINST: M McManus

## **9. General Manager Reports**

### **9.1 TENDER EVALUATION REPORT - ARCHITECTURAL AND INTERIOR DESIGN SERVICES CIVIC PRECINCT PROJECT**

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#### **SUMMARY**

This report provides advice on the tender submission for Architectural and Interior Design Services for the Civic Precinct Project.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it***

***(Turner/Frost) 20***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 9.2 TENDER EVALUATION REPORT - CIVIL AND STRUCTURAL ENGINEERING SERVICES

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### SUMMARY

This report provides advice on the submission of tenders for Civil and Structural Engineering Services required for the Civic Precinct Project.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it***

(Turner/Frost) 21

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 9.3 TENDER EVALUATION REPORT - MULTI SERVICE ENGINEER SERVICES

---

### SUMMARY

This report provides advice on the submission of a tender for Multi Service Engineering Services required for the Civic Precinct Project.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it***

(Turner/Frost) 22

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 9.4 TENDER EVALUATION REPORT - QUANTITY SURVEYING SERVICES

---

### SUMMARY

This report provides advice on the submission of tender for Quantity Surveying Services required to the Civic Precinct Project.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it***

(Turner/Frost) 23

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### **9.5 TENDER EVALUATION REPORT - NANIMA ROAD REHABILITATION STAGE 2 - YVC/IA/17.2020**

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##### **SUMMARY**

This report provides advice on the tender submission for the Nanima Road Rehabilitation Stage 2.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it***

**(Turner/Frost) 24**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### **9.6 TENDER EVALUATION REPORT - DOG TRAP ROAD REHABILITATION SEGMENTS 7B & 8 - YVC/IA/16.2020**

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##### **SUMMARY**

This report provides advice on the submission of tenders for the rehabilitation of Dog Trap Road Segments 7B and 8.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it***

**(Turner/Frost) 25**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### **9.7 YASS SOLDIERS' MEMORIAL HALL COMMITTEE - NOMINATIONS**

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##### **SUMMARY**

To recommend nominations to fill the vacancies on the Yass Soldiers' Memorial Hall Committee.

***RESOLVED that item is classified CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for personnel matters concerning particular individuals (other than councillors)***

**(Turner/Frost) 26**

## **Minutes of the Ordinary Meeting of Council held on 24 February 2021**

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FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **10. Notice of Motion**

Nil

### **11. Questions with Notice**

Nil

### **12. Minutes and Recommendations of Council Committees**

#### **12.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT & RESCUE COMMITTEES HELD ON 15 DECEMBER 2020 AND 9 FEBRUARY 2021**

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***RESOLVED that the minutes of the Local Emergency Management Committee meetings held on 15 December 2020 and 9 February 2021 and the Rescue Committee meeting held on 9 February 2021 be noted***

**(Reid/Harker) 27**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### **12.2 MINUTES OF THE BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE HELD ON 17 NOVEMBER 2020**

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***RESOLVED that the minutes of the Bango Wind Farm Community Consultative Committee meeting held on 17 November 2020 be noted***

**(Frost/Reid) 28**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### **12.3 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD ON 27 JANUARY 2021**

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***RESOLVED that the Minutes of the Audit, Risk & Improvement Committee meeting held on 27 January 2021 be noted***

**(Reid/Harker) 29**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil



## 12.4 MINUTES OF THE TRAFFIC MANAGEMENT COMMITTEE HELD ON 3 FEBRUARY 2021

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**RESOLVED** that the draft Committee Minutes of the Traffic Management Committee meeting held on 3 February 2021 be noted and the following recommendations adopted:

### Item 7.2 Yass Anzac Day 2021 Road Closures

**That:**

1. The Yass 2021 Anzac Day Road event be supported subject to the provision of updated insurance documents to TfNSW
2. Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue

### Item 7.3 Binalong Anzac Day 2021 Road Closures

**That:**

1. In principle support for the Binalong 2021 Anzac Day event be granted subject to the provision of updated TCP's and insurance documents to TfNSW
2. Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue

### Item 7.4 Sutton Anzac Day 2021 Road Closures

**That:**

1. In principle support for the Sutton 2021 Anzac Day Road event be granted subject to the provision of updated TCP's and insurance documents to TfNSW
2. Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue

### Item 7.5 Gundaroo Anzac Day Road Closures

**That:**

1. The Committee supports in principle the Gundaroo 2021 Anzac Day event subject to the provision of updated TCP's and insurance documents to TfNSW
2. Public notification of the road closures be arranged and advice be forwarded to the NSW Ambulance Services and NSW Fire and Rescue

(Reid/Harker) 30

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 12.5 MEETING NOTES OF THE YASS SOLDIERS MEMORIAL HALL COMMITTEE HELD ON 4 FEBRUARY 2021

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**RESOLVED** that :

1. The Meeting Notes from the Yass Soldiers Memorial Hall Committee meeting held on 4 February 2021 be noted
2. A full structural integrity report (including priorities and estimated costs for repairs) for the Hall be undertaken and resources for the report be included in the 3<sup>rd</sup> Quarter Budget Review

3. *Fees and charges for the hire of the Hall be considered as part of the 2021/22 Operational Plan*
4. *A separate budget item for Yass Soldiers Memorial Hall maintenance be established*

(Frost/Turner) 31

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **13. Confidential Matters**

***RESOLVED that pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda be classified as CONFIDENTIAL and considered in the Closed Meeting of Council in accordance with Section 10A(2) of the Local Government Act for the reasons as specified:***

- 13.1 ***Tender Evaluation Report - Architectural and Interior Design Services***  
***Item 13.1 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***
- 13.2 ***Tender Evaluation Report - Civil and Structural Engineering Services***  
***Item 13.2 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***
- 13.3 ***Tender Evaluation Report - Multi Service Engineer Services***  
***Item 13.3 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***
- 13.4 ***Tender Evaluation Report - Quantity Surveying Services***  
***Item 13.4 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***
- 13.5 ***Tender Evaluation Report - Nanima Road Rehabilitation Stage 2 - YVC/IA/17.2020***  
***Item 13.5 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***
- 13.6 ***Tender Evaluation Report - Dog Trap Road Rehabilitation Segments 7B & 8 - YVC/IA/16.2020***  
***Item 13.6 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***

*the public interest.*

- 13.7**      ***Nominations - Yass Soldiers' Memorial Hall Committee***  
***Item 13.7 is confidential in accordance with section s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***

**(Harker/Turner) 32**

FOR:            Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST:    Nil

Closed Council commenced at 5.59 pm.

### **13.1 TENDER EVALUATION REPORT - ARCHITECTURAL AND INTERIOR DESIGN SERVICES**

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#### **SUMMARY**

This report provides advice on the submission of tender for Architectural and Interior Design Services required for the Civic Precinct Project.

***RESOLVED that the tender submitted by Brewster Hjorth Architects to undertake Architectural and Interior Design Services for the Civic Precinct Project for all phases be accepted for a total cost of \$827,200***

**(Reid/Turner) 33**

FOR:            Councillors C Burgess, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST:    Councillor G Frost

### **13.2 TENDER EVALUATION REPORT - CIVIL AND STRUCTURAL ENGINEERING SERVICES**

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#### **SUMMARY**

This report provides advice on the submission of tenders for Civil and Structural Engineering Services required for the Civic Precinct Project.

***RESOLVED that the tender submitted by Van Der Meer Consulting to undertake Civil and Structure Engineering Services for the Civic Precinct Project for all phases be accepted for a total cost of \$213,641***

**(Reid/Harker) 34**

FOR:            Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST:    Nil

### **13.3 TENDER EVALUATION REPORT - MULTI SERVICE ENGINEER SERVICES**

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## SUMMARY

This report provides advice on the submission of tenders for Civil and Structural Engineering Services required for the Civic Precinct Project.

***RESOLVED that the tender submitted by Norman Disney Young to undertake Multi Service Engineering Services for the Civic Precinct Project for all phases be accepted for a total cost of \$384,450***

**(Turner/Reid) 35**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 13.4 TENDER EVALUATION REPORT - QUANTITY SURVEYING SERVICES

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### SUMMARY

This report provides advice on the submission of tender for Quantity Surveying Services required for the Civic Precinct Project.

***RESOLVED that the tender submitted by Currie and Brown (Australia) Pty Ltd to undertake Quantity Surveying Services for the Civic Precinct Project for all phases be accepted for a total cost of \$65,814.90***

**(Reid/Turner) 36**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 13.5 TENDER EVALUATION REPORT - NANIMA ROAD REHABILITATION STAGE 2 - YVC/IA/17.2020

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### SUMMARY

This report provides advice on the tender submissions for the Nanima Road Rehabilitation Stage 2.

***RESOLVED that :***

- 1. None of the tenders received for Nanima Road Rehabilitation Stage 2 YVC/IA/17.2020 be accepted***
- 2. The scope of works for Stage 2 be modified and reduced to allow the works to be undertaken within the available budget***

**(Frost/Reid) 37**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **13.7 NOMINATIONS - YASS SOLDIERS' MEMORIAL HALL COMMITTEE**

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#### **SUMMARY**

To recommend nominations to fill vacancies on the Yass Soldiers' Memorial Hall Committee.

***RESOLVED that Steven Newhaus and Adrian Cameron be appointed as community members be made to the Yass Soliders' Memorial Hall Committee***

***(Frost/Turner) 38***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 06:27 pm Councillor Harker left the Chambers.

### **13.6 TENDER EVALUATION REPORT - DOG TRAP ROAD REHABILITATION SEGMENTS 7B & 8 - YVC/IA/16.2020**

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#### **SUMMARY**

This report provides advice on the submission of tenders for the rehabilitation of Dog Trap Road Segments 7B and 8.

***RESOLVED that the tender submitted by Hewatt Civil Pty Ltd to undertake the Dog Trap Road Rehabilitation Segments 7B & 8 (Contract No. YVC/IA/16.2020) be accepted for a total cost of \$699,361.50***

***(Frost/Reid) 39***

FOR: Councillors C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 06:28 pm Councillor Harker returned to the Chambers.

***RESOLVED that the meeting move into Open Council***

***(Harker/Reid) 40***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

Open Council resumed at 6.31 pm.

***RESOLVED that the recommendations in Closed Council be adopted***

***(Turner/Harker) 41***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

The meeting closed at 6.31 pm.

Nathan Furry  
**Deputy Mayor**

## 5.1 WALKER PARK GRANDSTAND

### SUMMARY

To inform of a decision to increase the funding for the Walker Park Grandstand.

### RECOMMENDATION

*That the decision in relation to providing additional funds for the Walker Park Grandstand project from Council reserves be noted.*

### REPORT

In 2019 Council secured funding under the Community Sport Infrastructure Grant for the following improvements to the Walker Park Sporting Complex:

- Lighting upgrade (Level 2) – projected cost \$176,500
- Construction of officials room (Level 1) – project cost \$74,950
- Construction of carpark and pedestrian improvements – projected cost \$95,500
- Installation of covered spectator seating (Level 1) – project cost \$176,500

Additionally \$56,000 was also allocated to project management and contingencies.

Council completed the construction of the new carpark and pedestrian improvements in November 2019 and awarded the contracts for the construction of the officials room and level two lighting upgrade with works planned to be completed May 2020.

In April 2020 Council considered a proposed design for a covered grandstand which includes a commentator's box to be constructed on level one at Walker Park. The proposed design required the commentator's box to be constructed under the roofline of the grandstand to comply with the *Building Code of Australia* (BCA).

Council determined that the current and potential users of Walker Park Sporting Complex be consulted on the proposed design. The grandstand design was circulated to the main sporting codes within Yass Valley (i.e. rugby union, soccer, touch football and rugby league). All codes except rugby league endorsed this design.

Yass Rugby League proposed a variation to the design which includes an additional commentator's box above the roofline, as well as the one under the roofline. The addition to the design will maximise all available space within the grandstand and increase the capacity of space available for match officials.

This proposal was supported by an independent opinion that the modifications met the requirements of the BCA. Independent reports by appropriately qualified persons have previously been accepted on interpretations under the BCA. However in this instance it was considered prudent to engage a private certifier for the construction work.

The revised design was relayed back to the sporting users as mentioned above for endorsement in which all responded in favour.

In August 2020 Council awarded the tender for the revised Walker Park Grandstand to Monarch Building Solutions.

The private certifier reviewed the approved design and required further modifications to the design and access for people with disabilities. Monarch Building Solutions were requested to review these modifications to meet the access and facilities for people with disabilities and advised that a further \$110,000 needs to be added to the project costs. It is also prudent to add \$20,000 to this in the event of any further contingencies that may arise allocating an additional total of \$130,000 to the project from the Development Contribution Reserve.

The original estimate in April 2020 for these required additional works underestimated the actual costs of these works.

As part of this project received grant funding there is some urgency to commence this work to meet the acquittal timeframes (i.e. 30 June 2021) and if there are any delays the grant funding could be jeopardised.

While agreeable to providing the additional funding from reserves to ensure completion of the project, I sought comments from all Councillors prior to making a decision. The majority of the feedback received supported the addition funds for the project.

**ATTACHMENTS:**    Nil



## 6.1 DEVELOPMENT APPLICATION NO DA200109 - EROSION GULLY REHABILITATION, 66 BROOKLANDS ROAD, WALLAROO

### SUMMARY

To present the assessment of Development Application No DA200109 for the rehabilitation of an erosion gully at 66 Brooklands Road, Wallaroo. The proposal is referred to Council as the application attracted 18 submissions. Approval is recommended.

### RECOMMENDATION

*That conditional Development Consent be issued for Development Application DA200109 for erosion gully rehabilitation including the importation of up to 8,000m<sup>3</sup> of VENM/ENM at 66 Brooklands Road, Wallaroo*

### FINANCIAL IMPLICATIONS

Resources for development assessment are provided for in the current Operational Plan.

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operation (Waste) Regulation 2014*
- *Water Management Act 2000*
- Yass Valley Local Environmental Plan 2013
- Resource Recovery Exemption – Excavated Natural Material Exemption 2014
- Resource Recovery Order – Excavated Natural Material Order 2014
- Yass Valley Heavy Haulage Section 94 Contributions Plan 2006
- Enforcement Policy
- Draft Filling Policy

### REPORT

#### 1. Application Details

Date Received	-	18 June 2020
Land	-	Lot 1 DP 1243196, 66 Brooklands Road, Wallaroo
Area	-	60ha
Zoning	-	RU1 Primary Production

#### 2. Site Description and Locality

The subject site is located on Brooklands Road, Wallaroo, just west of the intersection with Southwell Road. The surrounding area is rural and rural lifestyle, with a mix of holdings and property sizes. Land uses relate to both agricultural activities and rural lifestyle, including wineries, an olive grove and residential dwellings. The Murrumbidgee River is located approximately 3km to the west.

The site is currently used for rural lifestyle purposes. The land is use for some small scale grazing purposes but the gully erosion restricts this. The erosion gully dissects a large part of the subject

property, extending from its head at the adjoining 64 Brooklands Road. The site contains a dwelling houses and associated outbuildings.

A Locality Plan is included in **Attachment A**.

### **3. Proposal**

The submitted proposal involves the rehabilitation of an erosion gully, including the importation of up to 8,000m<sup>3</sup> of material. The project is anticipated to be completed over a year. Proposal details are included as **Attachment B**.

### **4. Public Exhibition**

Public exhibition included notice to 34 neighbouring properties plus properties with direct frontage to Southwell and Wallaroo Roads on the transport route. A total of 18 submissions were received (refer **Attachment C**) raising concerns with the proposal. It should be noted that the submissions also address a development application for gully rehabilitation at 64 Brooklands Road for 42,000m<sup>3</sup> which is currently under assessment.

A Planning Forum was held in February 2021 to provide an opportunity for submitters and the Applicant to address Council prior to further formal consideration of the proposal. Five presentations were made on this application including the Applicant.

The key issues raised in the submissions and at the planning forum relate to:

- Purpose of project, methodology and alternatives
- Volume of material
- Truck movements and transport route
- Noise and amenity impacts
- Road standards and safety
- Road impacts and heavy haulage contributions
- Consent conditions and monitoring
- Material quality
- Downstream water flows
- Ongoing filling activities in Wallaroo

### **5. Referrals**

The application was referred to the Natural Resources Access Regulator (NRAR) under the *Water Management Act 2000* as the proposal involves work in a watercourse. NRAR have provided their general terms of approval for inclusion in any Consent that may issue (refer **Attachment D**).

### **6. Assessment**

The assessment of the proposal has been completed in accordance with the planning legislation. The proposal generally complies with the relevant planning controls, policies and guidelines. The planning response to the issues raised in submissions is as follows:

#### **6.1 Purpose of Project, Methodology and Alternatives**

The purpose of the project and the adopted methodology has been questioned in the submissions, including suggestions that:

- The proposed filling is unnecessary and there may be other methods to manage or rehabilitate the erosion gully
- It is primarily for the purposes of disposing of development material from the ACT (i.e. financially motivated)
- There are questionable environmental benefits

The proposal is based on a report prepared by a consultant with experience in natural resource management and erosion control work. The reports states that the purpose of the gully rehabilitation is to improve environmental outcomes, outlining that the gully floor is stable, but the gully walls are actively eroding in many sections. The project justification provided is that

the rehabilitation will be beneficial to downstream environments, reducing the sediment and nutrient load entering the watercourse.

Questions were raised in the submissions about the methodology and whether alternative options are available. The submissions also suggested that the proposed method using filling appeared inconsistent with the *Gully Erosion Assessment and Control Guide* produced by Local Land Services. The LLS document is a guide and not a prescriptive list of solutions. Each proposal needs to take into account the objectives, consider the options and select a preferred solution.

The rehabilitation plan provides consideration for the effectiveness of other options, recommending that the use of targeted filling provides for better grades on gully sidewalls to be achieved, therefore increasing the effectiveness without the need to undertake more significant landform modifications.

Concern was also raised that the effectiveness of this project cannot be ensured unless it is supported by suitable steps for long-term stabilisation being undertaken. The proposed work will result in the deep gully remaining and will remain fenced from livestock. The rehabilitation plan outlines that the areas of work will be reseeded and planted with the use of native species. A detailed landscape plan has not been provided, however the details in the rehabilitation plan are considered to be sufficient for the scale of the project. A condition can be included in any approval that may issue for a final statement from an appropriately qualified person (with knowledge in soil conservation practices) confirming that the work has been completed in accordance with the rehabilitation plan.

The submissions also suggested that the erosion problem has been exacerbated by alterations made to the dam upstream at 64 Brooklands Road since approximately 2014. This may be the case, however the actions of the adjoining upstream landowner should not prevent the Applicant from pursuing measures to address the erosion problem on their property.

The supporting documentation notes that Canberra construction companies will contribute financially to the project. This is noted however any direct commercial or financial incentives are not a valid planning consideration.

## 6.2 Volume of Material

The volume of material proposed for the erosion gully rehabilitation project has been estimated by the Applicant to be approximately 8,000m<sup>3</sup> (12,000 tonnes) but has not been confirmed by survey. The Applicant has indicated that they did not undertake a survey due to the relatively small scale of the project. Proposals of similar scale have generally not been required to undertake a survey where the methodology for estimation has been generally sound. A survey undertaken at the start of the project and at completion would however provide the most accurate account of the material imported, and provides benefits in terms of opportunity for monitoring and enforcement. Where a survey is not undertaken, the delivery records become the main mechanism for reviewing and monitoring the volume of material imported. If Council were of the view that the gully should be surveyed, this could be included as a condition in any Development Consent.

## 6.3 Truck Movements and Transport Route

The volume of material proposed for the erosion gully rehabilitation is estimated to be approximately 8,000m<sup>3</sup> or 12,000 tonnes.

The estimate for the number of trucks will vary depending on the configuration of the vehicles and their payloads. The application estimates that the total number of truck movements (i.e. deliveries in and out) would be 428, based on 27 tonne truck and dog combinations. In assessing similar applications, Council has previously adopted the assumption that all deliveries would be truck and dog combination with 33 tonne payload (refer below).

	Estimate @ 27t (In and Out – 12,000t)	Estimate @ 33t (In and Out – 12,000t)
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Total Movements	444 movements	363 movements
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These are estimates only and the exact number of truck movements will depend on the delivery vehicles and combinations, the bulking factor for each load, the available of source material and weather conditions. It is therefore likely that there will be periods of high movements and periods of none.

The most recent traffic count data for Wallaroo Road is from 2018 at the NSW/ACT border. This was a three week count and indicated that 40% of vehicles were heavy vehicles.

Location	Average Daily Traffic	Heavy Vehicle Nos	Heavy Vehicles % of all traffic
NSW/ACT Border 2018	1,284	524	40.8

20 deliveries per day would represent an 8% increase in heavy vehicle movements into Wallaroo, based on the above. The 2018 traffic count data suggests a high percentage of heavy vehicle traffic on Wallaroo Road (similar to levels on Kaveney's Road being a road that has also be subject to a number of applications similar to this one). The percentage increase in heavy vehicle movements is greater closer to the development site, i.e. along Southwell Road.

The anticipated transport route is to be via Wallaroo Road, left onto Southwell Road, and then right onto Brooklands Road, with the reverse on the return trip. Submissions request that the transport route on the return trip be via Gooromon Ponds Road to distribute impacts of truck movements. Gooromon Ponds Road has a five tonne load limit and therefore could not be used as a through route for heavy vehicles under the *NSW Road Rules*.

#### 6.4 Noise and Amenity Impacts

Noise associated with the proposal is a valid planning concern with impact on local amenity. It is evident from the submissions received and representations made at the Planning Forum that the movement of heavy vehicles is, and will continue to, cause considerable concern for the amenities of some properties, particularly those on Southwell Road.

The Applicant was not requested to provide a noise assessment which is consistent with the approach for assessment of similar applications previously but can be addressed via Consent conditions i.e.

- Hours of operation restricted to 7.00am-6.00pm Monday to Friday and no operation on Saturday, Sunday or [ACT/NSW] public holidays
- Limiting the number of deliveries to maximum 20 per day

#### 6.5 Road Standards and Safety

Concerns have been raised in relation to the standard of the roads on the transport route and road safety, particularly:

- Road width
- Uneven and deteriorating pavement
- Sharp pavement edge
- Lack of line marking

All roads are sealed and two lane, albeit with limited shoulder, to the subject site. Southwell Road and this section of Brooklands Road do not have a marked centreline.

Observations indicate that the pavement along the transport route is deforming in areas, although there has been some patching undertaken since the exhibition of this application. The corner at the intersection of Wallaroo Road and Southwell Road is also deteriorating due to movement of heavy vehicles. This is an existing maintenance responsibility of Council, however the road is still considered of suitable standard to accommodate the number of heavy vehicles associated with this proposal.

Within the submissions there is also a request for a centre line to be painted on Southwell and Brooklands Road. Council previously required an Applicant for a gully rehabilitation project on Kaveney's Road to paint a centre line, however the volume of material was seven times that compared to this proposal. It is generally considered that this is not warranted as a condition for the scale of this proposal.

Within the submission it is requested that trucks have their speed limit restricted to 50km/h on Southwell and Brooklands Road. This is not a necessary or enforceable condition as the existing speed limit and *NSW Road Rules* prevail. Trucks are road registered vehicles and the enforcement of individual driver behaviour is a matter for NSW Police. Council regularly communicates with NSW Police in relation to undertaking patrols in this area to monitor driver behaviour.

## 6.6 Road Impacts and Heavy Haulage Contributions

Several of the submissions question the financial cost of heavy haulage on the road network and the opportunity for this to be recovered from the Applicant and also highlight that Wallaroo residents contributed to the funding for sealing of roads in this location, and requests made that compensation should be paid to affected residents who funded original sealing.

Council's *Heavy Haulage Section 94 Contribution Plan 2006* currently provides the nexus and framework for the levying of road maintenance contributions for development which generate in excess of 8,000 tonnes of payload annually. A calculation under the current plan has been made and a heavy haulage contribution of \$1,467 will be payable (refer **Attachment E**).

The impact of this application on the road network does not warrant conditions which require the Applicant to rehabilitate the road pavements, either before or after completion of the project. This is due to the relatively small scale of the proposal, restrictions on the number of vehicle movements, and that the heavy haulage contribution is the mechanism to collect maintenance contributions.

There is no mechanism to compensate residents who may have previously contributed to road sealing works.

## 6.7 Consent Conditions and Monitoring

Consent conditions need to be formulated to address the particular impacts of the proposal which Council can monitor and enforce. Any allegations of breaches of the Development Consent or environmental incidents will be investigated in accordance with Council's *Enforcement Policy* and the applicable legislation.

It is suggested that standard Consent conditions should be used i.e.

- Trucks importing material to this site are to display a clear marking (i.e. coloured sheet in window with DA number or magnetic identifier) identifying that they are associated with this development.
- The Applicant is to prepare a project status report every six months during the duration of the project.
- Fill delivery records are to be included in the project status report or are to be made available to Council within seven days upon request. The fill delivery record is to include an excel spreadsheet with the information entered, along with a copy of any hand written delivery record sheets.
- A project transport management plan to be prepared by the Applicant and contractor prior to commencement of activities. This can form part of the briefing provided to truck drivers and cover aspects such as minimising use of air brakes, school bus times, points of potential conflict on the transport route (e.g. driveways), speed limits, expected driver behaviour, etc.

- A final project completion report or statement shall be prepared by someone suitably experienced and qualified to confirm that the proposal has been completed in accordance with the project report.

Standard Consent conditions include a requirement for an environmental manager with experience in soil conservation practices to be a point of contact for Council and other regulatory authorities.

#### **6.8 Material Source and Quality**

The submissions question how the quality of the material can be ensured during the project.

The project proposes to utilise both virgin excavated natural material (VENM) and excavated natural material (ENM), with the ENM consisting of at least 98% VENM. A resource recovery exemption (RRE) and resource recovery order (RRO) issued by the NSW EPA under the *Protection of the Environment Operation (Waste) Regulation 2014* allows the use of ENM in earthworks, subject to specific requirements for source testing. The applicant will need to have appropriate documentation to confirm the classification is VENM or ENM for NSW legislation should the proposal be approved. Evidence of this classification must be submitted as requested.

The implications of use of acidic soils has been raised. The definition of ENM expressly excludes material which contains acid sulphate soils, and this would be picked up within the required testing. Some variation in soil composition compared to immediately surrounding land is not considered to have any adverse downstream impacts. This has also been clarified with the Applicant who has advised that the majority of topsoil to be used to dress the areas filled will be recovered (stockpiled) from the site initially and then reapplied in the revegetation so that it does not vary significantly from the in-situ.

#### **6.9 Downstream Water Flows**

A concern has been raised as to whether the erosion gully rehabilitation will result in reduced water flows downstream. The existing dam is proposed to be used as a sediment detention basin to manage downstream movement of sediment during rehabilitation works. The submitted gully rehabilitation report notes that flocculation of the dam may be required to manage turbidity levels. This should be overseen by the nominated environmental manager and details of the actions taken for this documented in the six-monthly and final status reports.

The proposed gully rehabilitation at 66 Brooklands Road will not result in any significant changes to the volume of downstream flows, noting that the gully is not proposed to be filled entirely and water is still passing through the gully channel. The maximum harvestable rights for individual properties are dealt with under the *Water Management Act 2000* and does not change as a result of this proposal.

Where the erosion has been successfully addressed then there will be an improvement in downstream water quality.

#### **6.10 Draft Filling Policy**

In 2020 Council exhibited a draft policy which included controls and considerations for applications where filling was involved as part of gully rehabilitation.

The proposed development is consistent with the draft policy. The Applicant has sought professional advice on the erosion issue, the design of the works and the available options. The project proposed does not involve filling the entire gullies, rather targeting certain areas. Any environmental outcomes have been considered alongside potential adverse impacts on the amenity of neighbouring properties in the assessment presented.

#### **6.11 Similar Developments**

Within the submissions received and representations at the Planning Forum, there has been suggestion that the current applications on Brooklands Road present a 'watershed' decision and the policy settings and conditions need to be locked down before such time any Development Consent should be granted. Council has previously considered and determined applications

involving gully rehabilitation or importation of material. These determined applications already set a current direction for considering and determining proposals, as well as the Consent conditions.

## 7. Other Filling Activities and Ongoing Action

Ongoing community representations have assisted in identifying a number of other filling activities that are occurring in the Wallaroo area and these are under investigation at the time of writing. This forms part of a bigger concern of 'clean fill' material being transported into the Yass Valley and Councillors are familiar with the issues and ongoing actions to date.

These matters are outside of the direct considerations for the Development Application.

## 8. Conclusion

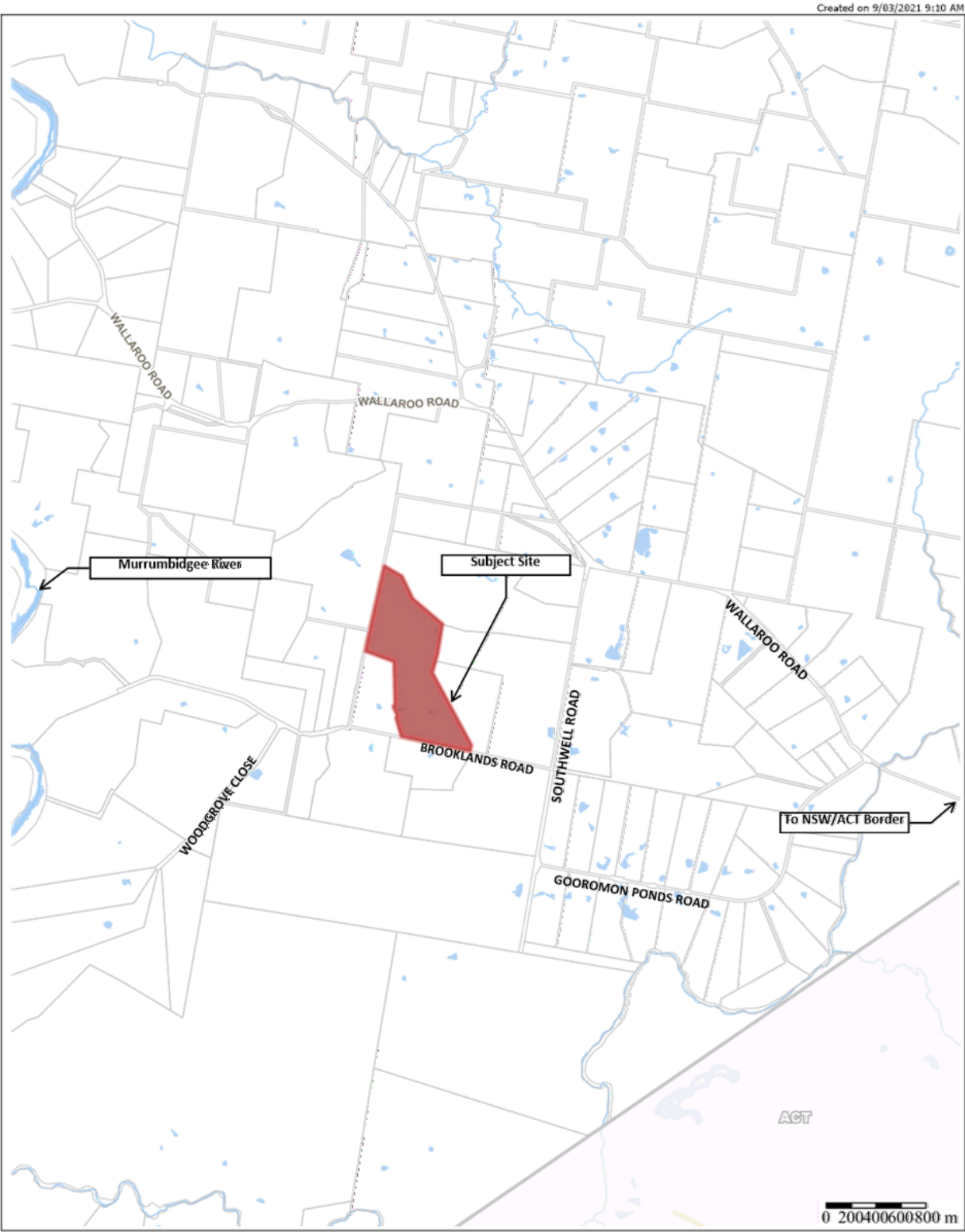
From the assessment of the proposal and consideration of the issues raised in the submissions, it is recommended that conditional Development Consent be issued for the gully rehabilitation. Draft conditions are included as **Attachment F**.

## STRATEGIC DIRECTION

Key Pillar	1.	Our Environment
CSP Strategy	EN1 -	Protect and enhance the existing natural environment, including flora and fauna native to the region
Delivery Program Action	EN1.1 -	Protect our natural assets in line with community values
Operational Plan Activity	EN1.1.1	Ensure assessment of development applications protects our natural environment

## ATTACHMENTS:

- A. Locality Plan [↓](#)
- B. Gully Rehabilitation Plan (*Under Separate Cover*) [⇒](#)
- C. Submissions [↓](#)
- D. NRAR General Terms of Approval [↓](#)
- E. Heavy Haulage Contribution Calculation [↓](#)
- F. Draft Conditions [↓](#)



**yass valley council**  
the country the people

Yass Valley Council  
PO Box 6  
209 Cornus Street  
YASS NSW 2582  
Telephone: 02 6226 1477  
Email: [info@yassvalley.nsw.gov.au](mailto:info@yassvalley.nsw.gov.au)

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Projection: GDA94 / MGA zone 55  
Date: 9/03/2021 9:10 AM  
Map Scale: 1:41427 at A4



**Jeremy Knox**

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**From:** [REDACTED]  
**Sent:** Tuesday, 4 August 2020 12:36 PM  
**To:** YVC Customer Service Team  
**Subject:** Development Applications on gully infill - Wallaroo  
**Attachments:** Summary of Concerns - Generic Issue 1.0 of 31 Jul 20\_.docx

**[EXTERNAL]** Please exercise caution when clicking on links or attachments from external sources.

To Yass Valley Council

We strongly support the concerns/comments of our neighbor [REDACTED] (attached) in relation to  
DA200091 – 64 Brooklands Road, Wallaroo, NSW  
DA200109 – 66 Brooklands Road, Wallaroo, NSW.

In general, as the operator of a small business in this area, we would like to record our extreme dismay at the number of trucks on our local roads (Southwell, Brooklands, Woodgrove) whose sealing was partially funded by resident contributions. Though the trucks involved in the above DAs will not pass our gate, we will encounter them on access roads. In addition, for quite some time several land owners at the end of Woodgrove Close have been undertaking infill projects with trucks passing constantly very close to our house (as close to the road as the [REDACTED] house is to Southwell Road). These trucks have no respect for the time of day or the weekend (when our customers are using the roads).

The nature of the fill to be used in these DAs is also very concerning as the gullies are connected to a drainage system whose water passes into the creek that on one side crosses Brooklands Road on our property. Our bore is on the side of this creek. We irrigate our vineyards from it and use its water for all household purposes including drinking, as well as in our accommodation and bistro.

Having worked in the past for a government agency with land-care responsibilities (in this case in the Great Barrier Reef catchment), I understand that gully remediation, properly undertaken, is a more sophisticated process than what is in effect receiving free fill from Canberra building sites so tip fees can be avoided in that jurisdiction. People come to our door offering free fill. We have no confidence that Yass Valley Council has the resources (given the financial constraints affecting local government) to monitor how these works will proceed if the DAs are approved.

We ask that you note these concerns, and respond to this correspondence.

[REDACTED] (also on behalf of [REDACTED])  
[REDACTED]  
[REDACTED]  
Wallaroo NSW 2618  
[REDACTED]  
[REDACTED]

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## **YASS VALLEY COUNCIL**

**DA200091 – 64 Brooklands Road, Wallaroo, NSW**

**DA200109 – 66 Brooklands Road, Wallaroo, NSW**

### **Summary of Concerns**

The combined proposals seek to dump 74,000 tonnes of VENM and ENM (representing a minimum of 6,456 vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands Roads), into an erosion gully across the two properties. The gully has significant components that were already naturally rehabilitating, and others that have been significantly, negatively contributed to by the past actions of the DA proponents.

We acknowledge the proponents for doing DAs (unlike many others), but the applications fall well short of what is acceptable.

If the entire quantity of dumped soil was VENM, and was dumped in the ACT at the published rate of \$12.80 per tonne, it would cost some \$947,200. The ACT facilities do not accept ENM. The proponents will also be increasing the value of their land, which would have been purchased at a price that accounted for degraded nature of the gully. Needless to say, the proponents will be significantly enriched by the developments - this should not come at the expense of other residents who will be burdened with the financial and amenity impacts of, and endangered by, them.

These concerns are based on the experience of local residents enduring many years and thousands of dumping-related truck movements along Wallaroo, Southwell and Brooklands Roads, which is on-going.

### **Access Impacts**

#### **Noise**

The DAs fail to acknowledge or account for passage of 6,500 trucks at 80kph within close proximity to houses along the access route (especially Southwell Road – within 54m of one house); and fails to mitigate the impacts or provide compensation.

It is noted that the number of vehicles quoted is based on 'truck and dog trailer', whereas dumping operations to date have used a variety of configurations and varying capacities, thereby most likely leading to more vehicles actually being used to dump this quantity. The DAs refer to 'vehicle movements' but this is the proposed number of vehicles dumping at the site and each vehicle requires a forward and return journey, hence the need to double the number to achieve 'vehicle movements'. This is particularly relevant when considering noise at static locations along the entirety of the access route (Wallaroo, Southwell and Brooklands Roads).

The road surface, which we believe to be 14mm chipseal, is the noisiest of the different road surfaces used in NSW. The local area is rural with some 20 or so properties accessed by the route. It would not have been expected by local residents who purchased land for quiet enjoyment of rural lifestyle and farming to have a local service road turned into a thoroughfare for thousands of heavy vehicles conducting dumping operations over years.

The noise impact of trucks on Southwell and Wallaroo Roads is exacerbated by the sections of road pavement failure where negotiated by the existing truck movements.

Truck movement on Public Holidays is not excluded.

In breach of the NSW Noise Mitigation Guideline, a Noise Impact Assessment has not been conducted. We also note that the truck estimates are only that and we fear that there will be significantly more, especially considering:

- that the soil estimates are noted as only that;
- it is in the financial interests of the proponents to accept more fill than declared; and
- the truck configurations are assumed to be 'truck and dog trailer' of a certain capacity, but we regularly already see a wide variety of configurations including smaller capacity trucks.

***This requires the following measures:***

- Speed reduction for trucks to 50kph on Southwell Road.
- Re-routing empty trucks to Gooromon Ponds Road (therefore halving the truck movements past close-proximity residents on Southwell Road).
- Noise impact assessment be conducted (in accordance with RMS and EPA guidelines) by an appropriately skilled **independent** third party, i.e. Rodney Stevens Acoustics, with resultant recommendations to meet compliance standards including NSW Road Noise Guide mitigation measures and/or compensation to affected residents.
- Noise verification audits be conducted during the life of the projects.
- Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
  - o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.
- Remediation of Southwell Road prior to, during and post operation, noting that one of the proponents (also the owner of an asphalt company) will *"Seal the entrance from the property to the gully to provide adequate provisions for long vehicles"* and has the means and capacity to do this work on the main access routes.
- In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

**Road Safety**

Road safety has not been addressed on the main access routes of Wallaroo Road and Southwell Road.

On Southwell Road, one entrance driveway (at 93 Southwell) is 110m from the crest of a blind hill. It takes 4.95 (5) sec for a vehicle travelling at 80kph to cover that distance. At 60kph it would be 6.6 (7) secs. At 50kph 7.92 (8) sec; i.e. the slower the trucks the more chance the residents have to avoid a traffic accident, especially considering that one of the areas of existing pavement failure is just on the driveway side of the hill and northbound trucks move to the centre of the road (or even the other lane) to avoid the bang and rattle of that pavement failure— thus further endangering both the residents at an dvisitors to 93 Southwell and southbound road users.

Truck movement on Public Holidays is not excluded. On these days, there is typically more vehicle traffic on these roads.

At critical points of the access routes, being the road junctions, the various blind crests and blind curves, the existing truck traffic routinely strays into on-coming lanes and cutting curves and corners.

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- Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
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- Enforcement of centreline marking.
- In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

### **Road Resilience**

With existing pavement failures in several locations along the Southwell Road portion of the access route, the road is not suitable to accept this volume of trucks without prior remediation, on-going maintenance and post-activity

remediation, as necessary. (One of the current proponents owns a major road sealing and asphaltting company, and has noted in the DA that he will be sealing from the Brooklands Road gate to the gully to provide access for long vehicles.) These areas of existing pavement failure, without remediation, will add to the acoustic impacts of the truck movements and lead to further road pavement damage. Of course, Wallaroo, a more substantial road is also already suffering from the thousands of trucks engaged in dumping operations over the last 8 or so years – as is Southwell.

***These require the following measures:***

- Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
- Re-routing empty trucks to Gooromon Ponds to disperse the road impacts.
- Remediation of Southwell Road prior to, during and post operation.
- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.
  - o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

**Road funding**

The original road sealing (progressively from about 2008 to about 2011) was funded by the long-term residents who contributed to a YVC road funding agreement – ostensibly to provide more congenial public access to the existing wineries and B&Bs. This current exploitation and degradation is without recompense by the proponents, for their enrichment, to those who paid for the road's sealing. The addition of at least 6500 heavy vehicles, to a road that was only ever to service approximately 20 properties, will have catastrophic impacts on the longevity of the road and the investment contributed to by the residents.

***These require the following measures:***

- Compensation to affected residents who funded original road sealing, or
- Satisfactory remediation of Southwell Road prior to, during and post operation (noting the proponents have the means and capacity to do this work themselves or pay for it to be done) to achieve a standard sufficient for the extra 6500 heavy vehicle movements.

- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.
- This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

### **Environmental Impacts**

#### Current problems

An analysis of Google Earth historical imagery shows that the current gully configuration has been substantially altered in recent years, including in September/October 2014 through the construction of a large dam in the relevant gully, which was not be well designed or maintained, thus leading to exacerbating erosion and siltation.

The farming practises adjacent to the dam and its inflow up-slopes have been a contributor to siltation and erosion. The failure to provide measures to protect the surface of the inflow up-slopes, the overflow chute and the continuation of ploughing in and around linked, up-stream contour banks, especially their release points has created significant problems. The solutions proposed for the site do not prevent the same thing from happening, particularly given the stated desire to be able to crop closer to the remediated site.

The DAs, in suggesting that they will be rehabilitating the natural landscape, fail to address the significant portion of the gully, between the two DA areas, that is, supposedly, not to be worked on. There is also no explanation of how not addressing the erosion in that area will impact the success or otherwise of the proposed works.

#### Long-term outcomes

##### Soil type.

The acidity of soils suitable for gully fill has not been addressed. There is identification of intended quantities of ENM v. VENM, noting that ENM is higher risk of being contaminated on account of it not being virgin material.

#### ***These require the following measures:***

- Soil testing must be compliant and appropriate to the watercourse setting of the fill site.

### Revegetation.

While earlier in the Gully Rehabilitation Report mention is made of using local endemic species for revegetation, in the 'solution' there is no mention of plantings and their maintenance, only reseeding as an initial response and protection until 80% ground cover is achieved. Ploughing and cropping, as is the practise in that paddock, would comply and would likely, as has been seen in recent years, continue to precipitate the wash events that occurred with this farming operation.

Whilst existing bed stability is noted, as is current levels of vegetation, there are no protections for or retention of the existing areas of gully floor stability or existing vegetation – indeed existing vegetation is to be avoided “where possible”.

### ***These require the following measures:***

- Plans to include:
  - Revegetation to create better than what's there – both immediately and in the long term (specific species of trees and shrubs, quantity, maintenance), and consistent with the biodiversity objectives of the Zone.
  - Addressing the contributory nature of current farming practices to erosion and applying appropriate long-term measures to create a buffer for the watercourse, and perhaps also assisting biodiversity for flora and fauna.

### **DA Supporting documentation**

The DAs are each supported by a Gully Remediation Plan and a Statement of Environmental Effects (SoEE). The following general observations are made about these documents, which on face value give the impression of a well-prepared and compelling case for the proposed course of action, but on any level of analysis are inconsistent, superficial and clearly skewed to give a particular outcome, being maximum fill being taken into the sites and delivering an environmental outcome which is questionable, particularly over the longer term.

- Impacts, such as road failure and noise, are ignored on key sections of the access route. Why is this done?



- Why has the author of the Gully Remediation Plans, who notes his co-authoring of the 2004 edition of the *Gully Erosion Assessment and Control Guide*, failed to use the classifications and methodologies applied in the 2018 Guide, which replaced the one that he co-wrote. The use of the new Guide would result in the classification of significant portions of the area to be rehabilitated as Low Severity and reiterates filling with soil as being a non-preferred method of treatment.
- The authors of the Statement of the Environmental Effects do not identify any qualifications or certifications or approved methodologies to provide a basis for their observations and conclusions. It merely gives the impression of authority.
- The Statement of the Environmental Effects is poorly written, being repetitive and mostly parroting the Gully Remediation Report without value-adding. It contains such 'interesting' statements such as:
  - *"This will include the importation of up to ..... to the site to reinstate the eroded gully back to its **previous hill like formation.**"* Is a hill to be created from this watercourse gully?
  - *"The proposal will not adversely impact any surrounding neighbours."* Yet, there will be more than 6,500 truck movements within 54m of a home in Southwell Road – is this not an impact?
  - *"All appropriate measures to avoid, minimise and mitigate any perceived impact of the development will be implemented and have been highlighted throughout the attached document in Appendix B."* Given the more-than-perceived noise, road safety, likely destruction of existing vegetation within the gully system, and potential for long-term repetition of wash due to farming practises which have not been identified let alone addressed. This statement is simply glib padding and of no merit.
  - Against **Clause 6.3 Terrestrial Biodiversity**, the SoEE, states:
    - *"The proposal will have no impact on any environmental conditions of the site. The site will be rehabilitated/restored and the development will allow for the natural environment to regenerate to its former*

*state.”* This is utter nonsense in the absence of any plan to protect the area from grazing, in fact the contrary intention is clearly stated in the Gully Rehabilitation Plan. There are no specific plantings of trees and shrubs or measures to promote actual biodiversity.

- There is no clear vision of what will be created and certainly not a robust, long-term better environmental outcome, especially for vegetation and wildlife.
- Given the vagaries of how the quantity of fill to be accepted into the site were calculated, there is no examination of the impacts of more than the stated quantities of fill being taken into the sites. This must be addressed in the conditions applied to the DA.
- The DA's Gully Rehabilitation Reports fail to acknowledge the negative impacts of the works already done to these gullies in recent years and the farming practices in critical adjoining up-slopes and how these have contributed to the current state of the site. The solutions proposed for the sites do not prevent similar problems reoccurring.

**The residents of Wallaroo and the environment deserve better! The proponents have the means and the capacity to get it right.**

**Jeremy Knox**

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**From:** [REDACTED]  
**Sent:** Monday, 3 August 2020 10:52 AM  
**To:** YVC Customer Service Team  
**Cc:** [REDACTED]  
**Subject:** Doc 384716 RE: Public Consultation Input - DA200091 and DA200109  
**Attachments:** Summary of Concerns - DA200091 and DA200109.pdf

**[EXTERNAL]** Please exercise caution when clicking on links or attachments from external sources.

Good morning,

Many local residents in Wallaroo have significant concerns regarding two Development Approvals, for "Rehabilitation of Eroded Gullies" on DA200091 – 64 Brooklands Road, Wallaroo, NSW and DA200109 – 66 Brooklands Road, Wallaroo, NSW.

Summary of Concerns

The combined proposals seek to dump 74,000 tonnes of VENM and ENM (representing a minimum of 6,456 vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands Roads), into an erosion gully across the two properties. The gully has significant components that were already naturally rehabilitating, and others that have been significantly, negatively contributed to by the past actions of the DA proponents.

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These concerns are based on the experience of local residents enduring many years and thousands of dumping-related truck movements along Wallaroo, Southwell and Brooklands Roads, which is on-going.

Please find attached a detailed document which lists my concerns for these DAs, with a focus on the environmental impacts.

Many Thanks,

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## **YASS VALLEY COUNCIL**

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- In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

### **Road Resilience**

With existing pavement failures in several locations along the Southwell Road portion of the access route, the road is not suitable to accept this volume of trucks without prior remediation, on-going maintenance and post-activity remediation, as necessary. (One of the current proponents owns a major road sealing and asphaltting company, and has noted in the DA that he will be sealing from the Brooklands Road gate to the gully to provide access for long vehicles.) These areas of existing pavement failure, without remediation, will add to the acoustic impacts of the truck movements and lead to further road pavement damage. Of course, Wallaroo, a more substantial road is also already suffering from the thousands of trucks engaged in dumping operations over the last 8 or so years – as is Southwell.

***These require the following measures:***

- Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
- Re-routing empty trucks to Gooromon Ponds to disperse the road impacts.
- Remediation of Southwell Road prior to, during and post operation.
- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.
  - This may require ‘job’ identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

### **Road funding**

The original road sealing (progressively from about 2008 to about 2011) was funded by the long-term residents who contributed to a YVC road funding agreement – ostensibly to provide more congenial public access to the existing wineries and B&Bs. This current exploitation and degradation is without recompense by the proponents, for their enrichment, to those who paid for the road’s sealing. The addition of at least 6500 heavy vehicles, to a road that was only ever to service approximately 20 properties, will have catastrophic

impacts on the longevity of the road and the investment contributed to by the residents.

***These require the following measures:***

- Compensation to affected residents who funded original road sealing, or
- Satisfactory remediation of Southwell Road prior to, during and post operation (noting the proponents have the means and capacity to do this work themselves or pay for it to be done) to achieve a standard sufficient for the extra 6500 heavy vehicle movements.
- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.
- This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

**The residents of Wallaroo and the environment deserve better! The proponents have the means and the capacity to get it right.**

## DA200109 - 66 Brooklands Road, Wallaroo

"Gully rehabilitation including importation of up to 8,000m<sup>3</sup> of material."

05 August 2020

To: Yass Valley Council

Dear Sir/Madam,

The subject DA proposes Gully rehabilitation including importation of up to 8,000m<sup>3</sup> of material to the site. Depending on rock content, that means transporting up to 16,000 tons of material over local roads. This exceeds policy exemption limits, will shorten road life and carries a cost. This submission requests that road cost recovery be applied as permitted under 7.11 infrastructure contributions (Formerly S94).

For the purposes of this DA it is important that cost recovery calculation recommendations to Council are made public.

Specifically:

- The underlying assumptions of Truck loadings, kilometres travelled and ESA (Equivalent Standard Axle) of the proposed trucks must be stated.
- That the applicant be required to state the ESA rating of the intended trucks under maximum load. (This data is readily available from Australian Trucking Association sources).
- That the calculations be signed off by a tertiary qualified engineer.
- That the full qualifications of the engineer be part of the public record
- That the identity of the person taking responsibility for the accuracy of the calculations also be a matter of public record.
- That the engineer also make available to Councillors their best professional estimate of the actual road impact cost independent of any formula constrained by policy

The above steps are necessary to ensure the integrity of YVC's DA process and we thank you for your support of this.

Sincerely,

██████████

General Manager  
Yass Valley Council  
PO box 6  
YASS NSW 2582

**DA200091 – 64 Brooklands Road, Wallaroo, NSW**

**DA200109 – 66 Brooklands Road, Wallaroo, NSW**

In principle we have no objection to the owners undertaking restoration of erosion gullies which are very difficult and costly to address. However we do feel that council needs to require additional controls to minimise the impact on local residents and ensure that public physical infrastructure is maintained.

We note the two DAs will result in significant improvement in the valuation of the land. In particular DA200091 which was recently subdivided from the main block of land can be sold at a substantial sum. Also the company that is carting the soil, who are located on Wallaroo Road, are making substantial profit which is evidenced by the fact that they are contributing to the cost of undertaking the work at DA200109.

Council is responsible for local roads under the NSW Roads Act 1993 and receives funding from both state and federal governments to maintain local roads. Council is also responsible for footpaths and noxious weeds. It is therefore incumbent on Council to ensure that local roads are fit for purpose.

The addition of a minimum of 6,456 large vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands roads will place a significant burden on the roads and create a dangerous environment for local drivers. There is a significant increased risk of a major fatality given that these roads are not designed to take this volume of heavy construction traffic. There will also be noise and dust particularly for those residents who live near the roads.

Given this will be an on-going burden for two years Council should undertake:

- a. Remediation of the roads prior to, during and post operation.
- b. Install permanent warning signs to road junctions, 'hidden' driveways and crests.
- c. Should proactively liaise with NSW RTA to have a specific requirement for trucks to travel at 50kms and erect signage as the roads effectively become a 'work site'.
- d. As part of the remediation work there should be passing lanes for cars on Wallaroo Road.
- e. Require re-routing of empty trucks to Gooromon Ponds to lessen the impact on Southwell road.
- f. The road junction from Wallaroo onto Southwell needs specific work (including appropriate signage) as the turn and camber are dangerous, especially for heavy construction vehicles.

pg. 1

The initial cost of sealing Southwell and Brooklands was met by local landowners to facilitate regular car access not large trucks over a sustained period of time. Even with this lighter use of the road the edges have and are developing erosion gullies that should be remediated before the added pressure on the road causes more problems. The roadsides also have weeds that Council should be managing as more heavy traffic movement increases the risks of further dispersing noxious weeds including onion weed, African Lovegrass, and St Johns Wort.

We appreciate that this costs significant money and therefore Council should charge a fee on each truck movement to recoup sufficient funds to undertake the work. The other alternative is the proponents and the cartage firm undertake the work.

Finally, we would make a general comment about the erosion gullies. This is very difficult to control as it usually involves heavy run off from neighbouring properties and runs the risk of dispersing the land fill onto other properties further downstream when there are heavy downpours. It is important that the DA clearly articulates the revegetation strategy to include plants resilient to drought and a warming climate and includes widespread ground covers to slow water movement. Aligned to this should be both a grazing plan for cattle and an active program to control noxious pests such rabbits and deer to protect the new plantings. It is unclear how the flow of water onto the erosion gullies at 64 Brooklands road, then the flow of water onto 66 Brooklands road and then from here further downstream will be mediated to ensure the landfill stays where it is intended.

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████████████████  
Wallaroo 2618.  
████████████████████  
████████████████

## Jeremy Knox

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**From:** Yass Valley Council <no-reply@wufoo.com>  
**Sent:** Wednesday, 5 August 2020 3:24 PM  
**To:** YVC Customer Service Team  
**Subject:** Public Consultation online submission [#183]

**[EXTERNAL]** Please exercise caution when clicking on links or attachments from external sources.

**Name \*** [REDACTED]

**Address \*** 

[REDACTED]  
[REDACTED]  
[REDACTED]

**Email \*** [REDACTED]

**Phone** [REDACTED]

**Number \***

**What item** DA 200091 64 Brooklands Road and DA 200109 66 Brooklands Road, Wallaroo, NSW  
**are you**  
**making a**  
**submission**  
**on? \***

**Submission \***

To YASS VALLEY COUNCIL

I wish to support the submissions made by extremely concerned local residents and landholders about the  
Development Applications below:

DA200091 – 64 Brooklands Road, Wallaroo, NSW

DA200109 – 66 Brooklands Road, Wallaroo, NSW

The movement of materials from the ACT's building sites has been accelerating in recent years. The material has been dumped in Yass Valley Council's catchment area on properties where water from the creeks and soaks ultimately reaches the Murrumbidgee River. Water in the Murrumbidgee is essential both in volume and quality for communities and agriculture downstream. Water in Yass Valley Shire's creeks is essential to the shire's population, the environment and the economy.



Whilst it is applaudable that Development Applications have been made for the dumping on these two properties has Yass Valley Council considered whether this form of infill for gullies is appropriate in 2020?  
Have erosion experts been consulted by YVC's environmental department before permitting this form of gully infill?  
New dams could "steal" water from downstream landholders.  
The chemistry and weed-free nature of any in-fill material or soil often has adverse effects on water quality aquatic species and vegetation.

It would seem that Yass Valley Council is allowing the beautiful Yass Country land to be a dumping ground for the ACT's waste.

Please examine this situation and other dumping procedures.  
Please consider the way land is managed in Yass Valley otherwise the clean and green reputation will be lost.

These are the concerns of others about these vehicle movements and the material they are duming in Yass Valley Shire:

#### Summary of Concerns

The combined proposals seek to dump 74,000 tonnes of VENM and ENM (representing a minimum of 6,456 vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands Roads), into an erosion gully across the two properties. The gully has significant components that were already naturally rehabilitating, and others that have been significantly, negatively contributed to by the past actions of the DA proponents.

We acknowledge the proponents for doing DAs (unlike many others), but the applications fall well short of what is acceptable.

If the entire quantity of dumped soil was VENM, and was dumped in the ACT at the published rate of \$12.80 per tonne, it would cost some \$947,200. The ACT facilities do not accept ENM. The proponents will also be increasing the value of their land, which would have been purchased at a price that accounted for degraded nature of the gully. Needless to say, the proponents will be significantly enriched by the developments – this should not come at the expense of other residents who will be burdened with the financial and amenity impacts of, and endangered by, them.

These concerns are based on the experience of local residents enduring many years and thousands of dumping-related truck movements along Wallaroo, Southwell and Brooklands Roads, which is on-going.

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## Jeremy Knox

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**From:** Yass Valley Council <no-reply@wufoo.com>  
**Sent:** Wednesday, 5 August 2020 1:50 PM  
**To:** YVC Customer Service Team  
**Subject:** Public Consultation online submission [#182]

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**Name \*** [REDACTED]

**Address \*** 

[REDACTED]  
[REDACTED]  
[REDACTED]

**Email \*** [REDACTED]

**Phone** [REDACTED]

**Number \***

**What item** DA200091 – 64 Brooklands Road, Wallaroo, NSW DA200109 – 66 Brooklands Road, Wallaroo, NSW  
**are you**  
**making a**  
**submission**  
**on? \***

**Submission \***

Submission to Yass Valley Council

DA200091 – 64 Brooklands Road, Wallaroo, NSW

DA200109 – 66 Brooklands Road, Wallaroo, NSW

Introduction

In 2017/18 the lives of residents of Oakey Creek Road and Wallaroo Road were impacted by up to 200 trucks a day dumping fill to a property at xxx Oakey Creek. This included excessive noise (including at weekends), all-pervading dust and the obvious risk that comes with multiple 'truck and dog trailers' travelling at 80 kilometres an hour down a dirt road. At the time, multiple complaints were made to Council with responses that ranged from the uninterested to the duplicitous.

Together, DA 200091 (64 Brooklands Road) and DA200109 (66 Brooklands Road) seek to dump 74,000 tonnes of

VENM and ENM (representing a minimum of 6,456 vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands Roads), into an erosion gully across the two properties. This is despite the gully already having significant components that are already naturally rehabilitating, and others that have been significantly, negatively contributed to by the past actions of the DA proponents.

Given this natural rehabilitation, the motives of the DA proponents are questionable. The cost to dump the entire quantify of soil (if it was VENM) in the ACT at the published rate of \$12.80 per tonne, would be \$947,200. The ACT facilities do not accept ENM. Of course, the details of any payment to the proponents to take the 74,000 tonnes of fill is not known, and is likely to be considered commercial in confidence. But it's ludicrous to think that the proponents are accepting the fill for no financial benefit. And while the proponents benefit financially, local residents will again bear the cost of the financial and amenity impacts.

In the following sections of this submission I have summarised these impacts and the measures which must be taken to ameliorate them.

#### Noise

The depositing of 74,000 tonnes will necessitate 6,500 trucks travelling at 80kph in close proximity to houses along the access route. The DAs fail to outline how this will be mitigated and fails to mitigate the impacts or provide compensation.

It is noted that the number of vehicles quoted is based on 'truck and dog trailer', whereas dumping operations to date have used a variety of configurations and varying capacities, thereby most likely leading to more vehicles actually being used to dump this quantity. T

he DAs refer to 'vehicle movements' but this is the proposed number of vehicles dumping at the site and each vehicle requires a forward and return journey, hence the need to double the number to achieve 'vehicle movements'. This is particularly relevant when considering noise at static locations along the entirety of the access route (Wallaroo, Southwell and Brooklands Roads).

The road surface, which we believe to be 14mm chipseal, is the noisiest of the different road surfaces used in NSW. The local area is rural with some 20 or so properties accessed by the route. It would not have been expected by local residents who purchased land for quiet enjoyment of rural lifestyle and farming to have a local service road turned into a thoroughfare for thousands of heavy vehicles conducting dumping operations over years.

The noise impact of trucks on Southwell and Wallaroo Roads is exacerbated by the sections of road pavement failure where negotiated by the existing truck movements.

Truck movement on Public Holidays is not excluded.

In breach of the NSW Noise Mitigation Guideline, a Noise Impact Assessment has not been conducted. We also note that the truck estimates are only that and we fear that there will be significantly more, especially considering:

- that the soil estimates are noted as only that;
- it is in the financial interests of the proponents to accept more fill than declared; and
- the truck configurations are assumed to be 'truck and dog trailer' of a certain capacity, but we regularly already see a wide variety of configurations including smaller capacity trucks.

This requires the following measures:

- Speed reduction for trucks to 50kph on Southwell Road.
- Re-routing empty trucks to Gooromon Ponds Road (therefore halving the truck movements past close-proximity residents on Southwell Road).
- Noise impact assessment be conducted (in accordance with RMS and EPA guidelines) by an appropriately skilled independent third party, i.e. Rodney Stevens Acoustics, with resultant recommendations to meet compliance standards including NSW Road Noise Guide mitigation measures and/or compensation to affected residents.
- Noise verification audits be conducted during the life of the projects.
- Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
  - o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.
- Remediation of Southwell Road prior to, during and post operation, noting that one of the proponents (also the owner of an asphalt company) will "Seal the entrance from the property to the gully to provide adequate provisions for long vehicles" and has the means and capacity to do this work on the main access routes.
- In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

#### Road Safety

Road safety has not been addressed on the main access routes of Wallaroo Road and Southwell Road.

On Southwell Road, one entrance driveway (at 93 Southwell) is 110m from the crest of a blind hill. It takes 4.95 (5) sec for a vehicle travelling at 80kph to cover that distance. At 60kph it would be 6.6 (7) secs. At 50kph 7.92 (8) sec; i.e. the slower the trucks the more chance the residents have to avoid a traffic accident.

Truck movement on Public Holidays is not excluded. On these days, there is typically more vehicle traffic on these roads.

At critical points of the access routes, being the road junctions, the various blind crests and blind curves, the existing truck traffic routinely strays into on-coming lanes and cutting curves and corners.

These require the following measures:

- Having enforceable centreline road marking applied to the road pavement to clearly delineate the lanes and help separate traffic at critical safety nodes (road junctions, the various blind crests and blind curves).
- Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
- Re-routing empty trucks to Gooromon Ponds Road; therefore halving the truck movements past close-proximity residents on Southwell Road and, most importantly, not having northbound trucks on Southwell Road having to 'crest' the blind hill before 93 Southwell Road and endangering residents and visitors to that property.
- Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
  - o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads for example by use of large coloured magnetic identifiers so that residents can note which are 'approved' dumping trucks.
- Remediation of Southwell Road prior to, during and post operation, noting that one of the proponents (also the

owner of an asphalt company) will "Seal the entrance from the property to the gully to provide adequate provisions for long vehicles" and has the means and capacity to do this work on the main access routes.

- Enforcement of centreline marking.

- In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

#### Road Resilience

With existing pavement failures in several locations along the Southwell Road portion of the access route, the road is not suitable to accept this volume of trucks without prior remediation, on-going maintenance and post-activity remediation, as necessary. (One of the current proponents owns a major road sealing and asphalt company, and has noted in the DA that he will be sealing from the Brooklands Road gate to the gully to provide access for long vehicles.)

These areas of existing pavement failure, without remediation, will add to the acoustic impacts of the truck movements and lead to further road pavement damage. Of course, Wallaroo, a more substantial road is also already suffering from the thousands of trucks engaged in dumping operations over the last 8 or so years – as is Southwell.

These require the following measures:

- Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
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- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.

- o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

#### Road funding

The original road sealing (progressively from about 2008 to about 2011) was funded by the long-term residents who contributed to a YVC road funding agreement – ostensibly to provide more congenial public access to the existing wineries and B&Bs. This current exploitation and degradation is without recompense by the proponents, for their enrichment, to those who paid for the road's sealing. The addition of at least 6500 heavy vehicles, to a road that was only ever to service approximately 20 properties, will have catastrophic impacts on the longevity of the road and the investment contributed to by the residents.

These require the following measures:

- Compensation to affected residents who funded original road sealing, or
- Satisfactory remediation of Southwell Road prior to, during and post operation (noting the proponents have the means and capacity to do this work themselves or pay for it to be done) to achieve a standard sufficient for the extra 6500 heavy vehicle movements.
- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.

- This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

#### Environmental Impacts

##### Current problems

An analysis of Google Earth historical imagery shows that the current gully configuration has been substantially altered in recent years, including in September/October 2014 through the construction of a large dam in the relevant gully, which was not well designed or maintained, thus leading to exacerbating erosion and siltation. The farming practises adjacent to the dam and its inflow up-slopes have been a contributor to siltation and erosion. The failure to provide measures to protect the surface of the inflow up-slopes, the overflow chute and the continuation of ploughing in and around linked, up-stream contour banks, especially their release points has created significant problems. The solutions proposed for the site do not prevent the same thing from happening, particularly given the stated desire to be able to crop closer to the remediated site.

The DAs, in suggesting that they will be rehabilitating the natural landscape, fail to address the significant portion of the gully, between the two DA areas, that is, supposedly, not to be worked on. There is also no explanation of how not addressing the erosion in that area will impact the success or otherwise of the proposed works.

##### Long-term outcomes

##### Soil type

The acidity of soils suitable for gully fill has not been addressed. There is identification of intended quantities of ENM v. VENM, noting that ENM is higher risk of being contaminated on account of it not being virgin material.

These require the following measures:

- Soil testing must be compliant and appropriate to the watercourse setting of the fill site.

##### Revegetation.

While earlier in the Gully Rehabilitation Report mention is made of using local endemic species for revegetation, in the 'solution' there is no mention of plantings and their maintenance, only reseeded as an initial response and protection until 80% ground cover is achieved. Ploughing and cropping, as is the practise in that paddock, would comply and would likely, as has been seen in recent years, continue to precipitate the wash events that occurred with this farming operation.

Whilst existing bed stability is noted, as is current levels of vegetation, there are no protections for or retention of the existing areas of gully floor stability or existing vegetation – indeed existing vegetation is to be avoided “where possible”.

These require the following measures:

- Plans to include:
  - o Revegetation to create better than what's there – both immediately and in the long term (specific species of trees and shrubs, quantity, maintenance), and consistent with the biodiversity objectives of the Zone.
  - o Addressing the contributory nature of current farming practices to erosion and applying appropriate long-term measures to create a buffer for the watercourse, and perhaps also assisting biodiversity for flora and fauna.

#### DA Supporting documentation

The DAs are each supported by a Gully Remediation Plan and a Statement of Environmental Effects (SoEE). The following general observations are made about these documents, which on face value give the impression of a well-prepared and compelling case for the proposed course of action, but on any level of analysis are inconsistent, superficial and clearly skewed to give a particular outcome, being maximum fill being taken into the sites and delivering an environmental outcome which is questionable, particularly over the longer term.

- Impacts, such as road failure and noise, are ignored on key sections of the access route. Why is this?
- Why has the author of the Gully Remediation Plans, who notes his co-authoring of the 2004 edition of the Gully Erosion Assessment and Control Guide, failed to use the classifications and methodologies applied in the 2018 Guide, which replaced the one that he co-wrote. The use of the new Guide would result in the classification of significant portions of the area to be rehabilitated as Low Severity and reiterates filling with soil as being a non-preferred method of treatment.
- The authors of the Statement of the Environmental Effects do not identify any qualifications or certifications or approved methodologies to provide a basis for their observations and conclusions. It merely gives the impression of authority.
- The Statement of the Environmental Effects is poorly written, being repetitive and mostly parroting the Gully Remediation Report without value-adding. It contains such 'interesting' statements such as:
  - o "This will include the importation of up to ..... to the site to reinstate the eroded gully back to its previous hill like formation." Is a hill to be created from this watercourse gully?
  - o "The proposal will not adversely impact any surrounding neighbours." Yet, there will be more than 6,500 truck movements within 54m of a home in Southwell Road - is this not an impact?
  - o "All appropriate measures to avoid, minimise and mitigate any perceived impact of the development will be implemented and have been highlighted throughout the attached document in Appendix B." Given the more-than-perceived noise, road safety, likely destruction of existing vegetation within the gully system, and potential for long-term repetition of wash due to farming practises which have not been identified let alone addressed. This statement is simply glib padding and of no merit.
  - o Against Clause 6.3 Terrestrial Biodiversity, the SoEE, states:
    - ♣ "The proposal will have no impact on any environmental conditions of the site. The site will be rehabilitated/restored and the development will allow for the natural environment to regenerate to its former state." This is utter nonsense in the absence of any plan to protect the area from grazing, in fact the contrary intention is clearly stated in the Gully Rehabilitation Plan. There are no specific plantings of trees and shrubs or measures to promote actual biodiversity.
- There is no clear vision of what will be created and certainly not a robust, long-term better environmental outcome, especially for vegetation and wildlife.
- Given the vagaries of how the quantity of fill to be accepted into the site were calculated, there is no examination of the impacts of more than the stated quantities of fill being taken into the sites. This must be addressed in the

conditions applied to the DA.

– The DA's Gully Rehabilitation Reports fail to acknowledge the negative impacts of the works already done to these gullies in recent years and the farming practices in critical adjoining up-slopes and how these have contributed to the current state of the site. The solutions proposed for the sites do not prevent similar problems reoccurring.

One final point

Four months ago, I, and many other Wallaroo residents, made a submission to the Council which was seeking feedback to inform a future policy on fill on rural properties. So far, there has been no advice that progress is being made on this. Surely it is in the interests of Council and rural ratepayers, to finalise a policy so that the rules and regulations for the dumping of fill on rural properties is clearly defined and can therefore be adhered to.

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## Jeremy Knox

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**From:** Yass Valley Council <no-reply@wufoo.com>  
**Sent:** Monday, 3 August 2020 1:35 PM  
**To:** YVC Customer Service Team  
**Subject:** Doc 384827 Public Consultation online submission [#180]

**[EXTERNAL]** Please exercise caution when clicking on links or attachments from external sources.

**Name \*** [REDACTED]

**Address \*** 

[REDACTED]  
[REDACTED]  
[REDACTED]

**Email \*** [REDACTED]

**Phone** [REDACTED]  
**Number \***

**What item** DA200091 – 64 Brooklands Road, Wallaroo, NSW DA200109 – 66 Brooklands Road, Wallaroo, NSW  
**are you**  
**making a**  
**submission**  
**on? \***

**Submission \***

YASS VALLEY COUNCIL

DA200091 – 64 Brooklands Road, Wallaroo, NSW

DA200109 – 66 Brooklands Road, Wallaroo, NSW

### Summary of Concerns

The combined proposals seek to dump 74,000 tonnes of VENM and ENM (representing a minimum of 6,456 vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands Roads), into an erosion gully across the two properties. The gully has significant components that were already naturally rehabilitating, and others that have been significantly, negatively contributed to by the past actions of the DA proponents.

We acknowledge the proponents for doing DAs (unlike many others), but the applications fall well short of what is acceptable.

If the entire quantity of dumped soil was VENM, and was dumped in the ACT at the published rate of \$12.80 per tonne, it would cost some \$947,200. The ACT facilities do not accept ENM. The proponents will also be increasing

the value of their land, which would have been purchased at a price that accounted for degraded nature of the gully. Needless to say, the proponents will be significantly enriched by the developments – this should not come at the expense of other residents who will be burdened with the financial and amenity impacts of, and endangered by, them.

These concerns are based on the experience of local residents enduring many years and thousands of dumping-related truck movements along Wallaroo, Southwell and Brooklands Roads, which is on-going.

#### Access Impacts

##### Noise

The DAs fail to acknowledge or account for passage of 6,500 trucks at 80kph within close proximity to houses along the access route (especially Southwell Road – within 54m of one house); and fails to mitigate the impacts or provide compensation.

It is noted that the number of vehicles quoted is based on 'truck and dog trailer', whereas dumping operations to date have used a variety of configurations and varying capacities, thereby likely most likely leading to more vehicles actually being used to dump this quantity. The DAs refer to 'vehicle movements' but this is the proposed number of vehicles dumping at the site and each vehicle requires a forward and return journey, hence the need to double the number to achieve 'vehicle movements'. This is particularly relevant when considering noise at static locations along the entirety of the access route (Wallaroo, Southwell and Brooklands Roads).

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The local area is rural with some 20 or so properties accessed by the route. It would not have been expected by local residents who purchased land for quiet enjoyment of rural lifestyle and farming to have a local service road turned into a thoroughfare for thousands of heavy vehicles conducting dumping operations over years.

The noise impact of trucks on Southwell and Wallaroo Roads is exacerbated by the sections of road pavement failure where negotiated by the existing truck movements.

Truck movement on Public Holidays is not excluded.

In breach of the NSW Noise Mitigation Guideline, a Noise Impact Assessment has not been conducted. We also note that the truck estimates are only that and we fear that there will be significantly more, especially considering:

- that the soil estimates are noted as only that;
- it is in the financial interests of the proponents to accept more fill than declared; and
- the truck configurations are assumed to be 'truck and dog trailer' of a certain capacity, but we regularly already see a wide variety of configurations including smaller capacity trucks.

This requires the following measures:

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- Re-routing empty trucks to Gooromon Ponds Road (therefore halving the truck movements past close-proximity residents on Southwell Road).
- Noise impact assessment be conducted (in accordance with RMS and EPA guidelines) by an appropriately skilled independent third party, i.e. Rodney Stevens Acoustics, with resultant recommendations to meet compliance standards including NSW Road Noise Guide mitigation measures and/or compensation to affected residents.
- Noise verification audits be conducted during the life of the projects.
- Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
  - o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.
- Remediation of Southwell Road prior to, during and post operation, noting that one of the proponents (also the owner of an asphalt company) will "Seal the entrance from the property to the gully to provide adequate provisions for long vehicles" and has the means and capacity to do this work on the main access routes.
- In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

#### Road Safety

Road safety has not been addressed on the main access routes of Wallaroo Road and Southwell Road.

On Southwell Road, one entrance driveway (at 93 Southwell) is 110m from the crest of a blind hill. It takes 4.95 (5) sec for a vehicle travelling at 80kph to cover that distance. At 60kph it would be 6.6 (7) secs. At 50kph 7.92 (8) sec; i.e. the slower the trucks the more chance the residents have to avoid a traffic accident, especially considering that one of the areas of existing pavement failure is just on the driveway side of the hill and northbound trucks move to the centre of the road (or even the other lane) to avoid the bang and rattle of that pavement failure- thus further endangering both the residents at an dvistors to 93 Southwell and southbound road users.

Truck movement on Public Holidays is not excluded. On these days, there is typically more vehicle traffic on these roads.

At critical points of the access routes, being the road junctions, the various blind crests and blind curves, the existing truck traffic routinely strays into on-coming lanes and cutting curves and corners.

These require the following measures:

- Having enforceable centreline road marking applied to the road pavement to clearly delineate the lanes and help separate traffic at critical safety nodes (road junctions, the various blind crests and blind curves).
- Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
- Re-routing empty trucks to Gooromon Ponds Road; therefore halving the truck movements past close-proximity residents on Southwell Road and, most importantly, not having northbound trucks on Southwell Road having to 'crest' the blind hill before 93 Southwell Road and endangering residents and visitors to that property.
- Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
  - o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads for

example by use of large coloured magnetic identifiers so that residents can note which are 'approved' dumping trucks.

- Remediation of Southwell Road prior to, during and post operation, noting that one of the proponents (also the owner of an asphalt company) will "Seal the entrance from the property to the gully to provide adequate provisions for long vehicles" and has the means and capacity to do this work on the main access routes.
- Enforcement of centreline marking.
- In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

#### Road Resilience

With existing pavement failures in several locations along the Southwell Road portion of the access route, the road is not suitable to accept this volume of trucks without prior remediation, on-going maintenance and post-activity remediation, as necessary. (One of the current proponents owns a major road sealing and asphalt company, and has noted in the DA that he will be sealing from the Brooklands Road gate to the gully to provide access for long vehicles.) These areas of existing pavement failure, without remediation, will add to the acoustic impacts of the truck movements and lead to further road pavement damage. Of course, Wallaroo, a more substantial road is also already suffering from the thousands of trucks engaged in dumping operations over the last 8 or so years – as is Southwell.

These require the following measures:

- Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
- Re-routing empty trucks to Gooromon Ponds to disperse the road impacts.
- Remediation of Southwell Road prior to, during and post operation.
- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.

o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

#### Road funding

The original road sealing (progressively from about 2008 to about 2011) was funded by the long-term residents who contributed to a YVC road funding agreement – ostensibly to provide more congenial public access to the existing wineries and B&Bs. This current exploitation and degradation is without recompense by the proponents, for their enrichment, to those who paid for the road's sealing. The addition of at least 6500 heavy vehicles, to a road that was only ever to service approximately 20 properties, will have catastrophic impacts on the longevity of the road and the investment contributed to by the residents.

These require the following measures:

- Compensation to affected residents who funded original road sealing, or
- Satisfactory remediation of Southwell Road prior to, during and post operation (noting the proponents have the means and capacity to do this work themselves or pay for it to be done) to achieve a standard sufficient for the extra 6500 heavy vehicle movements.

- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.

- This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

#### Environmental Impacts

##### Current problems

An analysis of Google Earth historical imagery shows that the current gully configuration has been substantially altered in recent years, including in September/October 2014 through the construction of a large dam in the relevant gully, which was not well designed or maintained, thus leading to exacerbating erosion and siltation. The farming practises adjacent to the dam and its inflow up-slopes have been a contributor to siltation and erosion. The failure to provide measures to protect the surface of the inflow up-slopes, the overflow chute and the continuation of ploughing in and around linked, up-stream contour banks, especially their release points has created significant problems. The solutions proposed for the site do not prevent the same thing from happening, particularly given the stated desire to be able to crop closer to the remediated site.

The DAs, in suggesting that they will be rehabilitating the natural landscape, fail to address the significant portion of the gully, between the two DA areas, that is, supposedly, not to be worked on. There is also no explanation of how not addressing the erosion in that area will impact the success or otherwise of the proposed works.

##### Long-term outcomes

##### Soil type.

The acidity of soils suitable for gully fill has not been addressed. There is identification of intended quantities of ENM v. VENM, noting that ENM is higher risk of being contaminated on account of it not being virgin material.

These require the following measures:

- Soil testing must be compliant and appropriate to the watercourse setting of the fill site.

##### Revegetation.

While earlier in the Gully Rehabilitation Report mention is made of using local endemic species for revegetation, in the 'solution' there is no mention of plantings and their maintenance, only reseeded as an initial response and protection until 80% ground cover is achieved. Ploughing and cropping, as is the practise in that paddock, would comply and would likely, as has been seen in recent years, continue to precipitate the wash events that occurred with this farming operation.

Whilst existing bed stability is noted, as is current levels of vegetation, there are no protections for or retention of the existing areas of gully floor stability or existing vegetation – indeed existing vegetation is to be avoided "where possible".

These require the following measures:

- Plans to include:

- o Revegetation to create better than what's there – both immediately and in the long term (specific species of trees and shrubs, quantity, maintenance), and consistent with the biodiversity objectives of the Zone.

o Addressing the contributory nature of current farming practices to erosion and applying appropriate long-term measures to create a buffer for the watercourse, and perhaps also assisting biodiversity for flora and fauna.

DA Supporting documentation

The DAs are each supported by a Gully Remediation Plan and a Statement of Environmental Effects (SoEE). The following general observations are made about these documents, which on face value give the impression of a well-prepared and compelling case for the proposed course of action, but on any level of analysis are inconsistent, superficial and clearly skewed to give a particular outcome, being maximum fill being taken into the sites and delivering an environmental outcome which is questionable, particularly over the longer term.

– Impacts, such as road failure and noise, are ignored on key sections of the access route. Why is this done?

– Why has the author of the Gully Remediation Plans, who notes his co-authoring of the 2004 edition of the Gully Erosion Assessment and Control Guide, failed to use the classifications and methodologies applied in the 2018 Guide, which replaced the one that he co-wrote. The use of the new Guide would result in the classification of significant portions of the area to be rehabilitated as Low Severity and reiterates filling with soil as being a non-preferred method of treatment.

– The authors of the Statement of the Environmental Effects do not identify any qualifications or certifications or approved methodologies to provide a basis for their observations and conclusions. It merely gives the impression of authority.

– The Statement of the Environmental Effects is poorly written, being repetitive and mostly parroting the Gully Remediation Report without value-adding. It contains such “interesting” statements such as:

o “This will include the importation of up to ..... to the site to reinstate the eroded gully back to its previous hill like formation.” Is a hill to be created from this watercourse gully?

o “The proposal will not adversely impact any surrounding neighbours.” Yet, there will be more than 6,500 truck movements within 54m of a home in Southwell Road – is this not an impact?

o “All appropriate measures to avoid, minimise and mitigate any perceived impact of the development will be implemented and have been highlighted throughout the attached document in Appendix B.” Given the more-than-perceived noise, road safety, likely destruction of existing vegetation within the gully system, and potential for long-term repetition of wash due to farming practises which have not been identified let alone addressed. This statement is simply glib padding and of no merit.

o Against Clause 6.3 Terrestrial Biodiversity, the SoEE, states:

♣ “The proposal will have no impact on any environmental conditions of the site. The site will be rehabilitated/restored and the development will allow for the natural environment to regenerate to its former state.”

This is utter nonsense in the absence of any plan to protect the area from grazing, in fact the contrary intention is clearly stated in the Gully Rehabilitation Plan. There are no specific plantings of trees and shrubs or measures to promote actual biodiversity.

– There is no clear vision of what will be created and certainly not a robust, long-term better environmental outcome, especially for vegetation and wildlife.

- Given the vagaries of how the quantity of fill to be accepted into the site were calculated, there is no examination of the impacts of more than the stated quantities of fill being taken into the sites. This must be addressed in the conditions applied to the DA.
  - The DA's Gully Rehabilitation Reports fail to acknowledge the negative impacts of the works already done to these gullies in recent years and the farming practices in critical adjoining up-slopes and how these have contributed to the current state of the site. The solutions proposed for the sites do not prevent similar problems reoccurring.
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## Jeremy Knox

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**From:** Yass Valley Council <no-reply@wufoo.com>  
**Sent:** Monday, 3 August 2020 1:48 PM  
**To:** YVC Customer Service Team  
**Subject:** Doc 384829 Public Consultation online submission [#181]

**[EXTERNAL]** Please exercise caution when clicking on links or attachments from external sources.

Name \* [REDACTED]

Address \* 

[REDACTED]  
[REDACTED]  
[REDACTED]

Email \* [REDACTED]

Phone [REDACTED]

Number \*

What item Brooklands Road DAs – Gully Filling  
are you  
making a  
submission  
on? \*

### Submission \*

I am quite concerned regarding the proposed "Rehabilitation of Eroded Gullies" in the council area. Although filling in these gullies is beneficial it would be good to see funding put into stopping the 'fill' being washed away. This could be done through plantings of native trees and shrubs throughout the gullies.

Including this, I am quite concerned by the long term effects of dumping of fill in the council region. Has the council implemented studies to make sure that fill is clean and free of toxic materials and chemicals? As well as this has the effects of dumping of fill been examined. This is highly crucial due to the effect that this has on the major rivers that run through our region.

Kindly

[REDACTED]



## Jeremy Knox

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**From:** Yass Valley Council <no-reply@wufoo.com>  
**Sent:** Monday, 3 August 2020 10:36 AM  
**To:** YVC Customer Service Team  
**Subject:** Doc 384705 Public Consultation online submission [#178]

**[EXTERNAL]** Please exercise caution when clicking on links or attachments from external sources.

**Name \*** [REDACTED]

**Address \*** 

[REDACTED]  
[REDACTED]  
[REDACTED]

**Email \*** [REDACTED]

**Phone** [REDACTED]

**Number \***

**What item** DA200091 – 64 Brooklands Road, Wallaroo & DA200109 – 66 Brooklands Road, Wallaroo  
**are you**  
**making a**  
**submission**  
**on? \***

### **Submission \***

The combined proposals seek to dump 74,000 tonnes of VENM and ENM (representing a minimum of 6,456 vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands Roads), into an erosion gully across the two properties. The gully has significant components that were already naturally rehabilitating, and others that have been significantly, negatively contributed to by the past actions of the DA proponents.

We acknowledge the proponents for doing DAs (unlike many others), but the applications fall well short of what is acceptable.

If the entire quantity of dumped soil was VENM, and was dumped in the ACT at the published rate of \$12.80 per tonne, it would cost some \$947,200. The ACT facilities do not accept ENM. The proponents will also be increasing the value of their land, which would have been purchased at a price that accounted for degraded nature of the gully. Needless to say, the proponents will be significantly enriched by the developments – this should not come at the expense of other residents who will be burdened with the financial and amenity impacts of, and endangered by, them.

These concerns are based on the experience of local residents enduring many years and thousands of dumping–

related truck movements along Wallaroo, Southwell and Brooklands Roads, which is on-going.

#### Environmental Impacts

##### Current problems

An analysis of Google Earth historical imagery shows that the current gully configuration has been substantially altered in recent years, including in September/October 2014 through the construction of a large dam in the relevant gully, which was not well designed or maintained, thus leading to exacerbating erosion and siltation. The farming practises adjacent to the dam and its inflow up-slopes have been a contributor to siltation and erosion. The failure to provide measures to protect the surface of the inflow up-slopes, the overflow chute and the continuation of ploughing in and around linked, up-stream contour banks, especially their release points has created significant problems. The solutions proposed for the site do not prevent the same thing from happening, particularly given the stated desire to be able to crop closer to the remediated site.

The DAs, in suggesting that they will be rehabilitating the natural landscape, fail to address the significant portion of the gully, between the two DA areas, that is, supposedly, not to be worked on. There is also no explanation of how not addressing the erosion in that area will impact the success or otherwise of the proposed works.

##### Long-term outcomes

##### Soil type.

The acidity of soils suitable for gully fill has not been addressed. There is identification of intended quantities of ENM v. VENM, noting that ENM is higher risk of being contaminated on account of it not being virgin material.

These require the following measures:

Soil testing must be compliant and appropriate to the watercourse setting of the fill site.

##### Revegetation.

While earlier in the Gully Rehabilitation Report mention is made of using local endemic species for revegetation, in the 'solution' there is no mention of plantings and their maintenance, only reseeded as an initial response and protection until 80% ground cover is achieved. Ploughing and cropping, as is the practise in that paddock, would comply and would likely, as has been seen in recent years, continue to precipitate the wash events that occurred with this farming operation.

Whilst existing bed stability is noted, as is current levels of vegetation, there are no protections for or retention of the existing areas of gully floor stability or existing vegetation – indeed existing vegetation is to be avoided “where possible”.

These require the following measures:

##### Plans to include:

Revegetation to create better than what's there – both immediately and in the long term (specific species of trees and shrubs, quantity, maintenance), and consistent with the biodiversity objectives of the Zone.

Addressing the contributory nature of current farming practices to erosion and applying appropriate long-term measures to create a buffer for the watercourse, and perhaps also assisting biodiversity for flora and fauna.

Many Thanks,



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## Jeremy Knox

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**From:** [REDACTED]  
**Sent:** Monday, 27 July 2020 1:28 PM  
**To:** YVC Customer Service Team  
**Subject:** Doc 383718 Submission: DA200091 & DA200109, 64 & 66 Brooklands Road, Wallaroo

**[EXTERNAL]** Please exercise caution when clicking on links or attachments from external sources.

Attn: Jeremy Knox  
Development Planner  
Yass Valley Council

Dear Jeremy

Re: Development Application DA200091 - 64 Brooklands Road, Wallaroo  
Re: Development Application DA200109 - 66 Brooklands Road, Wallaroo

We received notification of these DAs in the post & submit our concerns.

**1. In Principle:** We support local property owners maintaining & improving their properties.

However, as we've briefly outlined below, we have genuine concerns about the above DAs. We request that Council implement solutions to improve the current situation & assure us that an approval of these DAs would be safe & appropriate.

**2. Safety of People (by far our primary concern):** The DA documents address site safety under the supervision of a Site Manager & that is of course important on the landowner sites. However, the day-to-day safety of residents, visitors & tourists (those people not under the direct supervision of the land-owners or their Site Manager) **MUST** also be uppermost in Council's decision-making process.

In recent years we have seen & heard the regular movement of large land-fill trucks along Wallaroo & Southwell Roads, mostly heading for properties along Brooklands Road.

Heavy vehicles become everyone's concern after they leave the Barton Highway & enter our neighbourhood - there is only one main road for in and out. We have narrow roads, many bends, concealed driveways (some on unbroken lines), as well as elderly & disabled residents, regular Learner Drivers & groups of cyclists.

The frequency & speed of the land-fill trucks is excessive. Interestingly, truck frequency has markedly increased in the past couple of weeks (have deliveries for these particular DA's already commenced?). One morning two weeks ago, we counted 10 land-fill trucks passing in the 5 minutes it took us to walk our short driveway! It is our understanding that drivers of land-fill trucks are sub-contractors paid per delivered load, a pressured situation that encourages their haste to increase their daily income. Adhering to speed limits, or even just slowing down, reduces the number of deliveries they can make in a day.

Personally, we are very worried about the safety of anyone driving into or out of our property. We can easily see fully-laden trucks approaching from the left along Southwell Road as they head towards Brooklands Road & we always wait at our gate until they pass. However, there is a "blind-spot" to the right of our front gate as we leave our property (see image below). We've almost been "cleaned up" several times by fast-paced empty land-fill trucks as they head back into Canberra. It is impossible to clearly see a truck coming & it is also impossible to gain sufficient speed to get ahead of a truck to avoid a rear-end collision. We leave our property **EVERY TIME** in fear of a collision with one of those big trucks !!

We of course do not want any family, friends or visitors injured or killed... too many close calls here already.



We cannot see trucks coming & they cannot see us.

The frequency of trucks so far has been enough of a concern for us, but to now envisage the delivery of another 50,000m<sup>3</sup> is a completely different level of fear for our safety & well-being!

To put it mildly, the volume of truck movements suggested in these DAs will be massive!!! We assume the quoted number of trucks in the DA documents refers to the count of actual deliveries (ie. full trucks) - 428 trucks on DA200109 + 2800 trucks on DA200091 = total of approx. 3228 incoming trucks. If so, in reality, the quoted numbers need to be doubled to approx. 6456 truck movements passing each of our properties... those same trucks also leave our neighbourhood (ie. when empty).

The DAs list average annual/weekly/daily number of trucks - what control measures will Council implement to ensure the trucks won't go "hell for leather" to get the job finished within only a couple of months?

**Solution:** When assessing these DA's we ask that you closely consider all of the above in the interests of all residents in our neighbourhood. Please call us to make a time to visit our property to see our concerns for yourself. It is extremely dangerous & we ask that suitable measures be discussed with us & then implemented by Council *before any more land-fill trucks pass our gate*. The current risk at our property **MUST** be substantially reduced & we seek an assurance that it will be done. Some suggestions: (1) specific resident issues addressed in the truck driver induction program (eg. our gate blind-spot), (2) reduced speed limit for all land-fill trucks immediately after they leave the Barton Highway for the entire period they are within our closed neighbourhood (& reliably enforced!), (3) new Concealed Driveway signage, (4) independent monitoring of daily truck frequencies to ensure adherence to actual Council approvals, (5) regular spot-checks of truck condition by road authorities, (6) monitoring of truck speed by Police (rare!) ...

**3. Road Maintenance:** A few years ago, residents at that time made significant personal financial contributions to Council to fund the sealing of Southwell & Brooklands Roads. I understand that both applicants of these DAs are relatively new & hence, to our knowledge, may not have personally contributed at that time.

It is reasonable to assume that damage to our privately-funded road/s will be unavoidable due to the extremely large number of heavy vehicle movements associated with these DAs. There are already road maintenance issues pending:

1. Pot-holes have appeared & remain unfilled
2. Reflector guide posts have been flattened & not replaced
3. Significant road edge erosion exists on the corner of Wallaroo & Southwell Roads - it is hazardous to turn left from Wallaroo Road onto Southwell Road at any speed, the need to sufficiently slow down to navigate pot-holes & eroded edges is very dangerous especially if another vehicle is travelling closely behind
4. Much loose gravel is at the T-Intersection of Wallaroo & Southwell Roads - empty land-fill trucks travelling at high speed along Southwell Road brake very hard to turn onto Wallaroo Road & we would be very surprised if there has not already been a collision with another vehicle at that intersection (we often hear the screeching of brakes & tyres skidding in the loose gravel when brakes lock up)

**Solution:** If the DAs are to be approved, we ask for a mandatory & legally enforceable written agreement that clearly states who will pay for road rectification works (the Applicants? Contractor? Council? Residents?) & a time-frame for completion of those road rectifications. We paid for roadworks once & are certainly not interested in doing so again.

**4. Peace:** We each live in a rural area for many reasons, one of which is a peaceful & quiet lifestyle away from city noise & city traffic. Peace is lost with the constant speeding up, gear-changing, slowing down & braking of passing land-fill trucks at all daylight hours (the 9am to 4pm delivery time-frame noted in these DAs is not currently what we are experiencing). All-day extra noise will be annoying to say the least.

Please contact us if you wish to discuss further.

Regards

[Redacted signature]



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## Jeremy Knox

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**From:** Yass Valley Council <no-reply@wufoo.com>  
**Sent:** Monday, 3 August 2020 10:44 AM  
**To:** YVC Customer Service Team  
**Subject:** Public Consultation online submission [#179]

**[EXTERNAL]** Please exercise caution when clicking on links or attachments from external sources.

Name \* [REDACTED]

Address \*   
[REDACTED]  
[REDACTED]  
[REDACTED]

Email \* [REDACTED]

Phone [REDACTED]  
Number \*

**What item** DA200091 – 64 Brooklands Road, Wallaroo, NSW DA200109 – 66 Brooklands Road, Wallaroo, NSW  
**are you**  
**making a**  
**submission**  
**on? \***

### Submission \*

#### Summary of Concerns

The combined proposals seek to dump 74,000 tonnes of VENM and ENM (representing a minimum of 6,456 vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands Roads), into an erosion gully across the two properties. The gully has significant components that were already naturally rehabilitating, and others that have been significantly, negatively contributed to by the past actions of the DA proponents.

We acknowledge the proponents for doing DAs (unlike many others), but the applications fall well short of what is acceptable.

If the entire quantity of dumped soil was VENM, and was dumped in the ACT at the published rate of \$12.80 per tonne, it would cost some \$947,200. The ACT facilities do not accept ENM. The proponents will also be increasing the value of their land, which would have been purchased at a price that accounted for degraded nature of the gully. Needless to say, the proponents will be significantly enriched by the developments – this should not come at the expense of other residents who will be burdened with the financial and amenity impacts of, and endangered by, them.

These concerns are based on the experience of local residents enduring many years and thousands of dumping-related truck movements along Wallaroo, Southwell and Brooklands Roads, which is on-going.

#### Road Resilience

With existing pavement failures in several locations along the Southwell Road portion of the access route, the road is not suitable to accept this volume of trucks without prior remediation, on-going maintenance and post-activity remediation, as necessary. (One of the current proponents owns a major road sealing and asphaltting company, and has noted in the DA that he will be sealing from the Brooklands Road gate to the gully to provide access for long vehicles.) These areas of existing pavement failure, without remediation, will add to the acoustic impacts of the truck movements and lead to further road pavement damage. Of course, Wallaroo, a more substantial road is also already suffering from the thousands of trucks engaged in dumping operations over the last 8 or so years – as is Southwell.

These require the following measures:

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Re-routing empty trucks to Gooromon Ponds to disperse the road impacts.

Remediation of Southwell Road prior to, during and post operation.

Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.

This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

#### Road funding

The original road sealing (progressively from about 2008 to about 2011) was funded by the long-term residents who contributed to a YVC road funding agreement – ostensibly to provide more congenial public access to the existing wineries and B&Bs. This current exploitation and degradation is without recompense by the proponents, for their enrichment, to those who paid for the road's sealing. The addition of at least 6500 heavy vehicles, to a road that was only ever to service approximately 20 properties, will have catastrophic impacts on the longevity of the road and the investment contributed to by the residents.

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Compensation to affected residents who funded original road sealing, or

Satisfactory remediation of Southwell Road prior to, during and post operation (noting the proponents have the means and capacity to do this work themselves or pay for it to be done) to achieve a standard sufficient for the extra 6500 heavy vehicle movements.



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An analysis of Google Earth historical imagery shows that the current gully configuration has been substantially altered in recent years, including in September/October 2014 through the construction of a large dam in the relevant gully, which was not well designed or maintained, thus leading to exacerbating erosion and siltation. The farming practises adjacent to the dam and its inflow up-slopes have been a contributor to siltation and erosion. The failure to provide measures to protect the surface of the inflow up-slopes, the overflow chute and the continuation of ploughing in and around linked, up-stream contour banks, especially their release points has created significant problems. The solutions proposed for the site do not prevent the same thing from happening, particularly given the stated desire to be able to crop closer to the remediated site.

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Addressing the contributory nature of current farming practices to erosion and applying appropriate long-term measures to create a buffer for the watercourse, and perhaps also assisting biodiversity for flora and fauna.

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**YASS VALLEY COUNCIL**

**DA200091 – 64 Brooklands Road, Wallaroo, NSW**

**DA200109 – 66 Brooklands Road, Wallaroo, NSW**

**Opposition to the above DA's**

We are the owners of [REDACTED], Wallaroo, NSW 2618.

Could you please advise why we have not been informed about the above DA's, nor another which I believe is open for comment at the end of Brooklands Road.

As the owners of the [REDACTED] area we have concerns about any potential toxicity in the soil which may be dumped in creeks and gullies which would ultimately end up in our creeks and water table at [REDACTED]. We are directly below the properties in question and our irrigation dam is below the gully which the DA proposes to fill in.

Has there been an investigation of possible siltation or reduction of in-flows by an environmental expert? How will this affect our licensed irrigation dam? Will we have less water to operate our business?

Has there been an environmental impact statement?

**Main concerns:**

**Road safety and degradation of the road we paid for.**

The combined proposals seek to dump 74,000 tonnes of VENM and ENM (representing a minimum of 6,456 vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands Roads), would be dangerous to other traffic and completely inappropriate for Brooklands road which is too narrow, winding and with lots of blind spots. The residents, including us at [REDACTED], paid to have the road sealed and would be

extremely concerned that this amount of truck traffic would be hugely detrimental to the road surface. The road was only ever intended for local traffic and tourists wishing to visit our wineries. Will there be any contribution or compensation to us from the two applicants for the upkeep of the road to the Hills of Hall wineries?

Environmental planning for farms leading to the Murrumbidgee River Corridor

We at [REDACTED] are extremely concerned that silt may flow into our creeks and dams that we use to irrigate our commercial vineyard. Obviously we would need to be reassured that there will be no toxic fill or reduced flow of water into our dams. How can we be adequately assured that this would be the case?

We understand the need to stabilise gullies, but there are large gullies on our place and other farms and we believe there should be an integrated approach to erosion across properties and to ensure the clear flow of water down to the Murrumbidgee River. All properties in the river corridor should be part of this solution rather than allowing massive financial benefits to two property owners further upstream.

We want to be reassured that our dam and creeks will not dry up because creeks which flow down to our property are blocked up by tonnes of fill. We rely on run-off from neighbours next to us (the DA applicants) and no interference with the natural flow of water through our properties and down to the Murrumbidgee River.

Stabilisation

If the dumping goes ahead, can we be reassured that there will be a planting program to ensure that adequate top soil is laid on top and that native grasses and trees are planted immediately to help stop further erosion. It

will take some years for this stabilisation to occur, but the sooner planting begins the better.

Our property lies directly below the dumping sites. Our run-off comes from those properties. If [REDACTED] finds that our creeks and dam are silting up through this activity, what recourse would be open to us?

What happens if we find we have less water to irrigate our vineyard...or worse still if the water table or our dams become contaminated in any way.

If the entire quantity of dumped soil was VENM, and was dumped in the ACT at the published rate of \$12.80 per tonne, it would cost some \$947,200. Will the DA applicants be getting a large financial windfall at the expense of those downstream? Can the financial benefit of this soil dumping be spread amongst residents who may be adversely affected?

#### Summary

\*We would like to see any financial benefit be put into a district-wide erosion management plan, including large-scale re-vegetation and tree planting.

\*We would like to see an independent environmental consultant take a look at the plans and assess the impact on [REDACTED] in particular, as our property lies below the proposed fill areas. We are very concerned our water flows may be impacted and our vineyard could suffer as a result.

\*It would be untenable if two residents benefit financially from such a practice while our vineyard suffers through reduced water inflows, siltation or at the worst, toxic contamination of our water supply.

\*We do not believe individuals should profit from what should be a district-wide environmental plan to secure our right to maintain clean, virgin soils and undisturbed water flows which are vital to our business.

\*As a commercial grape grower we provide jobs in the area plus valuable tourism. Any impact on the health of our grapes would be a dire situation which would be untenable and actionable.

**\*What planting program has been proposed to stabilise the newly filled gullies? As soon as it rains, that soil will be blocking the water inflows for [REDACTED], not to mention silting up creeks and dams.**

**\*Gullies are an essential part of the water flow to properties below such as [REDACTED] – how will we be compensated if our water supply is affected?**

**\*We would like reassurance that by filling the gully mentioned in the DA, the water to our irrigation dam which lies below the gully will not be impacted. If necessary an independent environmental study should investigate any potential reduction in run-off to our dam.**

**\*The trucks wishing to dump soil in our area must be limited to 50kph and pay compensation to ensure road damage can be monitored and fixed.**

**Unless the above concerns are addressed, [REDACTED] cannot endorse this project and would oppose it on the basis that it could adversely affect our business.**

[REDACTED]

**Owners**

[REDACTED]

[REDACTED]

[REDACTED]

**SUBMISSIONS TO YASS VALLEY COUNCIL – PART A**

**DA200091 – 64 Brooklands Road, Wallaroo, NSW**

**DA200109 – 66 Brooklands Road, Wallaroo, NSW**

By [REDACTED]

[REDACTED]

[REDACTED]

Email: [REDACTED] and [REDACTED]



[REDACTED]

[REDACTED]

**PART A - Context To Our Objections**

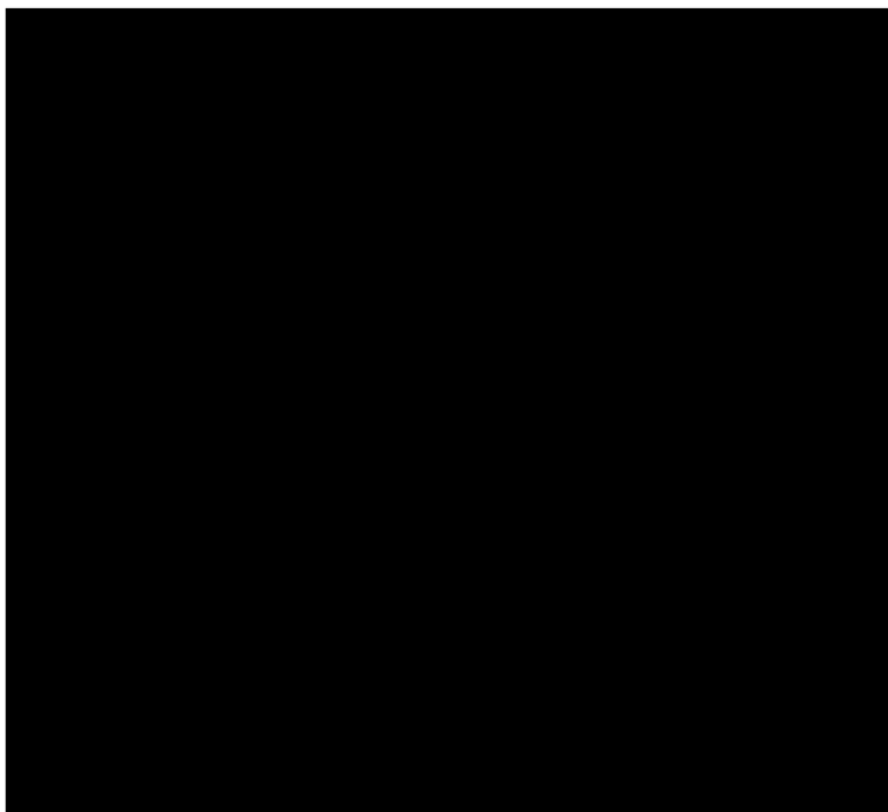
(Our objections, the key unresolved concerns and the required mitigation measures are set out at Part B)

1. We purchased our property and moved in during early 2006. We had the aspiration of a quiet rural block to raise and train our horses and produce figs, olive oil and wine grapes. We sell farm produce at our main driveway (see photo above).
2. Prior to the purchase of our property, Southwell Road was dirt. A road funding agreement was 'part' of the conditions (obligation) placed on us at the time. We understood the aim to provide

[REDACTED]

more attractive access to the wineries and B&Bs in the area and the 20 or some properties beyond ours. We paid our full contribution and progressively the road was sealed.

3. Southwell Road, the primary access route from Wallaroo Road is 54m from our house.

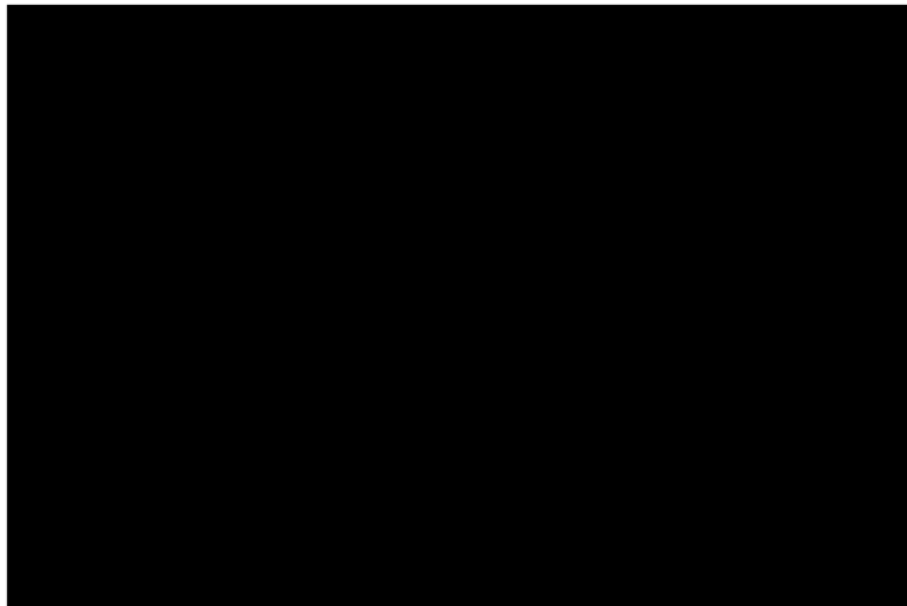


*Figure 1 - Our house with respect to the DAs' access route*

4. We have [REDACTED] frontage to Southwell Road, as shown below, which is on the access route for both developments.

[REDACTED]





*Figure 2 -Our road frontage to the DAs' access route along Southwell Rd*

5. We have established a Greening Australia project, with vegetation and wildlife objectives, on our property just off Southwell Road. The section of Southwell Road running from 700 metres to 1.6km from Wallaroo Road are a wildlife corridor, especially for kangaroos.
6. Since around 2013 we have had to endure thousands of trucks dumping soil, mostly in association with 195 Gooromon Ponds Road; Lia Notaras's (South-West corner of Gooromon and Southwell Roads); 149 Woodgrove Close; 153 Woodgrove Close; 155 Woodgrove Close; 128 Brooklands Road (being the subdivision of 66 Brooklands Road); and what is now referred to as 64 Brooklands Road when the dam was constructed on the 2<sup>nd</sup> Order Stream in 2014 and the up-slope areas associated with that work filled.
7. We have two access points to our property off Southwell Road. The main driveway is [REDACTED] from the corner of Wallaroo and Southwell Roads and is [REDACTED] before the crest of a small hill at 1km from Wallaroo.
8. Significant pavement breakdown already exists at the following locations on Southwell Road:
  - 8.1. Corner of Southwell and Wallaroo Roads
    - Inside of roadway has been degraded by trucks – see image below. Also note the flattened road marker.

[REDACTED]



Figure 3 - Corner of Southwell and Wallaroo Roads looking East



Figure 4 - Corner of Southwell and Wallaroo Roads looking South

- Outside of roadway is breaking up as trucks take a wide arc around the corner (presenting a danger to Northbound traffic out of Southwell Road).

8.2. The Southward rise to the crest at 950m from Wallaroo Road, which is often the cause of Northbound trucks moving to the centre and right-hand side of Southwell Road to avoid the pothole and the associated rattle and bang. This is graphically shown in the front-cover image and the sequence at the rear of this Part A document. See also images 5a and b, below.

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Figure 5 (a and b)- Pothole and pavement failure (long-term and reoccurring) in front of 93 Southwell Rd (note driveway in mid-ground to the right)

- 8.3. The Northward rise to crest at 1.3 km from Wallaroo Road, which is often the cause of northbound trucks moving to the centre and right-hand side of the Southwell Road to avoid the pothole.
- 8.4. The approach to the intersection with Brooklands Road at 1.7km from Wallaroo Road, as Trucks brake and prepare to negotiate the turn into Brooklands Road. Image 6.





*Figure 6 - Junction Southwell and Brooklands - pavement thinning and failure - looking Southwest*

8.5. The intersection of Brooklands Road and Southwell Road. Image expects. Image 7



*Figure 7 - Junction Southwell and Brooklands - pavement thinning and failure - looking Northwest*

8.6. The Southern shoulder of Brooklands Road 50 metres from the corner of Brooklands Road and Southwell Road. Image 8.

[REDACTED]



*Figure 8 - Brooklands Road from Southwell looking West with shoulder failure*

9. **Summary of Road condition for Southwell Road and Brooklands Road:** Both roads are in poor condition and are not suitable, without remediation, for a further 6500 truck movements associated with the two Development Applications.
10. With regards to both DA200109 and DA200091, we note that neither proponent's primary source of income is agriculture. Rather, for the proponent of 64 Brooklands the primary income sources being a group of family companies - principally related to plumbing and drainage of large-scale developments, and Capital Asphalt. The proponent for 66 Brooklands Road operates an earthwork and trucking business. We also note that neither has undertaken any environmental works on their property, with one recently clearing and burning a large section of regrowth.

*Figure 9 - Southwell Rd at 93 - showing driveway - trucks avoiding potholes*







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[REDACTED]





[REDACTED]



***End of Part A - Context Document.***

**See Part B (following) for Objections, Required Mitigation Measures and Key Unresolved Concerns  
with respect to both DA200091 and DA200109.**

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## **SUBMISSIONS TO YASS VALLEY COUNCIL - PART B**

### **DA200091 – 64 Brooklands Road, Wallaroo, NSW**

### **DA200109 – 66 Brooklands Road, Wallaroo, NSW**

#### **1. Summary of Unresolved Concerns**

- 1.1. The proponents should be applauded for engaging with the DA process, unlike many other local entities undertaking soil dumping. However, as outlined below, the DAs in their current form, fail to address a number of key issues relating to the proposed developments and so on this basis we lodge these objections to both DA200091 and DA 200109.
- 1.2. The objections come under five main categories:
  - a) Noise impacts;
  - b) Road safety impacts;
  - c) Road resilience impacts and wasted residents' funding contributions;
  - d) Environmental impacts; and
  - e) Deficiencies/inconsistencies in documentation.
- 1.3. The combined proposals seek to dump 74,183 tonnes, or 49,455 cubic metres, of VENM and ENM into an erosion gully across the two properties. This represents a minimum of 6,456 vehicle movements, over a two-year period, in and out of the access routes of Wallaroo, Southwell and Brooklands Roads. The proponents' own expert reports indicate many components of the gully were already rehabilitating naturally, and others have been significantly, negatively, contributed to by the past actions of the DA proponents.
- 1.4. If the entire quantity of dumped soil was VENM, and was dumped in the ACT at the published rate of \$12.80 per tonne, it would cost some \$947,200 for those ACT builders to dispose of this waste. However no ACT comparative dumping price is available for ENM, as it is not accepted by ACT facilities. If they did accept this waste in the ACT, it would presumably be more expensive to dump than VENM, on account of it being at higher risk of harbouring contaminants.

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- 1.5. In addition to receiving payments for accepting ACT building waste, the proponents will also be increasing the value of their land, which would have been purchased at a price that accounted for the 'negative' impact of the gully area.
- 1.6. **Therefore, despite suggestions by the proponents that the works will have a beneficial effect on the natural environment, the key benefit will be financial windfalls to the landholders. This is the owners' prerogative, but should not come at the financial cost, safety risk and amenity loss for local residents.**
- 1.7. The concerns outlined in these submissions are based on the experience of local residents who have endured many years, and thousands, of dumping-related truck movements along Wallaroo, Southwell and Brooklands Roads, which is on-going.
- 1.8. We also seek an extension of time, due to COVID-19, to provide an additional component of our submissions, being an Acoustic Assessment performed by a third-party consultant in accordance with the NSW Road Noise Policy, NSW Noise Criteria Guideline and the NSW Environmental Noise Management Manual. This assessment can be completed within four weeks (or likely sooner if needed, so as to be achieved prior to any Council consideration).

## 2. Access Impacts – Noise Impacts

### Non-compliance with NSW regulatory regimes

- 2.1. The DAs fail to acknowledge or account for, over a two-year period, passage of 6,500 trucks at 80kph within close proximity of houses along the access route (especially Southwell Road – within 54m of our house); and fail to mitigate the noise impacts or provide compensation. The noise impacts will result in an unacceptable increase in the relative noise level at our property, resulting in a major loss of amenity.
- 2.2. Transport for NSW, Roads and Maritime, has produced a number of guidelines and procedures, noting on their ['Reducing noise' webpage](#): *"These documents ensure that Roads and Maritime's activities protect community amenity and also meet the requirements of the NSW Environment Protection Authority and the Planning and Assessment Act."*
- 2.3. Failure to account for the noise impacts of the development is a breach of the NSW Road Noise Policy (RNP). The RNP *'...is intended for use by...determining authorities*

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*and regulators involved in the approval and construction of road projects and **land use developments that generate additional traffic on existing roads** (emphasis added)... The RNP also defines criteria to be used in assessing the impact of such noise.<sup>1</sup>*

- 2.4. In breach of the NSW Noise Mitigation Guideline, a Noise Impact Assessment has not been conducted.** Such an assessment, performed independently to the proponents, and involving contributions by and consultations with affected landholders, is critical to ensure the project's compliance with the NSW State Environmental Planning Policies, NSW Roads and Maritime Services' [Noise Criteria Guideline](#), the [Road Noise Policy](#) and [Noise Mitigation Guideline](#).

Likely underestimation of truck numbers

- 2.5. It is noted that the number of vehicles quoted is based on 'truck and dog trailer' configurations, whereas dumping operations to date have used a variety of configurations and varying capacities, including smaller capacity trucks. Thus it can be assumed the actual number of vehicles used to dump the waste will far exceed the quoted numbers.
- 2.6. We also note the truck estimates are only that and we fear there will be significantly more trucks, especially considering:
- that the soil estimates are noted as only that; and
  - it is in the financial interests of the proponents to accept more fill than declared.

Incorrect number of vehicle movements

- 2.7. The DAs refer to 'vehicle movements', being a total of 3228, but this is the proposed number of vehicles dumping at the **sites**, yet each vehicle requires a forward and return journey along Wallaroo, Southwell and Brooklands Roads, hence the need to double the numbers listed to achieve actual 'vehicle movements' past all affected residents and on the affected roads. This is particularly relevant when considering noise at static locations along the entirety of the access route (Wallaroo, Southwell and Brooklands Roads), as the noise is cumulative.

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<sup>1</sup> [NSW Road Noise Policy](#), page 6.



#### Road surface noise contribution

- 2.8. The road surface, which we believe to be 14mm chipseal, is the noisiest of the different road surfaces used in NSW. As a result, the [NSW Noise Model Validation Guideline](#) requires the Standard Parameters be corrected by increasing the assumed Relative Noise level by 4.0 dBA for 14mm chipseal (see page 14):

Table 3 Typical range of road surface corrections

Surface Name	Relative Noise level dBA (freeway speeds)
14 mm chip seal	+4.0
14/7mm chip seal	+4.0
7mm chip seal	+2.0
Portland Cement Concrete (PCC) (free of tonal characteristics)	+3.0
Next generation diamond ground concrete (note other concrete ground surfaces may have negligible noise reduction compared to standard PCC)	0.0
Cold overlay	+2.0
Stone Mastic Asphalt 7	-1.0
Open Graded Asphaltic concrete	-2.5 to -4.5
Worn Open Graded Asphalt	0.0 to +2.5
Dense Graded Asphalt (AC10, AC14)	0.0
Stone Mastic Asphalt 10	0.0
Stone Mastic Asphalt 14	+1.0

#### Existing road usage

- 2.9. The surrounding area is rural with some 20 or so properties accessed by the route. It would not have been expected by local residents who purchased land for quiet enjoyment of rural lifestyle, and farming, to have a local service road turned into a thoroughfare for thousands of heavy vehicles conducting dumping operations over extended periods, let alone years.

#### Road degradation impacts

- 2.10. The noise impact of trucks on Southwell and Wallaroo Roads is exacerbated by the sections of road pavement failure where negotiated by the existing truck movements. As shown in Figure 5a and b at Part A, there are many examples of pavement failure

along the proposed route, with laden heavy vehicles travelling at 80kph making even more noise upon hitting these potholes (and/or creating a safety risk when trying to avoid same – see below).

#### Timing of proposed movements

- 2.11. Truck movements on Public Holidays are not excluded from DA200091. DA200109, while mentioning them, is contradictory throughout its references to them.
- 2.12. Aside from having six adults living on the property, we run a business from the premises (with our DAs, DA185082 and DA185082B, including office space provision). In addition, in the COVID and post-COVID environment, the main house will accommodate multiple residents who will permanently work from home.
- 2.13. As a result, limiting truck movements to business hours and weekdays cannot remove noise impacts to residents on the assumption that they will be at offsite at work.

#### Air Brakes Usage

- 2.14. On the access route of Wallaroo, Southwell and Brooklands Roads, there are numerous hills and several road junctions which currently have the dumping trucks apply their air brakes when descending the hills and /or approaching the road junctions. This adds significantly to the noise impact of their movement.

#### Section 2 – Noise Impacts – Required Measures

- A. Speed reduction for trucks to 50kph on Southwell Road.
- B. Re-routing empty trucks to Gooromon Ponds Road, therefore halving the truck movements past close-proximity residents on Southwell Road and/or the proponents to provide goods in kind contribution (one owns Capital Asphalt and the other owns an earthmoving business) to upgrade the bridge on Gooromon Ponds Road such that the road can accept heavy vehicles, thereby also halving the number of truck movements along Southwell Road but also generating a long-term community contribution.
- C. Noise Impact Assessment to be conducted (in accordance with RMS and EPA guidelines) by an appropriately skilled **independent** third party, i.e. Rodney Stevens Acoustics, to ensure development meets compliance standards listed above.

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Resultant mitigation measures for affected residents to be included as compulsory Development Approval conditions.

- D. Noise verification audits be conducted during the life of the projects by the same consultant as the noise assessment (ie independent to the proponents).
- E. Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
  - a. This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads. This could be in the form of large, coloured, magnetic identifiers to be affixed to the vehicles, allowing local residents to identify which vehicles are approved, and which relate to other non-approved developments. This material, which is inexpensive and readily obtained could be applied to vehicles, thereby avoiding calls to Council by residents reporting truck movements that are actually authorised, without requiring residents to follow trucks to their associated driveways to verify destination which is a dangerous exercise (other than an occasional spot check to ensure non-approved dumping projects have not adopted the identifiers in a fraudulent attempt to avoid detection – this is why each project should have a different colour). An alternative would be for daily vehicle logs to be uploaded to a Yass Council portal for concerned residents to access.
- F. Remediation of Southwell Road prior to, during and post operation, noting that one of the proponents (the owner of Capital Asphalt) will *"Seal the entrance from the property to the gully to provide adequate provisions for long vehicles"* and has the means and capacity to do this work on the main access routes.
- G. In addition to the listed restrictions on days and hours of operation, there should be no truck movements on Public Holidays.
- H. Air brakes not to be used on the access route west of the Siberian Orthodox Church.

### **3. Access Impacts – Safety Impacts**

- 3.1. Road safety has not been addressed on the main access routes of Wallaroo Road and Southwell Road and Council cannot under any circumstances dismiss safety concerns as being a Police enforcement issue for the reasons set out below.

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- 3.2. At critical points of the access routes, being the road junctions, the various blind crests and blind curves, the heavy vehicle traffic routinely strays into on-coming lanes and cuts curves and corners.
- 3.3. On Southwell Road, our main driveway entrance (at 93 Southwell Road) is 110m from the crest of a blind hill. It takes 4.95 (5) sec for a vehicle travelling at 80kph to cover that distance. At 60kph it would be 6.6 (7) secs. At 50kph 7.92 (8) sec; i.e. the slower the trucks, the more chance the residents have to avoid a traffic accident, especially considering that one of the areas of existing pavement failure is just on the driveway side of the hill and northbound trucks move to the centre of the road (or even the other lane) to avoid the bang and rattle of that pavement failure – thus further endangering both the residents at and visitors to 93 Southwell and southbound road users – see Part A Figure 5 and the sequence at Figure 9 for further detail and photographs. Even with remediation of the pavement, the blind crest only metres from our driveway remains and will continue to pose a life-threatening safety risk.
- 3.4. As a result, we are extremely concerned about our safety and that of our employees, clients and visitors, both when driving on Wallaroo and Southwell Roads, and when accessing our two driveways. We have witnessed a number of near misses, including the horrible experience of watching from the eastern side, as an employee who was driving southbound in her little Toyota Yaris, slowed to turn into our driveway, not knowing there was a truck and dog trailer barrelling along northbound at 80 kph on the wrong side of the road just over the blind crest and was heading straight for her. The fact she managed to avoid an accident was a matter of milliseconds and sheer good luck.
- 3.5. Council regularly dismisses residents' concerns about safety issues posed by dumping events that generate wayward heavy vehicle traffic by saying it is a matter for the Police and that the trucks are entitled to be on our roads. **However**, this is absolutely not the case.
- 3.6. The *Pollution of the Environment Operations Act 1997 (POEO Act)*, at section 143 says:  
***If a person transports waste to a place that cannot lawfully be used as a waste facility for that waste, or causes or permits waste to be so transported, both the transporter and the owner of the waste are each guilty of an offence.***  
*Maximum penalty—*
- ████████████████████

*in the case of a corporation—\$2,000,000 (if the offence involves asbestos waste) or \$1,000,000, or*

*in the case of an individual—\$500,000 (if the offence involves asbestos waste) or \$250,000.*

*Note.*

*An offence against subsection (1) committed by a corporation is an offence attracting special executive liability for a director or other person involved in the management of the corporation*

- 3.7. As further set out at [section 143\(4\)](#) of the POEO Act, an approved notice:

*means a notice, in a form approved by the EPA—*

*(a) stating that the place to which the notice relates can lawfully be used as a waste facility for the waste specified in the notice, and*

*(b) that contains a certification by the owner or occupier of the place that the statement is correct.*

- 3.8. If there is no Development Approval, or safety conditions attached to the Development Approval are not being met, then the waste cannot lawfully be deposited in that location. Thus, without Council approval of the Development Application, or in circumstances where safety restrictions attached to the DA are breached, the trucks **cannot** lawfully be on our roads, transporting the waste.

- 3.9. Further, [section 144](#) of the POEO Act, at subsection (1) provides:

*A person who is the owner or occupier of any place and who uses the place, or causes or permits the place to be used, as a waste facility without lawful authority is guilty of an offence.*

*Maximum penalty—*

*(a) in the case of a corporation—\$2,000,000 (if the offence involves asbestos waste) or \$1,000,000 and, in the case of a continuing offence, a further penalty of \$120,000 for each day the offence continues, or*

*(b) in the case of an individual—\$500,000 (if the offence involves asbestos waste) or \$250,000 and, in the case of a continuing offence, a further penalty of \$60,000 for each day the offence continues.*

*Note. An offence against subsection (1) committed by a corporation is an offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169.*

- 3.10. Thus, unless the landholder receives the waste in accordance with any specific safety directions made by Council when giving lawful authority to receive the waste by way of the Development Approval, the landholder will also be guilty of an offence.
- 3.11. Under section 4.15 of the [\*Environmental Planning and Assessment Act 1979 No 203\*](#) (the EP&A Act), in determining a Development Application, Council must take into consideration, amongst others:

...

- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
  - c) the suitability of the site for the development,*
  - d) any submissions made in accordance with this Act or the regulations,*
  - e) the public interest.*
- 3.12. Council cannot rationally suggest that increased risk to safety of residents, employees and visitors, arising from an additional 6500 heavy vehicle movements, will not have a social and economic impact on the locality and doesn't affect the suitability of the site for the development (location on roads unsuitable to excessive heavy vehicle traffic). Further, we are aware that many submissions in relation to this DA are being made on the basis of safety concerns, which again, under the EP&A Act, Council must take into consideration. Lastly, in no responsible way can Council suggest that increased risk to locals, and visitors, is in the public interest.
- 3.13. In fact, if Council does not adequately address safety concerns in relation to these Development Applications, and any safety-related events occur, it is likely that Council will be liable for the consequences.
- 3.14. The High Court which has previously deemed Councils liable for failure to fulfil their statutory obligations, including for failure to review and/or finalise enforcement action. This may expose Council to significant liability as determined in, for example, *Sutherland Shire Council v Heyman* (1985) 157 CLR 424 and *Pyrenees Shire Council v Day; Eskimo Amber Pty Ltd v Pyrenees Shire Council* (1998) 192 CLR 330).
- ████████████████████

- 3.15. In the case of *Sutherland Shire Council v Heyman* (1985) 157 CLR 424, the High Court recognised that liability could arise for failure to exercise a statutory functions. Mason CJ said (at page 464) that there may be a 'general expectation' by the community that a power will be exercised:

*"...there will be cases in which the plaintiff's reasonable reliance will arise out of a general dependence on an authority's performance of its function with due care, without the need for contributing conduct on the part of a defendant or action to his detriment on the part of a plaintiff. ...The control of air traffic, the safety inspection of aircraft and the fighting of a fire...by a fire authority...may well be examples of this type of function..."*

- 3.16. As a final comment on safety, truck movement on Public Holidays is not excluded from DA200091. DA200109, while mentioning them, is contradictory throughout its references to them. On Public Holidays, there is typically more vehicle movements on these roads due to winery traffic, thus exacerbating the safety issues.

### **Section 3 – Safety Impacts – Required Measures**

- A. Having enforceable centreline road marking applied to the road pavement to clearly delineate the lanes and help separate traffic at critical safety nodes (road junctions, the various blind crests and blind curves).
- B. Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
- C. Re-routing empty trucks to Gooromon Ponds Road; therefore halving the truck movements past close-proximity residents on Southwell Road and, most importantly, not having Northbound trucks on Southwell Road having to 'crest' the blind hill 110 metres before the 93 Southwell Road driveway thereby endangering residents and visitors to that property.
- D. Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
  - a. This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads. This could be in the form of large coloured magnetic identifiers to be affixed to the vehicles, allowing local residents to identify which vehicles are approved, and which relate to other non-approved

developments. This material, which is inexpensive and readily obtainable, could be applied to vehicles, thereby avoiding calls to Council reporting truck movements that are authorised, without requiring residents to follow trucks to their associated driveways to verify destination (which is a dangerous exercise). An alternative would be for daily vehicle logs to be uploaded to a Yass Council portal for concerned residents to access.

- E. Remediation of Southwell Road prior to, during and post operation, noting that one of the proponents (also the owner of an asphaltting company) will *"Seal the entrance from the property to the gully to provide adequate provisions for long vehicles"* and has the means and capacity to do this work on the main access routes.
- F. Enforcement of centreline marking – noting this will be a responsibility of NSW Police, Goulburn Command, most likely Yass Police Station.
- G. In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

#### **4. Access Impacts – Road Resilience and Wasted Funding Impacts**

- 4.1. With existing pavement failures in several locations along the Southwell Road portion of the access route, the road is not suitable to accept this volume of trucks without prior remediation, on-going maintenance and post-activity remediation. One of the current proponents owns a major road sealing and asphaltting company, and has noted in the DA that he will be sealing from the Brooklands Road gate to the gully to provide access for long vehicles.
  - 4.2. These areas of existing pavement failure, without remediation, will add to the acoustic impacts of the truck movements and lead to further road pavement damage. Of course, Wallaroo, a more substantial road is also already suffering from the thousands of trucks engaged in dumping operations over the last 8 or so years – as is Southwell.
  - 4.3. Further, the original road sealing (progressively from about 2008 to about 2011) was funded by the long-term residents who contributed to a YVC road funding agreement – ostensibly to provide more congenial public access to the existing wineries and B&Bs. The proposed exploitation and degradation that will result from these DAs is
- ████████████████████

without recompense by the proponents, for their enrichment, to those who paid for the road's sealing.

- 4.4. There is no explanation of the expected developer contributions per the [Yass Council Heavy Haulage Contribution Plan](#) but it is widely accepted that any contributions under that outdated plan (which has been under review for several years now), will not adequately account for the true cost of the road degradation arising from the two developments.
- 4.5. The addition of at least 6500 heavy vehicles, to a road that was only ever to service approximately 20 properties, will have catastrophic impacts on the longevity of the road and the investment contributed to by the residents.
- 4.6. We note that the (Draft) [Heavy Haulage Contribution Plan 2018](#) (the HHCP), at page 9, contemplates this situation and notes that "Monies received under the Plan will be allocated to the haul roads that developments have contributed towards."
- 4.7. The HHCP at page 10 notes: *'Any estimate of the volume of material to be hauled must be accompanied by the respective calculation. Deposition of fill in excess of 500 cubic metres on a property will require a volumetric survey to be undertaken at commencement and upon completion, or weighbridge tickets confirming truck configuration and payload.'*
- 4.8. The HHCP, at page 12, requires Council to: *'Assess whether any additional road construction or upgrade works are required to meet the specific needs of the development; if so, include a condition that the development pay for or deliver such works.'*
- 4.9. The HHCP should be applied to the DAs on the basis of their long-term duration – they should not be exempt simply by scraping through before the HHCP's formal implementation.

#### **Section 4 – Road Resilience Impacts – Required Measures**

- A. Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
  - B. Re-routing empty trucks to Gooromon Ponds to disperse the road impacts.
  - C. Remediation of Southwell Road prior to, during and post operation.
  - D. Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.
- ████████████████████

- a. This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads (see above).
- E. Compensation to affected residents who funded original road sealing, or satisfactory remediation of Southwell Road prior to, during and post operation (noting the proponents have the means and capacity to do this work themselves or pay for it to be done) to **negate** the effects of the extra 6500 heavy vehicle movements, not simply patch up the worst of the damage. The original road contributors should be no worse off, ie their investments not impacted, by what is largely a money-making scheme for the proponents.

## 5. Environmental Impacts

### Proponents' contribution to current problems

- 5.1. An analysis of Google Earth historical imagery shows that the current gully configuration has been substantially altered in recent years by the proponents, especially at 64 Brooklands Road, through the construction of a large dam in the relevant gully which was not be well designed or maintained, thus leading to exacerbating erosion and siltation, and the filling of section of eth lateral gully that's also the subject of DA200091, see Historical Images 1, 2 and 3, at the rear of this document and the subject Gully Remediation Report.
  - 5.2. The farming practises adjacent to the dam and its inflow up-slopes have been a contributor to siltation and erosion. The failure to provide measures to protect the surface of the inflow up-slopes, the overflow chute and the continuation of ploughing in and around linked, up-stream contour banks, especially their release points has created significant problems. The solutions proposed for the site do not prevent the same thing from happening, particularly given the stated desire to be able to crop closer to the remediated site. See Historical Images 3, 4 and 5, at the rear of this document.
  - 5.3. The DAs, in suggesting that they will be rehabilitating the natural landscape, fail to address the significant portion of the gully, between the two DA areas, that is, supposedly, not to be worked on. There is also no explanation of how not addressing the erosion in that area will impact the success or otherwise of the proposed works.
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Soil type

- 5.4. The acidity of soils suitable for gully fill has not been addressed. There is no identification of intended quantities of ENM v. VENM, noting that ENM is higher risk of being contaminated on account of it not being virgin material.
- 5.5. The areas to be filled are at the very top of a 4 kilometre stream system that ultimately flows into the Murrumbidgee River. Any contaminants in the soil being dumped, or in the agricultural chemicals used on the remediated site as part of the proposed cropping of what are currently 1<sup>st</sup> and 2<sup>nd</sup> Order Streams, will negatively impact the local waterways to a far greater extent than the water quality impact the proponents allege is caused by the naturally-rehabilitating gullies in their current state. On this point, however, it should be noted that the proponents have provided no evidence of negative downstream water quality impact as a result of the current gully configuration, or more importantly before they did their earthworks and dam construction in 2014. See Historical see Historical Images 1 to 6, at the rear of this document. It is not clear how either 'wet-trap' dams will have the capacity to hold all silted water during heavy rain events and what measures are in place to deal with overflow. The environmental risks outweigh the likely and questionable reward.
- 5.6. We are sceptical of the quantities to be accepted into these sites, especially for DA200109 (66 Brooklands) and note that the (Draft) Heavy Haulage Contribution Plan 2018, at p10, contemplates the vagaries of fill estimation and states: *"Any estimate of the volume of material to be hauled must be accompanied by the respective calculation. Deposition of fill in excess of 500 cubic metres on a property will require a volumetric survey to be undertaken at commencement and upon completion, or weighbridge tickets confirming truck configuration and payload."*

Revegetation

- 5.7. While earlier in the Gully Rehabilitation Report [for DA200091] mention is made of using local endemic species for revegetation, in the 'solution' there is no mention of plantings and their maintenance, only reseeding as an initial response and protection until 80% ground cover is achieved. Ploughing and cropping, as is the practise in that paddock, would comply and would likely, as has been seen in recent years, continue to precipitate the wash events that occurred with this farming operation.
- ████████████████████



- 5.8. Whilst existing bed stability is noted, as is current levels of vegetation, there are no protections for or retention of the existing areas of gully floor stability or existing vegetation – indeed existing vegetation is to be avoided only “where possible” in DA200091. The supporting documentation for DA200109 is more descriptive and categorical that no existing vegetation is to be removed in those works. The revegetation mentioned in numerous locations in DA200109, there is no definitive plan of quantities of trees and shrubs or species. These general claims are also contradictory with the statement that *“Rehab ...will not limit capacity of the land to be redeveloped in the future and will increase available land use options .....”*.

#### **Section 5 – Environmental Impacts – Required Measures**

- A. Soil testing must be compliant and relevant to the watercourse setting of the fill site.
- B. Plans to include:
  - a. Revegetation to create better than what’s there – both immediately and in a quantified long-term (specific species of trees and shrubs, quantity, duration of maintenance), and consistent with the biodiversity objectives of the Zone.
  - b. Addressing the contributory nature of current farming practices to erosion and applying appropriate long-term measures to create a buffer for the watercourse, and perhaps also assisting biodiversity for flora and fauna.
  - c. Inclusion of the respective calculation of the volume of material to be hauled and the conduct of a volumetric survey by a suitable independent third-party surveyor to be undertaken at commencement and upon completion, or weighbridge tickets confirming truck configuration and payload per the HHCP.

#### **6. DA Supporting Documentation Deficiencies**

- 6.1. The DAs are each supported by a Gully Remediation Plan and a Statement of Environmental Effects (SoEE). The following general observations are made about these documents, which on face value give the impression of a well-prepared and compelling case for the proposed course of action, but on any level of analysis are inconsistent, superficial and clearly skewed to give a particular outcome, being maximum fill being taken into the sites, thus delivering an environmental outcome which is questionable, particularly over the longer term.
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6.2. Outstanding issues:

- A. Impacts, such as road failure and noise, are ignored on key sections of the access route. Why is this done?
- B. Why has the author of the Gully Remediation Plans, who notes his co-authoring of the 2004 edition of the *Gully Erosion Assessment and Control Guide*, failed to use the classifications and methodologies (or indeed any methodologies at all), set out in the 2018 Guide, which replaced the one that he co-wrote. The use of the current Gully Erosion Assessment and Control Guide classification system would classify significant portions of the area to be rehabilitated as Low Severity and reiterates filling with soil as being a non-preferred method of treatment.
- C. The authors of the Statement of the Environmental Effects for DA200091 do not identify any qualifications or certifications or approved methodologies to provide a basis for their observations and conclusions. It merely gives the impression of authority.
- D. The Statement of the Environmental Effects is poorly written, especially that for DA200091, being repetitive and mostly parroting the Gully Remediation Report without value-adding. It contains such 'interesting' statements such as:
  - a. *"This will include the importation of up to ..... to the site to reinstate the eroded gully back to its **previous hill like formation.**"* Is a hill to be created from this watercourse gully? When exactly did a hill like formation exist at the site?
  - b. *"The proposal will not adversely impact any surrounding neighbours."* Yet, over two years, there will be more than 6,500 heavy vehicle movements within 54m of a home on Southwell Road – is this not an adverse impact?
  - c. *"All appropriate measures to avoid, minimise and mitigate any perceived impact of the development will be implemented and have been highlighted throughout the attached document in Appendix B."* Given the failure to identify, let alone address, the excessive noise and road safety impacts, the likely destruction of existing vegetation within the gully system and destruction of areas that were naturally rehabilitating, plus the potential for long-term repetition of wash due to farming practises, this statement is simply glib padding and of no merit.

- d. Against **Clause 6.3 Terrestrial Biodiversity**, the SoEE for DA200091, states:
  - i. *"The proposal will have no impact on any environmental conditions of the site. The site will be rehabilitated/restored and the development will allow for the natural environment to regenerate to its former state."* This is utter nonsense in the absence of any plan to protect the area from grazing, in fact the contrary intention is clearly stated in the Gully Rehabilitation Plan. Both DAs fail to identify specific plantings of trees and shrubs or measures to promote actual biodiversity.
- E. There is no clear vision of what will be created and certainly not a robust, long-term better environmental outcome, especially for vegetation and wildlife.
- F. Given the vagaries of how the quantities of fill to be accepted into the site were calculated, there is no examination of the impacts of more than the stated quantities of fill being taken into the sites. This must be addressed in the conditions applied to the DA.
- G. The DAs' Gully Rehabilitation Reports fail to acknowledge the negative impacts of the works already done to these gullies in recent years, especially at 64 Brooklands Road, and the farming practices in critical adjoining up-slopes and how these have contributed to the current state of the site. Not only should the local community not be disadvantaged so that the proponents can make capital gains, they should certainly not be affected by the remediation of damage caused by proponents.
- H. The solutions proposed for the sites do not prevent similar problems reoccurring.

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### Historical Imagery



Historical Image 1 - April 2013



Historical Image 2 - January 2015 Dam and fill into lateral gully

[REDACTED]



*Historical Image 3 - May 2015 more fill into lateral gully*



*Historical Image 4 - March 2017 Wash through ploughed paddock*

[REDACTED]





*Historical Image 5 - July 2017 More wash through ploughed paddock*

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The abovementioned DAs will see 74,183 tonnes, or 49,455 cubic metres of ACT construction waste, dumped into a gully that was in many parts rehabilitating naturally, and in others is suffering from the consequences of farming practices/prior works (ie has been caused, or contributed to, by the proponents).

The proposal, of great financial benefit to the proponents, will result in at least 6,500 heavy vehicles movements, over the course of two years, 54 metres from a home (and very close to multiple other homes) on a small country road that was paid for by the residents to service 20 or so properties.

The noise impact needs to be properly assessed, in line with NSW government requirements and the resulting mitigation treatments applied. The safety risks need to be addressed. The damage to infrastructure will need to be remediated. The environmental effects need to be properly considered, including the downstream risks to the Murrumbidgee River arising from dumping contaminated soil and the proposed subsequent land uses. There needs to be a proper methodology and risk assessment performed to avoid 50,000 cubic metres of soil, doing what the original 50,000+ cubic metres of soil did, and washing downstream. The residents of Wallaroo and the environment deserve better. The proponents have the means and the capacity to get it right.

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**SUBMISSION GULLY FILLING 64-66 Brooklands Road , Wallaroo DA  
200091 and DA 200109.**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

e-mail. [REDACTED]  
phone. [REDACTED].  
5-Aug-2020

**SUMMARY**

In principle I would strongly support this development application as it is an exemplary instance of how gully filling should be undertaken with likely very good environmental outcomes , significant agricultural improvement and measures put in place to take account of the impact of the development on nearby residents. The statement that *“The proposal will not adversely impact any surrounding neighbours.”* “ is clearly not accurate but the proponent is cognisant of the impact and would appear to be very willing to try and ameliorate it.

However in practise it is difficult to provide unqualified support given the existing of illegal dumping operations already taking place along Brooklands Road. The existence of these has effectively “fouled the pitch” for the current applicant who appears to be making every effort to “do the right thing.”

The Council must in large part take responsibility for this situation in that they make only token efforts to control illegal dumping activities and in my opinion seem to actively encourage it by taking no regulatory action against illegal dumping.

**FURTHER COMMENT**

Given the above qualification I submit qualified support for these two DA's. While they will definitely have negative impact on the amenity of residents of the Wallaroo Road, Southwell Road and Brooklands Road the application has many positive aspects in relation to management of the operation and beneficial environmental and agricultural outcomes. .

I would suggest that all the features included in the reports for these DAs should be included in the new Draft Filling policy which I think has yet to come before Council. This application clearly indicates that rigorous conditions do not impose impossible financial constraints on gully filling operations. Such conditions should be included in all future applications and conditions such as the provision of downstream sediment controls ,topp dressing with soil and seeding should be retrospectively applied to all current gully filling operations both legal and illegal. Clearly this application is a genuine attempt to remediate the gullies with improved environmental and agricultural outcomes. Unlike many of the existing operations which appear to be simply money making operations.

The “ Gully Rehab Reports” by Franklin Consulting which are clearly well thought out scientific document make the statement that ***“The gully is actively eroding and presents a significant environmental risk to downstream water quality.”*** It should be noted this statement applies to all in all pre-existing legal and illegal gully filling operations in the Wallaroo/Spring Range area , very few of which have any downstream sediment barriers. As indicated by the statement above even without fill these gullies present a significant risk to downstream water quality. The impact of gully filling with no downstream sediment control will clearly exacerbate the effect on downstream water quality as the fill will wash much more easily than the more compact existing soil.

#### **VERBATIM QUOTES FROM THE REPORTS ON EXHIBITION**

I include the following verbatim quotes from the various reports to highlight the many good features included with the application. I feel such features should be a required part of all future DA's for gully filling in the Yass Valley Shire.

#### **DA200091-Gully-Rehab-Report-64-Brooklands-Road.pdf**

##### **1) Sediment Control**

Inclusion of sediment control structures in the form of rock chutes downstream from the filling operations.

##### **2) Diversion banks**

Diversion banks around the fill area where these do not already exist.

##### **3) Riparian fencing**

Riparian fencing of the area below the fill area to allow regeneration of vegetation.

##### **4) Material Volume**

Truck movements and volumes of material received will be managed through daily truck run sheets. These will specify the number and timing of truck movements as required in Council consent and detailed in a later section of this report. The truck run sheets will be managed by the onsite manager.

##### **5) Site Access and Security**

The site will be secured by a locked access gate and a CCTV will be installed at the gate to ensure no unauthorised access to the site. During the hours of operation, a site manager will be present at all times to check deliveries against the truck run sheet, the certification and quality of material entering the site and driver behaviour.

##### **6) Driver Behaviour**

All drivers delivering material to the site will be inducted into the project which will include the behaviour of all operators. An incident reporting number will be provided to Council so that incidents of poor behaviour reported to Council can be forwarded to the project manager. A disciplinary process will be



established which includes a single warning and counselling followed by dismissal from the site and the project should there be a second report of poor behaviour. NSW road rules will apply to all public roads and any breaches reported to the project manager will be forwarded to the relevant authorities for action.

#### **7) Monitoring and Dust Mitigation**

A protocol for managing dust will be developed prior to the commencement of the project which will include monitoring weather forecasts for periods of strong winds and wet weather and adjusting onsite operations to mitigate impacts from dust. A water cart will be available onsite during operating hours water from the existing dam will be utilised for dust suppression and soil moisture management for compaction. The reporting process developed for driver behaviour will also apply to other areas of the operation including the reporting of dust or other impacts on neighbouring properties. Any reports will be forwarded to the site manager who will be responsible for addressing any issues related to the operation.

#### **8) Record Keeping**

Records will be maintained by both the site manager and main office of the project manager.

Records will include:

- VENM/ENM Certification
- Truck Run Sheets
- Safe Work Method Statements
- Induction Processes
- Incident Reporting
- Progress Reporting to Council and Regulators (as required)
- Complaints Management

Council and other regulatory authorities will be provided with contact details for the project manager to which all complaints can be referred. The project manager will be available to respond to all complaints or enquiries and will instruct the site manager to shut down or modify operations in accordance with any direction received by Council and or regulatory authorities.

All complaints or enquiries received will be logged in a complaint register which will be kept at the project managers office. All actions taken in response to complaints will be recorded in this register.

#### **9) Neighbour Relations**

A register of neighbouring property holders will be established including contact details. The project manager will inform all neighbours on any issues which may impact their properties and are outside the normal operating procedures as approved by Council. The project managers will contact neighbouring properties at the inception of the project and provide a direct contact number for them to report any issues impacting their properties to the project manager.

#### **10) Topsoil and Revegetate**

The finished area of fill material should be topsoiled with 150mm of suitable loam overlaying 100mm of clay loam material. The topsoiled area should then be seeded with a suitable pasture seed mix and fertilised with a Starter type fertiliser. Whilst the vegetation is establishing it is recommended that stock be removed from the area or access restricted with temporary stock fencing.

#### **11) Truck and Plant movements**

The proposed hours of operation of the site (including truck movements) will be between 9am and 4pm on weekdays. This will minimise noise impacts on neighbours and limit traffic during peak vehicle movement times associated with school buses and commuter traffic.

### **DESIGN AND CONSTRUCTION PRINCIPLES**

The following design and construction principles are intended to minimise potential adverse environmental impacts and optimise the effectiveness of gully rehabilitation:

- Gully rehabilitation activities will be staged so that each section is progressively rehabilitated
- Runoff will be directed away from gully cells to be filled by the upgraded permanent sediment and erosion control measures
- The existing dam will be used as sediment detention basin for the duration of gully filling and rehabilitation activities in the upslope 1<sup>st</sup> Order Streams. This may include the use of flocculants as may be required to achieve acceptable water quality prior to downstream release
- Temporary sediment controls will be installed where permanent measures do not provide adequate soil and water management outcomes
- Gullies will be filled to a level that creates a planform (flat) or slightly convex (mounded) profile across the drainage depression
- Fill material will be certified ENM
- **All fill areas will be topsoiled, fertilised and seeded on completion.**

#### **DA200091-Statement-of-Environmental-Effects-64-Brooklands-Road**

##### **Brooklands Road Driveway**

The applicant wishes to impose the following onto the intersection with Brooklands Road to ensure the safety of residences, truck drivers and the public is always observed. The following will be implemented.

- 1) Cameras at the front gate and on the quarry site to observe any operations.
- 2) Seal the entrance from the property to the gully to provide adequate provisions for long vehicles.
- 3) Place a shake down grid at the exit of the property to allow excess material to be removed from any vehicle entering Brooklands Road.  
*The original stated "Nanima Road" but this is clearly not correct.*

##### **Record keeping**

Records will include:

- VENM/ENM Certification
  - Truck Run Sheets
  - Safe Work Method Statements
  - Induction Processes
  - Incident Reporting
  - Progress Reporting to Council and Regulators (as required)
- 
- The source of the fill.
  - Whether the fill has been certified as VENM or ENM
  - The volume of material delivered.
  - The name , contact details and organisation or affiliation of the person delivering the fill.
  - Vehicles registration.
  - Date of delivery.
  - A copy of the "Fill Delivery Record " must be submitted to Council upon request.

#### **Operating Procedures**

The following operating procedures will be implemented by the applicant and induction will be carried out for all people entering the site. This will include:-

- 1) All people and trucks entering the site will report to the Site Manager
- 2) A "Fill delivery record " will be kept by the Site Manager.
- 3) No "Jake" brakes are to be used by the trucks.
- 4) All trucks will be restricted to going 80km/h on Brooklands Road.
- 5) Trucks are to only use Brooklands Road between the hours of 9am to 4pm.
- 6) All vehicles exiting the site will be required to use the shakedown grid onsite.
- 7) A traffic counter will be placed at the entrance to the property to keep track of movements in and out of the property.

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5<sup>th</sup> Aug 2020.

SUBMISSION RE:

Development Application DA20009 - 64 Brooklands Road, Wallaroo

Development Application DA200109 - 66 Brooklands Road, Wallaroo

I thank you for the opportunity to make comment with regard to these applications for Gully Filling in the Wallaroo area. I am concerned about the amount of time we as local residents have been given to respond. These proposed activities, if approved will impact on all residents along the routes these trucks will take, not only the immediate neighbours.

I am also concerned about ongoing damage to local roads that are already experiencing unprecedented amounts of heavy vehicle traffic. I hope the Council will seek the appropriate compensation for the damage of this valuable infrastructure.

I am concerned about the speed of these heavy vehicles travelling along our local roads. I quote from the DA, 64 Brooklands "NSW road rules will apply to all public roads and any breaches reported to the project manager will be forwarded to the relevant authorities for action." It is alarming to consider that these stipulations need to be made, but history suggests this is the case. I do wonder how the speeds are going to be checked and by whom? In the past we have been told breaches of the speed limit in this area must be referred to the NSW Police. Unfortunately, if they are able to respond the offending drivers are long gone.

In order to complicate matters, there are a number of different road usage rules associated with the routes these heavy vehicles will need to travel.  
eg. Wallaroo Road has a speed limit of 80 kms per hour but no load limit. Gooromon Ponds has a speed limit of 80 kms per hour and a load limit of 5 tonnes. Southwell and Brooklands Roads have neither speed or load limit signage.

"The fill material to be used in the rehabilitation of the gullies will be restricted to certified ENM. This material will be sourced from Canberra Construction sites. Records of the ENM certification of all material to be used on site will be maintained by the proponent and provided to Council as required." I would like to think that Council will monitor the gully filling in order to ensure adherence to the above measures and to monitor the volume of fill being introduced. This is particularly important given the proximity of these sites to the Murrumbidgee River.

Another issue seems to be some inconsistencies in the hatched areas in the locality maps for 64 Brooklands Road. (Attached)

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3/8/2020

## **YASS VALLEY COUNCIL**

**DA200091 – 64 Brooklands Road, Wallaroo, NSW**

**DA200109 – 66 Brooklands Road, Wallaroo, NSW**

### **Summary of Concerns**

The combined proposals seek to dump 74,000 tonnes of VENM and ENM (representing a minimum of 6,456 vehicle movements in and out of the access routes of Wallaroo, Southwell and Brooklands Roads), into an erosion gully across the two properties. The gully has significant components that were already naturally rehabilitating, and others that have been significantly, negatively contributed to by the past actions of the DA proponents.

We acknowledge the proponents for doing DAs (unlike many others), but the applications fall well short of what is acceptable.

If the entire quantity of dumped soil was VENM, and was dumped in the ACT at the published rate of \$12.80 per tonne, it would cost some \$947,200. The ACT facilities do not accept ENM. The proponents will also be increasing the value of their land, which would have been purchased at a price that accounted for degraded nature of the gully. Needless to say, the proponents will be significantly enriched by the developments - this should not come at the expense of other residents who will be burdened with the financial and amenity impacts of, and endangered by, them.

These concerns are based on the experience of local residents enduring many years and thousands of dumping-related truck movements along Wallaroo, Southwell and Brooklands Roads, which is on-going.

### **Access Impacts**

#### **Noise**

The DAs fail to acknowledge or account for passage of 6,500 trucks at 80kph within close proximity to houses along the access route (especially Southwell Road – within 54m of one house); and fails to mitigate the impacts or provide compensation.

It is noted that the number of vehicles quoted is based on 'truck and dog trailer', whereas dumping operations to date have used a variety of configurations and varying capacities, thereby most likely leading to more vehicles actually being used to dump this quantity. The DAs refer to 'vehicle movements' but this is the proposed number of vehicles dumping at the site and each vehicle requires a forward and return journey, hence the need to double the number to achieve 'vehicle movements'. This is particularly relevant when considering noise at static locations along the entirety of the access route (Wallaroo, Southwell and Brooklands Roads).

The road surface, which we believe to be 14mm chipseal, is the noisiest of the different road surfaces used in NSW. The local area is rural with some 20 or so properties accessed by the route. It would not have been expected by local residents who purchased land for quiet enjoyment of rural lifestyle and farming to have a local service road turned into a thoroughfare for thousands of heavy vehicles conducting dumping operations over years.

The noise impact of trucks on Southwell and Wallaroo Roads is exacerbated by the sections of road pavement failure where negotiated by the existing truck movements.

Truck movement on Public Holidays is not excluded.

In breach of the NSW Noise Mitigation Guideline, a Noise Impact Assessment has not been conducted. We also note that the truck estimates are only that and we fear that there will be significantly more, especially considering:

- that the soil estimates are noted as only that;
- it is in the financial interests of the proponents to accept more fill than declared; and
- the truck configurations are assumed to be 'truck and dog trailer' of a certain capacity, but we regularly already see a wide variety of configurations including smaller capacity trucks.

***This requires the following measures:***

- Speed reduction for trucks to 50kph on Southwell Road.
- Re-routing empty trucks to Gooromon Ponds Road (therefore halving the truck movements past close-proximity residents on Southwell Road).
- Noise impact assessment be conducted (in accordance with RMS and EPA guidelines) by an appropriately skilled **independent** third party, i.e. Rodney Stevens Acoustics, with resultant recommendations to meet compliance standards including NSW Road Noise Guide mitigation measures and/or compensation to affected residents.
- Noise verification audits be conducted during the life of the projects.
- Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
  - o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.
- Remediation of Southwell Road prior to, during and post operation, noting that one of the proponents (also the owner of an asphalt company) will *"Seal the entrance from the property to the gully to provide adequate provisions for long vehicles"* and has the means and capacity to do this work on the main access routes.
- In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

**Road Safety**

Road safety has not been addressed on the main access routes of Wallaroo Road and Southwell Road.

On Southwell Road, one entrance driveway (at 93 Southwell) is 110m from the crest of a blind hill. It takes 4.95 (5) sec for a vehicle travelling at 80kph to cover that distance. At 60kph it would be 6.6 (7) secs. At 50kph 7.92 (8) sec; i.e. the slower the trucks the more chance the residents have to avoid a traffic accident, especially considering that one of the areas of existing pavement failure is just on the driveway side of the hill and northbound trucks move to the centre of the road (or even the other lane) to avoid the bang and rattle of that pavement failure— thus further endangering both the residents at an dvisitors to 93 Southwell and southbound road users.



Truck movement on Public Holidays is not excluded. On these days, there is typically more vehicle traffic on these roads.

At critical points of the access routes, being the road junctions, the various blind crests and blind curves, the existing truck traffic routinely strays into on-coming lanes and cutting curves and corners.

***These require the following measures:***

- Having enforceable centreline road marking applied to the road pavement to clearly delineate the lanes and help separate traffic at critical safety nodes (road junctions, the various blind crests and blind curves).
- Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
- Re-routing empty trucks to Gooromon Ponds Road; therefore halving the truck movements past close-proximity residents on Southwell Road and, most importantly, not having northbound trucks on Southwell Road having to 'crest' the blind hill before 93 Southwell Road and endangering residents and visitors to that property.
- Strict enforcement of curfew, and numbers, with breaches to trigger further remediation/compensation measures.
  - o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads for example by use of large coloured magnetic identifiers so that residents can note which are 'approved' dumping trucks.
- Remediation of Southwell Road prior to, during and post operation, noting that one of the proponents (also the owner of an asphaltting company) will "*Seal the entrance from the property to the gully to provide adequate provisions for long vehicles*" and has the means and capacity to do this work on the main access routes.
- Enforcement of centreline marking.
- In addition to the day and hours of operations restrictions, there should be no truck movements on Public Holidays.

### **Road Resilience**

With existing pavement failures in several locations along the Southwell Road portion of the access route, the road is not suitable to accept this volume of trucks without prior remediation, on-going maintenance and post-activity



remediation, as necessary. (One of the current proponents owns a major road sealing and asphaltting company, and has noted in the DA that he will be sealing from the Brooklands Road gate to the gully to provide access for long vehicles.) These areas of existing pavement failure, without remediation, will add to the acoustic impacts of the truck movements and lead to further road pavement damage. Of course, Wallaroo, a more substantial road is also already suffering from the thousands of trucks engaged in dumping operations over the last 8 or so years – as is Southwell.

***These require the following measures:***

- Speed reduction for trucks to 50kph on Southwell and Brooklands Roads.
- Re-routing empty trucks to Gooromon Ponds to disperse the road impacts.
- Remediation of Southwell Road prior to, during and post operation.
- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.
  - o This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

**Road funding**

The original road sealing (progressively from about 2008 to about 2011) was funded by the long-term residents who contributed to a YVC road funding agreement – ostensibly to provide more congenial public access to the existing wineries and B&Bs. This current exploitation and degradation is without recompense by the proponents, for their enrichment, to those who paid for the road's sealing. The addition of at least 6500 heavy vehicles, to a road that was only ever to service approximately 20 properties, will have catastrophic impacts on the longevity of the road and the investment contributed to by the residents.

***These require the following measures:***

- Compensation to affected residents who funded original road sealing, or
- Satisfactory remediation of Southwell Road prior to, during and post operation (noting the proponents have the means and capacity to do this work themselves or pay for it to be done) to achieve a standard sufficient for the extra 6500 heavy vehicle movements.

- Strict enforcement of configuration and total numbers, with excesses triggering further compensation and remediation.
- This may require 'job' identification of these vehicles whilst on Wallaroo, Southwell and Brooklands Roads.

### **Environmental Impacts**

#### Current problems

An analysis of Google Earth historical imagery shows that the current gully configuration has been substantially altered in recent years, including in September/October 2014 through the construction of a large dam in the relevant gully, which was not be well designed or maintained, thus leading to exacerbating erosion and siltation.

The farming practises adjacent to the dam and its inflow up-slopes have been a contributor to siltation and erosion. The failure to provide measures to protect the surface of the inflow up-slopes, the overflow chute and the continuation of ploughing in and around linked, up-stream contour banks, especially their release points has created significant problems. The solutions proposed for the site do not prevent the same thing from happening, particularly given the stated desire to be able to crop closer to the remediated site.

The DAs, in suggesting that they will be rehabilitating the natural landscape, fail to address the significant portion of the gully, between the two DA areas, that is, supposedly, not to be worked on. There is also no explanation of how not addressing the erosion in that area will impact the success or otherwise of the proposed works.

#### Long-term outcomes

##### Soil type.

The acidity of soils suitable for gully fill has not been addressed. There is identification of intended quantities of ENM v. VENM, noting that ENM is higher risk of being contaminated on account of it not being virgin material.

#### ***These require the following measures:***

- Soil testing must be compliant and appropriate to the watercourse setting of the fill site.

### Revegetation.

While earlier in the Gully Rehabilitation Report mention is made of using local endemic species for revegetation, in the 'solution' there is no mention of plantings and their maintenance, only reseeded as an initial response and protection until 80% ground cover is achieved. Ploughing and cropping, as is the practise in that paddock, would comply and would likely, as has been seen in recent years, continue to precipitate the wash events that occurred with this farming operation.

Whilst existing bed stability is noted, as is current levels of vegetation, there are no protections for or retention of the existing areas of gully floor stability or existing vegetation – indeed existing vegetation is to be avoided “where possible”.

### ***These require the following measures:***

- Plans to include:
  - Revegetation to create better than what's there – both immediately and in the long term (specific species of trees and shrubs, quantity, maintenance), and consistent with the biodiversity objectives of the Zone.
  - Addressing the contributory nature of current farming practices to erosion and applying appropriate long-term measures to create a buffer for the watercourse, and perhaps also assisting biodiversity for flora and fauna.

### **DA Supporting documentation**

The DAs are each supported by a Gully Remediation Plan and a Statement of Environmental Effects (SoEE). The following general observations are made about these documents, which on face value give the impression of a well-prepared and compelling case for the proposed course of action, but on any level of analysis are inconsistent, superficial and clearly skewed to give a particular outcome, being maximum fill being taken into the sites and delivering an environmental outcome which is questionable, particularly over the longer term.

- Impacts, such as road failure and noise, are ignored on key sections of the access route. Why is this done?

- Why has the author of the Gully Remediation Plans, who notes his co-authoring of the 2004 edition of the *Gully Erosion Assessment and Control Guide*, failed to use the classifications and methodologies applied in the 2018 Guide, which replaced the one that he co-wrote. The use of the new Guide would result in the classification of significant portions of the area to be rehabilitated as Low Severity and reiterates filling with soil as being a non-preferred method of treatment.
- The authors of the Statement of the Environmental Effects do not identify any qualifications or certifications or approved methodologies to provide a basis for their observations and conclusions. It merely gives the impression of authority.
- The Statement of the Environmental Effects is poorly written, being repetitive and mostly parroting the Gully Remediation Report without value-adding. It contains such 'interesting' statements such as:
  - *"This will include the importation of up to ..... to the site to reinstate the eroded gully back to its **previous hill like formation.**"* Is a hill to be created from this watercourse gully?
  - *"The proposal will not adversely impact any surrounding neighbours."* Yet, there will be more than 6,500 truck movements within 54m of a home in Southwell Road – is this not an impact?
  - *"All appropriate measures to avoid, minimise and mitigate any perceived impact of the development will be implemented and have been highlighted throughout the attached document in Appendix B."* Given the more-than-perceived noise, road safety, likely destruction of existing vegetation within the gully system, and potential for long-term repetition of wash due to farming practises which have not been identified let alone addressed. This statement is simply glib padding and of no merit.
  - Against **Clause 6.3 Terrestrial Biodiversity**, the SoEE, states:
    - *"The proposal will have no impact on any environmental conditions of the site. The site will be rehabilitated/restored and the development will allow for the natural environment to regenerate to its former*

*state.*" This is utter nonsense in the absence of any plan to protect the area from grazing, in fact the contrary intention is clearly stated in the Gully Rehabilitation Plan. There are no specific plantings of trees and shrubs or measures to promote actual biodiversity.

- There is no clear vision of what will be created and certainly not a robust, long-term better environmental outcome, especially for vegetation and wildlife.
- Given the vagaries of how the quantity of fill to be accepted into the site were calculated, there is no examination of the impacts of more than the stated quantities of fill being taken into the sites. This must be addressed in the conditions applied to the DA.
- The DA's Gully Rehabilitation Reports fail to acknowledge the negative impacts of the works already done to these gullies in recent years and the farming practices in critical adjoining up-slopes and how these have contributed to the current state of the site. The solutions proposed for the sites do not prevent similar problems reoccurring.

**The residents of Wallaroo and the environment deserve better!**

████████████████████

████████████████

Wallaroo NSW 2618

3 August 2020

**From:** [REDACTED]  
**Sent:** Wednesday, 17 March 2021 12:08 PM  
**To:** [YVC Customer Service Team](#); [Julie Rogers](#)  
**Subject:** DA200109 – 66 Brooklands Road, Wallaroo

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**[EXTERNAL]** Please exercise caution when clicking on links or attachments from external sources.

**Concerns regards DA200109 – 66 Brooklands Road, Wallaroo**

*From the material that's been presented in support of this DA, it appears there are grounds for concern. As a generalization there is an issue putting unconsolidated sediment/soil material into known erosion areas without other stabilization works taking place as the existing land instability processes will simply remobilize the introduced material. This is somewhat dependent on the grainsize distribution of the materials and what they are composed of. For example the processes are exacerbated if the materials being deposited are at all sodic (predisposed to entrainment and remobilization). Without knowing the composition of the material that is intended to be used within this system, great caution should be applied to approving works. This requires closer examination and a proper on-site review, as well as consideration of guaranteeing the nature and composition of the intended fill material.*

*Yours sincerely*

Associate Professor [REDACTED]  
Land and Water Science  
M: [REDACTED]

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Natural Resources  
Access Regulator

Contact: Bryson Lashbrook  
Phone: 02 6937 2708  
Email: bryson.lashbrook@nrar.nsw.gov.au

General Manager  
Yass Valley Council  
PO Box 6  
YASS NSW 2582

Our ref: IDAS1126801  
Our file: CNR-10264 A-11768  
Your ref: DA200109

— Attention: Jeremy Knox

16 October 2020

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: DA200109**  
**Description: Gully rehabilitation including importation of up to 8,000m3 of material. Note: DA200091 has also been lodged for a similar proposal at 64 Brooklands Road**  
**Location: 66 BROOKLANDS ROAD WALLAROO 2618**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

-2-

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

**The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

[www.industry.nsw.gov.au](http://www.industry.nsw.gov.au) > [Water](#) > [Licensing & Trade](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely

**Rachel Daly**  
**Water Regulation Officer**  
**Water Regulatory Operations**  
**Natural Resources Access Regulator**





Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1126801

**Issue date of GTA:** 16 October 2020

**Type of Approval:** Controlled Activity

**Description:** Gully rehabilitation including importation of up to 8,000m<sup>3</sup> of material. Note: DA200091 has also been lodged for a similar proposal at 64 Brooklands Road

**Location of work/activity:** 66 BROOKLANDS ROAD WALLAROO 2618

**DA Number:** DA200109

**LGA:** Yass Valley Council

**Water Sharing Plan Area:** Murrumbidgee Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
<b>Erosion and sediment controls</b>	
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00002	The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.
<b>Plans, standards and guidelines</b>	
GT0001-00001	A. The application for a controlled activity approval must include the document(s) listed in Schedule 1. B. The document(s) must be prepared by a suitably qualified person.
GT0032-00037	The application for a controlled activity approval must include the following document(s): A. Construction Environmental Management Plan, including; Erosion and Sediment Control Plan (including monitoring upon completion of works), Revegetation Management Plan, Detailed works schedule.
<b>Rehabilitation and maintenance</b>	
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the

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nrar.enquiries@nrar.nsw.gov.au | <http://www.industry.nsw.gov.au/nrar>



Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

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**Reference Number:** IDAS1126801

**Issue date of GTA:** 16 October 2020

**Type of Approval:** Controlled Activity

**Description:** Gully rehabilitation including importation of up to 8,000m<sup>3</sup> of material. Note:  
DA200091 has also been lodged for a similar proposal at 64 Brooklands Road

**Location of work/activity:** 66 BROOKLANDS ROAD WALLAROO 2618

**DA Number:** DA200109

**LGA:** Yass Valley Council

**Water Sharing Plan Area:** Murrumbidgee Unregulated River Water Sources

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approved plan(s).

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### Reporting requirements

GT0016-00003 The consent holder must inform Natural Resources Access Regulator in writing  
when any proposed controlled activity carried out under a controlled activity  
approval has been completed.

#### **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA200109 as provided by Council:

- GULLY REHABILITATION PLAN V 1 May 2020 - FRANKLIN CONSULTING AUSTRALIA
- Statement of Environmental Effects

6.1 Development Application No DA200109 - Erosion Gully Rehabilitation, 66 Brooklands Road, Wallaroo  
Attachment E Heavy Haulage Contribution Calculation

Growth rate of traffic 3%  
ESA equivalent: Boggie and Dog  
density of material T/cu 2.4 m  
1.5

Route		Existing Heavy vehicle Annual ESA																		
Route		Existing Heavy vehicle Annual ESA									Additional Heavy Vehicle Annual ESA					Contribution Calculation				
Road	Length of road on route	AADT	Annual vehicle count	Year measured	Time since last measured (years)	2021 AADT increasing at growth rate: pa	% Heavy	Total Heavy Vehicles 2021 assume % measured in original count remains same relative to AADT	ESA current	Volume: Material pa cu m	Tonnage of Material pa	No pf equivalent boggie dogs	ESA additional heavy vehicles =E	Maintenance pa allowing for inflation since 2006 = M	Length of Road =K	est ESA: pa including additional ESA =T	Additional ESA =E	Heavy Haulage Contribution =M*K*E/T		
Wallaroo Road	4.3	1,284	468,660	2018	3	512,117	41%	208,944	501,465	8,000	12,000	375	900	\$ 13,118.00	4.3	501840	900	\$ 101.16		
Southwell	1.75	77	28,105	2019	10	37,771	18%	6,799	16,317	8,000	12,000	375	900	\$ 13,118.00	1.75	16692	900	\$ 1,237.77		
Brooklands Road	0.66	93	33,945	2005	16	54,472	46%	25,057	60,137	8,000	12,000	375	900	\$ 13,118.00	0.66	60512	900	\$ 128.77		
	6.71															0		\$ 1,467.70		

## **DA200109 – DRAFT CONDITIONS – 66 BROOKLANDS ROAD**

### **PART A - GENERAL CONDITIONS**

- (1) Consent is granted generally in accordance with the plan(s) and details submitted to Council with the Development Application. The plan and details have been stamped and attached to this consent. The development shall be carried out in accordance with the stamped plans or as modified by these conditions;
- (2) This approval relates only to the development referred to in the development application and specifically does not amount to an approval or acceptance by the Council of any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior development or building approval;
- (3) The Applicant shall limit the total volume of virgin excavated natural material (VENM) imported onto the site as fill to a maximum of 8,000m<sup>3</sup>;

**Note:** A modification of consent is required to be lodged with Council if the total volume of virgin excavated natural material (VENM) imported onto the site exceeds 8,000m<sup>3</sup>.

- (4) The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council;
- (5) Dust, noise and odour emissions from the proposed development must comply with the provisions of the Protection of the Environment Operations Act 1997;
- (6) The applicant, at no cost to Council, will assume accountability for site cleanup and remediation measures in the event that material other than virgin excavated natural material (VENM) has been used;
- (7) All adjustments to existing utility services whether caused directly or indirectly by this proposed development are to be undertaken at the developer's expense.
- (8) Should any Aboriginal sites or objects be unearthed during works associated with the subdivision, all work must cease and the Heritage NSW is to be contacted immediately.

### **PART B – NATURAL RESOURCES ACCESS REGULATOR (NRAR GENERAL TERMS OF APPROVAL)**

- (1) The development must be undertaken in accordance with the "General Terms of Approval" issued by the Natural Resources Access Regulator (NRAR) dated 16 October 2020 and included as *Appendix A* to this Development Consent.

### **PART C – PRIOR TO IMPORTATION OF MATERIAL**

- (1) In accordance with Section 94 of the *Environmental Planning and Assessment Act 1979* and the *Yass Valley Council Heavy Haulage Section 94 Contributions Plan 2006* a single monetary contribution of \$1,467 shall be paid to Council in respect of road maintenance prior to the commencement of filling.

6.1 Development Application No DA200109 - Erosion Gully Rehabilitation, 66 Brooklands Road, Wallaroo  
Attachment F Draft Conditions

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The contribution amount is based on the importation of 8,000m<sup>3</sup> of loose virgin excavated natural material (VENM) transported 4.3km along Wallaroo Road, 1.75km along Southwell Road, and 0.66km down Brooklands Road.

It should be noted:

- The applicable contribution rate is to be indexed annually to the Sydney (All Ordinaries) Index, reviewed annually and new rates, if applicable, will become payable from 1 July each year.
  - All contributions shall be paid at the rate determined at the most recent review.
- (2) The Applicant shall nominate a suitably qualified and experienced person to the satisfaction of the Council (and with appropriate knowledge of soil conservation practices) who will be responsible for the day to day environmental management of the site and provide liaison between the Applicant and all relevant government agencies including Yass Valley Council;
- (3) Appropriate soil erosion and sediment control measures shall be installed;
- (4) A sign shall be displayed in a prominent position on the boundary of the site and must be maintained while filling work is being carried out.

The sign must list the following details:

- The name of the person who will be responsible for the day to day management of the site and an afterhours telephone number;
  - That unauthorised entry to the site is prohibited; and
  - The Development Consent Number;
- (5) 'Truck Entering' (W5-22C) signs shall be installed, at all times whilst trucks are entering and exiting the site, on the approaches to the development site warning motorists along Brooklands Road of heavy vehicles;
- (6) Measures shall be applied, to the satisfaction of Council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.

#### **PART D – EARTHWORKS & IMPORTATION OF MATERIAL**

- (1) Material imported to the site for the construction of the proposed development (including the internal driveway) must be suitable for the proposed application/fit for purposes and:
- (a) Sourced from a suitably licenced facility (i.e. landscaping supplies or quarry operation); or
  - (b) Virgin Excavated Natural Material (VENM) as defined in the Protection of the Environment Operations Act 1997;
  - (c) Excavated Natural Material (ENM) as defined in the Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Exemption 2014:

The document titled *Certification: Virgin excavated natural material* as published by the *Environmental Protection Authority* in September 2013 is considered a suitable form of certification to achieve compliance with this condition for VENM.

The use of ENM must be in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Exemption 2014 and Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Order 2014 (as modified or superseded);

- (2) Heavy vehicle movements associated with the delivery of material to the site are restricted as follows:
- (a) A maximum of 20 movements per day (1 movement = in and out of the site);
  - (b) No movements on Saturday and Sundays or NSW/ACT public holidays;
  - (c) Movements must occur between 7:00am and 6:00pm Monday to Friday
- (3) A 'Fill Delivery Record' shall be established and must record:
- The source address of the fill;
  - Whether the fill has been certified as VENM or ENM;
  - The volume of material delivered;
  - The name, contact details, and organisation or affiliation of the person delivering the material;
  - Vehicle registration;
  - The date of delivery.
- (4) A copy of the 'Fill Delivery Record' shall be submitted to Council upon request within seven (7) days, including a copy of all record sheets and a spreadsheet in a Microsoft Excel (.xls) format with all record lines entered and tabulated.
- (7) The Applicant shall prepare and implement a transport management plan to outline measures to manage potential traffic related issues associated with the transport
- The number of haulage vehicles used to transport fill to the site shall not exceed 20 vehicle trips per day (20 deliveries).
  - Measures for managing delivery of fill material to the site in order to minimise potential for disruption to local traffic including school bus movements.
  - Measures to address restrictions on haulage during periods of low visibility e.g., heavy rain periods or fog etc., along the haulage route,
  - On and accessing the subject site do not cause nuisance or hazard to traffic on the public road network.
  - Measures to ensure that all loaded vehicles entering or leaving the site are covered, and
  - Expected driver behaviour and speed limits.
  - Points of potential conflict, including concealed driveways on the transport route.
  - Details of procedures for receiving and addressing complaints from the community
  - Use of airbrakes.
  - Measures to ensure that the provisions of the Traffic Management Plan are implemented and complied with.

## **PART E – PROGRESS REPORTS**

- (1) A project status report shall be submitted to Council every six (6) months from the date of commencement until the date of completion. The project status report must include as a minimum:
- (a) The date on which the project status report relates.
  - (b) Evidence classifying the material used in the cell as being virgin excavated natural material (VNEM) or excavated natural material (ENM).
  - (c) A copy of the 'Fill Delivery Record', including a copy of all record sheets and a spreadsheet in a Microsoft Excel (.xls) format with all record lines entered and tabulated.
  - (d) A copy of the 'Complaints Register'.
  - (e) Actions taken in relation to management of the sediment dam.
  - (f) A statement from the site's environmental manager confirming that the work has been undertaken in accordance with the Gully Rehabilitation Plan Version 1 dated 3 June 2020.

#### **PART F – COMPLETION OF WORKS**

- (1) The development will not be considered completed until all conditions of this consent have been complied with in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.
- (2) A final project report shall be submitted to Council and must include as a minimum:
- (a) The dates between which work was commenced and completed.
  - (b) Evidence classifying the material used in the cell as being virgin excavated natural material (VNEM) or excavated natural material (ENM).
  - (c) A copy of the 'Fill Delivery Record', including a copy of all record sheets and a spreadsheet in a Microsoft Excel (.xls) format with all record lines entered and tabulated.
  - (d) A copy of the 'Complaints Register'.
  - (e) Actions taken in relation to management of the sediment dam.
  - (f) A statement from someone with appropriate qualification and knowledge of soil conservation practices confirming that the work has been completed in accordance with the Gully Rehabilitation Plan Version 1 dated 3 June 2020.
- (3) The developer shall restore, replace or reconstruct any damage caused to road pavements, surfaces, street furniture, roadside drainage, street lighting or underground facilities as a result of the development.



## 6.2 GRAFFITI ART TRIAL

### SUMMARY

This report advises on the trial of the utilisation of the face of the bridge support under the Hume Bridge as a 'free wall' for graffiti art over recent months, as resolved by Council at its October 2020 meeting.

### RECOMMENDATION

*That utilisation of the wall under the Hume Bridge as a 'free wall' for graffiti art be permitted to continue*

### FINANCIAL IMPLICATIONS

Nil.

### POLICY & LEGISLATION

- Public Art Policy

REPORT At its meeting on 28 October 2020 Council determined that the proposal from Jade Roche to convert the face of the bridge support under the Laidlaw Street end of the Hume Bridge to a 'free wall' for graffiti art be approved as an initial trial.

The trial period covered November 2020 – February 2021 inclusive.

At Jade Roche's request, the Yass Fire Service removed cobwebs and flaky surface paint from the wall surface using high pressure water spray.

The initial graffiti work was painted by Jade Roche and several individuals subsequently added smaller contributions. In mid-January 2021 Jade guided a group of boys in undertaking individual painting efforts and in mid-February 2021 a visiting graffiti artist added his work. Photographs of the artists and artwork are included in **Attachment A**.

Informal community commentary about the graffiti art has been positive and Yass Police have advised no concerns about the conduct or safety of the artists. It is recommended that on the basis of experience to date approval be given for the site to continue to be used as a graffiti wall.

### STRATEGIC DIRECTION

Key Pillar	3.	Our Community
CSP Strategy	CO2 -	Encourage and facilitate active and creative participation in community life
Delivery Program Action	CO2.3 -	Develop and implement a Public Art Strategy that includes specific actions for the development of creative pursuits
Operational Plan Activity	CO2.3.1 -	Develop a Public Art Strategy

**ATTACHMENTS:** A. Photographs of Graffiti Art and Artists under the Hume Bridge [↓](#)



Photographs of graffiti art and artists under the Hume Bridge, January-February 2021

## 7.1 YASS WATER TREATMENT PLANT UPGRADE PROJECT: DESIGN AND BUSINESS CASE PREPARATION

### SUMMARY

In December 2020 an update on progress of the Yass Water Treatment Plant Upgrade Project was provided including discussions with Department of Planning, Industry & Environment (Water).

Council determined that bimonthly update reports be provided on the project.

### RECOMMENDATION

*That the update report and work completed on the Water Treatment Plant Upgrade Project be noted.*

### FINANCIAL IMPLICATIONS

In December 2018 Council resolved to accept the grant of \$1,200,000 for preparing a detailed design and final business case under the State Government's Restart NSW Housing Acceleration Fund (HAF) for the Yass Murrumbateman – Water Quality Improvement Project.

Funding for construction is subject to further application to Restart NSW and its approval to a maximum of \$10 million, including the cost of the detailed design and business case preparation.

The scope and staging for the project has changed since December 2020 and the estimated project cost for delivery of the upgrade works utilising a three stage process is now in the order of \$33.2 million.

Budget has been allocated in the 2019/20 and 2020/21 financial years for \$1.2 million. Due to additional scope for the Stage 1 works additional funding request will be made in the 2021/22 budget process.

A comprehensive Peer Review is underway and it will give greater clarity and confidence in proceeding with the current preferred option. However, there remains a possibility that the configuration of the new treatment facilities may alter, along with the project cost.

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

#### 1. Background

A Councillor Workshop held on 7 December 2020 provided an overview of the project progress since May 2020. Council's position at the time was that implementation of options other than a new Water Treatment Plant would present significant risks. Equally, DPIE (Water) did not agree with the comprehensive nature of the upgrade proposed by Council for a range of technical, operational and cost related reasons.

It was agreed that a three Stage process (incorporating an Independent Peer Review) should now form the basis of delivering upgraded water treatment facilities in Yass.

Stage 1 incorporates early works that aim to provide measurable, short term water quality improvement and enhanced treatment plant control especially during extreme events.

It involves design and business case preparation of three packages as follows.

1. Installation of bubble plume aeration at Yass Dam
2. Upgrade of Raw Water Pump Station
3. Urgent works at Yass Water Treatment Plant.

A business case for Stage 1 will be completed by June 2021 to seek funding for Stage 1 construction works. The estimated cost is approximately \$2.5M.

Stage 1 construction is subject to successful receipt of funding from HAF and is to be completed by January 2022.

Stage 2 is the major treatment plant upgrade and Stage 3 involves rehabilitation of selected existing treatment plant process units.

The Peer Review will critically assess the selection of technical options and the design framework for the major water treatment plant upgrade in Stage 2 and 3. The Peer Review Report is due by May 2021.

Preparation of designs and business cases will recommence upon finalisation of Peer Review recommendations.

Designs and business cases for Stages 2 and 3 are due in February 2022.

## 2. Progress to date

### 2.1 Stage 1 Design and Business Case Preparation

- Risk assessments, review of information, objective setting, investigations and design basis confirmation were completed for the three packages
- Scope statements have been prepared for each package including preliminary cost estimates and were sent to DPIE (Water) for their comments by 19 March 2021
- Concept Design, Detailed Design and the business case for each package will proceed taking into DPIE (Water) comments
- 30% of the overall tasks have been completed

### 2.2 Peer Review

City Water Technology (CWT) has been engaged by Council to undertake a peer review. Works completed by CWT to date consist of:

- Identification of raw water quality envelopes to confirm the design basis for any new and/or upgraded treatment processes to achieve the water quality goals
- Draft report summarising CWT's review of the proposed Stage 1 Works and commentary of their impact on Stage 2 works (refer **Attachment A** under separate cover)
- Weekly progress meetings to discuss any issues identified and clarify project drivers and objectives

The CWT work has focused firstly on identifying and quantifying the water quality issues experienced by Yass to confirm the design basis going forward, and secondly providing commentary on the expected benefits and effectiveness of the proposed Stage 1 Works. These findings will feed into the Peer Review of Stages 2 and 3 of the project by determining any gaps remaining in the treatment process.

CWT review of the effectiveness of Stage 1 works is approximately 90% complete pending comments from Council and any revisions resulting from discussions with DPIE (Water). Review of current preferred option for the new WTP is approximately 30% complete and is now the focus.

The next steps in the review process are:

- Continue with options identification and assessment for review of the preferred option
- Meet with Council to discuss results of the assessment matrix and to confirm a preferred option/design
- Finalise peer review report for discussion with Council and DPIE (Water)/NSW Health

### 2.3 Consultation with DPIE (Water)

- Updates have been provided to DPIE (Water) technical team. Feedback was received on the 'Peer Review Scope' and has been provide to Peer Reviewer
- Scope statements for each of the packages to de delivered as part of Stage 1 have been sent to DPIE (Water) for their comments by 19 March 2021
- DPIE (Water) technical team provided support to the discussion with HAF

### 2.4 Funding Deed with Housing Acceleration Fund

Council staff discussed the amendment required to the current HAF Funding Deed with the DPIE HAF Fund Managers and agreed in principle to the revised milestones. Preliminary internal approval in HAF was obtained to update the project scope of Stage 1 design and business case and to amend the milestones as follows.

- Milestone 1 Stage 1 Business Case - June 2021
- Milestone 2 Peer Review Report - May 2021
- Milestone 3 Stage 2 & 3 Business Case - February 2022

Stage 1 Construction will require a new Deed with HAF.

### 2.5 Stage 2 – New Water Treatment Facilities

Stage 2 design and business case tasks are on hold pending the outcome of the Peer Review. However approximately 45% of the original Hunter H2O engagement scope has been completed.

### 2.4 Stage 3 – Rehabilitation of Existing Treatment Process Units

The Stage 3 works have not yet commenced pending the outcome of Peer Review.

## 3. Next Steps

- Complete the Peer Review and consult with DPIE (Water) and NSW Health
- Commence Stage 1 Concept Design, Detailed Design and Business Case

## STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN5 -	Ensure high quality water supply options for the towns in the region
Delivery Program Action	IN5.1 -	Council to supply quality water, cater for growth and quality enhancements that addresses the community needs
Operational Plan Activity	IN5.1.1	-Council to supply quality water, cater for growth and quality enhancements that addresses the community needs

**ATTACHMENTS:** A. Peer Review Report (Draft) on Impact of Stage 1 Works *(Under Separate Cover)* ➡

## 7.2 WATER EXTRACTION FROM COUNCIL STANDPIPE

### SUMMARY

This report summarises the water extraction patterns at the Council Standpipe and provides commentary towards managing the quantity of water extraction and pricing for consideration in the 2021/22 budget deliberations.

### RECOMMENDATION

*That consideration of the water supply charges for the standpipe in Yass Valley Way be considered as part of the 2021/22 budget process.*

### FINANCIAL IMPLICATIONS

Income estimates from standpipe sale will be used in the Water Supply budget.

### POLICY & LEGISLATION

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Water Supply Restrictions Policy
- Water Standpipe Extraction Operational Procedure

### REPORT

#### 1. Background

The provision of water from the standpipe at the Council Depot in Yass Valley Way has been raised on several occasions as a community concern. In November 2019 Council considered a report on the water supply standpipe in relation to the concerns in relation to the volume of water being drawn from the standpipe by larger users.

#### 2. Existing Tariff Structure

The following table provides information on the current tariff for water supply.

	Charge/kL
<b>Connected to reticulation<sup>1</sup></b>	
Tariff 1	\$3.50
Tariff 2 (daily average >5kL over billing period)	\$4.60
<b>Standpipe</b>	
Tariff	\$4.30

Note: <sup>1</sup> – Annual availability charge is levied to connected assessments.

The current rate for the standpipe is higher than that for those connected to the network as no availability charge is levied against the use of the standpipe and Council is charging a 10% service fee for the provision and management of the control and tracking infrastructure.

#### 3. Regional Tariff Structure

The table below provides a comparison of water standpipe tariffs for local Councils for the 2020/21 financial year as outlined in their published fee structure.



LGA	Shire Resident \$/kL	Non-shire Resident/Use \$/kL	Notes
Yass	4.30	4.30	\$75 access fee
Upper Lachlan	4.25	8.50	\$1000 fee for commercial operators
Hilltops	3.80	3.80	Limit to 3000L per time
Goulburn Mulwaree	6.00	6.00	\$115 access fee

#### 4. Water Extraction from Council Standpipe

The table below shows a large increase in the volume of water being drawn from the council standpipe beginning in FY 19/20 coinciding with the start of large scale construction activities around the Yass Valley LGA (most windfarm construction is in Upper Lachlan and Hilltops LGA)

**Yearly Water Extraction from Council Standpipe**

Period	Total extraction, ML	Total Charge	Tariff, \$/kL
2014/15	2.767	\$10,704.92	4.00
2015/16	4.924	\$19,565.56	4.00
2016/17	2.024	\$7,731.70	4.00
2017/18	3.516	\$13,247.80	4.00
2018/19	5.544	\$21,934.71	4.10
2019/20	29.539	\$123,040.90	4.20
2020/21 (eight months)	40.525	\$174,035.91	4.30

Detailed data presented in the table below shows that the majority of the water drawn from the standpipe has been used by large extractors since the beginning of the financial year. It also shows the increase in water production needed to meet the increased demands of the large users and their overall usage of the water supplied to the Yass Valley. The increase in production is within the capabilities of the current treatment plant.

**Monthly Water Extraction 2020/21**

Month	Total Extraction ML	Major Extractors	Percentage of Total stand pipe extraction	Small- scale Extractors ML	Total Water Supplied ML	Percentage of Total Standpipe Extraction to Total Water Supplied
Jul-20	1.027	0.881	85.8%	0.135	48.887	2.1%
Aug-20	0.462	0.374	81.0%	0.088	45.797	1.0%
Sep-20	3.084	2.463	79.9%	0.620	47.062	6.6%
Oct-20	5.372	4.163	77.5%	1.185	59.032	9.1%
Nov-20	6.333	4.054	64.0%	2.276	64.267	9.9%
Dec-20	6.738	5.727	85.0%	0.961	70.961	9.5%
Jan-21	11.638	11.389	97.9%	0.223	94.860	12.3%
Feb-21	5.871	5.630	95.9%	0.236	60.890	9.6%
<b>Total</b>	<b>40.525</b>	<b>34.681</b>	<b>85.58%</b>	<b>6.656</b>	<b>708.963</b>	<b>8.2%</b>

#### 5. Options for amended Tariff Structure

In November 2019 Council determined that:

- No restrictions on the uses of water outside the Yass Valley Council Local Government Area be applied when the level of the dam exceeds 100%
- Restrictions on the uses of water outside the Yass Valley Council Local Government Area be applied when total sales of water from the standpipe exceed 15,000kL in the current calendar month and when the level of the Yass Dam is below 100% but above Level 1 restrictions level

Due to community concerns raised during the last drought and the increase in usage of the standpipe by large contractors Council may wish to consider a change to the fee structure for the use of the standpipe. The following options are suggested for consideration in the upcoming budget process:

- a. Continue the current process of a single tariff for usage of water from the standpipe which is subject to CPI price rises every year
- b. Introduce a stepped tariff system in line with the high usage connected customers to increase the tariff by \$1.10 after 0.15ML per month (equivalent to 5kL per day). This would only impact three or four users per month at this time
- c. Only implement an increased tariff for a period when Level 2 and 3 Water Restrictions are in place. The standpipe is only available for domestic use during Level 4 and 5 Water Restrictions
- d. Implement a higher price structure comparative to other regional Local Government Areas for water used outside the Yass Valley

The table below provides a comparison of the potential impacts on fees and charges for the last three months.

Month	Total Standpipe Draw ML	Charges with current tariff (Option A)	Charges with stepped tariff (Option B)	Difference between Options A and B
Dec 2020	6.738	\$28,972.56	\$35,463.94	\$6,491.38
Jan 2021	11.638	\$50,042.44	\$62,075.13	\$12,032.69
Feb 2021	5.630	\$25,245.64	\$31,114.06	\$5,868.42

It is recommended that the water supply charges for the standpipe in Yass Valley Way be considered as part of the 2021/22 budget process.

## STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN5 -	Ensure high quality water supply options for the towns in the region
Delivery Program Action	IN5.1 -	Council to supply quality water, cater for growth and quality enhancements that addresses the community needs
Operational Plan Activity	IN5.1.1	-Council to supply quality water, cater for growth and quality enhancements that addresses the community needs

**ATTACHMENTS:** Nil



## 7.3 SAFETY CONCERNS BURLEY GRIFFIN WAY BINALONG - SAFETY BARRIER UPDATE

### SUMMARY

To provide an update on the progress of installing traffic barriers adjacent to the residents at the intersection of Burley Griffin Way (Stephens Street) with Fitzroy and Richmond Streets Binalong.

### RECOMMENDATION

*That:*

1. *The closure of Fitzroy Street, Binalong where it intersects with Stephens Street not be supported*
2. *The installation of a traffic safety barrier on Stephens Street, Binalong between Fitzroy and Richmond Streets not be progressed further*
3. *The residents and TfNSW be advised of this outcome*

### FINANCIAL IMPLICATIONS

Nil as a result of this report.

### POLICY & LEGISLATION

- *Roads Act 1993*

### REPORT

#### 1. Background

For a number of years residents adjacent to the intersections of Burley Griffin Way with Fitzroy and Richmond Streets, Binalong have been raising concerns about traffic safety issues. Of particular concern has been the number of single vehicle off-road accidents and the potential of vehicles run-off the road causing damage to adjacent properties and/or injuring/killing a bystander or resident.

Burley Griffin Way is a classified State Road where Council is the road authority for the road reserve however Transport for NSW (TfNSW) has full management responsibility for the trafficable road lanes and the traffic using the road. Council can not undertake any work within this road reserve without the concurrence of TfNSW.



The above concerns have been considered by the Local Traffic Management Committee on a number of occasions and TfNSW have undertaken a number of actions to improve traffic safety in this area including:

- Installation of chevron assisted markers (CAM's) to guide driver through the bend
- Improved line marking
- Requested an increase in police patrols and enforcement of the posted speed limit
- Extended the village speed limit towards Yass
- Installed curve warning signs

In August 2020 Council determined to work with TfNSW to install traffic barriers at this location.

## 2. Update on the Installation of Traffic Safety Barriers

Council has arranged for a number of options to be prepared for the installation of traffic barriers on Stephens Street between Fitzroy and Richmond Streets with the assistance of TfNSW. However based on the road geometry, topography and associated infrastructure (eg power poles) at this location there is no barrier system currently available that:

- Can both restrain a wayward vehicle and prevent potential injury to the vehicle's occupant(s)
- Will not adversely impact sight distances for vehicles entering Stephens Street from Fitzroy Street
- Will not increase the risk for wayward vehicles impacting other road infrastructure, particularly the existing power poles

During recent discussions with TfNSW Council has been advised by TfNSW that the only viable solution to the above issues was to terminate Fitzroy Street where it joins Stephens Street.

This option creates an additional benefits including:

- It will allow a guard rail to be created that will also protect 40 Fitzroy Street
- It removes an intersection where sight distance is already a problems and has recently contributed to a two vehicle accident

However this option creates a number of adverse impacts including:

- Fitzroy Street provides a direct access to the village and beyond and in reverse
- It will increase the travel route for a number of residents in this section of Fitzroy Street
- It will increase vehicle movements on other village roads

Currently no consultation has occurred on this option.

Based on the disadvantage of the option combined with safety works already undertaken by TfNSW to reduce safety risks it is recommended that Council not support the closure of Fitzroy Street, Binalong and Council not continue with the installation of traffic safety barriers at this location.

## STRATEGIC DIRECTION

Key Pillar	3.	Our Community
CSP Strategy	CO3 -	Foster and encourage positive social behaviours to maintain our safe, healthy, and connected community
Delivery Program Action	CO3.5 -	Foster road safety awareness
Operational Plan Activity	CO3.5.1	-Monitor and implement programs for road safety improvements and awareness

**ATTACHMENTS:** Nil

## 8.1 INVESTMENT AND BORROWINGS REPORT - FEBRUARY 2021

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### SUMMARY

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 28 February 2021. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

### RECOMMENDATION

*That the Investment Report as at 28 February 2021 be received and it be noted that the summary has been prepared in accordance with the Act, the Regulations and Council's Investment Policy.*

---

### FINANCIAL IMPLICATIONS

Council's investment portfolio provides funding for some projects identified in the Operational Plan.

### POLICY & LEGISLATION

- s625 *Local Government Act 1993*
- Clause 212 *Local Government (General) Regulation 2005*
- Investment Policy

### REPORT

#### Comments on Economic Climate

The RBA held the cash rate at 0.10%.

Investors became more optimistic about the global economic outlook as signs showed the pandemic was being contained. The effective rollout of the vaccines, combined with restrictions to prevent the spread of the virus resulted in sharp falls in new COVID-19 case numbers.

Australian economic data released over February 2021 was generally stronger than expected. Housing finance surged 52.3% over the year to January 2021, and retail sales rose 10.7% due to the combination of ultra-low interest rates, government wage support and incentives are winding down, investors saw the strong data as signs that the Reserve Bank of Australia (RBA) might start to reduce its support for the economy ahead of schedule.

The RBA, however, argued the recovery has a long way to go and expansionary policies will be needed through to 2024.

#### Council Investments

Valuations of Council investments are detailed in **Attachment A**.

#### Council Loans

Council has five loans with balance owing as at 30 June 2020 of \$16.782m. The table below provides loan details as at 30 June 2020. Indicative repayments for 2020/21 are shown for both principal and interest for all current loans. Balances will not change on a monthly basis as the most frequent repayment cycle is quarterly.

	Balance as at 30 June 2020	Projected Balance as at 30 June 2021	Interest rate	Comment	Principal 2020/21	Interest 2020/21
General Loan	\$ 509,570	\$ -	5.91% fixed	To be fully repaid in 2020/21	\$ 509,570	\$ 9,999
Sewer - CBA Loan for Sewer Infrastructure	\$ 3,954,301.22	\$ 3,778,024.33	4.82% fixed	Payable over 20 years, fully repaid in 2035/36	\$ 176,277	\$ 187,461
Water – NAB Dam wall	\$ 8,901,866.12	\$ 8,608,200.49	6.96% fixed	Total loan over 30 years. Fixed rate period of 10 years to 2022, to be renegotiated at that time.	\$ 293,666	\$ 635,962
Water - Yass to Murrumbateman water supply (Tcorp)	\$ 2,209,286.29	\$ 1,988,019.06	2.55% fixed	Payable over 10 years.	\$ 221,267	\$ 54,232
Water main and pump station upgrades (Tcorp)	\$ 1,207,135.81	\$ 1,086,237.23	2.55% fixed	Payable over 10 years.	\$ 120,899	\$ 29,632
<b>TOTAL LOANS</b>	<b>\$16,782,159.56</b>	<b>\$15,460,481.11</b>			<b>\$ 1,321,678</b>	<b>\$ 917,286</b>

## STRATEGIC DIRECTION

Key Pillar 5. Our Civic Leadership

CSP Strategy CL1 - Effect resourceful and respectful leadership and attentive representation of the community

Delivery Program Action CL1.6 - Maximise Council's ability to generate income

Operational Plan Activity CL1.6.3 - Review commercial activities to ensure Council is maximising returns

**ATTACHMENTS:** A. February 2021 Investment Report [↓](#)

## 8.1 Investment and Borrowings Report - February 2021

### Attachment A February 2021 Investment Report

#### a) Council Investments as at 28 February, 2021

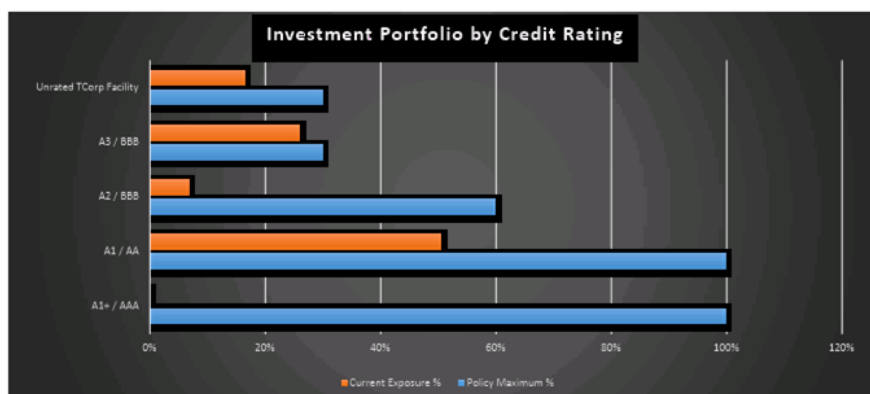
Investment Type	Market Value \$	Credit rating	Date Lodged	Maturity date	Term (Days)	Rate
<b>Cash Working Accounts</b>						
NAB Working Account <sup>1</sup>	3,477,861.95	A1/AA	n/a	n/a	at call	0.25%
Tcorp Strategic Cash Facility <sup>2</sup>	5,862,304.95	unrated	n/a	n/a	at call	0.46%
	<b>9,340,166.90</b>					
<b>Term Deposits &lt; 12 Months</b>						
IMB 29876	1,700,000.00	A3	30/11/20	30/04/21	151	0.40%
NAB Term Deposit	2,700,000.00	A1/AA	28/01/21	27/06/21	150	0.35%
NAB Term Deposit	2,000,000.00	A1/AA	01/12/20	01/03/21	90	0.45%
NAB	1,000,000.00	A1/AA	16/11/20	16/03/21	120	0.45%
BOQ	1,000,000.00	A2/BBB	28/01/21	29/07/21	182	0.32%
BOQ	1,400,000.00	A2/BBB	03/12/20	30/09/21	301	0.50%
AMP	2,000,000.00	BBB+	04/09/20	05/03/21	182	0.80%
AMP	2,000,000.00	BBB+	01/12/20	01/12/21	365	0.75%
ME	1,000,000.00	BBB+	01/12/20	02/07/21	213	0.45%
Bendigo Bank	1,500,000.00	BBB+	10/12/20	06/09/21	270	0.40%
Macquarie	1,000,000.00	BBB+	08/12/20	03/11/21	330	0.50%
CBA	2,100,000.00	A1/AA	30/10/20	28/04/21	180	0.53%
CBA	1,100,000.00	A1/AA	05/01/21	07/04/21	92	0.25%
CBA	2,000,000.00	A1/AA	30/09/20	01/03/21	152	0.63%
CBA	1,500,000.00	A1/AA	25/11/20	24/05/21	180	0.49%
CBA	2,000,000.00	A1/AA	14/10/20	12/04/21	180	0.59%
	<b>26,000,000.00</b>					
<b>Total Short Term</b>	<b>35,340,166.90</b>					
<b>Investment Property</b>						
Hawthorn - Current Fair Value	4,350,000.00	Revalued March 2020				

1. The NAB account balance shown above includes deposits at month end not processed to Council's financial system and excludes cheques that have not been presented.

2. Tcorp Strategic Cash Facility is an allowable investment under the Ministerial Order.

#### b) Investment Exposure by Credit Rating Type

S&P Rating (or equivalent)	Policy Maximum %	Current Exposure %	Current Investment \$
A1+ / AAA	300%	0.00%	-
A1 / AA	300%	50.59%	17,877,861.95
A2 / BBB	60%	6.79%	2,400,000.00
A3 / BBB	30%	26.03%	9,200,000.00
Unrated TCorp Facility	30%	16.59%	5,862,304.95



#### c) Exposure to a Single Institution

Institution	S&P Rating	Policy Maximum %	Current Exposure %	Current Investment \$
NAB	A1/AA	100%	25.97%	9,177,861.95
AMP	BBB	60%	11.32%	4,000,000.00
IMB	A3	30%	4.81%	1,700,000.00
CBA	A1/AA	100%	24.62%	8,700,000.00
BOQ	A2/BBB	60%	6.79%	2,400,000.00
Macquarie	BBB	60%	2.83%	1,000,000.00
ME	BBB	60%	2.83%	1,000,000.00
Bendigo	BBB	60%	4.24%	1,500,000.00
TCorp	unrated	30%	16.59%	5,862,304.95

## 8.1 Investment and Borrowings Report - February 2021

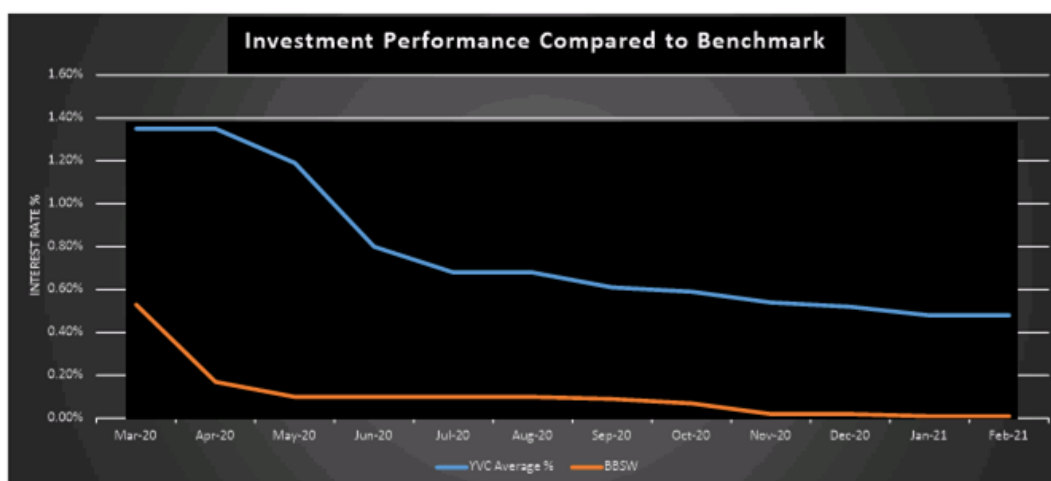
### Attachment A February 2021 Investment Report

#### d) Investment Portfolio Performance

UBS 90 day bank bill index

##### Investment Performance vs Benchmark

	Investment Portfolio return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month average	0.48%	0.01%
3 month average	0.49%	0.01%
6 month average	0.54%	0.04%
12 month average	0.77%	0.11%



#### e) Application of Invested Funds

Restricted Funds	Description	Value
Externally Restricted	Unexpended Grants	315,265
	Water Supplies	3,524,577
	Sewerage Services	2,204,218
	Waste management	1,179,902
	Stormwater Management	178,449
	Water	2,994,557
	Sewer	1,274,124
	Heavy Haulage	1,261,700
	S7.11 Yass Valley Council Area	4,601,483
Internally Restricted	Plant & Vehicle Replacement	833,000
	Employee Leave Entitlements	820,336
	Binalong Pool	21,475
	Conar Street Rehabilitation	20,925
	Infrastructure	1,584,420
	Local Government Elections	134,304
	Murrumbidgee S355	123,179
	Quarry Rehabilitation	105,419
	Roads	560,506
	Victoria Park	488,267
	Advancement of Young People	-
	Electricity Reserve	30,000
	General Revenue Carry Forward	-
Unrestricted funds		13,084,060.90
<b>TOTAL INVESTMENTS</b>		<b>35,340,166.90</b>

The above application of invested funds reflects draft unaudited budgeted balances as at 31 December 2020.

The values are subject to change.

The unrestricted funds balance forms available-cash to fund Council's ongoing budget operations.



## 8.2 NON-RATE INCOME

### SUMMARY

To present a report on various revenue sources.

### RECOMMENDATION

*That the report on non-rate/grant income, revenues from lease of road reserves, income from caravan park, business leases and tip fees be noted*

### FINANCIAL IMPLICATIONS

Nil

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

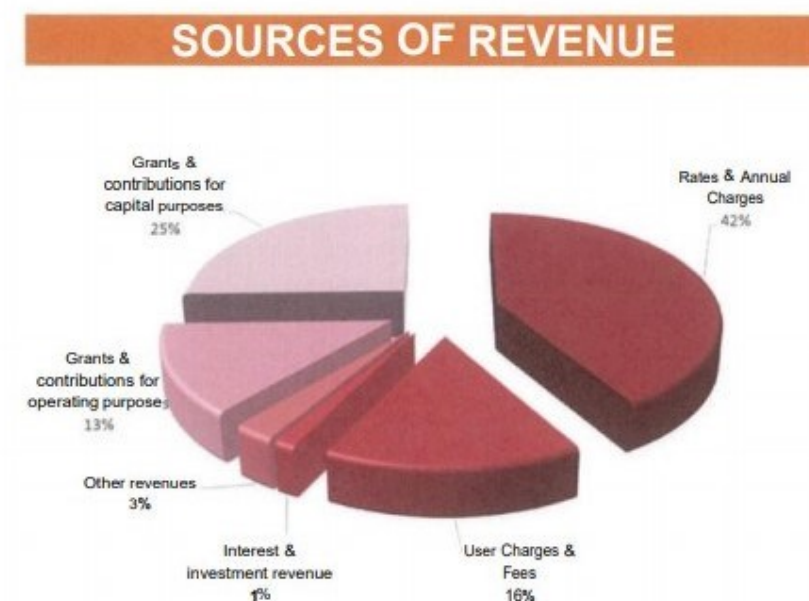
A report has been requested on non-rate/grant income, lease of road reserves, income from caravan park, leases from businesses and tip fees.

#### Non-Rate/Grant Income

The following table indicates the total grants income receive from 2015/16 to 2019/20:

Financial Year	Grant Income
2015/16	\$8,676,000
2016/17	\$7,923,000
2017/18	\$8,759,000
2018/19	\$10,604,000
2019/20	\$13,714,000

A breakdown of all revenue sources is included in the following graph:



## Leases

There are a total of 42 leases the majority of which are for unformed road reserves. Details of the leases are circulated confidentially to Councillors.

Under Councils adopted Fees and Charges unformed road reserves can be leased to an adjoining landowner. The current fees for leasing unformed road reserves is:

- Less than 0.5ha \$200
- Greater than 0.5ha \$200 plus \$60/ha (pro rata)

Leases for unformed road reserves generates approximately \$6,000 inc GST per year. Leasing out these unformed road reserves assist with reducing Council's maintenance liabilities for mowing, weed management and fencing.

Other leases (e.g. caravan park, Council land, Council buildings) generates \$196,500 inc GST per year. These leases are generally based on market value however in some instances this has been discounted if the occupier is providing a community service.

## Transfer Station Fees

The revenue generated from Transfer Station Fees was \$465,590 in 2019/20. These fees are based on full cost recovery of direct and indirect costs of providing the service.

## STRATEGIC DIRECTION

Key Pillar	5.	Our Civic Leadership
CSP Strategy	CL1 -	Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.6 -	Maximise Council's ability to generate income
Operational Plan Activity	CL1.6.3 -	Review commercial activities to ensure Council is maximising returns

**ATTACHMENTS:** A. Council Leases - **Confidential**



## 9.1 YASS SOLDIERS MEMORIAL HALL - REIMBURSEMENT OF COSTS

### SUMMARY

A claim has been received from a user of the Yass Soldiers Memorial Hall seeking payment from Council to cover maintenance costs incurred with the use of the Hall.

### RECOMMENDATION

*This item be classified CONFIDENTIAL in accordance with Section 10A(2)g of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to advice concerning litigation, or advise that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege*

### FINANCIAL IMPLICATIONS

Resources for maintaining Yass Soldiers Memorial Hall have not been included in the 2020/21 Operational Plan

### POLICY & LEGISLATION

- Tablelands Community Strategic Plan
- Delivery Program and Operation Plan

### REPORT

A claim has been received seeking reimbursement of maintenance costs associated with use of the Yass Soldiers Memorial Hall.

A report on the claim is included in the Closed Session of this meeting for consideration.

### STRATEGIC DIRECTION

Key Pillar	4.	Our Infrastructure
CSP Strategy	IN4 -	Maintain and update existing community facilities, and support the development of new community infrastructure as needed
Delivery Program Action	IN4.1 -	Develop and maintain new and existing recreational and community assets to address our communities needs in a sustainable manner
Operational Plan Activity	IN4.1.4 -	Manage Council's properties and buildings

**ATTACHMENTS:** Nil

## 9.2 TENDER EVALUATION REPORT - MURRUMBATAMAN WINERY TRAIL YVC.IA.18.2020

### SUMMARY

This report provides advice on the tender submissions for the construction of the Murrumbateman Winery Trail.

### RECOMMENDATION

*This item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

### FINANCIAL IMPLICATIONS

Council, through a successful application for the Building Better Regions Grants Programme, secured \$1,000,000 to construct a shared pathway. The remaining \$1,229,000 has been allocated from the Development Contributions Reserve. No further funds are anticipated to be required from Council to complete this project in line with the proposed project outcomes.

### POLICY & LEGISLATION

- *Local Government Act 1993*

### REPORT

#### 1. Background

The Murrumbateman Wine District lies in the heart of the Canberra Wine Region about half way between Yass and Canberra and is centred on the village of Murrumbateman. Council has allocated \$2,229,000 toward the Murrumbateman Winery Trail project to provide a network of shared cycle ways that will allow tourists to ride or walk on a loop around Murrumbateman providing access to numerous wineries along the way. The project is joint funded by Council and the Australian Government under the Building Better Regions Program and is due for delivery by December 2021.

The works include the construction of approximately 10.5km of concrete/asphalt shared pathway/off road shoulders which is set to link into existing pathways on route via numerous local wineries.

#### 2. Tender Period

Tenders were called for on 3 February 2021 and closed on 2 March 2021. A mandatory site inspection was also held with 14 contractors in attendance.

#### 3. Tender Submissions

Tenders were opened on 2 March 2021. Six tenders were received from the following organisations:

Organisation	Address
Canberra Contractors	Unit 4 92-98 Vicars Street, Mitchell ACT 2911
Civil and Civic Corporation Pty Ltd	169/50 Eyre Street, Kingston ACT 2604
Complete Civil Pty Ltd	26 Dog Trap Road, Yass NSW 2582
Cord Civil Pty Ltd	17-19 Copper Cres, Beard ACT 2620
Group One Pty Ltd	45-51 Grimwade Street Mitchell, ACT 2911
Symal Infrastructure Pty Ltd	Level 2, 77 Hunter Street, Newcastle NSW 2300

A report on the tender evaluation is included in the Closed Session of this meeting for consideration.

## STRATEGIC DIRECTION

Key Pillar 4. Our Infrastructure

CSP Strategy IN3 - Maintain and improve road infrastructure and connectivity

Delivery Program Action IN3.1 - Deliver transport asset infrastructure, maintenance, renewal and enhancement programs for urban, rural and regional roads to maintain or improve overall condition

Operational Plan Activity IN3.1.1 - Develop and deliver annual programs for urban, rural and regional road renewal and construction, including bridges and stormwater

ATTACHMENTS: Nil

## 12.1 MINUTES OF THE ECONOMIC DEVELOPMENT COMMITTEE HELD ON 3 DECEMBER 2020

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### REPORT

The minutes of the Economic Development Committee meeting held on 3 December 2020 are included in **Attachment A**.

From these minutes there are no items which cover matters that:

- Requires expenditure not provided for in the current Operational Plan
- Involves a variation to a Council policy
- Is contrary to a previous decision or position of Council
- Relates to a matter which requires Council to form a view or adopt a position
- Deals with a matter of specific interest

Accordingly the minutes are presented for information.

### RECOMMENDATION

*That the minutes of the Economic Development Committee meeting held on 3 December 2020 be noted.*

**ATTACHMENTS:** A. Economic Development Committee Minutes 3 December 2020 [↓](#)



## **Minutes of the Economic Development Committee**

**Thursday 3 December 2020**

5.00pm

Council Chambers

209 Comur Street, Yass

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**Minutes of the Economic Development Committee held on 3 December 2020**

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**Minutes of the Economic Development Committee held on 3 December 2020**

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**Present**

Cr Harker, Cr Frost, Cr Reid [Zoom], Kim Williams, Evelyn Everson, Sean Haylan, Roger Buckman, Jim Hutton (YVBC), Sheri Norton, Graeme Shaw, Carisa Wells (RDASI) [Zoom], Carolina Merriman [Zoom], Nyree Ashton [YVBC – Zoom]

**Also Present**

Cristy O'Sullivan

**1. Apologies**

Apologies were received from Andrew Curlewis and Mark Eady.

**2. Declaration of Conflict of Interest**

Nil

**3. Confirmation of Minutes**

**COMMITTEE DECISION**

*That the minutes of the Economic Development Committee held on 12 November 2019 be taken as read and confirmed.*

*(Haylan/Buckman)*

**4. Staff Reports**

**4.1 ECONOMIC DEVELOPMENT AND TOURISM OPERATIONS REPORT**

---

**SUMMARY**

To provide the Committee with an update on the operational activities undertaken by the Tourism and Business Liaison Unit.

**COMMITTEE DECISION**

*That the Economic Development and Tourism Operational Report be noted.*

**ACTIONS:**

*That:*

- 1. Links to Economic ID online platform to be forwarded to all Committee members.*
- 2. The opportunity to present/collate an ongoing calendar for Yass Valley to be noted as part of the Event Strategy Development and including Event Mapping (Exit and Evolution of Events).*
- 3. The opportunity for sharing of the Business Audit, which is sitting as a live document with YVBC, and the opportunity for formulation of a Business Directory be reviewed.*

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**Minutes of the Economic Development Committee held on 3 December 2020**

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**4.2 YOUR HIGH STREET: NSW GOVERNMENT GRANT OPPORTUNITY**

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**SUMMARY**

To provide the Committee with an overview of “Your High Street” NSW Government Grant available and seek inputs where YVC may apply for funding to activate elements of current YVC Main Street Strategy.

**COMMITTEE DECISION**

*That the opportunity presented by “Your High Street” Grant is one worth pursuing, concentrating on basics (3Ps – Power/Poles/Pavements) in the absence of an updated Main Street Strategy.*

**ACTIONS:**

*That:*

1. *A grant submission be completed with a focus on basic infrastructure.*
2. *The development of a Main Street Master Plan, including reference to the previous work undertaken by the Business Chamber, form part of a review and formulation of a new Yass Main Street Strategy.*

**4.4 TABLELANDS DESTINATION DEVELOPMENT PROJECT UPDATE**

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**SUMMARY**

To provide the Committee with an update for Tablelands Destination Development Project (TDDP) including Tablelands Destination Development Plan and Yass Valley Destination Action Plan (YVAP).

**COMMITTEE DECISION**

*That the Tablelands Destination Development Plan update report be noted.*

**ACTIONS:**

*That:*

1. *A copy of the Tablelands Destination Development Program and the Yass Valley Destination Action Plan be printed and forwarded to all Committee Members.*
2. *The Yass Valley Destination Action Plan be presented as part of the overall Economic Development Strategic when presented to the Committee.*
3. *Opportunities at future meetings for a full presentation from Destination Southern NSW and Yass Valley Council be reviewed.*



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**Minutes of the Economic Development Committee held on 3 December 2020**

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**5. General Business**

**5.1 VISITOR INFORMATION CENTRE VS INFORMATION CENTRE**

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Noted the use of terms for Visitor Information Centre vs Information Centre (not limited to Visitors) as previously decided by the Committee.

**ACTION:**

*Ensure this is consistent in all communication, internal and external, moving forward.*

**5.2 COMMITTEE CHARTER**

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**ACTION:**

*Copy of Charter/Terms of Reference be provided to all new Committee Members.*

**5.3 MATTERS TO BE CARRIED FORWARD FROM PREVIOUS MEETINGS**

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**1. Overview of DA Process**

- 1.1 Overview to be outlined and submitted at future meeting.
- 1.2 Note as process currently going through transition to online a new overview to be outlined once process has gone through introductory and transition stage.

**2. Report on quantifying the value of hosting events: to be included in the Event Strategy Overview**

**6. Next Meeting**

To be confirmed.

The meeting closed at 7.20pm.

## 12.2 MINUTES OF THE COUNTRY MAYORS ASSOCIATION HELD ON 5 MARCH 2021

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### REPORT

The minutes of the Country Mayors Association Annual General Meeting and General Meeting held on 5 March 2021 are included in **Attachments A**.

From these minutes there are no items which covers matters that:

- Requires expenditure not provided for in the current Operational Plan
- Involves a variation to a Council policy
- Is contrary to a previous decision or position of Council
- Relates to a matter which requires Council to form a view or adopt a position
- Deals with a matter of specific interest

### RECOMMENDATION

*That the Minutes of the Country Mayors Association Annual General Meeting and General Meeting held on 5 March 2021 be noted.*

**ATTACHMENTS:** A. Country Mayors Association Minutes 5 March 2021 [↓](#)



# Country Mayors Association of NEW SOUTH WALES

**Chairperson:** Cr Ken Keith OAM  
PO Box 337 Parkes NSW 2870  
02 6861 2333  
ABN 92 803 490 533

## MINUTES

### GENERAL MEETING

FRIDAY, 5 MARCH 2021 CLUB YORK, SYDNEY

The meeting opened at 9.04 a.m.

#### 1. ATTENDANCE:

Albury City Council, Cr Kevin Mack, Mayor  
Armidale Regional Council, Mr James Roncon, General Manager  
Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor  
Bellingen Shire Council, Cr Dominic King, Mayor  
Bland Shire Council, Cr Brian Monaghan, Mayor  
Bland Shire Council, Mr Ray Smith, General Manager  
Blayney Shire Council, Cr Scott Ferguson, Mayor  
Broken Hill City Council, Cr Darriea Turley, Mayor  
Broken Hill City Council, Mr Jay Nankivell, Acting General Manager  
Cabonne Shire Council, Cr Kevin Beatty, Mayor  
Cabonne Shire Council, Mr Brad Burns, General Manager  
Coolamon Shire Council, Cr Bruce Hutcheon, Deputy Mayor  
Coolamon Shire Council, Mr Tony Donoghue, General Manager  
Cootamundra-Gundagai Regional Council, Cr Abb McAlister  
Cootamundra-Gundagai Regional Council, Mr Phil McMurray, General Manager  
Dubbo Regional Council, Cr Ben Shields, Mayor  
Dubbo Regional Council, Mr Michael McMahon, CEO  
Dungog Shire Council, Cr John Connors, Mayor  
Dungog Shire Council, Mr Gareth Curtis, General Manager  
Forbes Shire Council, Cr Jenny Webb, Deputy Mayor  
Forbes Shire Council, Mr Steve Loane, General Manager  
Glen Innes Shire Council, Cr Carol Sparkes, Mayor  
Goulburn Mulwaree Council, Cr Bob Kirk, Mayor  
Goulburn Mulwaree Council, Mr Warrick Bennett, General Manager  
Gunnedah Shire Council, Cr Jamie Chaffey, Mayor  
Gunnedah Shire Council, Mr Eric Growth, General Manager  
Gwydir Shire Council, Cr John Coulton, Mayor  
Gwydir Shire Council, Mr Max Eastcott, General Manager  
Hilltops Council, Cr Brian Ingram, Mayor  
Kempsey Shire Council, Cr Liz Campbell, Mayor  
Kempsey Shire Council, Mr Craig Milburn, General Manager  
Kiama Municipal Council, Cr Mark Honey, Mayor

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Kiama Municipal Council, Ms Jessica Rippon, Acting General Manager  
Kyogle Council, Cr Danielle Mulholland, Mayor  
Lachlan Shire Council, Cr John Metcalf, Mayor  
Lachlan Shire Council, Mr Greg Tory, General Manager  
Leeton Shire Council, Cr Paul Maytom, Mayor  
Leeton Shire Council, Ms Jackie Kruger, General Manager  
Lithgow City Council, Cr Ray Thompson, Mayor  
Lithgow City Council, Mr Craig Butler, General Manager  
Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor  
Liverpool Plains Shire Council, Ms Joanna Sangster, General Manager  
Mid-Western/Mudgee Regional Council, Cr Des Kennedy, Mayor  
Moree Plains Shire Council, Cr Katrina Humphries, Mayor  
Moree Plains Shire Council, Mr Lester Rodgers, General Manager  
Narrabri Shire Council, Cr Ron Campbell, Mayor  
Narrabri Shire Council, Mr Stewart Todd, General Manager  
Narromine Shire Council, Cr Craig Davies, Mayor  
Narromine Shire Council, Ms Jane Redden, General Manager  
Oberon Council, Cr Kathy Sajowitz, Mayor  
Oberon Council, Mr Gary Wallace, General Manager  
Orange City Council, Cr Reg Kidd, Mayor  
Parkes Shire Council, Cr Ken Keith, Mayor  
Port Stephens Council, Cr Ryan Palmer, Mayor  
Port Stephens Council, Mr Wayne Wallace, General Manager  
Queanbeyan-Palerang Regional Council, Mr Tim Overall, Mayor  
Singleton Council, Cr Sue Moore, Mayor  
Snowy Valleys Council, Cr James Hayes, Mayor  
Temora Shire Council, Cr Rick Firman, Mayor  
Temora Shire Council, Mr Gary Lavelle, General Manager  
Tenterfield Shire Council, Cr Peter Petty, Mayor  
Upper Lachlan Shire Council, Cr John Stafford, Mayor  
Uralla Shire Council, Cr Michael Pearce, Mayor  
Uralla Shire Council, Ms Kate Jessep, General Manager  
Walcha Council, Cr Eric Noakes, Mayor  
Walcha Council, Mr Chris Weber, Acting General Manager  
Warren Shire Council, Cr Milton Quigley, Mayor  
Warren Shire Council, Mr Stephen Glenn, General Manager  
Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor  
Yass Valley Council, Cr Rowena Abbey, Mayor  
LGNSW, Cr Linda Scott, President  
LGNSW, Mr Scott Phillips, CEO

**APOLOGIES:**

As submitted

**SPECIAL GUESTS:**

Hon Brad Hazzard MP, Minister for Health and Medical Research  
Mr David Salisbury, Executive Manager Engineering and Mr Geoff Burgess, Head  
of Strategic Council Partnerships, Essential Energy

**2. Welcome**

Chairman Cr Ken Keith welcomed Cr John Medcalf OAM, Mayor and Mr Greg Troy, General Manager, Lachlan Shire Council and Mr Don Murray from the former Premiers team to the meeting

**3. ADOPTION OF MINUTES OF PREVIOUS MEETING:**

RESOLVED that the minutes of the General Meeting held on 6 November 2020 be accepted as a true and accurate record (Tenterfield Shire Council / Kyogle Council).

**4. Matters Arising from the Minutes**

The Road Classification Review final report is due in July 2021 and Country Mayors needs to follow up at that time

**5. Membership**

RESOLVED that Lachlan Shire Council be admitted as a member of the Association (Forbes Shire Council / Broken Hill City Council)

**6. CORRESPONDENCE**

Outward

(a) Insurance Council of Australia, requesting its members to extend the 12 month period of rental assistance to those residents who have lost their primary dwelling

(b) The Hon David Littleproud MP, Minister for Agriculture, Drought and Emergency Management, asking that the Commonwealth extend rental relief to bushfire affected individuals and families who lost their primary dwelling

(c) The Hon Dr Annabelle Bennett AC SC, Commissioner of the Royal Commission National Natural Disaster Arrangements, regarding the development of emergency management structures, for the future management of natural disasters

(d) The Secretariat of the Electoral Districts Redistribution Panel, requesting that they distinguish between the needs of metropolitan and country electorates when making decisions regarding electoral boundaries

(e) Cr Robert Mustow, Mayor, Richmond Valley Council, advising that Richmond Valley has been admitted as a member of the Association

(f) The Hon Scott Morrison MP, Prime Minister of Australia, requesting that Local Government be represented on the National Cabinet with membership from ALGA

(g) Mr Peter Duncan AM, Independent Panel for the Road Classification Review and Transfer, thanking for his presentation to the 6 November meeting

(h) The Hon Melinda Pavey MP, Minister for Water, Property and Housing, requesting that in respect to essential water security infrastructure such as dams that consideration be given by the State Government to providing respite from NSW Government costs

(i) The Hon Shelley Hancock MP, requesting that when considering the recommendations of the IPART Review that recommendation 34 regarding mining rates not be adopted

(j) The Hon Mick Veitch MLC, Shadow Minister for Industry and Trade, Rural Roads, Rural Affairs and Western Sydney, thanking him for his presentation to the 6 November meeting

(k) Ms Mary O'Kane, NSW Independent Bushfire Inquiry, thanking her for her presentation to the 6 November meeting

(l) The Hon Keith Pitt MP, Minister for Resources, Water and Northern Australia, requesting improved engagement and involvement for projects to be funded under the National Water Infrastructure

NOTED

**7. FINANCIAL REPORT**

RESOLVED That the financial reports for the last quarter were tabled and accepted (Kyogle Council / Coolamon Shire Council)

**8. LGNSW Update Cr Linda Scott, President**

The update outlined Advocacy Wins December 2020 to February 2021, Work Undertaken and Opportunities for Collaboration (Copy Attached)

**9. Issues of Importance to Country Mayors**

The Chairman outlined the process of each items responsibility for implementation he had undertaken with LGNSW which was reviewed by the Executive Committee on Thursday 4 March 2021. A number of implementation alterations had been made which will be conveyed to LGNSW. It is recommended that the areas to receive immediate attention by Country Mayors be Water Security, Access to Health Services and Financial Assistance Grants and Country Mayors will endeavor to invite guest speakers relating to those areas to future meetings.

RESOLVED That the Executive Committee continue with the agreed process (Orange City Council / Moree Plains Shire Council)

**10. Financial Assistance Grants**

RESOLVED That the Country Mayors;

1. Call on the Federal Minister for Regional Health, Regional Communications and Local Government the Hon Mark Coulton MP, to repeal Part 1 Sec 6 2b of the Local Government Financial Assistance Act 1995 to avoid the mandatory minimum per capita grant amount, as per the resolution passed at the Australian Local Government Associations National General Assembly in 2019.

2. Call on LGNSW and ALGA to review their policy positions on the Federal Governments Financial Assistance Grants to reflect the resolution passed at the ALGA 2019 National General Assembly and remove the pre-requisite of additional FAGs funding for any changes in the formula at present.

3. Call on the NSW Local Government Grants Commission to do everything within its power to ensure that no Council receives less than their 2020 FAGs allocation in the future, and that there be transitional arrangements put in place to ensure that the FAGs are distributed in accordance with the principles of horizontal fiscal equalisation as outlined in the Local Government Financial Assistance Act, should the Australian Government make the proposed changes to remove the minimum per capita grant amount. (Kyogle Council / Moree Plains Shire Council)

**11. Solar Farms**

Solar Farms and their affect on agricultural land was discussed

**12. Town Planning Zones**

The State Government proposes to reduce Town Planning zones to three and the criteria will not be released until June

**13. Forced Amalgamations**

The fact that a number of councils want to de-amalgamate was noted but councils need to wait for a review to be able to put their case

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**14. Relocating COVID Isolation to Rural Areas**

RESOLVED That Country Mayors oppose the establishment of COVID quarantine accommodation in rural areas (Dubbo Regional Council / Moree Plains Shire Council)

**14. Future Meetings of Country Mayors Association**

RESOLVED That CMA General Meetings commence at 8.30am and conclude at 1.00pm, that guest speakers at General Meetings be limited to two, that additional time be allocated for General Business items, that the President of LGNSW be allocated time at each meeting for updates, and that General Business items be submitted by members in advance with the Chairman having the discretion to accept motions from the floor in an emergency (Tenterfield Shire Council / Kyogle Council)

**15. Hon Brad Hazzard MP, Minister for Health and Medical Research**

The last twelve months have been grueling with severe restrictions. The State is trying to strike a balance between Regions and the City during a 100 year event. Shutdowns or limitation of movement in areas were required and overall the NSW community has respected the concerns and interests. Dealing with the other States in border areas has been stressful to some. The number of General Practitioners has dropped by 15% in regional areas in Australia as doctors do not want to work 24/7 as they want a balance in life and they need to be able to talk medically with others. The State has introduced generalist programs for generalist rural doctors and the additional money allocated to regional hospitals has attracted specialists. An additional \$121million has been allocated for ambulance stations and \$100 million for better ambulance facilities. Another 8,300 staff across the system are being employed. More is being done through virtual health which saves appointments for minor matters.

**16. Increases in RFS Contributions and Emergency Services Levy**

RESOLVED that Country Mayors call on the State Government to work with Country Mayors and LGNSW to develop and implement an Emergency Services Levy (Blayney Shire Council / Cabonne Shire Council)

**16. Mr David Salisbury, Executive Manager Engineering and Mr Geoff Burgess, Head of Strategic Council Partnerships, Essential Energy**

Essential Energy covers 86 Local Government areas and is regulated by the Australian Regulator which sets distribution charges. A major challenge is a contestable service. If Essential Energy is unable to provide a service another provider is appointed and that provider has to be supplied with design services etc. Essential Energy is working strategically with Councils regarding energy needs and subdivisions. Renewal Energy Zones have been established to plan for when coal mines close and other energy sources need to be found. During the bushfires Essential Energy lost 3,200 poles and they are trying to transition from timber poles to composite poles but unfortunately at the present time there are few providers

There being no further business the meeting closed at 12.55pm.





## Country Mayors Meeting 5 March 2021

### Local Government NSW update

This report seeks to brief the Country Mayors on the work of LGNSW since the last meeting and indicate opportunities for further collaboration where they might exist.

#### Lilliane Brady

It was with great sorrow that local government recently marked the passing of Cobar Mayor Lilliane Brady OAM – NSW's longest-serving female mayor, and a councillor with an unwavering commitment to the community she loved. Her advocacy on behalf of her community was legendary and continued right until her death, as she sought a new hospital, better infrastructure, and a fairer return of mining royalties. We welcomed the State Government agreeing to a State Funeral, and I was grateful to join many councillors, dignitaries, and community members from across NSW in Cobar on 19 February to mourn her passing and celebrate her magnificent life.

#### ADVOCACY WINS (December 2020 – February 2021)

- **Training for women in local government** – LGNSW welcomes the \$50,000 in NSW Government funding to the Australian Local Government Women's Association (ALGWA) to provide training that will equip more women to run for council, in line with our calls for government at all levels to better reflect the communities they represent. ALGWA's membership includes many experienced NSW councillors, including LGNSW board members, and this funding will support workshops in regional and metropolitan areas.
- **Dine & Discover NSW Voucher Scheme** - following LGNSW advocacy, the NSW Government has confirmed that council-run venues will be eligible to participate in the Dine and Discover NSW voucher scheme, which will provide each NSW resident aged 18 and over with four \$25 vouchers. Two of the four vouchers can be used for entertainment and recreation at cultural institutions, live music, and arts venues. With councils running so many of NSW's theatres, galleries and arts and cultural venues, this is terrific news for councils and their communities and will support artists, performers, and creatives across the state.
- **24-Hour Economy Commissioner** - this is a great outcome after a great deal of hard advocacy work by LGNSW and the NTECC, established in late 2016 by LGNSW and a range of Sydney councils. With everyone in our sector focused on rebuilding local economies in the wake of 2020's drought, bushfires and pandemic, it's especially terrific to get a win in this area – and LGNSW is committed to continuing our advocacy to extend the benefits to regional NSW as part of our push to support a locally led recovery.
- **Remanufacture NSW** – the NSW Government has committed \$35 million in funding to match Commonwealth and industry to support waste and recycling improvements, especially outcomes that see waste turned into re-usable product. This is in line with our Save Our Recycling Campaign.
- **Waste management funding** – the NSW EPA also announced a \$4 million investment to keep household and general waste out of landfill and reduce greenhouse gas emissions. The money will go to commercial waste operators for R & D into alternative waste treatments. The Federal Government also announced a further \$4 million *Stop Food Waste Australia*, an initiative that will bring together the brightest minds in supply chain management, food waste NGOs and all tiers of government to tackle the problem.
- **Crown Land** – the NSW Government will provide a record \$51.7 million from its Crown Reserves Improvement Fund (CRIF) to maintain and upgrade Crown reserves and support about 345 projects across NSW and this year's stimulus boost will more than double the number of projects to 705.
- **Building Better Regions Round 5** - applications are now open for local communities across regional Australia for the fifth round (\$200 million) of the successful Building Better Regions Fund (BBRF).
- **Term of County Council Chairs** - the term of County Council Chairs will be changed to be on par with mayors, in line with our 2018 Conference resolution from Riverina Water County Council. Subsequently, the LG Minister wrote to County Councils on 13 January 2021 advising the NSW Government would address this matter in an amendment to the Act.
- **Campaign to encourage more Aboriginal and Torres Strait Islander people to run for council** - a plan to launch a campaign to encourage more Aboriginal and Torres Strait Islander people to run for council at next





year's council elections, in addition to the campaign to attract more women, following representations from LGNSW, Reconciliation NSW and the Local Government Aboriginal Network.

#### **LGNSW WORK UNDERTAKEN**

##### ***Rates reform***

LGNSW has been meeting with the NSW Government, opposition and cross bench on the Local Government Amendment (Rates) Bill 2021. There are a range of amendments that we'd like to see as part of the Bill to ensure it provides greater rating flexibility for councils, helps councils deliver more equitable and efficient rating outcomes to their communities, facilitates rate harmonisation for the 17 amalgamated councils and relieves councils from the cost pressures of the Emergency Services Levy by decoupling the ESL from the rate peg. LGNSW also continues to oppose any changes to mining rates arrangements.

##### ***Remote meetings extension***

In March last year the NSW Parliament passed the COVID-19 Legislation Amendment Bill 2020 which temporarily allow councils to meet remotely. This temporary amendment is due to expire on 25 March 2021 and the NSW Government is currently undertaking a review to assess if it should be extended or maintained permanently.

At the 2020 LGNSW annual conference in November, councils resolved to call on the NSW Government to amend the Model Code of Meeting practice for councils in NSW to permit attendance and participation of councillors at council and committee meetings by audio-visual link. LGNSW has written and discussed with the Minister, urging the Government to make these remote meeting provisions permanent.

##### ***Road Maintenance Council Contracts and Regional Roads Transfer and Road Classification Review***

I recently met with Minister Toole to reiterate the importance of RMCCs to councils across NSW and seek assurances that RMCCs will continue to be retained by councils and that all other general road maintenance works also be offered to councils in the first instance. We know that over many years, councils have demonstrated the ability to deliver these types of road works efficiently and effectively. We also discussed the road classification review and the need to ensure that councils will be better off financially at the conclusion of the review and transfer process.

##### ***Dividing Fences Amendment Bill***

I recently met with Robert Borsak and Michael Banasiak from the Shooters, Fishers and Farmers Party to reaffirm our opposition to their proposed Dividing Fences Amendment Bill. If this Bill were to pass Parliament, councils would become liable to pay for dividing fencing work along road corridors, reserves and parks and this would result in a significant unfunded financial exposure for councils.

##### ***Rural, regional and remote health inquiry***

LGNSW has made a [draft submission](#) to the Parliamentary inquiry into health outcomes and access to health and hospital services in rural, regional and remote New South Wales.

LGNSW received feedback from more than 20 councils in developing this submission, building on positions supported by councils across NSW through resolutions of the LGNSW Annual Conference.

Our submission highlights multiple examples of the tireless work of councils in supporting the health and wellbeing of their communities when state and federal governments do not meet their healthcare responsibilities.

LGNSW's submission includes 22 recommendations and notes the need for the NSW Government to involve local government in finding locally relevant solutions to improving the provision of medical services in rural, regional and remote NSW, and calls for urgent action from the NSW and Australian Governments to adequately and fairly fund the provision of healthcare across NSW. Hearings are expected to take place in the coming months.

##### ***Local Land Service Bill Inquiry***

The Local Land Services Amendment (Miscellaneous) Bill ('LLS Bill') was introduced to Parliament in mid October 2020 as "an Act to amend the Local Land Services Act 2013 in relation to native vegetation land management, allowable activities, private native forestry and core koala habitats; and for other purposes". There was no public consultation or consultation with local government preceding the Bill's introduction. The Bill was passed by the Legislative Assembly on 21 October.



LGNSW wrote to key MPs, MLCs and cross-benchers expressing our concerns with the lack of consultation and the Bill's contents, seeking a delay in the Bill's progression. On 19 November 2020 the Bill was referred to Upper House Portfolio Committee 7 for inquiry and report. Public feedback was sought by 5 February 2021, and LGNSW lodged a submission. Hearings are expected to occur in late March 2021.

LGNSW's submission outlines that the Bill pre-empts the outcomes and recommendations of a number of key reviews undertaken in recent years that should inform changes to both the Koala SEPP and any required amendments to the LLS Act 2013, and therefore is not supported in its current form. LGNSW notes that the development of a revised Koala SEPP needs to be comprehensive, based on scientific evidence and be consistent with the findings of the 2019 NSW Upper House inquiry into koalas and koala habitat, 2019 findings of the NSW Audit Office, the independent review of the land management framework conducted by the Natural Resources Commission in 2019 and the Private Native Forestry Review.

#### **Registration of Engineers**

LGNSW made a [submission](#) on building regulation reforms in January 2021 which contains three recommendations in relation to the registration of professional engineers. LGNSW has indicated in principle support for the registration of professional engineers but is advocating a phased transition and a range of options to ensure councils have flexibility to attract, retain and share the employment of engineering professionals. The new legislation will commence in July 2021. LGNSW consulted councils and JOs for input to this submission.

#### **Infrastructure Contributions System Review**

In 2020, two reviews of the infrastructure contributions system were undertaken:

1. The Department of Planning, Industry and Environment (DPIE) exhibited proposed changes to five specific aspects of infrastructure contributions; and
2. The NSW Productivity Commissioner undertook a comprehensive review of the infrastructure contributions system, delivering its final report to NSW Government in December 2020.

LGNSW made [submissions](#) to both these reviews. One of LGNSW's recommendations to the Productivity Commissioner was to increase the current s. 7.12 contributions levy of 1%. LGNSW welcomed the Productivity Commissioner's recommendation to increase baseline s7.12 charges to 3%. LGNSW wrote to the Minister for Planning and Public Places in December in response to the Productivity Commissioner's final report, and we are anticipating the government's response to the report in coming weeks.

#### **Research and Innovation Fund**

The Research and Innovation Fund supports new areas of research, policy development and innovation for the advancement of local government in NSW.

For Round 3 of the Fund, LGNSW has partnered with the Department of Planning, Industry and Environment to allocate a total of \$52,350 in seed funding for applied research that drives innovation in the transition to net zero emissions. LGNSW member councils, Regional Organisations of Councils and Joint Organisations were eligible to apply for this funding to support applied research projects that will help drive actions to transition to net zero emissions and meet NSW's emission reduction targets. Three (3) projects from Bathurst Regional Council, Campbelltown City Council and Lake Macquarie City Council were awarded in December 2020.

Further information is available on the Innovation page of [LGNSW's website](#).

#### **OPPORTUNITIES FOR COLLABORATION**

##### **Local Water Utilities and Water Policy**

LGNSW has now formed a Local Water Utility and Water Policy network with JO Executive Officers. The network facilitates information sharing and provides a conduit for council and JO input into LGNSW policy and advocacy. For more information contact Shaun McBride ([shaun.mcbride@lgnsw.org.au](mailto:shaun.mcbride@lgnsw.org.au)) or Sanjiv Sathiah ([sanjiv.sathiah@lgnsw.org.au](mailto:sanjiv.sathiah@lgnsw.org.au)).

LGNSW supports the position of the CMA on the Government providing respite from NSW Government imposed costs. For example, LGNSW has made representations to the Minister and Department strongly objecting to the imposition of a Dam Safety Levy on councils.



LGNSW also agrees that it is critical that councils are closely engaged in State and Federal Government infrastructure investment programs. Consultation with councils is particularly important with investment in water security.

#### ***Emergency Management Funding and Reform***

LGNSW fully supports the CMA's call for the extension of rental support for those who lost their primary dwelling to bushfire. It is evident that a great many people who lost their homes to the fires are still displaced.

LGNSW has responded to the Royal Commission National Natural Disaster Arrangements supporting the key recommendations, particularly in relation to supporting local government and the development of emergency management structures, for the future management of natural disasters.

The 2020 LGNSW Annual Conference adopted a resolution that Local Government NSW advocates to the NSW Government, specifically Resilience NSW to transfer responsibility for emergency management (from local government) to the NSW Government.

#### ***Significant Increases in RFS Contributions***

LGNSW recognises the seriousness of the problem with the ESL and it remains one of our top advocacy priorities and we have ramped up our advocacy on this issue over the past year. While LGNSW appreciates the \$33 million provided by the State Government to partially offset the ESL increases for the 2020/21 financial year, this temporary relief does not address the fundamental problem of the ever-escalating ESL burden on councils, particularly rural and regional councils with small rate bases and a large RFS component.

LGNSW has long advocated that the ESL on both councils and insurance policies be replaced by a broad-based property tax, as is the case in other States. As part of the rate reform bill we are calling on the Government to relieve councils from the cost pressures of the ESL by decoupling the ESL from the rate peg. We have also called on the Auditor General to conduct a performance review of the financial impacts of the ESL on councils.

#### ***Electoral Districts Redistribution***

Resolution 20 of the 2020 LGNSW Annual Conference calls for the NSW Government to undertake a formal review of the electoral district redistribution process in NSW, seeking to ensure that regional/rural areas west of the Great Dividing Range are represented adequately into the future.

LGNSW has written to the Special Minister of State, the Hon. Don Harwin MLC on this matter. LGNSW is also updating its Policy Platform to reflect this and other resolutions of the 2020 Annual Conference. The revised Policy Platform is scheduled to be considered by the LGNSW Board at its April 2021 meeting.

#### ***Financial Assistance Grants***

LGNSW's current policy position is that the Federal Government increase Financial Assistance Grants (FAGs) funding to 1% of Commonwealth tax revenue, prior to any changes to the formula. This was reaffirmed by resolution of the 2020 LGNSW Annual Conference. A further resolution at the 2021 Annual Conference would be required to change this policy position.

#### ***Agricultural Land Use Strategy Discussion Paper***

The recently appointed NSW Agriculture Commissioner (and Department of Primary Industries) is consulting on an agricultural land use strategy (largely around land use conflict, right to farm etc). LGNSW and councils have participated in a series of webinars in February 2021. LGNSW made 7 recommendations in a preliminary submission on an Issues Paper in September 2020 and is consulting councils for input to a further submission due in late February. To provide input please contact Susy Cenedese ([Susy.Cenedese@lgnsw.org.au](mailto:Susy.Cenedese@lgnsw.org.au)) or Jane Partridge ([Jane.Partridge@lgnsw.org.au](mailto:Jane.Partridge@lgnsw.org.au)).

#### ***Waste & resource recovery***

LGNSW continues to advocate for reinvestment of the waste levy to fund regional waste planning and infrastructure, education and support for procurement, as outlined in the [Save Our Recycling campaign](#). LGNSW is part of the EPA's Local Government Advisory Group (along with reps from JOs and councils), which has been consulted on elements of the Government's upcoming 20-year waste strategy. A draft strategy is anticipated to be released for consultation in March/April.





The next meeting of LGAG is on 19 March, and LGNSW will work more closely with other local government representatives to represent the sector's concerns and communicate back to the sector on LGAG's discussions (which go beyond waste and across all aspects of EPA activities). To provide feedback please contact Susy Cenedese ([Susy.Cenedese@lgnsw.org.au](mailto:Susy.Cenedese@lgnsw.org.au)).

***LG representation on the National Cabinet***

LGNSW, ALGA and our interstate Associations continue to advocate for a seat at the National Cabinet. We are receiving great support so far from a range of councils and other stakeholders across the state and country and welcome any additional support that Country Mayors and their councils can offer.

***Industrial Relations***

The new Local Government (State) Award 2020 was made by consent for a three year term and commenced operation on the first pay period to commence on after 1 July 2020. The Award variations included an agreement to commence a thorough review of a range of adverse working and conditions related allowances during the term of the Award and consultation with members in this regard will commence shortly.

***LGNSW Destination and Visitor Economy Conference in Port Macquarie***

Plans are now underway for the LGNSW Destination and Visitor Economy Conference, formerly known as the LGNSW Tourism Conference. The conference will be co-hosted by Port Macquarie-Hastings Regional Council and we are pleased to announce a new and exciting program with many changes based on feedback from previous attendees and stakeholders. Registration will open in early March and accommodation options and travel information will shortly be available on our website.

LGNSW have a number of rooms blocked for the conference and has arranged special rates at Sails Resort so we encourage you to book as soon as possible so as not to miss out.

Where: Sails Resort, Port Macquarie

When: 26-28 May 2021

For further information, email the [LGNSW Events Team](#) or call 02 9242 4000

***LGNSW Water Management Conference 2021***

After 2020's Water Management Conference went online due to covid-19, LGNSW worked closely with Narrabri Shire Council to secure new dates and remain with them for 2021. The program is in a draft form with speaker call for presentation proposals open until 26 February, 2021.

The conference and dinner will be held at The Crossing Theatre in Narrabri. Accommodation throughout hotels and motels within the town will be utilised and are currently posted on the LGNSW website. LGNSW have all rooms booked at The Adelong Motel for speakers and staff.

Registration will open early May.

Where: The Crossing Theatre, Narrabri

When: 7-9 July 2021

For further information, email the [LGNSW Events Team](#) or call 02 9242 4000



**Submissions (December 2020 – February 2021)**

Topic	Submitted to	Date
<a href="#">Right to Repair Inquiry</a>	Productivity Commission	February 2021
<a href="#">Local Land Services Amendment (Miscellaneous) Bill Inquiry</a>	Parliament of NSW	February 2021
<a href="#">Rapid Assessment Framework</a>	Department of Planning, Industry and Environment	February 2021
<a href="#">Design and Building Practitioners Regulation 2020</a>	NSW Department of Customer Service	January 2021
<a href="#">Draft Local Character Clause and Overlay</a>	Department of Planning, Industry and Environment	January 2021
<a href="#">Children's Guardian Amendment Bill</a>	Office of the Children's Guardian	January 2021
<a href="#">Parliamentary inquiry into health outcomes and access to health and hospital services in rural, regional and remote NSW</a>	Draft submission to the Parliamentary Inquiry Portfolio Committee No.2 - Health	December 2020
<a href="#">Inquiry on Climate Change Bills 2020</a>	Draft submission to the House of Representatives, Standing Committee, Environment and Energy	December 2020
<a href="#">Review of the Education SEPP</a>	Draft submission to Department of Planning Industry and Environment	December 2020
<a href="#">Review of the Infrastructure SEPP – health services facilities</a>	Draft submission to Department of Planning Industry and Environment	December 2020
<a href="#">Dendrobium Extension Project</a>	Submission to the Independent Planning Commission NSW	December 2020
<a href="#">Draft Social Impact Assessment Guideline for State Significant Projects (PDF, 207KB)</a>	Draft submission to the Department of Planning, Industry and Environment	December 2020

All LGNSW submissions are available on the LGNSW website at <https://www.lgnsw.org.au/>.



## **Local Government Management Solutions – New Service Offerings**

### ***1. Workplace Analytics: Finance and Economic Metrics***

Local Government Management Solutions' (LGMS') suite of workplace analytics which includes council staff and general manager remuneration and HR metrics has been expanded to offer an additional two data sets; finance and economic metrics.

### ***2. Service Level Reviews***

LGMS has investigated opportunities to expand its executive management services to include offering members a 'service level review' service. LGMS is now able to offer a series of interactive online 'service review' workshops in order to reduce delivery costs to councils and make the training as accessible as possible.

### ***3. Remote Skills Service***

Many members, particularly rural and regional councils at times find it difficult to attract specialised skills to their organisation. This creates additional workloads on existing staff which in turn can create burn out and low staff morale, and potentially lower or compromised service levels for local communities.

To link organisations in need with employees possessing specialist skills, LGMS will be offering a service recruiting a number of highly qualified technical and professional persons to provide short-term services to members during the times when internal resources or suitable skills are not available. These industry professionals work predominantly from the metropolitan region or large regional centres where the skills are readily available.

### ***4. Careers at Council website***

Careers at Council is a website designed to attract, inform and connect candidates to jobs in local government. After launching 12 months ago, Careers at Council now features the jobs of 127 councils nationally (24% of all councils), including 52 in NSW, 6 subscriber councils in the NT, Qld and WA and all SA councils. Jobs from LGNSW Management Solutions and LGAQ's Peak Services are also advertised on Careers at Council. The website also promotes sector employment opportunities to retiring veterans.

For more information on these services visit the [LGMS webpage](#).

**13 CONFIDENTIAL MATTERS**

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**RECOMMENDATION**

THAT pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda be classified as CONFIDENTIAL and considered in the Closed Meeting of Council in accordance with Section 10A(2) of the Local Government Act for the reasons as specified:

**13.1 Yass Soldiers Memorial Hall - Reimbursements of Costs**

Item 13.1 is confidential in accordance with section s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**13.2 Tender Evaluation Report - Murrumbateman Winery Trail YVC.IA.18.2020**

Item 13.2 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.