



Ordinary Meeting of Council

Wednesday 22 September 2021

4.00pm

Council Chambers

209 Comur Street, Yass

**ATTACHMENTS TO REPORTS
ITEMS UNDER SEPARATE COVER**

Ordinary Meeting of Council

Attachments to Reports
Items Under Separate Cover

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Submissions

Draft Filling Policy

Draft YVC "Filling Policy"

1.

Dear Mayor Abbey and Councillors,

Please find attached my submission on the Draft Filling Policy, as submitted to [the council@yass.nsw.gov.au](mailto:council@yass.nsw.gov.au) site earlier this afternoon. The text below is extracted from the front-end from that document.

Overview

There are a number of new inclusions in the draft policy that will have positive impacts, if applied correctly. However, I do not wish to offend, but this draft policy has been very poorly drafted and fails on a number of levels, including proper implementation of the aims. It stands in stark contrast to the final draft Heavy Haulage Plan, which is comprehensive and well written. While YVC approaches and enters the pre-election Caretaker Period, this draft policy, in its current state, cannot be approved by Council. I have attached a near paragraph-by-paragraph critique of the draft policy – Table 1 at Annex A. This contains a lot of detail, much of which has to be read in that context to be appreciated so I respectfully ask the Councillors do push on and read through the entirety of that table. However, sitting above those comments and suggestions are some broader issues that the Council needs to be aware of in determining the future for this policy.

Context Setting

This draft policy document has been created and exposed to the public in a period of change within, and pressure on, the near-border region, including the Murrumbidgee catchment. The near-border region currently remains largely RU1 – Rural zoning, and this policy must respect that. The economic and demographic changes, and the business interests driving the vast majority of the ACT-based dumping trade affecting the near-border region, are significant not only in demanding how this policy needs to address the existing problems, but they require it to also cope with further changes over the next 10-15 years.

One of the most significant changes and, therefore, challenges to some fundamental elements of this draft policy, such as the triggers for application of the policy (mega-mansions on raised and excessive pads justified as 'ancillary' or 'associated landscaping', and transport-depot-like industrial estates), and triggers for the application of greater rigour and control (only notifying neighbours or opposite properties, and needing a set number of objections before subjecting a project to greater scrutiny), are reliant on an old view of the neighbourhood and its composition. The recent phenomena of the acquisition of many properties by an individual or a company associated with an individual, or indeed parties who are closely connected through non-rural-based businesses or business sectors, such as the building and development industry, means that neighbours who were once protective of the rural zoning are now likely to be other builders, transport company operators or earthworks operators, and as a result not sharing the same protective sentiments for the rural amenity or having little environmental sensitivity. Whole swathes of Wallaroo and Spring Range are now captive to this predicament. Meanwhile, the vast majority of remaining residents have been involved in the uproar and frustrations caused by the current dumping activities, but would not be notified, and therefore not consulted, if the Council officer making the assessment against the Community Engagement Strategy

decides the development is not going to have a 'significant impact'. Council has been told, loud and clear, by the community that these dumping operations (even approved ones) are having an enormous impact on the community.

The existing disconnect between dumping-related policies and practices within the ACT and that within the Yass Valley Shire are not resolved through this draft policy. Given the recent pronouncements by the Yass Valley Councillors in response to media attention on the ACT-based dumping trade, it is disappointing at best to see that this draft policy has not moved to create a better platform for the resolution of those problems. Similarly, the carbon-neutrality of the LGA will become an issue in the medium term, and with any new policy, such as this, the hooks for that future should be established.

There must also be a fundamental flipping of one of the underlying premises affecting much of this draft policy: rather than the filling of historical and largely stable erosion gullies with vast quantities of ACT-sourced extractive material being considered the norm, it should, in fact, be the exception. Cheaper, lower-carbon cost, less destructive and disruptive techniques, alongside improved farming practices, must be considered the norm. The filling of gullies must be the exception.

Another major premise that must be addressed is the ruling out (by definition) from due scrutiny and control is that of 'landscaping', 'ancillary', 'associated works' and earthworks - activities which are currently being used as smoke screens for the dumping of massive quantities of ACT-sourced extractive material within the near-border region and leave a loophole so wide that Council, given it is on notice of this current exploitation, would be negligent in failing to address under this policy.

Policy Document Structure and Designing Proper Governance into the System and Policy

The structural problems with this draft policy are detailed in table 1. At a broader level, though, great care needs to be applied in establishing the best governance regime to be reflected within the policy, one that provides equity and protection for all stakeholders and provides sufficient clarity and transparency to remove the opportunity for exploitation, maladministration or corruption. For example, the subjectiveness in key places of this draft policy, creates a dangerous probity and governance scenario. Policy that creates discretion to be applied by an individual at potentially a lower level within the organisation, without transparency, review and recourse, is ripe for malpractice and corruption. Individuals should NOT be placed in this position as a matter of good governance. Any situation in which potentially large sums of money are to be determined by the application of discretion, such as the interpretation of 'significant', 'significantly', 'ancillary', 'associated works', etc, must be the subject of absolutely clear metrics / guidelines / requirements AND be subject to full transparency AND review.

The new final draft HHP shows that YVC can develop good documents matched to these policy challenges, but the HHP will be a magnificent administrative 'shag on a rock' if it and similar mutually supportive and relevant policies cannot create an integrated and robust response to our current and likely challenges, ones where the battle is currently being profoundly won by the ACT-based dumping trade and interests connected to it.

As an exercise to test the ability of this draft 'filling' policy to achieve a future-looking well-governed, environmentally respectful Shire, at Annex B I have captured some of the current 'fill'-related real-world examples, including landscaping and associated works, and pose that question.

Regards,

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For example, the subjectiveness in key places of this draft policy, creates a dangerous probity and governance scenario. Policy that creates discretion to be applied by an individual at potentially a lower level within the organisation, without transparency, review and recourse, is ripe for malpractice and corruption. Individuals should NOT be placed in this position as a matter of good governance. Any situation in which potentially large sums of money are to be determined by the application of discretion, such as the interpretation of 'significant', 'significantly', 'ancillary', 'associated works', etc, must be the subject of absolutely clear metrics / guidelines / requirements AND be subject to full transparency AND review.

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23 July 2021

Annex A: Review of Draft YVC "Filling Policy" as at 23 July 2021

Annex B: Current Wallaroo 'projects': Will the draft 'Filling' Policy produce better outcomes?

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Table 1 - Review of Draft YVC "Filling Policy" as at 23 July 2021

Yass Valley Council Draft xx-POL-XX (the following is a near-complete extract from subject document, as on display as at 16 July 21)	<i>Reviewer's note: this is not a full text version, with the full list of definitions and the full list of references not reproduced here, otherwise it is a near-complete version.)</i>
Filling Policy	This is where this draft policy begins to fail. The word 'filling' is not a defined term in the document itself. Is the word 'filling' in this title meant to refer to the act of depositing extractive material or the material itself?
Purpose Scope <p>The policy applies to all Development Applications involving filling but does not extend to quarry remediation submitted in accordance with the Yass Local Environmental Plan 2013 (Yass Valley LEP 2013) and Yass Local Environmental Plan (Parkwood) (2020).</p>	<p>There is no actual 'purpose statement' nor, more importantly, a 'policy statement' provided. Without the latter, especially, the document flounders through disconnected and incomplete coverage of matters related to the use of, apparently, ACT-sourced spoil. 'Spoil' itself is not used in this document but it is in the ACT and it's that jurisdiction's treatment of the relationship between material (VENM, waste, fill, etc BUT not ENM, as they do not use that term) that makes up spoil, and the material this draft policy appears to be seeking to address would be at least more consistent. By failing to align the defined terms and, therefore, scope to the ACT's terminology this will continue to contribute to the disjointed and loophole- rich environment persisting and prevailing in providing dumpers with the avenues to continue doing what they have been doing. Where it is impossible to use the same defined terms across jurisdictions, it should be clear how the source jurisdiction's definitions apply in the receiving jurisdiction's policy document.</p> <p>A policy statement would be along the lines of: <i>YVC supports the use of spoil within the Shire for approved developments or complying exempt developments where it will result in sustainable and net-positive outcomes for the Shire and involved stakeholders. Failure to adhere to this policy document represents a threat to the environment and amenity of the Shire, both now and in the long-term. Breaches of this policy will be vigorously enforced.</i></p> <p>A 'purpose statement' would be along the lines of: <i>The purpose of this document is to provide principles and guidelines for the determination of approving developments; exempting 'exempt developments'; and establishing the basis for breaches of the policy, thus enabling compliance and enforcement action.</i></p> <p>Note: ACT's "SPOIL MANAGEMENT IN THE ACT", ENVIRONMENT PROTECTION, ... DEFINITION OF SPOIL: "Spoil is the waste material generated during the course of excavation. Spoil can be made up of the following components: virgin excavated natural material (VENM) comprising soil and rock, fill material, contaminated soil, building waste and other materials."</p>

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	Also, why does the policy not apply to quarry remediation, which results in importation of material on an even grander scale?
<p>Definitions (Reviewer's note: only definitions with an identified problem have been listed below see full text version for complete list of definitions.)</p>	<p>So, by this set of defined terms, we have stuff that may be deposited within the Shire being 'waste', 'ENM', 'VENM', 'fill' (but only as a verb, not a noun), seemingly within the document 'fill material', and also potentially 'extractive material', but not 'spoil'. There is also mention of 'soil' and 'rock' but only in the context of depositing stuff (the defined act of 'fill'). So, there is immediately a disconnect with the ACT's policy setting. There is also a problem of 'nesting', ie what is the highest level of reference to, perhaps, 'extractive material' (if that's it) and what does that cover versus not and how do the other stuff fit within that hierarchy of terms. It is this sort of poor drafting that creates loopholes and is unacceptable. It needs to be absolutely clear what relates to what and, ideally, have this aligned with the ACT. Yes, 'ENM' is an anomaly, as the ACT does not use that term, but it can be explained and related to the ACT's defined terms.</p> <p>'Filling' as a verb is included in the definition of Earthworks, in which case all references to filling throughout the document should be changed to Earthworks, or else the definition of Earthworks needs to be altered.</p>
<p>Fill: Defined in the Yass Valley LEP 2013 as the depositing of soil, rock other similar extractive material obtained from the same or another site, but does not include:</p> <p>(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or</p> <p>(b) the use of land as a waste disposal facility.</p>	<p>'Fill' in this defined term is as a verb, ie the act of depositing, not a noun, ie the material. Used throughout this draft policy as a noun is only partially correct when used as 'fill material'; only partially correct because it fails to identify what sort of material is being referred to, which may or may not be relevant to the context. Defined terms are important and MUST be used consistently! This is where the definition of Fill as a verb, consistent with the YV LEP should be maintained and instead the term 'Spoil' substituted where the noun Fill is used.</p>
	<p>By this exemption, this draft policy, therefore, excludes from consideration landscaping and 'associated works'. The problem that this creates is that, as has been happening with many properties in the near-border region, massive quantities of material have been carried into the area to undertake "landscaping and associated works", seemingly without any safeguards being applied or recompense to the Shire and creates an enormous loophole that illegal dumpers are already aware of and currently exploiting.</p> <p>This policy must establish a linkage between its central policy objective (and its supporting set of underpinning principles) and what can or cannot be done with respect to 'landscaping' and 'associated works'. Similarly, compliance across this 'fill' domain, the 'landscaping and ancillary' domain and the HHP to ensure that everyone is treated equitably and that landscaping and associated works for ancillary activities to do not become smokescreens or excuses for massive vehicle movements.</p>

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	<p>The examples of "landscaping and associated works" at 342 and 368 Wallaroo Road and 128 Brooklands Road, which generated thousands of truck movements between them, flouted the spirit of this policy and the goodwill of the Shire's residents and ratepayers. This policy should not enable these bizarre examples to be repeated. As a result, it is imperative that the exemption only apply up to 100 cubic metres. In order to deal with the material used in "landscaping and associated works", the word 'fill' might indeed have a role to play, but that has to be determined through a better treatment of the defined terms and their support for a consistent, easily understood and effective policy.</p>
	<p>The subjectiveness in key places of this draft policy creates a dangerous probity and governance scenario. Policy that creates discretion which is to be applied by an individual at potentially a lower level within the organisation, without transparency, review and recourse, is ripe for misinterpretation, malpractice and corruption. Individuals should NOT be placed in this position as a matter of good governance. Anywhere in which potentially large sums of money are to be determined by the application of discretion, such as the interpretation of 'significant'/'significantly', 'ancillary', etc, by a single Council officer, must be the subject of absolutely clear metrics /guidelines /requirements AND be subject to full transparency AND review. The consequences of this type of discretion have already been seen in the Wallaroo area with the discretion incorrectly applied to construction of structures that are not permitted under the LEP. This new policy gives Council the opportunity to learn from and correct past mistakes. Failure to do so, at best is maladministration, at worst is malpractice.</p>
<p>Waste: Anything left over or superfluous as excess material, by-products etc, not of use for the work in hand or having served a purpose and no longer of use, or rejected as useless, or worthless or refuse (Ref: Macquarie Dictionary Online).</p>	<p>Why is the New South Wales government's own definition for 'waste' not used?</p> <p>The NSW "Protection of the Environment Operations Act 1997 No 156" Current version for 25 March 2021 to date (accessed 22 July 2021 at 9:39) defines 'waste' as:</p> <p><i>(a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or</i></p> <p><i>(b) any discarded, rejected, unwanted, surplus or abandoned substance, or</i></p> <p><i>(c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or</i></p> <p><i>(d) any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or</i></p>

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	<p>(e) any substance prescribed by the regulations to be waste.</p> <p>A substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.</p> <p>Also useful in considering this draft policy is inferred definition apply in the New South Wales 'Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Exemption 2014', as:</p> <p>1. "Waste to which this exemption applies 1.1. This exemption applies to excavated natural material that is, or is intended to be, applied to land as engineering fill or for use in earthworks. 1.2. Excavated natural material is naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has: a) been excavated from the ground, and b) contains at least 98% (by weight) natural material, and c) does not meet the definition of Virgin Excavated Natural Material in the Act. Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores."</p> <p>7. "Conditions of exemption The exemption is subject to the following conditions: 7.1. At the time the excavated natural material is received at the premises, the material must meet all chemical and other material requirements for excavated natural material which are required on or before the supply of excavated natural material under 'the excavated natural material order 2014'. 7.2. The excavated natural material can only be applied to land as engineering fill or for use in earthworks. 7.3. The consumer must keep a written record of the following for a period of six years: • the quantity of any excavated natural material received; and • the name and address of the supplier of the excavated natural material received. 7.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request. 7.5. The consumer must ensure that any application of excavated natural material to land must occur within a reasonable period of time after its receipt.</p> <p>The ACT's "Environmental Standards: Assessment & Classification of Liquid & Non-liquid Wastes, June 2000" provides an excellent methodology for the classification of waste. This approach, in part or full, might well be useful in supporting this policy.</p>
Policy Principles	<p>What are these 'principles'? In fact, what follows are NOT principles!</p>

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	<p>Within the first part of this section, there is reference to over-arching, relevant planning legislation and policy; so, the principle is perhaps: ‘adherence to, or compliance with relevant planning legislation and policies’.</p> <p>What are then introduced as ‘Guiding Principles’ are really just a set of guidelines to be used by the proponent in preparing a project for YVC as either a DA or an exempt development, and YVC when considering projects for approval or exemption, and, it should enable monitoring and enforcing compliance – what is there are NOT principles.</p> <p>Many submissions have been made in the last consultation round for this policy, and also in the Heavy Haulage Plan consultation. The principles the community wants are clear, and should include things such as:</p> <ul style="list-style-type: none"> • ‘user pays’; • ‘fair and equitable cost contribution’; • ‘no net detriment, including reduced amenity, to other ratepayers to the benefit of a proponent’; • ‘preservation of sustainable environmental outcomes for the Yass Valley and its attendant catchment areas’; • ‘closest possible alignment with relevant jurisdictions, without compromising the integrity of the policy outcome for the Yass Valley.’ • ‘transparency of process.’ • Etc. <p>Under a proper set of ‘principles’ the guidelines can then be shaped and presented, and tested, against these over-arching principles for integrity and robustness in support of the policy.</p> <p>So, a well-structured policy might have at least the following elements:</p> <ol style="list-style-type: none"> 1. Statement of Policy, ie a clear statement of what is the Council’s position on the matter at hand. 2. Definitions. Authoritative, consistent and consistently used, and, as best as possible aligned with other relevant jurisdictions. 3. Principles, ie the ‘tests’ underpinning the policy to ensure that in interpreting guidelines, all parties better understand the context and intent. 4. Guidelines. The ‘rules’ that must be followed in order to be compliant with the policy and the underpinning principles. Sufficient scope of coverage to address most likely or known scenarios; and with sufficient detail to reduce the application of discretion. Wherever possible specific metrics, standards, or other references should support the guidelines. Also, measures to
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	<p>address scenarios that fall outside of the other application guidelines.</p> <ol style="list-style-type: none"> 5. Compliance and Enforcement. Clear statement how this policy and its supporting elements will be treated from a compliance and enforcement perspective. 6. Responsibilities. Who is supposed to do what with respect to the policy and when, etc. 7. Sunset or Review and / or Appeal Provisions. No policy should be immutable, but exposed to periodic review to ensure relevance and effectiveness. 8. References. 9. Points of Contact. With respect to the policy.
<p><u>Exempt Development</u></p> <p><i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> prescribes filling and earthworks that can be undertaken as exempt development, subject to compliance with the development standards and any approval requirements under other legislation.</p>	<p>Reference to: “<i>Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014</i> The excavated natural material exemption 2014” also seems relevant. It should be clear that this is still subject to the 100 cubic metre limit before a DA is required ie only exempt up to 100 cubic metres.</p>
<p><u>Development without Consent</u></p> <p>Environmental protection works is development permitted without consent in a number of zones under the <i>Yass Valley LEP 2013</i>. Where this work relates to erosion gully rehabilitation it is to be limited to the importation of no more than 100m³ of fill and is undertaken in accordance with the ‘Gully Erosion Assessment and Control Guide’ prepared by the Local Land Services.</p> <p>In order to determine if the works are permissible without consent, you must discuss the proposed works with Council and additional information may be requested to confirm the proposed works. Any information submitted in support of environmental protection works being permissible without development consent will be used to monitor the works as part of Council’s compliance program.</p> <p>Where development is permissible without consent, an assessment is required under Part 5 of the Environmental Planning and Assessment Act and may still require other approvals under other legislation eg Water Management Act, Roads Act or Local Government Act.</p>	<p>The Local Land Services’ ‘Gully Erosion Assessment and Control Guide’ should be listed as a reference in that section of this draft policy as it is explicitly referenced and relied upon.</p> <p>If these ‘Environmental protection works’ relate to proposed erosion gully rehabilitation, the proponent must be required to develop an assessment of the erosion setting in accordance with the Local Land Service’s ‘Gully Erosion Assessment and Control Guide’ and present that as part of consideration for exemption. Too many recent DAs claiming to have been reliant on expertise associated with the Local Land Service’s ‘Gully Erosion Assessment and Control Guide’ have failed to use the very assessment methodology detailed in the Guide.</p> <p>Section 5.5 of the Environmental Planning and Assessment Act says that Council has a duty to consider environmental impact. Subsection (1) highlights that this duty is notwithstanding any other provisions of the Act, any other Act or instrument and that Council must examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of that activity. It is important to note that this applies to developments that do not require consent. However, Council’s current practice seems to be, during a verbal discussion with a proponent, who conveniently says they</p>

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	<p>are just doing 'routine maintenance', Council officers self-determine that the activity is fine – how does this fulfill Council's legal obligation??</p> <p>Further, the Part 5 assessment system requires Council to determine whether the activity will 'significantly affect the environment' (which will then trigger the need for an environmental impact statement to be prepared and considered by Council, again, even for developments not requiring DA consent).</p> <p>As a result, the policy must to detail the Part 5 assessment framework – how Council will 'take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity' and what Council considers will 'significantly affect the environment' ie what are the thresholds?? This is the place to articulate them!!! Part 5 also requires public consultation of the resulting Environmental Impacts Statements that must be produced.</p>
<p><u>Development with Consent</u></p> <p>Clause 6.1(2)(b) <i>Yass Valley LEP 2013</i> states that development consent is required for earthworks unless the earthworks are ancillary to development that is permitted without consent under this Plan or to development which development consent has been given.</p> <p>Council may also consider fill material to be 'waste' and filling being characterised as a waste disposal facility, for example, top dressing of paddocks with material that is not suitable for the intended purpose/outcome.</p>	<p>'Ancillary' has been used to justify significant vehicle movements in questionable projects in the near-border communities. There must be clear guidance on what constitutes 'ancillary' and when it triggers not only HHP application but also amenity considerations such as noise and community safety. This policy should still have relevance and be used as the principal reference for 'ancillary' activities. A paragraph should be added to this section saying: "For the purposes of this policy, when assessing whether earthworks are ancillary to a development, the definition of Ancillary will be applied." Then the definition section should define Ancillary as "a use that is subordinate or subservient to the dominant purpose, and not exceeding the volume of 100 cubic metres."</p> <p>This statement is a little random. Should the sentence start with "Even if development consent is sought..."</p>
<p><u>Guiding Principles</u></p>	<p>These are NOT principles; they should be referred to something like 'guidelines' or 'application guidelines' for the reasons outlined above.</p>
<p>Council generally receives Development Applications for filling related to erosion gully rehabilitation and the construction of internal access roads.</p>	<p>This narrowing of scope to address only 'erosion gully rehabilitation' and 'construction of internal access roads' is flawed for a 'policy' document where the scope and supporting treatment should be sufficient to address the full gamut of activities, including a less-bounded 'other' section if necessary. For example, 'dam height adjustment' and 'paddock top dressing' are other known claimed applications, as too are 'landscaping' and 'ancillary earthworks'.</p> <p>Therefore, this sentence should have added at the end "...however, this Policy is to apply to all activities involving Earthworks."</p>

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	<p>Whilst it is dangerous and potentially misleading to follow the draft policy down the route of narrow consideration of two specific scenarios, the following comments are offered against what has been presented in the draft.</p>
<p><i>Erosion Gully Rehabilitation</i></p> <p>Where filling is proposed as part of a proposal for erosion gully rehabilitation, the following guiding principles shall be taken into consideration when determining Development Applications:</p> <p>. Erosion is an adverse environmental process and potentially impacts on both the natural and built environment, such as waterways and farm infrastructure. The availability of fill material may represent an appropriate reuse for improved environmental outcomes. However, the filling of erosion gullies does not always represent the most appropriate or effective option for rehabilitation.</p>	<p>"Erosion is an adverse environmental process". This is nonsense; please use the definition from the LLS 'Gully Erosion Assessment and Control Guide'. That, and the subsequent explanation of factors contributing to or affecting erosion, will better introduce the notion of how to manage it.</p> <p>Equally, the statement that "the filling of erosion gullies does not always represent the most appropriate or effective option for rehabilitation" is fanciful as filling is an exception rather than the rule by the LLS 'Gully Erosion Assessment and Control Guide', (and other authoritative NSW guides) with an array of other techniques applied before filling and then if filling is considered there are range of factors that must be taken account of, as detailed in NSW DPI 'Saving Soil - A landholder's guide to preventing and repairing soil erosion'. As that authoritative document states (p117): "Fill in no flow areas <i>Material pushed in to fill a gully is not likely to be stable enough to carry water flow, so this should only be considered where run-on water can be safely diverted to an alternative watercourse. Where water can be permanently diverted, the gully and a large area around it can be reshaped to fill in the gully and create practical slopes to revegetate to an appropriate land use."</i></p> <p>The policy document should, in fact, flip the inference from 'filling is the norm' to 'filling must be the exception'. So the business case for any proposal must be sufficiently robust and account for a set of principles that preserve and protect the environment and the economic and lifestyle outcomes for all the Shire's ratepayers. Given the immense impacts filling activities have on involuntary stakeholders ie neighbours who have no choice but be involved, plus the huge environmental risks if things go wrong, it should be on the proponent to prove why filling is the only available option, rather than just getting a consultant to say that it is "an option".</p> <p>If the policy document is to use real-world scenarios, the reality of the Yass Valley's historical erosion is that most eroded gullies are currently stable and that the maintenance of good ground cover and where necessary the application of Gully Erosion Assessment and Control Guide structures and techniques according to the LLS 'Gully Erosion Assessment and Control Guide' will lead to other than filling options. Again, the filling operations, in the real world, are currently being driven by developers seeking to dispose of ACT development and building industry-generated spoil that is too costly to dispose of in the ACT. Properties with historical erosion are typically discounted in the market when the</p>

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	<p>landowner does not have the resources to address the historical erosion, but enterprising builders and developers with the resources and connections to ACT sources of spoil are aggressively acquiring properties with the potential to use ACT-sourced material and applying to it projects designed to achieve an aesthetic enhancement to the property, with a resultant windfall benefit in downstream property values. Of course, they have also benefited from charging for the removal of the excavated material from the ACT.</p> <p>Equally, current poor farming or land management practices which have created, or exacerbate existing, erosion should not be rewarded through an automatic approval of filling and the pecuniary benefits that flow from that to the proponent.</p>
. Professional advice in relation to the design of control works is to consider the available options for erosion gully rehabilitation and its effectiveness.	<p>The onus of proof should be on the proponent to clearly demonstrate why alternative options other than filling cannot be used and filling must be treated as a last resort. Again, in the real world, the reports currently being prepared in support of 'erosion gully rehabilitation' are driven by motives other than environmental concern, so the 'tick and flick' approach is taken.</p>
. The erosion gully rehabilitation plan should consider factors that include land capability, systems management (i.e. ongoing land management), the location of infrastructure, and temporary sediment and erosion control measures during the project.	<p>In current practice, much of what is said in such plans is a charade in order to achieve a fill regime and to maximise the fill volume. It would be nice to think that somehow the guidelines were sufficiently focused and supported through YVC's interrogation, and reviewed through public consultation, including independent assessment, for integrity. Hopefully the application and enforcement of the HHP will challenge the financial incentive in these fill-motivated 'gully rehabilitation' projects.</p>
. Impacts of the proposed development on the amenity of neighbouring properties must be considered.	<p>'Neighbouring' is insufficient for this policy as these developments affect all those with properties along, and who use, the associated road access routes; generate noise on route, not simply on-site; and can jeopardise entire watercourses, especially downstream. Like the HHP, the entirety of the access route must be considered, as too all downstream properties and landowners. It is also appropriate to consider the carbon footprint of such proposals and ensure that they are indeed carbon neutral, which is a Shire-wide consideration.</p> <p>By only considering impacts on the directly neighbouring properties, the current phenomena of many properties in the near-border region being acquired by an individual or an associated company, or by a number of individuals closely associated through non-rural business interests, will reduce the opportunity for effective scrutiny and where necessary opposition to dodgy activities.</p> <p>Therefore, we suggest this sentence be amended to: "Broader impacts of the proposed development on stakeholders must be considered, including but not limited to:</p> <ul style="list-style-type: none"> • Loss of amenity;

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	<ul style="list-style-type: none"> • Safety; •" <p>And add "For clarity, stakeholders include but are not limited to:</p> <ul style="list-style-type: none"> • Adjoining neighbours; • Property owners and property residents along intended vehicle access routes; • Property owners and property residents who will otherwise be impacted by noise generated by the proposed development; • Road users; • Property owners and property residents downstream from proposed developments; • ..."
<p><i>Internal Access Roads</i></p> <p>The following guiding principles shall be taken into consideration when determining Development Applications for new or upgrade of internal access roads:</p> <ul style="list-style-type: none"> • Internal access roads for rural properties should be at a standard that reasonably provides safe, practical and physical access, having regard to the lawful use of the land, as well as site specific constraints (such as topography, native vegetation and bushfire hazard). • Proposals for internal access road should provide clear detail of purpose, including for the infrastructure or development that they are servicing. <p>• The design standard for internal access roads should generally be no greater than the following:</p> <ol style="list-style-type: none"> (a) a maximum pavement width of 4.5 metres (b) maximum height of 300mm above existing ground levels <p>A greater design standard may be supported where it is demonstrated as being necessary in association with the lawful use of the land.</p>	<p>What has occurred at 154 Woodgrove Close, Wallaroo, under Council staff pronouncement that the landowner was simply upgrading an existing fire access road could well occur again under this draft policy. This is clearly unacceptable and goes beyond the issue of compliance enforcement. It certainly goes to the heart of 'discretion' to be applied, or that should not be able to be applied, by Council staff.</p> <p>Also, internal access roads must have the same impacts assessment as Erosion Gully Rehabilitation, ie add "Broader impacts of the proposed development on stakeholders must be considered, including but not limited to:</p> <ul style="list-style-type: none"> • Loss of amenity; • Safety; •" <p>For clarity, stakeholders include but are not limited to:</p> <ul style="list-style-type: none"> • Adjoining neighbours; • Property owners and property residents along intended vehicle access routes; • Property owners and property residents who will otherwise be impacted by noise generated by the proposed development; • Road users; • ..." <p>Use of the word 'generally' needs to be amended (insertion underlined, deletion struck out): " Unless exceptional circumstances can be clearly demonstrated otherwise, the design standard for internal access roads should <u>generally</u> be no greater than the following..."</p> <p>4.5 metres is excessive given a standard road lane width is 3.5 metres!!</p>

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<p>. Internal access roads should generally follow the 'lay of the land' with significant filling to alter ground levels considered to be unacceptable.</p> <p>Development Applications for the internal access driveways that represent an overdesign (i.e. beyond the standard identified above or not reasonably 'fit for purpose') will not be supported.</p>	<p>In order to have any chance of enforcement you have to remove "should generally" and insert "must".</p>
<p>Information to Accompany Development Application</p> <p>Information to accompany a Development Application for erosion gully rehabilitation and construction of internal access roads is included as <i>Appendix A</i> to this policy. These requirements may also be applied to other similar Development Applications.</p>	<p>Again, this draft is flawed because it too quickly drops down into a narrow set of scenarios, 'gully rehabilitation' and 'internal access roads', and as a result fails to have sufficient structure and treatment available for other scenarios.</p> <p>As a bare minimum, this should be amended to say "Information to accompany a Development Application for Earthworks is included at Appendix A to this policy. Further specific requirements for erosion gully rehabilitation and construction of internal access roads are also set out at Appendix A. These requirements may also be applied to other Development Applications involving Earthworks."</p>
<p>Assessment of Development Applications, Consideration of Impacts and Neighbour Notification</p> <p>The assessment of Development Applications will be undertaken in accordance with the requirements of the <i>Environmental Planning & Assessment Act 1979</i>.</p> <p>Neighbour notification will be undertaken, where required, in accordance with Council's <i>Community Engagement Strategy</i>.</p> <p>Determination of Development Applications will be in accordance with Council's <i>Development Assessment and Decision Making Policy</i>.</p>	<p>The Council's <i>Community Engagement Strategy</i> clearly does not contemplate a scenario such as this with long access routes and complex downstream land and environment management issues at play.</p> <p>Like with the HHP, the entirety of the access routes and also all downstream properties and landowners must be included in this notification and, where necessary, consultation.</p> <p>This threshold of 4 or more objections being a required trigger before a DA is put to Council (as established in the <i>Development Assessment and Decision Making Policy</i>) is inappropriate for these filling operations, as they are now considered by the Shire's community to be a significant activity requiring transparency and scrutiny beyond the discretion of paid YVC staff. The number of objections should not be the determinate of whether a project should be exposed to the community, and review and consideration by its elected representatives. Such an arbitrary number does not reflect the quality or validity of the opposing views.</p> <p>And if notification is as narrow as proposed, with neighbours only, there is a high likelihood that there may not even be more than four parties exposed to a proposal. The current phenomena of many properties in the near-border region being acquired by an individual or an associated company, or by a number of</p>

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	<p>individuals closely associated through business interests, will reduce the opportunity for effective scrutiny and where necessary opposition to dodgy activities.</p> <p>This is clearly unacceptable and inappropriate in an open and transparent jurisdiction.</p> <p>Further, failure to notify and therefore consult the stakeholders along the access route and downstream from the filling site is likely to result in a failure by Council to fulfil its legal requirements to assess impacts on the area, if those in the area are not notified. On that basis, a clear statement of the notification standards should be made here ie: "Neighbour notification will be undertaken in accordance with Council's Community Engagement Strategy. For clarity, for the purposes of that strategy, any Development Application to which this Policy applies ie Earthworks of more than 100 cubic metres, will be considered likely to have a significant impact on adjoining or opposite properties and stakeholders include landowners adjoining the intended access routes and those downstream of the proposed development." This removes the uncertainty for YVC assessing officers and addresses the issues identified above.</p> <p>Again, there needs to be clarity around triggers within the Development Assessment and Decision Making Policy. Given the extreme community sensitivity and impacts from filling DAs, the following statement would provide sufficient clarity to remove the risk of wrongful use of discretion by individual Council officers. Suggest addition of: "For clarity, any Development Application to which this Policy applies ie Earthworks of more than 100 cubic metres, will be considered likely to have a significant environmental, economic or social impact on the local community under that policy."</p>
<p>Standard Conditions of Development Consent</p> <p>Standard conditions of Development Consent may include:</p> <ul style="list-style-type: none"> . A limitation on the maximum volume of material that can be imported. . Appropriate sediment and erosion controls to be installed and maintained during the project until the proposed works have been stabilised. . Reporting and record keeping, including details of heavy vehicle movements, material source, and project progression. 	<p>If they are Standard Conditions, they are the minimum, therefore it should read "will" not "may" include.</p> <p>'Sediment and erosion controls' must be in place not only during the project to the point of stability but also maintained over a meaningful period beyond that. Suggest addition of "...stabilised to achieve permanency." This is in recognition of the reality of the situation of many of the proponents in the near-border region.</p> <p>It is troubling to note that these conditions have been routinely flouted over recent years to the point where Council's claims of insufficient resources to effect compliance surely must drive an alternative approach to achieving monitoring compliance and enforcement.</p>

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<ul style="list-style-type: none"> Requirements to comply with the Traffic Management Plan. Requirements for site surveys throughout the project at appropriate intervals estimating quantities of fill that have been placed on the site. Evidence of material classification in accordance with NSW requirements. Required approvals from the ACT Government. Hours of operation for the project and maximum number of daily heavy vehicle movements. Dust management. An inspection regime to be undertaken by Council (if required). Completion of project certification. <p>Additional conditions of Development Consent may be required depending on the particular circumstances and characteristics of a proposal.</p>	<p>Site surveys must be true surveys in order to ensure integrity of quantities and vehicle movements, with attendant HHP fee implications.</p> <p>'Evidence of material classification' - should this be 'certification' rather than 'classification'?</p> <p>ACT government approvals must specify that this includes the corresponding ACT Waste and Recycling Management Plan. This is absolutely critical and provides a really important corroborating step that adds no burden to YVC and also no burden to the applicants as they have to do them anyway!</p> <p>Recent Council approval for project completion 'certification' have failed to identify suitable certification standards, i.e. the qualifications and standing of those people providing the certification and what is considered 'completion'.</p> <p>Need to add:</p> <ul style="list-style-type: none"> Soil compaction tests must be a standard inclusion in conditions. Soil compatibility certification must be a standard inclusion in conditions. This must address sodicity, both of the site and the fill material (all of it) being brought in.
<p>Other Approvals</p> <p>In addition to requiring Development Consent from Council, some proposals may require approval from other bodies or government agencies. This may include, for example, a controlled activity approval for works in a watercourse under the <i>Water Management Act 2000</i> issued by the Natural Resources Access Regulator.</p>	
<p>Heavy Haulage Contributions</p> <p>Where required, heavy haulage contribution will be levied in accordance with Council's relevant contribution plan.</p>	<p>How does this policy ensure that where activities that are either in breach of conditions or have been applied, for example additional fill volume and, therefore, vehicle numbers, or complete failure to submit fill-related projects to Council being hit with fees equivalent to the HHP? This needs to be made clear, suggest deletion of "Where required" as the contribution plan will stipulate where it is required. Also, need addition of "... including for Development Applications which are applied for retrospectively".</p>
<p>Responsibilities</p>	<p>I expect that there are probably more than just the Development Assessment Officers who will have responsibilities related to the policy.</p>

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Development Assessment Officers are required to take into account the provisions of this policy when assessing Development Applications that this policy relates to.	
References This policy is to be read in conjunction with the following: <i>(Reviewer's note: see full text version for complete list)</i>	Must list the above referenced Local Land Service's 'Gully Erosion Assessment and Control Guide'.
Appendix A – Information to Accompany a Development Application	<p>It is imperative the words "Council may vary the requirements" be altered to "Council may add requirements". Otherwise, there is no point in having the policy at all if a single Council officer can vary as they see fit.</p> <p>Need to set out the minimum information required for ALL DAs under this policy, then have additional sections for minimum information required in those specific scenarios ie "For all Development Applications involving Earthworks of more than 100 cubic metres, the minimum information required is detailed below. Council may add requirements based on the DA submitted [bullet points paraphrased].</p> <ul style="list-style-type: none"> • Statement of Environmental Effects • Site plan • Site survey • Site and Soil Erosion Control Plan • Duration • Aboriginal objects/place due diligence • Biodiversity offset assessment • Traffic Management Plan <p>Additional information may be required depending on the particular circumstances and characteristics of a proposal and may include</p> <ul style="list-style-type: none"> • Traffic impact assessment • Noise impact assessment <p>For comments on each bullet point quantification methods, see below:</p>
<u>Erosion Gully Rehabilitation</u> The minimum information to accompany a Development Application for erosion gully rehabilitation is detailed below. Council may vary the requirements based of the Development Application submitted. <ul style="list-style-type: none"> • Statement of Environmental Effects • A site plan identifying the areas of work including works that may need to be undertaken to provide access through the development site, fencing, areas for stockpiling etc 	<ul style="list-style-type: none"> • Amend to include those not included in the general requirements in the cell above. Apply these comments to those bullet points above. • Statement of Environmental Effects – to what standard and compiled by who, ie what qualifications / certifications? • A Site and Soil Erosion Control Plan add "....management of environmental issues for the duration of the project" including compatibility of soil to be used (chemical and sodicity) and

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<ul style="list-style-type: none"> • A Site and Soil Erosion Control Plan (or similar) prepared by a suitably experienced soil consultant. This must include an outline the purpose of the project, other options for rehabilitation, a step-by-step project plan for the completion of the works and management of environmental issues for the duration of the project • A site survey of the area to be rehabilitated showing existing and proposed finished levels and an estimation of the volume of material required for the proposed works • Details of the source of fill • A vegetation plan for the stabilisation of the work including fencing (if required) to prevent stock entering the area • Evidence of due diligence being undertaken to determine whether the proposed activity could harm Aboriginal objects or declared Aboriginal place • Details of the duration of the project • An assessment of whether the proposal triggers entry into the <i>Biodiversity Offset Scheme</i> under the <i>Biodiversity Conservation Act 2016</i> • A Traffic Management Plan including estimate on the number of heavy vehicle movements for the overall project and daily limits for vehicles visiting the site, proposed route for accessing the site (and the return trip), method of vehicle identification associated with the development <p>Additional information may be required depending on the particular circumstances and characteristics of a proposal and may include:</p> <ul style="list-style-type: none"> • Traffic impact assessment • Noise impact assessment 	<p>compaction requirements for the actual on-site conditions and long-term stability."</p> <ul style="list-style-type: none"> • A site survey: with quantity to be matched to the vehicle numbers for consideration in relation to the HHP and RNP. This must not be an estimate, but an actual 'survey' and 'quality survey' and as recently experienced with a DA currently out for consultation, the site survey must include dimensions/measurements of the area surveyed that facilitate meaningful assessment ie "site survey to include multiple depth, width and length measurements to allow Council to be satisfied as to the accuracy of the resulting volume calculations". Must also be done by someone actually qualified to do a site survey!! • "Details of the source of fill." To be matched to guidance requirements of, where applicable, other jurisdictions such as the ACT. • A vegetation plan: this must relate not only to the immediate rehabilitation of the site but also its maintenance over a meaningful period. To truly achieve the groundcover and complex requirements of a watercourse, if it is a watercourse setting. The vegetation plan must align with the project's purposes ie an activity claiming to increase biodiversity and having outstanding environmental outcomes cannot have as the outcome of its vegetation plan, simply re-grassing the area so it can then be cropped. • Duration: this must be consistent through all public exposure, Council consideration, conditions applied, and enforcement. • TMP: rather than estimate, this needs to be "a maximum cap on the number of heavy vehicle movements..." • Traffic impact assessment: this should be not only for any particular DA as a standalone activity but also in the context of what approved and/or exempt projects are currently expected to be operating along the same or some of the access routes to be used for that particular project. So the traffic impact relates to the actual (cumulative) number of vehicles likely to be on the roads rather than simply this particular DA. The rationale is that if there are already 40 truck movements approved per day
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	<p>a new project approving another 10 may well take a particular road beyond what is reasonable for the road and the affected community.</p> <ul style="list-style-type: none"> • Noise impact assessment: Similarly, the noise assessment must look at the entirety of the route, the proximity of dwellings to the route, and the cumulative impact of approving or exempting yet another fill-related project on the amenity of the residents. Also, this assessment must be done in accordance with the New South Wales Road Noise Policy and/or Industrial Noise Policy, with conditions to be applied accordingly. Council must update itself on the nature of conditions that are required to be applied under the New South Wales Road Noise Policy and/or Industrial Noise Policy.
<p><u>Internal Access Roads</u></p> <p>The minimum information to accompany a Development Application for internal access roads is detailed below. Council may vary the requirements based on the Development Application submitted.</p> <ul style="list-style-type: none"> • Statement of Environmental Effects • A site plan identifying the areas of work including works that may need to be undertaken to provide access through the development site, fencing, areas for stockpiling etc • A site survey of the area where the internal access road is to be constructed showing existing and proposed finished levels and an estimation of the volume of material required for the proposed works • A Site and Soil Erosion Control Plan (or similar) prepared by a suitably experienced soil consultant. This must include an outline the purpose of the project, a step-by-step project plan for the completion of the works and management of environmental issues for the duration of the project • Details of the source of fill • Dust management. • Evidence of due diligence being undertaken to determine whether the proposed activity could harm Aboriginal objects or declared Aboriginal place • Details of the duration of the project • An assessment of whether the proposal triggers entry into the Biodiversity Offset Scheme under the <i>Biodiversity Conservation Act 2016</i> • TMP 	<p>This list of minimum information is very similar to what sits above for the 'gully rehabilitation' guidelines. This tends to suggest that a different and simplified tabular format would enable presentation in a more easily maintained and more easily interrogated list of data items. Same comments as made above apply to each of the relevant elements in this section.</p>



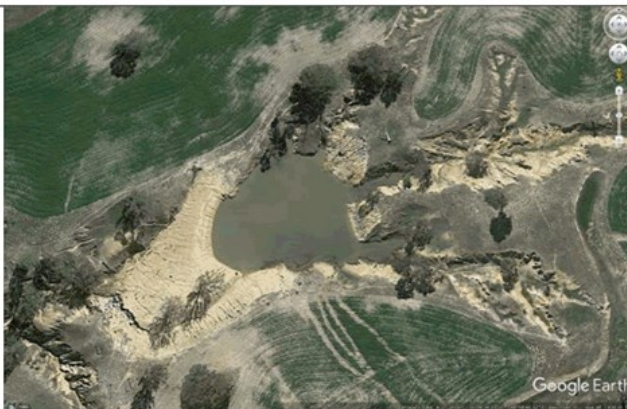
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<ul style="list-style-type: none"> • Indicative engineering detail ie cross-section showing pavement width and depth • TMP • NIA 	
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Table 1 – Some Current Yass Valley 'Projects': Will the draft 'Fill' Policy produce better outcomes?

(**Please note that I do not hold the copyright for a number of the images included here but have been given permission to use them for the purposes of making submissions to this policy. They are not to be attributed to me..)

	Woodgrove Close, Wallaroo: a historical view, 2020, of a YVC-sanctioned 'fire access road'. This location continues to be actively expanded. No controls in place.
	Wallaroo Rd, Wallaroo: Apparently, no controls or planning review. The perspective does not do justice to the
	Brooklands Road, Wallaroo. An illegal 2,000m3, plus, asphalt waste dump which continues to be operated by an ACT-registered company free from HHP, environmental controls or EPA licensing relevant to the source of the material.

	Woodburn Lane, Wallaroo: Massive 'ancillary' or 'associated earthworks' pad and stockpiles of ACT-sourced material, free from control or HHP contribution.
	Woodburn Lane, Wallaroo: Old gravel pit on private property still being used to dump solid and liquid ACT-sourced building and industrial waste. EPA reported but no action and currently nearing capping with cosmetic layers. Note the watercourse. More than 100m ³ , too.
	Brooklands Road, Wallaroo: Erosion exacerbated by poorly constructed and maintained earthworks dam, further degraded by formal farming practices reducing upslope groundcover. The intended target for 'erosion gully rehabilitation' works.



Concrete rubble being removed from a Mort Street, Braddon redevelopment to an unknown Yass Valley dump site.

2.

- (a) It needs to be made very clear, throughout the entire document, that the policy applies to ALL Earthworks exceeding a volume of 100 cubic metres, **including** ancillary and otherwise exempt developments. As it currently reads, so long as landscaping is 'secondary' to the construction of a house, even if it involved importation of 40,000 cubic metres of VENM to create the house pad, it would be considered exempt from the filling policy. That completely defeats the purpose of the policy and leaves open a loophole that dumpers are already thoroughly aware of and currently exploiting heavily.
- (b) There are references to 'minimum' requirements but then qualifying statements that Council can vary these depending on context. They are minimum requirements for a reason – Council should absolutely be able to add **further** requirements, according to context, but not less. Thus the reference to "vary" needs to be changed to "add".
- (c) Terminology of "should generally", "may" etc has to be changed to "must" or "will" to have any chance of enforcement. You can still add exceptions so as to allow discretion in certain circumstances but these need to be clearly detailed and/or how the exceptions will be established needs to be stipulated.
- (d) There are many illegal dump sites operating currently in YVC. Council has previously relied on lack of resources as reasons why those sites have not had to comply with the law and Council policies. Now that Council is getting a Compliance Officer, all unapproved sites should be made to submit a retrospective DA, as is the case with other unapproved work. It is imperative the policy makes it clear that it will apply to all works for which a DA has not already been submitted, even if the unapproved work has already been completed.
- (e) All impacts of proposed Earthworks developments hinge entirely on the volume of material involved. It is essential that site surveys be supplied with clear and verifiable dimensions, reference points and methodology so that they can actually be an effective tool for Council to assess the accuracy of the claimed volumes to be filled and thus the resulting consequences for stakeholders including the environment. There's no point in Council attending a site if they've got nothing to verify. There's no point going through the assessment process if the proponents can just make up the numbers, draw some lines on a google Earth image and say that's their estimate. The implications of underestimation are enormous. The cost of requiring some very basic quantifiable measurements is negligible.
- (f) It is imperative that when assessing Earthworks DAs, including in particular the effects on noise, safety and amenity, that the existence of other approved works already in the area be taken into consideration as the effects on stakeholders are very much cumulative. This needs to be made clear in the policy.
- (g) DA notification must go to all properties along the access route and downstream in order for Council to have met its obligations to properly assess impacts. Thus it needs to be made clear that for the purposes of the Community Engagement Strategy, DAs subject to this policy are considered as likely to have significant impact on stakeholders listed in that strategy – you've heard the community on this issue!

There is comment that this policy reflects what has largely been in place since 2015. Yet the dumping over the last six years has been diabolical, intensive and has shown flagrant disregard for Council and stakeholders. Thus this new policy has to ACTUALLY DO SOMETHING to address this, not just encapsulate status quo. As such, please refer to Annex A of submission

contained at page XX of the meeting agenda [name to be redacted, please insert relevant page number of meeting agenda] – I repeat those submissions.

This is the golden opportunity for Council to get it right, to commit to policy a position that they are happy to promote to the media and stakeholders. Please continue to enhance this policy by taking into consideration the submissions made.

3.

Dear Jeremy,

Hope you are still well!

Please accept my attached submission.

And can you register my request that this Revised Draft be held over for consideration by the new Councillors. They are the ones that will have to face this accumulating problem.

Thank you , Jeremy.

Kind regards,

Submission on YVC Revised Draft Fill Policy

Thank you for the opportunity to comment.

I am going to apply criteria developed in the Land and Environment Court, for ***weight that should be given to a Council Policy***. (Stockland Development Pty Ltd v Manly Council [2004] NSWLEC 472 revised - 01/10/2004)

Hopefully this will reveal suggestions to remedy the Draft's shortcomings.

- ***The policy's role in providing for the orderly development of land***

Council has permitted 1.6 million tonnes of ACT construction waste to be deposited piecemeal on the Shire's rural lands, quarries and waterways

since 2015. (From list supplied by Planning Director) No one can tell how much more has been deposited without permission. This Draft would allow it to continue, without reference to a management plan for the Shire's catchments, without control of potential contamination, and without monitoring the effect on waterways. The Draft is based in serving the needs of Canberra developers, not the riparian ecology.

YVC has a 2-page fact sheet (*Gully erosion on your property*), which advocates natural regeneration. It only mentions importing fill once: two conditions where a gully must **not** be filled. These are both ignored in the Draft.

By contrast, Lake Macquarie City Council has a 20-page guide to rehabilitation of degraded watercourses. (*Preparation of Rehabilitation Plans for degraded watercourses or water Bodies Guideline*) It is based in the value of the natural state of the watercourse and its ecology, seeking to understand the stream processes and treat causes not symptoms. It gives 19 references to best practice. It does **not** promote the addition of foreign fill to eroded waterways. In fact its section on earthworks refers to **removing** fill adjacent to waterways and **removing** unauthorised stabilisation works. The final three pages detail stabilisation, maintenance and site protection, for three years. None of these are considered in this Draft.

The Revised Draft does not provide for the orderly development of land.

- ***The extent, if any, of research and public consultation undertaken when creating the policy***

No best practice research went into this Draft. In fact an earlier submission from an ANU professor, warning of the risks of accepting sodic soils as fill for eroded gullies, has been ignored, (despite a follow-up query in Council). The problem is that the unstable soils that are eroding in Wallaroo are the same type that have to be excavated and exported from Parkwood and Gungahlin, because you can't build on them. To tip them into eroded gullies compounds the problem. But the Draft does not require testing for sodicity.

Nor did public consultation happen before the creation of the policy. The Draft is not "*the result of detailed consultation with relevant parties, including the community and the owners of affected land.*" A public response to submissions was made, and community suggestions were replied to or "noted", but not many found their way into the Revised Draft.

- **The extent of any review of the policy's effectiveness**

The only firm standards detailed in the Draft are the eleven Conditions of Consent. Since nine of these have been applied to DAs since 2015, there can and should be a review of their effectiveness. Unless Council can provide evidence of stable, revegetated gully fills, with clean water downstream, can cementing these conditions into a policy be justified? (The actual state of filled gullies is depressing, if not shocking.)

- **the compatibility of the policy with the objectives and provisions of relevant environmental planning instruments and development control plans;**

The Draft does not comply with its legislated protection of rural lands and existing and emerging rural enterprises. Apart from one sentence about community impacts from the trucking, the Draft does not refer to stakeholders or list who they are: Families where children need to be safe while walking or riding to and from the school bus; property owners who are regenerating their own gully downstream of fillings; all property owners downstream who depend on clean water in their dams and uncontaminated soils; people who are running agricultural and other businesses for the refreshment of Canberra and beyond, which rely on a clean, quiet, country ambient. These are what Council should be protecting.

It is disappointing that there is neither plan nor target for fostering or protecting agriculture in YVC's 20-21 Operational Plan. The whole EC4 section was left blank.

*EC4 -Foster and develop a diverse, adaptive and
innovative agricultural industry*

EC4.1 Protect rural lands for agricultural purposes

*EC4.2 Identify opportunities and barriers for the agricultural
industry in Yass Valley.*

I understand that EC4.2 is a current project with YVC's Economics Committee, but protection of rural lands for agriculture is dealt with under the LEP zoning for Primary Industry. This Draft does not comply with the RU1 zone objectives.

Regarding EN3 *Protect and rehabilitate waterways and catchments*, The Operational Plans usually state: *Council is a member of the Upper Murrumbidgee Catchment Network and ACT and Region Catchment Management Coordination group. These bodies work to improve water quality.*

It is hard to find out what YVC has actually done in the Murrumbidgee catchment. There is nothing in this Draft about improving or even testing water quality.

- **whether the policy contains any significant flaws...**

There are significant flaws.

The Draft does not specify what quality of fill it will accept. (Council abandoned its insistence on VENM in 2017.)

The Draft rests on the assumption that gully filling is environmental

protection. That is controversial, however clean and compatible the soil. But when the soil is permitted to be contaminated (ENM) and no test is made for sodicity (dispersibility), the Draft needs to **substantiate** this assumption. The Draft needs to remove gully filling from the category Permitted without a DA, with its artificially imposed 100 cubic metre limit but no restriction on quality.

Filling is either exempt under the Code SEPP and restricted to 100 cubic metres of **certified VENM**, OR it is a genuine environmental protection work and has no limit. (Lake Macquarie City Council LEP requires a DA for environmental protection work. Perhaps Yass should.)

The Draft needs a statement of objectives. It needs firm standards. It needs to sort out what principles are and to prioritise them realistically. It needs to include quarry-filling, which has enormous potential for contamination.

The important point about waste disposal facility needs to be clarified.

When will Council consider land to be a waste disposal facility (when they all are?) And **when** will Council apply the heavy fines to properties that have become illegal waste disposal facilities?

- ***The public interest***

The Draft needs to consider who is the public, whose interest it should have at heart. Is it the people who live in the Shire, or is it Canberra developers and contractors and a few, very few landholders who want to fill their gullies? Is it YVC's function to foist the ACT's waste problem on rural lands and residents??

This Draft can only perpetuate the situation. The consultant will change very little in his cut and paste reports for developers.

And is it in the public interest that transparency will be lost if this Draft becomes policy? The two policies named in the Draft as governing the notifying and determining of fill DAs, have been modified to restrict participation of the community and of Councillors. If Staff decide that a DA complies with the policy, they are not required to notify the DA. Further, unless there are more than four submissions,

Staff may determine the DA under delegation.. For the DA to be decided by Councillors, at least four Councillors would have to nominate it in writing, so it could be brought to a Council Meeting.

In light of this, it is essential that we have a policy that is truly in line with the public interest; complying with the philosophy underpinning our LEP and Vision for the Shire; based on best environmental practice and embedded in a well thought out plan of management for the whole catchment.

4.



Sutton & District Community Association Inc.

PO Box 7404
SUTTON NSW 2620

Submission to Yass Valley Council's proposed Policy on Filling

The Sutton & District Community Association (SDCA) have a keen interest in this policy from several perspectives:

- concerns that the fill being brought into the council area is 'clean' fill;
- that any fill, outside that allowed under the *State Environmental Planning Policy (Exempt and Complying Codes) 2008*, be subject to an approved DA; and
- ongoing concerns about heavy vehicle traffic on local roads and in particular through Sutton Village.

The issue of fill has been a long standing concern for Sutton residents and any changes to policy that would make it easier for fill to be brought into our area and deposited is of concern.

The issue of ensuring 'clean' fill is likely only able to be achieved by spot checks by Council or other designated officers. The SDCA would strongly support such a process. If sufficient powers were not available for Council officers to undertake such checks, then we would support other appropriate agencies being invited to conduct such operations in the Yass Council area.

The Association also has concerns, if DA approval for fill can be given without appropriate notification to surrounding properties, not just those properties that are neighbours or are opposite the development.

Once a DA for fill has been approved the amount of fill and any conditions on the DA, should be readily available for all surrounding properties and the local community. Perhaps Council should consider the provision of a specific link on the Council website where all such DA's are housed and

available for access. There are numerous examples of where DA's have been approved but significantly more fill than that approved has been deposited on site. If DA information, such as daily limits on the number of vehicles, the hours of operation and the proposed route for development traffic was readily available to surrounding properties and other interested community members, it could help Council in policing any activities beyond the DA's approval by having an informed community.

Whilst the issue of traffic, particularly heavy vehicle traffic, is a concern across many areas of the Council, traffic through the Sutton Village, particularly trucks, is at a critical point. The SDCA is of a view that any DA being sought that has development traffic proposed to be routed through Sutton Village, should be subject to additional scrutiny and the SDCA notified of such developments. This would ensure that our local community has the opportunity to bring any concerns to the attention of Council.

The SDCA would be happy to provide any further information if required.

President
Sutton & District Community Association

23 July 2021

5.

Name *

Address *



Australia

Email *

Phone

Number *

What item are you making a submission on? *

Draft Filling Policy

Submission *

I have substantial concerns with the Draft Filling Policy, both in its content and the timing of its approval.

As well as having serious deficiencies, it should not be approved by the current Council which will shortly enter the caretaker period ahead of the local government elections on 4 September 2021. The approval of this policy must be left to the new council especially with many current councillors choosing not to re-nominate.

There is clearly a great deal of community concern about existing filling practices. To rush the policy through in the lead up to the election would deny the incoming, newly-elected Council the opportunity to review it, bearing in mind that the issue of unregulated dumping is very likely to be an important election issue.

At the outset, I would also make it clear that I fully endorse the submission on the draft filling policy made by my neighbour. It is a comprehensive, expert assessment which I fully support.

Policy concerns:

In many instances the wording of the policy is ambiguous. The intent must be clear in order to prevent loopholes being exploited as has happened in the past.

For example:

Development with Consent

Clause 6.1(2)(b) Yass Valley LEP 2013 states that development consent is required for earthworks unless the earthworks are ancillary to development that is permitted without consent under this Plan or to development which development consent has been given.

Dumping as “ancillary” to a development either permitted either with or without consent should be removed. All dumping above the 100cubic metre limit should require a separate development consent. In this instance Clause 6.1(2)(b) Yass Valley LEP 2013 needs also to be amended.

It should be noted that the use of ‘ancillary’, according to Mr Chris Berry was the reason the developer at Oakey Creek Road could get around Heavy Haulage fees and continue with the activity. In this policy ancillary is unlimited.

Under the draft policy, Council can also consider fill material to be ‘waste’ and filling being characterised as a waste disposal facility, for example, top dressing of paddocks with material that is not suitable for the intended purpose/outcome.

This statement needs to be tightened to clearly state that where an activity can be regarded as “waste disposal “ then a separate Development Application for a waste disposal facility is required.

In the case of erosion gully rehabilitation, the words ‘consider’ and ‘consideration’ – far too broad and open to interpretation – are used repeatedly.

Similarly, the statement that the impacts of the proposed development on the amenity of neighbouring properties must be considered. This is far too vague and needs to take into account the expressed views of neighbours and the impact of truck movements on their amenity and safety.

I am also concerned that if the draft filling policy is approved, democratically elected councillors and residents will be restricted in their input into future filling decisions.

Under this draft, DAs involving fill will be notified and assessed according to Council's Community Engagement Strategy and DA Assessment and Decision-making Policy which seriously limits community input.

Some of their restrictive provisions are:

- If Council staff are satisfied that a fill DA complies with the policy, they are not required to notify the DA.
- Neighbour's notification is restricted to adjacent and opposite properties.
- If fewer than four objections are received, staff can approve the DA under delegation.
- If a councillor wants to "call in" a DA to a Council Meeting, they have to persuade three other Councillors, and then all four then have to nominate the item in writing to the General Manager.

This policy also creates loopholes which could mean the Heavy Haulage Policy would not be applicable to particular activities.

For example, the words 'ancillary' and 'environmental' used in the draft could mean large amounts of fill are allowed but excluded from the need to have a DA and would therefore avoid Heavy Haulage fees.

In conclusion, I urge the Council to consider this and other submissions carefully, noting that the current Council's term ends shortly and it is beholden on Council to allow the newly-elected Council to review the policy. To do otherwise would be a travesty and in direct contravention of the democratic process.

6.

Name *

Address * 

Australia

Email *

Phone

Number *

What item are you making a submission on? *
YVC Draft Fill Policy

Submission *

The new policy should NOT be approved by the current Council. Elections are due on 4th Sep 2021 the approval of this document should be left to the new Council. Filling is clearly a very controversial issue across the Shire and it is only appropriate that the new Council should be given the opportunity to review the policy and possibly make changes as it sees fit. They are the ones who will have to deal with the consequence of an inadequate policy document.

Detail of submission

In a number of instances, the wording used in the filling policy needs to be tightened in order to reduce ambiguity and ensure that its intent is very clear and that it can be properly enforced.

Development with Consent

Clause 6.1(2)(b) Yass Valley LEP 2013 states that development consent is required for earthworks unless the earthworks are ancillary to development that is permitted without consent under this Plan or to development which development consent has been given.

Dumping as “ancillary” to a development either permitted either with or without consent should be removed. All dumping above the 100cubic metre limit should require separate development consent. In this instance, Clause 6.1(2)(b) Yass Valley LEP 2013 needs also to be amended.

Development with Consent

Council may also consider fill material to be ‘waste’ and filling being characterised as a waste disposal facility, for example, top dressing of paddocks with material that is not suitable for the intended purpose/outcome.

This statement needs to be expanded to clearly state that where an activity can be regarded as “waste disposal “ then a separate Development Application for a waste disposal facility is required.

Guiding Principles

Erosion Gully Rehabilitation

This section repeatedly uses the “consider” and “consideration”. These words are very open to interpretation. “Oh yes we considered it but we decided to take no action”

Statements like

Impacts of the proposed development on the amenity of neighbouring properties must be considered.

Should be replaced with

The expressed views of neighbours in regard to the impact of the development on their amenity should be incorporated in the development (eg hours/days of operation, number of trucks per day, likelihood of visual impact on neighbours). If the proponent refuses to incorporate these modifications then the development should be refused.

The Wallaroo area is zoned rural residential, not industrial and standards expected in a residential area should be the main criteria.

Statements included in the Internal Access Roads section of Guiding Principles are much more specific the Erosion Gully Rehabilitation section should have a similar clear definition.

7.

Name *

Address * 

Email *

Phone

Number *

What item are you making a submission on? *

Submission *

SUBMISSION to YASS VALLEY COUNCIL FILLING POLICY. ON PUBLIC EXHIBITION 23 July 2021.

OVERVIEW

This document is an important update to Councils current Filling Policy. However it still has in my view a number of short comings (see below).

In addition the new policy should NOT be approved by the current Council. Elections are due on 4th Sep 2021 the approval of this document should be left to the new Council. Filling is clearly a very controversial issue across the Shire and it is only appropriate that the new Council should be given the opportunity to review the policy and possibly make changes as it see fit.. They are the ones who will have to deal with the consequence of an inadequate policy document.

Detail of submission

In a number of instances the wording used in the filling policy need to be tightened in order to reduce ambiguity and ensure that its intent is very clear and that it can be properly enforced.

In particular

Development with Consent

Clause 6.1(2)(b) Yass Valley LEP 2013 states that development consent is required for earthworks unless the earthworks are ancillary to development that is permitted without consent under this Plan or to development which development consent has been given.

Dumping as “ancillary” to a development either permitted either with or without consent should be removed. All dumping above the 100cubic metre limit should require a separate development consent. In this instance Clause 6.1(2)(b) Yass Valley LEP 2013 needs also to be amended.

Development with Consent

Council may also consider fill material to be ‘waste’ and filling being characterised as a waste disposal facility, for example, top dressing of paddocks with material that is not suitable for the intended purpose/outcome.

This statement needs to be expanded to clearly state that where an activity can be regarded as “waste disposal “ then a separate Development Application for a waste disposal facility is required.

Guiding Principles

Erosion Gully Rehabilitation

This section repeated uses the “consider” and “consideration”. These words are very open to interpretation. “Oh yes we considered it but we decided to take no action”

Statements like

Impacts of the proposed development on the amenity of neighbouring properties must be considered.

Should be replace with

The expressed views of neighbours in regard to the impact of the development on their amenity should be incorporated in the development (eg hours/days of operation , number of trucks per day , likelihood of visual impact on neighbours). If the proponent refuses to incorporate these modifications then the development should be refused.

The Wallaroo area is zoned rural residential , not industrial and standards expected in a residential area should be the main criteria.

Statements included in the Internal Access Roads section of Guiding Principles are much more specific the Erosion Gully Rehabilitation section should have similar clear definition.

22nd July 2021.

8.

Name *

Address *



Australia

Email *

Phone

Number *

What item are you making a submission on? *

Draft Filling Policy

Submission *

SUBMISSION to YASS VALLEY COUNCIL FILLING POLICY. ON PUBLIC EXHIBITION 23 July 2021.

ADDITION TO EARLIER SUBMISSION. Application of a levy per tonne

The policy should include the application of a levy per tonnes of fill dumped. This levy needs to be commensurate with rates charged per tonne in the ACT. I would suggest \$20.00 per tonne.

The extensive transport of VENM from the ACT to NSW is not only a serious impost on the amenity of local residents , but leads to a substantial increase in CO2 emissions. I have observed trucks undertaking an 80km round trip from a construction site on Constitution Avenue in the ACT to the end of Nanima Road , when the nearby Pialligo site is only some 5km distant.

Monitoring of the amount of dumping would be very easy to do by setting up a wildlife camera at the entrance to the dumping site. These are available for purchase from Jaycar for around \$200.00 and will operate for many months unattended. They would pay for their purchase cost with the first truck.

23rd July 2021.

9.

Name *

Address *



Australia

Email *

Phone

Number *

What item Draft Filling Policy
are you
making a
submission
on? *

Submission *

FROM THE MOUNT SPRING ASSOCIATION

Mount Spring Association (MSA) response to draft YVC Filling Policy

The MSA represents residents in the Wallaroo/ Springrange areas.

Thank you for the opportunity to respond to the The Yass Valley Filling Policy.

Caretaker Period:

As the Council election caretaker period is fast approaching (commences August 25 we believe) the MSA commences by reminding Council that no binding significant decisions should be made during this time. This is definitely such a policy decision.

BACKGROUND

This importance of this issue cannot be overstated.

Abutting the ACT as we do the issue of dumping of fill and the directly associated enormous volume of heavy vehicle movements have been a growing issue for years – reaching crisis point in several places. For some community members and YVC ratepaying residents it has taken them almost to breaking point in terms of mental health.

Adding to the consternation for residents in our area has been the fact that whilst many Yass Valley Councilors have expressed sympathy, they appear to have been unable to address the situation as it involves fill coming (almost exclusively) out of the ACT as it is the least costly method of disposal for ACT developers.

The fill brings with it cascading issues for YVC residents in our area, ranging from polluted waterways, and huge numbers of truck movements impacting safety, health and amenity. It is also at odds with YVC's planning and philosophical approach to this peri-urban rural area.

The MSA and others are seeking to build on this general YVC approach by promoting gourmet food, wine and hospitality businesses in the area, as well as seeking to introduce a network of 'beside the road' cycleways to connect the huge ACT cycling population with the Council's well designed cycle network under construction around Murrumbateman.

That is all at odds and put at risk by the growth of the area as a dumping ground for ACT generated development.

COMMENTS ON THE POLICY

The YVC is to be congratulated for grappling with the issue of fill and for opposing with this plan the contention by some ACT authorities that ALL fill is a 'natural resource' and therefore 'good'.

The YVC is entirely correct to point out firmly that, even if completely clean of contaminants, fill is not a resource but is instead 'waste' if it is not applied to the land in a way which conforms to other necessary conditions.

As the draft plan says:

"Council may also consider fill material to be 'waste' ...for example, top dressing of paddocks with material that is not suitable for the intended purpose/outcome."

YVC has determined that 100m³ is the correct volume to be able to be used without consent, which presumably means roughly ten truck and dog loads.

Whilst MSA does not oppose this threshold we ask that it be reviewed in twelve months to ascertain if it was indeed the correct setting. For the YVC to review this condition in 12 months requires that the Council have some form of monitoring program. MSA would be interested in understanding what that might involve.

FAILINGS OF THE PROPOSED POLICY

The largest issue, and one which Councillors need to focus on, is a move away from representative determinations.

This Draft makes it clear that DAs involving fill will be notified and assessed according to Council's Community Engagement Strategy and DA Assessment and Decision-making Policy.

Some of their restrictive provisions are:

If Staff are satisfied that a fill DA complies with the Policy, they are not required to notify the DA.

This is not acceptable to the MSA.

It is anti-democratic and unfair to the nearby community and should be opposed by Councillors that the draft suggests that:

- Neighbor notification is restricted to adjacent and opposite properties.
- If fewer than 4 objections are received, staff can approve the DA under delegation.
- If a Councilor wants to "call in" a DA to a Council Meeting, they have to persuade 3 other Councilors, and the 4 then have to nominate the item in writing to the General Manager.

The plan suggests in places that:

"Impacts of the proposed development on the amenity of neighbouring properties must be considered."

This is a vastly deficient statement.

WHAT THE POLICY SHOULD CONTAIN

The MSA strongly believes that the opportunity exists for YVC to deal with this growing issue (which is only likely to get more profound as the ACT pushes harder against its northern and western boundaries) by adding much greater requirements to fill applications:

THE MSA ADVOCATES FOR:

Publication on the YVC website of all dumping DAs

- Mandatory independent testing of the fill (paid for by the applicant) and rejection of unstable sodic (dispersive) soil.
- Notification to every property downstream of the filling.
- A curfew for trucks while children are walking to and from the school buses.
- Notification of all properties likely to be affected by truck movements
- Acceptance only of certified VENM (as was YVC policy till 2018).
- Staff accessing environmental expertise (paid for by the applicant) to test the claims made by paid consultants.
- Staff supporting their decisions with evidence from current environmental best practice.
- A detailed commitment of Council's monitoring functions and standards required to be met.
- A clear statement of how Council will deal with illegal filling.
- Requirement for DAs approved to lodge a bond with the Council (using the same conditions as for the Heavy Haulage Policy) which is refundable on satisfactory completion of the work

SHORTAGE OF RESOURCES MUST NOT TRUMP CORRECT POLICY

Council has limited resources but that fact should not be the driver of poor policy and development outcomes.

Council should be unafraid of demanding proponents shoulder the burden of YVC managing this issue to the satisfaction of the majority of its ratepayers and constituents.

It is perfectly reasonable for example that Council could demand a photo of a load being deposited every time a truck releases its load, as well as before and after pictures. This would soon reveal how many DA's are being 'gamed.'

It is also feasible for Council to deploy drones or supply the same to a 'neighborhood watch' to help Council be the eyes it doesn't always have. (This of course is the premise of the Council sanctioned 'Dob in a Dumper' phone number already).

Yours sincerely

President MSA

10.

Name *

Address *



Australia

Email *

Phone

Number *

What item are you making a submission on? *

Filling Policy

Submission *

I support Council's development of a policy to better manage the issues surrounding the use of VENM/ENM throughout the Shire. I would be happy to provide additional detail on the points I raise in the following submission.

The policy should include Quarry Rehabilitation as well as Internal Access Roads and Erosion Gully Rehabilitation.

The erosion gully guiding principles should include the following to enable proponents to self select projects and provide justification for Council to refuse unsuitable projects:

Gully rehabilitation will not be approved on 2nd or higher Order Streams or any permanently flowing watercourses (according to the Strahler Stream Ordering method and the NSW Hydroline spatial dataset).

Gullies to be rehabilitated must be actively eroding and unlikely to stabilise without intervention.

Gully rehabilitation activities must be consistent with Natural Resource Access Regulator Guidelines for Riparian Management and be able to attain a Controlled Activity Approval if required.

Gully rehabilitation activities must be undertaken in accordance with Managing Urban Stormwater: Soils and Construction (The Blue Book) which will include the requirement for Erosion and Sediment Control Plans or Soil and Water Management Plans as may be appropriate for the site.

Gully rehabilitation activities using VENM/ENM should not substantially alter the natural drainage patterns of the landscape including not changing the location at which overland and/or concentrated flows leave the property boundary, and/or substantially change the catchment size and/or dynamics of flows as they exit the property.

The internal access road guiding principles should include:

The layout and design of internal access roads to be constructed using VENM/ENM should not substantially alter the natural drainage patterns of the landscape including not changing the location at which overland and/or concentrated flows leave the property boundary, and/or substantially change the catchment size and/or dynamics of flows as they exit the property.

Internal access road activities must be undertaken in accordance with Managing Urban Stormwater: Soils and Construction (The Blue Book) which will include the requirement for Erosion and Sediment Control Plans or Soil and Water Management Plans as may be appropriate for the site.

Additional matters for consideration in the policy include:

Medium to large projects (exceeding 3 months duration and/or 10,000m³) should be staged to enable:

- < proponent to demonstrate intent and capacity to properly implement and manage the overall project;
- < minimise environmental risk
- < provide logical holds points / site inspection opportunities / reporting timelines

Site Inspection and/or Proponent Reporting Requirements for projects should include:

- < Post installation of sediment and erosion control and site management measures

- < Quarterly and/or at end of each identified stage
- < Following any major climate or other issues which have significantly impacted the site/project
- < Completion of filling and associated earthworks
- < Post revegetation / stabilisation works
- < End of project sign-off (successful revegetation / stabilisation)

Site Inspection / Reporting Requirements should be scaled based on project risk factors including

- < Duration of Project [12 months]
- < Volume of Material [40,000m3]
- < Access [sealed regional road access] [sealed local road – good condition] [sealed local road – poor condition/unsealed road]
- < Location [remote rural – limited neighbour impact] [medium/large lot rural] [rural residential/village impacts]
- < Environmental [no sensitive environmental receptors] [sensitive environmental receptors in the region] [adjacent to sensitive downstream receptors (e.g River)]

Policy should mention that Council considerations will include the cumulative impact of multiple projects on local and regional road networks and community amenity which may result in individual projects being offered deferred approval or refused approval.

There should be a strategic approach to managing the disposal of VENM/ENM working across Councils / ACT Government. The strategy needs to include:

- < registration scheme for contractors operating in the sector [could include best practice guidelines / code of conduct / rewards scheme / accreditation scheme recognising industry best practice operators] – only registered operators are able to operate in the sector
- < equalisation mechanism which makes the cost of disposal more equitable across the region to reduce the incentive for long distance transport to sub-optimal sites and provides a pool of resources to compensate Councils and others for impacts to infrastructure and community amenity [disposal costs would need to be balanced to ensure sector engagement and reduce incentive for illegal operations]
- < enforcement measures {linked to increased monitoring including remote monitoring [CCTV/drone] / dedicated inspectors / community hotline [dob in a dumper] / Near Maps audits of the region} linked back to de-registration of operators.

11.

'Filling Policy' (XX-POL-XX)

Further to your email notification of 25th June 2021, we wish to make a submission on the draft policy on exhibition.

Firstly, we would like to commend Council for taking steps to address the current dire consequences of the dumping of fill on rural properties in the RU1 zones of the Shire. Consequences which are costing Council, and therefore the ratepayer, unnecessary expenditure on road damage to fragile rural roads. Consequences resulting in community hardship through broken-road navigation and safety issues caused by the excessive use of heavy haulage vehicles using roads never designed for this type of traffic - vehicles dumping fill for the financial benefit of a few at the expense of many.

It is vital that Council present a strong and clear policy if Council is genuine in its pursuit to solve the problem of **illegal** and excessive **legal** dumping. Much of the draft policy is loosely worded and allows room for variation, loopholes and individual's interpretation and, as such, may over-ride the intent of the Heavy Haulage Draft Policy, also currently on exhibition, i.e. to remunerate the Council for damage done to rural roads by heavy haulage vehicles.

Examples of shortcomings in the draft:

1. Development without Consent

It is hoped that all Council policies are clear and concise and not open to subjectivity and misinterpretation. This isn't the case in Paragraph 2 (Development without Consent). This section effectively allows Council staff to override policy conditions emanating from a **discussion** between a developer and Council. This paragraph should be removed in its entirety or firm guidelines inserted to enable staff to better understand and have confidence to apply the parameters of this Policy Principle.

2. refer: Policy Principles, Development with Consent

CLARIFICATION NEEDED: The second sentence in this section is confusing and needs clarification as to the definition of 'waste' and where such 'waste' is allowed to be taken i.e. to a '*designated waste receiving facility, designated by Council*', in alignment with the conditions of the Council's Local Environment Plan. **This Policy should also make it absolutely clear that removal of material, determined to be waste, is to be at the property owner's expense.**

COMMENT

Enforcement of the dumping of fill on rural properties has been and will continue to be a difficult task for Council. Therefore a strong, watertight policy needs to be in place, in parallel to and supportive of, the Heavy Haulage Policy.

The draft on exhibition is a key link to solving the enormous problem of the dumping of fill in the shire. Fill often emanating from over engineered and unwarranted 'legal' dumping in the border areas of the shire alongside 'illegal' dumping where no consent has been given.

The draft, as it is, does not meet this purpose, it is flawed in its wording and context and omits key elements such as certification of the fill to name just one. The draft needs to be re-worked and re-exhibited, ideally alongside the Heavy Haulage draft policy, when the Council and new Councillors are in full operation mode.

Thankyou for the opportunity to make a submission on this draft.

Yours faithfully,

12.

Submission re: Revised Draft Filling Policy (15 July 2021)

This policy does not yet meet the drafting and quality standards the community expects. A good policy needs to make it clear to all stakeholders what will be approved and what will be rejected. My most ardent advice re the revised Draft Filling Policy is that Council officers determine from consultation the direction they wish to take; draw the line as finely as possible between what is acceptable and what is not...and then engage professional drafters to put that into clear, simple and unambiguous language.

Although much community consultation has been done, at the moment this policy is not yet ready simply because of the imprecision of its language (refer Appendix A below).

If we get this right, it will be much cheaper in the long run. Council will deliver policy to a professional quality standard and the entire community will benefit.

Appendix A : Just a few examples.

It is not intended here to argue paragraph by paragraph weaknesses in the document. A few examples have been examined. There is at least one professional journalist in Councillor ranks. Let someone who wields words as a profession judge and set the drafting standard.

Example 1: Definitions.

'ENM' and 'VENM' and 'Fill' are carefully defined at the start of the document. The first two terms are relatively precise. 'Fill' is less so and appears to mean either ENM or VENM. It is the only term used throughout the policy. 'ENM and VENM appear nowhere other than in the definitions. Does Council really intend to treat ENM and VENM equally?

This confusion alone is at the heart of much current controversy.

Example 2. Development with consent: "Ancillary to development"

"Consent is required for earthworks unless the earthworks are ancillary to development..."

The phrase is broad enough to permit or deny almost anything. Is this Council's intention? Are caveats required?

The paragraph from which this is extracted is particularly convoluted and needs to be made more readable.

Example 3. Development with consent: "Council may also consider fill material to be waste..."

"Consider" is vague. Does the author mean "determine"? If so, using what criteria? What action flows from such a determination?

Example 4. "Guiding Principles"

"The following guiding principles shall be taken into consideration"

General philosophy will not suffice. Each principle needs to contribute to understanding the line between acceptable and unacceptable practice. Taking something "into consideration" in no way furthers a reader's understanding of where the line is drawn.

a) The first principle makes the point that use of fill may be appropriate or inappropriate... but omits to provide criteria for how we are to distinguish between them.

b) "Professional advice... is to consider": Do we mean professional advice commissioned independently by Council...or professional advice from an "expert" hired by a developer subject to commercial pressures? Processes can be important and ambiguity is no one's friend.

c) "The erosion gully rehabilitation plan shall consider factors....": Do we mean "The erosion gully rehabilitation plan will contain measures which..." (and then enumerate requirements)?

d) "Impacts ...on the amenity of neighbouring properties must be considered". Do we mean impacts on neighbours must be *alleviated*? Should we not then detail specific requirements?

If this was indeed what was meant in the last item, might it not have been drafted as:

Deposition of fill (either ENM or VENM) must minimize impact on neighbouring properties. Where such risks are present property owners must take measures to alleviate them.

Note that the suggested drafting is specific about the requirement; states what needs to be done to meet it; and identifies who is responsible .

In conclusion

The counter examples listed here are not exhaustive but provide evidence that weakness in wording has blurred meaning. They support the case that further work is required (and perhaps professional help is needed) to meet a standard of quality to which Council aspires and the community is entitled.

Sincerely

Submission in relation to proposed DA210063 - 3 Burrai Place, Yass

Prior to final approval of DA210063 we seek the following amendments and issues to be addressed to reach a satisfactory outcome that balances the long-term needs of the community with the impact to current residents/property owners/rate payers:

1. Reduction in lot numbers (specifically removal of Lots 2,3,4,5,6,45,46,47,48,55,56,57,58) and redesign of DA with increased open space to allow for further set back from existing boundaries of Burrai Place, Guginya Place and Grand Junction Road for reduction in noise/visual/lifestyle impact, traffic congestion/safety and asset value protection for existing properties in Burrai Place, Grand Junction Road and Guginya Place.
2. No development activity to occur for at least 12-months to provide relief to current residents/property owners/rate payers from continual prolonged development activity during the previous 2 years from Stage 1 Wellington Estate and sewage pump construction
3. Removal of proposed new entry roads along Burrai Place and Grand Junction Road with utilisation of current (recently redeveloped) access via Wellington Road to reduce traffic and noise issues for existing property owners in Burrai Place, Grand Junction Road and Guginya Place.
4. Permanent noise and visual screening protection to be incorporated in DA for existing property owners in Burrai Place, Grand Junction Road and Guginya Place.
5. All development infrastructure (site office, vehicles, electrical, sewage etc) to be always located within the development site without encroaching on any adjoining private or public land with appropriate visual screening and noise suppression barriers to be installed
6. Further details of proposed future development of Lot 1 "Super Lot" – we would strongly oppose any medium-high density development
7. Road and traffic management/impact details to be provided
8. Council and/or developer to indemnify/compensate us for any reduction/loss in market value of our property at Yass resulting from the proposed development.
Calculated as:

(Current value (#) + 6.8% (*) pa x 20 years) less (reduced value + 6.8% pa x 20 years) + \$50,000 (general compensation). We reserve the right to vary the calculation method of loss/damages – pending legal advice

9. Timeline of development to be provided (including final DA approval, commencement of site works, completion etc) – refer Item 2.
10. All construction/development activity to be conducted within 7.00 am – 5.00 pm Monday to Friday with strictly no weekend and/or public holiday activity

(#) as determined by licenced valuer report commissioned by and at cost to current property owners

(*) 25-year average annual residential property growth rate as per CoreLogic 25 years of Housing Trends report – refer - <https://www.aussie.com.au/plan-compare/property-reports/25-years-of-housing-trends-property-market-report.html>

15 April 2021

Mr Muzaffar Rubani
Development Planner
Yass Valley Council
PO Box 6
Yass NSW 2582

Dear Mr Rubbani,

I am writing in response to Development Application DA 210063 at 3 Burrai Pl, Yass. Before this DA is approved, I hope you would consider my concerns that are outlined in this letter.

Firstly, the dust from the worksite may be an issue if it is not managed effectively. I am concerned regarding the amount of dust a development of this size and duration will create, which will be impacted on my home. I am requesting the council appropriately manages the dust to stop it from covering my home and roof space, as this can cause damage to our property, such as to vehicles. It also poses a health risk to our neighbourhood in regard to asthma and allergies.

I request any work that is done on our nature strip that I request is repaired and left in its original state after the development.

In regard to block size, is there potential for some of the blocks to be of a larger size?

I extend my concern about future out of pocket expenses occurring to me. Neither future neighbours or the Yass Valley Council can make us do anything, during or after the development is finalised and houses are built. I would like to make it very clear that no out of pocket expenses are to occur to me. There will additionally be no complaints to us after houses are developed due to anything being previously overlooked. This is not, and will not be our responsibility and therefore complaints incurred to us are not fair-minded or honourable.



Thank you for your consideration. I look forward to your response.

Yass Valley Council
209 Comur Street
Yass NSW 2582

Dear Sir/Madam

I write in response to Development Application **DA210063 – 3 Burrai Place, YASS NSW**. I strongly urge the Yass Valley Council and its representatives to reconsider the proposed DA, 210063 to align it with Yass Valley Council's strategic priorities specifically those that address **sustainability, safety, amenity, and liveability** of the town and within the development itself.

I request Council consider the merits of DA 210063 in conjunction with other developments in the area being undertaken by the same developer.

For example, currently DA 210063 is presented as single development that proposes 58 new houses and one super block – which is assumed to be for intensive or more intensive housing. The applicant however has an existing (new) development on Wellington Road immediately joining the proposed development on Burrai Place. The plan provided as part of DA210063, makes no mention of the adjacent 48 blocks recently offered for sale as part of the Wellington Road development. Assessed collectively, this is an increase in 106 houses. This number doesn't include other more intensive types of housing as part of the super block.

Furthermore, DA 210063 doesn't acknowledge or refer to other lots currently under development by the same developer along Mort Lane. All these developments are proposed to connect. **The proposed DA is therefore misleading.** Viewed collectively the scale of this development is much larger and I urge the Council to consider the total impact of all these development on the surrounding area to allow planning at a broader or landscape scale. Consideration of the proposed development at a larger scale may prevent future issues such as congestion and over reliance of resources, to be minimised and managed appropriately.

There has been minimal consultation for a development of this scale. Residents of streets not directly adjoining these developments have not been consulted, when clearly the size of this development will impact more than those directly across the road. I recommend the applicant is compelled to develop and implement a comprehensive communication plan prior to the DA approval which includes public information sessions including disclosure about all their proposed developments in the area.

TRAFFIC

The roads immediately impacted by this development (and others) include Grand Junction Road, Burrai Place, Guginya Place, Wellington Road, Lead Street, Meehan Street and Therry Street.

DA 210063, in its current form will extensively modify the character of Burrai Place and surrounding streets. An additional 106 cars (or more) using the road will change it from low to high use making it less safe for pedestrians, cyclists and horse riders. Given there is no green space proposed I'm concerned about the safety of children, families who walk their dogs and community groups using the road corridor. The road in its current state is virtually single lane and will be unable to cope with the increase in traffic.

It is essential that a **traffic modelling study** is undertaken that assess the future impact on the internal roads and roads external to the developments including those mentioned above. This information should be provided to the residents in the area to ensure suitable options are explored and discussed. This should include measures to mitigate traffic on Burrai Place, Grand Junction Road and Therry Street.

Of particular concern are access/egress points for blocks 46 and 47. The plan provided indicates they will front directly onto to Burrai Place on a blind corner. This is unacceptable on many levels.

****Although not specifically part of this development the traffic island on the end of Grand Junction Road and Therry Street that was installed to improve safety for the Wellington Road development provides a good example of poor planning and poor outcomes. The new traffic island is a visual blight and has made the intersection unsafe when travelling from Therry Street. This kind of road treatment makes the community nervous about the quality of future developments.**

NO GREEN SPACE

The proposed plans have no greenspace for 106 or more homes. Is this acceptable for a rural town or any kind of development where the links between the provision of open space and health are well known? Planning consideration should include a Green Space Plan that reflects contemporary design principles for public open space with provisions for parkland, pocket parks and playgrounds for young and middle aged (5-12) children. The nearest playground is over 2.5 km away. The nearest bus stop is over a 1 km away from many of the proposed houses. How will new families encourage their children to walk to the bus stop traversing on a high use road? These types of connections must be made prior to the DA being approved.

I had to laugh when I read this comment on the last page of the Statement of Environmental Effects **"The proposal has been prepared with respect to maintain the rural character and to protect/ enhance the biodiversity of Yass Valley LGA"**. What part of 58 (and 48 in the Wellington Rd development) houses in such a small area enhances the rural character of the area or enhances biodiversity? The blocks proposed are all around 700 sqm which are nowhere near being 'rural'. The area will become a colourbond fence jungle.!!

The proposed DA does not reflect the objectives in Council's *Bike and Pedestrian Access and Mobility Plan 2017-2017*. Specifically

- for accessibility to be inherent to the design principles of the development s to enable movement around and to and from the development to other areas.
- Creation of pedestrian and bike/horse riding corridors, separate from roadways enable access to and from the Yass Showground and township.

How can this development be considered sustainable when 74% of the blocks aren't north facing?

A **Sustainability Plan** should be developed that demonstrates how this development (and other adjacent developments), minimise resource use. For example, less than ¼ of the blocks are north facing. This will reduce the effectiveness of solar systems. The plans don't show any water harvesting or water reuse on site meaning all run off will end up in the storm water system. If redesigned to include the formation of a natural wetland, run off could be treated before entering the storm water and riverine system and provide habitat and parkland for residents. It could also serve as a visual barrier for the development.

It is strongly recommended that planning considerations are reviewed at a more holistic scale to enhance biodiversity and connect with existing 'natural' and adjacent areas of cultural significance.

The Sustainability or Green Space Plan should include a *Tree and Vegetation Management Plan* that demonstrates measures to mitigate the visual impact from the development to surrounding areas including along Coolalie Road and noise buffering measures between existing houses and new houses.

The plan should consider how amenity, the rural character and natural features of Yass will be retained. I am also interested to learn about the Council policy for the management of any new trees. Many jurisdictions use bonds or management agreements to oblige the Developer to maintain any new trees, planted in public space, for 3-5 years post the sale of blocks. The development along Morton Avenue, undertaken by the same proponent has only two surviving trees that were planted as part of that development. The developer removed over 18 remnant Eucalyptus and the outcome is a net loss of trees and habitat.

- A Housing Typology Plan should be developed as part of the DA assessment that includes examples of the housing typology and external fencing materials to ensure visual amenity is high. (For example, the current (new) yellow colour bond fence appears as a scar on the landscape and is unsympathetic to the surrounding area). The Council should seek a range of housing types to provide greater choice for residents.

Cost of living expenses in response to poor planning decisions should not be attributed to existing residents.

I am concerned that as a rate payer, if this development is not given the adequate consideration, and problems need to be remedied in the future, that my rates will increase due to poor planning decisions. I want the Council to get it right the first time and lead by example in not approving the DA in its current form.

Thank you for your consideration. I look forward to your response.

Regards

Mr Muzaffar Rubbani
Development Planner
Yass Valley Council
PO Box 6
YASS NSW 2582

Dear Mr Rubbani

I write in response to Development Application **DA210063 – 3 Burrai Place, YASS NSW**. I strongly urge the Yass Valley Council (YVC) and its representatives to reconsider proposed DA 210063 to align it with the YVC's strategic priorities specifically those that address **sustainability, safety, amenity, and liveability**. With respect to the submission, I provide the following comments.

It's a typical 'Smoke and Mirrors' application. This isn't good enough for the people of Yass.

I request the Council consider the merits of DA 210063 holistically, in conjunction with other developments in the area. This will improve transparency with the community and hopefully lead to better outcomes.

For example, DA 210063 is presented as single development that proposes 58 new houses and one super block – which is assumed to be for intensive or more intensive housing. The proponent however has an existing (new) development on Wellington Road immediately joining the proposed development on Burrai Place and another proposed development on Mort Lane. The plan provided as part of DA210063, taken in 2019 using a Google overlay, **doesn't** show the adjacent 48 blocks, recently offered for sale as part of the Wellington Road development. Assessed collectively, this is an increase in **106 houses** all feeding onto Grand Junction Road. Furthermore, the actual number of houses is likely to be much greater as it **doesn't** show the additional intensive housing development proposed for the super block.

Notably, DA 210063 doesn't refer or pictorially represent (eg future development site) to other land currently under developments by the same developer along Mort Lane. All these developments are proposed to connect which makes the actual impact of this DA misleading. Viewed collectively the scale of this development could be 140 or more houses and I urge the Council to consider the **total impact** of all developments on the surrounding area to allow planning at a broader or landscape scale.

Consideration of the proposed development at a larger scale may prevent future issues such as congestion, compromised safety and over reliance of resources to be minimised and managed appropriately.

No Communication = Distrust.

There has been minimal consultation for a development of this scale. To date, the only communication I have received about this development is a public notification letter from the YVC. The circulation of this letter has been minimal and only those residents living adjacent to the development receiving it. The letter was not provided to purchasers of new 'lots' along Wellington Road or residents along Lead Street, sections of Grand Junction Road (and all will be impacted), Meehan Street and Mort Lane. Experience shows that limited communication leads to poor outcomes and distrust as there is no avenue for open dialogue and collective solutions.

I recommend the proponent is compelled to prepare a comprehensive communication plan as part of future DA considerations. The communication plan should reflect comments received from public information sessions to allow residents to learn about the proposed changes. The Council's Strategic Plan and Vision Statement openly advocates communication with the community. One would expect, as a minimum, developers are included in such policy statements and are mandated to communicate more broadly with the affected community particularly when the scale of this development is profound in the short and long term.

Impact of traffic on surrounding road networks. At least 106 extra cars x traffic movements. This will change the neighbourhood character of these streets and make the roads unsafe for pedestrians. This is unacceptable.

The roads immediately impacted by this development (and others) include Grand Junction Road, Burrai Place, Guginya Place, Wellington Road, Lead Street, Mort Lane, Meehan Street and Therry Street.

DA 210063, in its current form will extensively modify the character of Burrai Place which is a neighbourhood road used by residents for passive recreation (walking) and is a much-valued asset by the surrounding community. An additional 106 cars (or more) using the road will alter its character and change it from low to high use making it less safe for pedestrians, cyclists and horse riders. Given there is no green space proposed, I'm interested to learn how this style of development complies with the Local Environmental Plan (LEP.). I'm also concerned about the safety of children, families who walk their dogs and community groups using the road corridor.

It is essential that a **traffic and pedestrian modelling study** is undertaken that assess the future impact on the internal and external roads specifically those mentioned above. This information should be provided as part of the communication plan (mentioned above) to ensure suitable options are explored and discussed. This should include measures to mitigate traffic on Burrai Place.

Of particular concern are access/egress points for blocks 46 and 47. The plan indicates they will front directly onto Burrai Place on a blind corner. This is unacceptable on many levels and may prove lethal if the current design is approved.

****Although not specifically part of this development but the traffic island on the end of Grand Junction Road and Therry Street that was installed to improve safety for the Wellington Road development provides a good example of poor planning and poor outcomes. The new traffic island is a visual blight and has made the intersection unsafe when travelling from Therry Street. This kind of road treatment makes the community nervous about the quality of future developments.**

Where's the Green Space? No space to play or connect. Section 94 contributions that are spent on concrete paths aren't sufficient!!

The proposed DA has **no greenspace for 106** or more homes. Is this acceptable for a rural town or any kind of development where the links between the provision of open space and health are well known? Planning consideration should include a Green Space Plan that reflects contemporary design principles for public open space with provisions for parkland, pocket parks and playgrounds for young and middle aged (5-12) children. The nearest playground is over 2.5 km away. The nearest bus stop is over a 1 km away from many of the proposed houses. How will new families encourage their children to walk to the bus stop traversing on a high use road? These types of connections must be made prior to the DA being approved. Again – how does this style of development align with stated Council policy about sustainability?

The proposed DA does not reflect the objectives in Council's *Bike and Pedestrian Access and Mobility Plan 2017-2017*. Specifically

- for accessibility to be inherent to the design principles of the development s to enable movement around and to and from the development to other areas.
- Creation of pedestrian and bike/horse riding corridors, separate from roadways enable access to and from the Yass Showground and township.

Compromised use of renewable power from the outset. How can this development be considered sustainable when 74% of the blocks aren't north facing?

A **Sustainability Plan** should be developed and considered by Council before decisions are made about the allocation or over allocation of resources. The Plan should be required to demonstrate how this development (and other associated developments), minimise resource use. For example, less than ¼ of the blocks are north facing immediately reducing the effectiveness of any solar systems. The DA don't show any water harvesting or water reuse on site which will result in all run off will ending up in the storm water system. The development lacks any sensitivity to site, to town layout, to the environment, to modern planning methodology. It could be redesigned to include the formation of a natural wetland, run off could be treated before entering the storm water and riverine system and; provide habitat and parkland for residents. It could also serve as a visual barrier for the development.

It is strongly recommended that planning considerations are reviewed at a more holistic scale to enhance biodiversity and connect with existing 'natural' and adjacent areas of cultural significance.

The Sustainability or Green Space Plan should include a *Tree and Vegetation Management Plan* that demonstrates measures to mitigate the visual impact from the development to surrounding areas including along Coolalie Road and noise buffering measures between existing houses and new houses.

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Water. Is it being allocated responsibly?

I am keen to learn if the Council has assessed the impact of this developments and others approved over the last decade including those at Murrumbateman, to ascertain if there is sufficient water to provide for these blocks in low rainfall times, particularly sustained low rainfall periods. I am genuinely concerned the Council is setting Yass on a trajectory that will see the township without water as a direct result of over development. This is an unnecessary burden to place on the existing residents and environment. I am seeking advice through State Planning Agencies about the over allocation of resources for developments of this scale.

I am extremely concerned over this type of development and its long-term impact on the township and its resources that I am also seeking legal advice on its (and others) impact on the town and the resource implications. Unfortunately, the legal advice was not available during the timeframe for the submission but will form the basis of future action.

My concerns over DA 210063 are not isolated people living adjacent to the proposed development have raised concerns.

Thank you for your consideration. I look forward to your response.

Yours sincerely,

Mr Muzaffar Rubbani
Development Planner
Yass Valley Council
PO Box 6
YASS NSW 2582

Dear Mr Rubbani

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It is essential that a **traffic and pedestrian modelling study** is undertaken that assess the future impact on the internal and external roads specifically those mentioned above. This information should be provided as part of the communication plan (mentioned above) to ensure suitable options are explored and discussed. This should include measures to mitigate traffic on Burrai Place.

Of particular concern are access/egress points for blocks 46 and 47. The plan indicates they will front directly onto Burrai Place on a blind corner. This is unacceptable on many levels and may prove lethal if the current design is approved.

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The proposed DA does not reflect the objectives in Council's *Bike and Pedestrian Access and Mobility Plan 2017-2017*. Specifically

- for accessibility to be inherent to the design principles of the development s to enable movement around and to and from the development to other areas.
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It is strongly recommended that planning considerations are reviewed at a more holistic scale to enhance biodiversity and connect with existing 'natural' and adjacent areas of cultural significance.

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- A Housing Typology Plan should be developed as part of the DA assessment that includes examples of the housing typology and external fencing materials to ensure visual amenity is high. (For example, the current (new) yellow colour bond fence appears as a scar on the landscape and is unsympathetic to the surrounding area). The Council should seek a range of housing types to provide greater choice for residents.

Water. Is it being allocated responsibly?

I am keen to learn if the Council has assessed the impact of this developments and others approved over the last decade including those at Murrumbateman, to ascertain if there is sufficient water to provide for these blocks in low rainfall times, particularly sustained low rainfall periods. I am genuinely concerned the Council is setting Yass on a trajectory that will see the township without water as a direct result of over development. This is an unnecessary burden to place on the existing residents and environment. I am seeking advice through State Planning Agencies about the over allocation of resources for developments of this scale.

I am extremely concerned over this type of development and its long-term impact on the township and its resources that I am also seeking legal advice on its (and others) impact on the town and the resource implications. Unfortunately, the legal advice was not available during the timeframe for the submission but will form the basis of future action.

My concerns over DA 210063 are not isolated people living adjacent to the proposed development have raised concerns.

Thank you for your consideration. I look forward to your response.

Yours sincerely,

PETITION – REGARDING DEVELOPMENT APPLICATION – DA 210063

Petition – Development Application – DA210063

We, the undersigned, have significant concerns over DA210063 – 3 Burrai Place, YASS NSW.

Specifically, we urge the Yass Valley Council to reject the current DA and seek amendments to improve the **sustainability, safety, amenity, and liveability** of the development. The requested amendments align with contemporary development standards, community expectations and Council policy documents and statements. The amendments include:

- A **traffic modelling study** to be undertaken to assess the three new developments in the area to assess the:
 - impact of future development on the current road and network, specifically Burrai Place and Grand Junction Road.
- Development of an **Green Space Plan** as part of the DA assessment, which creates public open space with a mixture of parkland, pocket parks and playgrounds for young and middle aged (5-12) children. The nearest playground is over 2.5 km away. The proposed DA does not reflect the objectives in Council's *Bike and Pedestrian Access and Mobility Plan 2017-2017*
 - For accessibility to be inherent to the design principles of the development s to enable movement around and to and from the development to other areas.
 - Creation of pedestrian and bike/horse riding corridors, separate from roadways enable access to and from the Yass Showground and township;
 - the retention of Burrai Place as low usage, slow speed environment where walking is promoted. Currently over 50 people regularly walk along that stretch of the road daily.
- To consider filtering the block size (more concentrated development closer to the existing town and larger further away, to reflect the rural nature of the surrounding area.
- A **Sustainability Plan** showing north facing residences, inclusion of solar or other alternative power sources and water harvesting measures, that enhance biodiversity and connect with existing 'wild' areas.
- A **Tree and Vegetation Management Plan** that demonstrates measures to mitigate the visual impact from the development to surrounding areas including Coalale Road and noise buffering measures between existing houses and new houses. The plan is to show how amenity will be provided, urban heat island mitigated and an obligation for tree care and maintenance in areas of public open space for 3-5 year post sale of blocks.
- A **Housing Typology Plan** that also includes examples of the external fencing materials to ensure visual amenity is high. (For example, the current yellow colour bond fence appears as a scar on the landscape and is unsympathetic to the surrounding area)

6.2 Development Application No DA210063 – Residential Subdivision, 3 Burrai Place, Yass
Attachment C Submissions



Mr Muzaffar Rubbani
Development Planner
Yass Valley Council
PO Box 6
YASS NSW 2582

Dear Mr Rubbani

I write in response to Development Application **DA210063 – 3 Burrai Place, YASS NSW**. I strongly urge the Yass Valley Council (YVC) and its representatives to reconsider the proposed DA, 210063 to align it with the YVC's strategic priorities specifically those that address **sustainability, safety, amenity, and liveability** of the town and within the development itself.

With respect to the submission, I provide the following comments.

General: Smoke and Mirrors application

- I request Council consider the merits of DA 210063 holistically, that is in conjunction with other developments in the area. This will improve transparency with the community and hopefully lead to better outcomes.

For example, currently DA 210063 is presented as single development that proposes 58 new houses and one super block – which is assumed to be for intensive or more intensive housing. The proponent however has an existing (new) development on Wellington Road immediately joining the proposed development on Burrai Place. The plan provided as part of DA210063, taken in 2019 using a Google overlay, **doesn't** show the adjacent 48 blocks, recently offered for sale as part of the Wellington Road development. Assessed collectively, this is an increase in 106 houses. This number **doesn't** include other more intensive types of housing which may be included as part of the super block.

Furthermore, DA 210063 doesn't acknowledge or refer to other lots currently under developments by the same developer along Mort Lane. All these developments are proposed to connect. The proposed DA is therefore misleading. Viewed collectively the scale of this development is much larger and I urge the Council to consider the total impact of all these development on the surrounding area to allow planning at a broader or landscape scale.

Consideration of the proposed development at a larger scale may prevent future issues such as congestion and over reliance of resources, to be minimised and managed appropriately.

No Communication = Distrust.

There has been minimal consultation for a development of this scale. To date, the only communication I have received about this development is a public notification letter from the YVC. The circulation of this letter has been minimal and only those residents living adjacent to the development receiving it. The letter was not provided to purchasers of new 'lots' along Wellington Road or residents along Lead Street and parts of Grand Junction and Meehan Street. Experience shows that limited communication leads to distrust as there is no avenue for open dialogue.

I recommend the proponent is compelled to develop and implement a comprehensive communication plan prior to the DA approval which includes public information sessions including disclosure about all their proposed developments in the area.

Impact of traffic on surrounding road networks. At least 106 extra cars x traffic movements. This will change the neighbourhood character of these streets and make the roads unsafe for pedestrians. This is unacceptable.

The roads immediately impacted by this development (and others) include Grand Junction Road, Burrai Place, Guginya Place, Wellington Road, Lead Street, Meehan Street and Therry Street.

DA 210063, in its current form will extensively modify the character of Burrai Place which is a neighbourhood road used by residents for passive recreation (walking) and is a much-valued asset by the surrounding community. An additional 106 cars (or more) using the road will alter its character and change it from low to high use making it less safe for pedestrians, cyclists and horse riders. Given there is no green space proposed, I'm interested to learn how this style of development complies with the Local Environmental Plan (LEP.) I'm also concerned about the safety of children, families who walk their dogs and community groups using the road corridor.

It is essential that a **traffic modelling study** is undertaken that assess the future impact on the internal roads and roads external to the developments including those mentioned above. This information should be provided to the residents in the area to ensure suitable options are explored and discussed. This should include measures to mitigate traffic on Burrai Place.

Of particular concern are access/egress points for blocks 46 and 47. The plan provided indicates they will front directly onto Burrai Place on a blind corner. This is unacceptable on many levels and may prove lethal if the current design is approved.

****Although not specifically part of this development but the traffic island on the end of Grand Junction Road and Therry Street that was installed to improve safety for the Wellington Road development provides a good example of poor planning and poor outcomes. The new traffic island is a visual blight and has made the intersection unsafe when travelling from Therry Street. This kind of road treatment makes the community nervous about the quality of future developments.**

Where's the Green Space? No space to play or connect. Section 94 contributions that are spent on concrete paths aren't sufficient!!

The proposed plans has no greenspace for 106 or more homes. Is this acceptable for a rural town or any kind of development where the links between the provision of open space and health are well known? Planning consideration should include a Green Space Plan that reflects contemporary design principles for public open space with provisions for parkland, pocket parks and playgrounds for young and middle aged (5-12) children. The nearest playground is over 2.5 km away. The nearest bus stop is over a 1 km away from many of the proposed houses. How will new families encourage their children to walk to the bus stop traversing on a high use road? These types of connections must be made prior to the DA being approved.

The proposed DA does not reflect the objectives in Council's *Bike and Pedestrian Access and Mobility Plan 2017-2017*. Specifically

- for accessibility to be inherent to the design principles of the development s to enable movement around and to and from the development to other areas.
- Creation of pedestrian and bike/horse riding corridors, separate from roadways enable access to and from the Yass Showground and township.

How can this development be considered sustainable when 74% of the blocks aren't north facing?

A **Sustainability Plan** should be developed that demonstrates how this development (and other adjacent developments), minimise resource use. For example, less than ¼ of the blocks are north facing. This will reduce the effectiveness of solar systems. The plans don't show any water harvesting or water reuse on site meaning all run off will end up in the storm water system. If redesigned to include the formation of a natural wetland, run off could be treated before entering the storm water and riverine system and; provide habitat and parkland for residents. It could also serve as a visual barrier for the development.

It is strongly recommended that planning considerations are reviewed at a more holistic scale to enhance biodiversity and connect with existing 'natural' and adjacent areas of cultural significance.

The Sustainability or Green Space Plan should include a *Tree and Vegetation Management Plan* that demonstrates measures to mitigate the visual impact from the development to surrounding areas including along Coolalie Road and noise buffering measures between existing houses and new houses.

The plan should consider how amenity, the rural character and natural features of Yass will be retained. I am also interested to learn about the Council policy for the management of any new trees. Many jurisdictions use bonds or management agreements to oblige the Developer to maintain any new trees, planted in public space, for 3-5 years post the sale of blocks. The development along Morton Avenue, undertaken by the same proponent has only two trees that were planted as part of

the development alive. The developer removed over 18 remnant Eucalyptus and the outcome is a net loss of trees and habitat.

- A Housing Typology Plan should be developed as part of the DA assessment that includes examples of the housing typology and external fencing materials to ensure visual amenity is high. (For example, the current (new) yellow colour bond fence appears as a scar on the landscape and is unsympathetic to the surrounding area). The Council should seek a range of housing types to provide greater choice for residents.

Water. Is it being allocated responsibly?

I am keen to learn if the Council has assessed the impact of this developments and others approved over the last decade including those at Murrumbateman, to ascertain if there is sufficient water to provide for these blocks in low rainfall times, particularly sustained low rainfall periods. I am genuinely concerned the Council is setting Yass on a trajectory that will see the township without water as a direct result of over development. This is an unnecessary burden to place on the existing residents and environment. I will write to the State Government to enquire how water allocation and development is controlled.

My concerns over DA 210063 are not isolated and many people living adjacent to the proposed development have raised concerns.

Thank you for your consideration. I look forward to your response.

Yours sincerely.

Muzaffar Rubbani

From: Yass Valley Council <no-reply@wufoo.com>
Sent:
To: YVC Customer Service Team
Subject: Public Consultation online submission [#240]

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

Name *

Address * 

Email *

Phone

Number *

What item DA 210063
are you
making a
submission
on? *

Submission *

I am all for new housing. But this one and the future super development are bad for Yass.

Why ? Where are the green spaces ? Will the houses face north? Will the houses have solar and full insulation? What about the Ngunnawal peoples were they contacted?

Will every second house be government owned for low income earners? Yes Yass has a housing problem and homeless people. Will the houses be affordable I am talking about under 350K to get young families and first home buyers into the housing market.

This development and the the second development will turn Yass into Canberra. People moved to Yass for a reason to get away from the Cities!

Has the council thought of what all these extra houses bring apart from people? Schools to be built, our hospital can't cope as it is, will the council put in an application to state government to expand our hospital? Our roads can't cope with the traffic now and a lot need repairing and new lines in and around the area.

It's OK for these developers to come and bugger up our town and cut our space when they live on acreage.

More consultation is required over this development. The council need to tell the whole of Yass and surrounds in the council area what is going on. Stop keeping things secret, the last time I checked we still lived in a democratic society and that council are the towns peoples employees

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<http://www.mailguard.com.au/mg>

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Mr Muzaffar Rubbani
Development Planner
Yass Valley Council
PO Box 6
YASS NSW 2582

Dear Mr Rubbani,

As a resident of Grand Junction Road adjacent to the development proposed under **DA210063 – 3 Burrai Place, Yass NSW**, I wish to add my support for the concerns put forward by another concerned resident. For convenience, I have included the body of this correspondence below. However, I also wish to note that I have a number of other concerns that I wish to put forward in response to DA210063 and I have placed these at the end of this letter.

As also expressed by fellow residents, I strongly urge the Yass Valley Council and its representatives to reconsider the proposed DA, 210063 to align it with Yass Valley Council's strategic priorities specifically those that address **sustainability, safety, amenity, and liveability** of the town and within the development itself.

I request Council consider the merits of DA 210063 holistically, that is in conjunction with other developments in the area. This will improve transparency with the community and hopefully lead to better outcomes.

For example, currently DA 210063 is presented as single development that proposes 58 new houses and one super block – which is assumed to be for intensive or more intensive housing. The proponent however has an existing (new) development on Wellington Road immediately joining the proposed development on Burrai Place. The plan provided as part of DA210063, taken in 2019 using a Google overlay, doesn't show the adjacent 48 blocks, recently offered for sale as part of the Wellington Road development. Assessed collectively, this is an increase in 106 houses. This number doesn't include other more intensive types of housing as part of the super block.

Furthermore, DA 210063 doesn't acknowledge or refer to other lots currently under developments by the same developer along Mort Lane. All these developments are proposed to connect. The proposed DA is therefore misleading. Viewed collectively the scale of this development is much larger and I urge the Council to consider the total impact of all these developments on the surrounding area to allow planning at a broader or landscape scale.

Consideration of the proposed development at a larger scale may prevent future issues such as congestion and over reliance of resources, to be minimised and managed appropriately.

No Communication = Distrust.

There has been minimal consultation for a development of this scale. To date, the only communication I have received about this development is a public notification letter from the YVC. The circulation of this letter has been minimal and only those residents living adjacent to the development receiving it. The letter was not provided to purchasers of new 'lots' along Wellington Road or residents along Lead Street and parts of Grand Junction and Meehan Street. Experience shows that limited communication leads to distrust as there is no avenue for open dialogue.

I recommend the proponent is compelled to develop and implement a comprehensive communication plan prior to the DA approval which includes public information sessions including disclosure about all their proposed developments in the area.

Impact of traffic on surrounding road networks. At least 106 extra cars x traffic movements. This will change the neighbourhood character of these streets and make the roads unsafe for pedestrians. This is unacceptable.

The roads immediately impacted by this development (and others) include Grand Junction Road, Burrai Place, Guginya Place, Wellington Road, Lead Street, Meehan Street and Therry Street.

DA 210063, in its current form will extensively modify the character of Burrai Place which is a neighbourhood road used by residents for passive recreation (walking) and is a much-valued asset by the surrounding community. An additional 106 cars (or more) using the road will alter its character and change it from low to high use making it less safe for pedestrians, cyclists and horse riders. Given there is no green space proposed I'm concerned about the safety of children, families who walk their dogs and community groups using the road corridor.

It is essential that a **traffic modelling study** is undertaken that assesses the future impact on the internal roads and roads external to the developments including those mentioned above. This information should be provided to the residents in the area to ensure suitable options are explored and discussed. This should include measures to mitigate traffic on Burrai Place.

Of particular concern are access/egress points for blocks 46 and 47. The plan provided indicates they will front directly onto to Burrai Place on a blind corner. This is unacceptable on many levels and may prove lethal if the current design is approved.

****Although not specifically part of this development but the traffic island on the end of Grand Junction Road and Therry Street that was installed to improve safety for the Wellington Road development provides a good example of poor planning and poor outcomes. The new traffic island is a visual blight and has made the intersection unsafe when travelling from Therry Street. This kind of road treatment makes the community nervous about the quality of future developments.**

Where's the Green Space? No space to play or connect. Section 94 contributions that are spent on concrete paths aren't sufficient!!

The proposed plans have no greenspace for 106 or more homes. Is this acceptable for a rural town or any kind of development where the links between the provision of open space and health are well known? Planning consideration should include a Green Space Plan that reflects contemporary design principles for public open space with provisions for parkland, pocket parks and playgrounds for young and middle aged (5-12) children. The nearest playground is over 2.5 km away. The nearest bus stop is over a 1 km away from many of the proposed houses. How will new families encourage their children to walk to the bus stop traversing on a high use road? These types of connections must be made prior to the DA being approved.

The proposed DA does not reflect the objectives in Council's *Bike and Pedestrian Access and Mobility Plan 2017-2017*. Specifically:

- for accessibility to be inherent to the design principles of the development/s to enable movement around and to and from the development to other areas.
- Creation of pedestrian and bike/horse riding corridors, separate from roadways enable access to and from the Yass Showground and township.

How can this development be considered sustainable when 74% of the blocks aren't north facing?

A **Sustainability Plan** should be developed that demonstrates how this development (and other adjacent developments), minimise resource use. For example, less than ¼ of the blocks are north facing. This will reduce the effectiveness of solar systems. The plans don't show any water harvesting or water reuse on site meaning all run off will end up in the storm water system. If redesigned to include the formation of a natural wetland, run off could be treated before entering the storm water and riverine system and; provide habitat and parkland for residents. It could also serve as a visual barrier for the development.

It is strongly recommended that planning considerations are reviewed at a more holistic scale to enhance biodiversity and connect with existing 'natural' and adjacent areas of cultural significance.

- The Sustainability or Green Space Plan should include a *Tree and Vegetation Management Plan* that demonstrates measures to mitigate the visual impact from the development to surrounding areas including along Coolalie Road and noise buffering measures between existing houses and new houses.
The plan should consider how amenity, the rural character and natural features of Yass will be retained. I am also interested to learn about the Council policy for the management of any new trees. Many jurisdictions use bonds or management agreements to oblige the Developer to maintain any new trees, planted in public space, for 3-5 years post the sale of blocks. The development along Morton Avenue, undertaken by the same proponent has only two trees that were planted as part of the development alive. The developer removed over 18 remnant Eucalyptus and the outcome is a net loss of trees and habitat.

- A Housing Typology Plan should be developed as part of the DA assessment that includes examples of the housing typology and external fencing materials to ensure visual amenity is high. (For example, the current (new) yellow colour bond fence appears as a scar on the landscape and is unsympathetic to the surrounding area). The Council should seek a range of housing types to provide greater choice for residents.

Water. Is it being allocated responsibly?

I am keen to learn if the Council has assessed the impact of this developments and others approved over the last decade including those at Murrumbateman, to ascertain if there is sufficient water to provide for these blocks in low rainfall, particularly sustained low rainfall periods. I am genuinely concerned the Council is setting Yass on a trajectory that will see the township without water as a direct result of over development. This is an unnecessary burden to place on the existing residents and environment.

Cost of living expenses in response to poor planning decisions should not be attributed to existing residents.

I am concerned that as a rate payer, if this development is not given the adequate consideration, and problems need to be remedied in the future, that my rates will increase due to poor planning decisions. I want the Council to get it right the first time and lead by example in not approving the DA in its current form.

In addition to the number of points raised above, please also find below a list of additional concerns I would like to have addressed;

- There seems to be no planning for Grand Junction Road and how a small, one lane road will be changed due to increased traffic. What road changes will be made in this area?
- Have all environmental assessments and surveys been done? The space is home to a number of native species of flora and fauna, and I would like to know that we are not removing habitat for a protected species.
- Lots 2-11 are incredibly small for the space. Does this density of housing meet planning specifics for green space and other community areas?
- Lots 2-6, 45-48, and 55-58 all back onto the road. As this is a space where there will already be too much traffic, will these houses have a restriction disallowing them from creating car entry from Grand Junction Road or Burrai Place? There needs to be a way to stop the verge from being destroyed by car traffic.
- Does Yass Valley Council approve of build to boundary developments? This kind of development does not fit with what I know of the local area and its development guidelines. Please clarify.
- The road entrance off Grand Junction Rd is directly opposite a driveway. In regards to planning, this seems to have been ignored. Due the proximity to the Wellington Road development that has been recently finished, why does the new development not connect through completely into the roads in the Wellington Road development that seem to have been built with that in mind?

- Lots 2-6 and lots 45-48. What is the fencing situation going to be? I believe that a green verge is needed down Grand Junction Road and Burrai Place to add green space and more trees as a part of this development.
- If we are to put all of these houses in this space, a footpath is needed down the west side of Grand Junction Road.
- Grand Junction Road also needs to be given a kerb and guttering, and as this runs straight down past our house, I would like to be consulted on this process due to it having an effect on our property.
- Lot 1 in the development is being retained for future development. I believe this should be utilised as a park, or community space. Due the number of houses in this area, green space is vital, and necessary as a part of a vibrant community.

Thank you for your consideration. I look forward to your response.

Yours sincerely,

Yass Valley Council

PO Box 6

Yass NSW 2582

To whom it may concern,

We are writing regarding Development Application **DA210063 – 3 Burrai Place, Yass, NSW**. We wish to raise a number of concerns with regards the above-mentioned application. We hope the Yass Valley Council will consider the proposed DA with the Yass Valley Council's strategic priorities in mind, with a focus on *'custodians for the environment'*, *'sustainable growth'*, *'communities that value our rural lifestyle'*, and *'empower our residents in relation to development of our communities'*. We ask that consideration be given towards the 'bigger picture' of Yass and the flow-on impact a development of this nature will have on the Yass community, now and into the future.

DA210063 is listed as a new development with 57 lots and a 'super lot' (assumed to be for high density style housing in the future), however it is presented with old photographic overlays and gives little indication of the 'Wellington' development that has 48 adjacent blocks. When considered together, this is an increase of 106 blocks. The Statement of Environmental Effects notes that "the proposed residential subdivision is consistent with the surrounding residential lots" however, if this development is considered without the 'Wellington' development, this statement is false – the surrounding residential lots are larger and increase in size with the move further away from the centre of Yass. We ask that Council consider a focus on filtering of block size to fit with the rural environment and location of the development. Additionally, we ask that blocks adjacent to Burrai Place and Grand Junction Road get set further back from the road allowing more space for pedestrian traffic and the implementation of a green corridor spanning the length of the development to act as a screen and to fit with the rural nature of the area.

We understand that developments in Mort Lane are the same developer and there is a proposal that in the future these developments will all connect. There has been minimal consultation with the community regarding the scale of these developments and we urge Council to consider the total impact of these developments on our community including on infrastructure, resources and our 'rural lifestyle'. We ask for a comprehensive communication plan from the developer prior to approval of the DA which includes public information sessions with disclosure of all their proposed developments in the area.

As the parents of two children that attend a local Yass primary school, we are concerned both for ourselves, and for the surrounding community, with regard the impact of traffic on the surrounding road network. Allowing for a minimum of one car per block, this development will result in 106 additional cars and will alter the character of the neighbourhood. The roads immediately impacted by this development include Grand Junction Road, Burrai Place, Guginya Place, Wellington Road, Lead Street, Meehan Street, and Therry Street.

DA210063 will significantly modify the character of Burrai Place which is a back road (no through road) that leads to the water and boat ramp, and is used for passive recreation (walking) by many in the community. The volume of vehicles from this new development will change the road from low

use to high use therefore making it less safe for pedestrians, cyclists, and horse riders. The closest bus stop for local schools is on the corner of Lead Street and Plunkett Street, resulting in significant increase in risk to children within the area with the increased volume of traffic. We lodged concerns with Council regarding safety of the road after the significant changes to the road with the 'Wellington' development. It is noted that access/egress points for blocks 46 and 47 are on the 'blind' corner and find this unacceptable. We request that a traffic modelling study be undertaken that assesses the future impact of this development. We request this information be shared with residents to ensure suitable options are explored and discussed. Additionally, we ask that the access roads into the development be reconsidered with a view to cease entry road access from Burrai Place and connect instead from the 'new' roads created within the 'Wellington' development.

The proposed DA210063 has no green space. Is this acceptable for a new development when the links between the provision of open space and health are well known? Planning should include public open space with provisions for parkland, pocket parks and playgrounds. The closest playground is at the end of Townsend Place and this is something that should be required in a subdivision of this size. We ask that Council consider ensuring Lot 1 (Super Lot for future development, likely high density) be held for community space only and not for further development.

A sustainability plan should be developed to demonstrate how this development minimises resource use and reduces environmental impact. The Statement of Environmental Effects lacks information and viewing the plans identifies lack of north facing blocks that could utilise solar systems. There is minimal information regarding trees and vegetation within the new development and ask that the plan consider the rural character of Yass and natural features. We ask that consideration be given to a management plan for new trees in the development, with the developer having responsibility for planting and care of trees within the public space for a specified period. In addition, we ask if Council has assessed the impact of developments of this nature within Yass and Murrumbateman to ascertain if there is sufficient water to service the township during sustained low rainfall periods. We are concerned that over development will set Yass on a trajectory that will see the township without water.

Over development and increase in the population of Yass will impact on infrastructure and local services within the township – we are concerned that approval of this and other developments will place strain on services that are not set up for a significant increase in the population including public transport, schools, medical centres and the hospital, emergency services, community support services, and recreation facilities.

We thank you for your consideration and look forward to seeing Council's response.

Submission in relation to proposed DA210063 - 3 Burrai Place, Yass

Prior to final approval of DA210063 we seek the following amendments and issues to be addressed to reach a satisfactory outcome that balances the long-term needs of the community with the impact to current residents/property owners/rate payers:

1. Reduction in lot numbers and redesign of DA to allow for further set back from existing boundaries of Burrai Place, Guginya Place and Grand Junction Road for reduction in noise/visual/lifestyle impact, traffic congestion/safety and asset value protection for existing properties in Burrai Place, Grand Junction Road and Guginya Place.
2. No development activity to occur for at least 12-months to provide relief to current residents/property owners/rate payers from continual prolonged development activity during the previous 2 years from Stage 1 Wellington Estate and sewage pump construction
3. Removal of proposed new entry roads along Burrai Place and Grand Junction Road with utilisation of current (recently redeveloped) access via Wellington Road to reduce traffic and noise issues for existing property owners in Burrai Place, Grand Junction Road and Guginya Place.
4. Permanent noise and visual screening protection to be incorporated in DA for existing property owners in Burrai Place, Grand Junction Road and Guginya Place.
5. All development infrastructure (site office, vehicles, electrical, sewage etc) to be always located within the development site without encroaching on any adjoining private or public land with appropriate visual screening and noise suppression barriers to be installed
6. Further details of proposed future development of Lot 1 "Super Lot" – we would strongly oppose any medium-high density development
7. Road and traffic management/impact details to be provided
8. Council and/or developer to indemnify/compensate us for any reduction/loss in market value of our property at Yass resulting from the proposed development.
Calculated as:

(Current value (#) * 6.8% (*) pa x 20 years) less (reduced value + 6.8% pa x 20 years) + \$50,000 (general compensation). We reserve the right to vary the calculation method of loss/damages – pending legal advice

9. Timeline of development to be provided (including final DA approval, commencement of site works, completion etc) – refer Item 2.
10. All construction/development activity to be conducted within 7.00 am – 5.00 pm Monday to Friday with strictly no weekend and/or public holiday activity

(#) as determined by licenced valuer report commissioned by and at cost to current property owners
(*) 25-year average annual residential property growth rate as per CoreLogic 25 years of Housing Trends report – refer - <https://www.aussie.com.au/plan-compare/property-reports/25-years-of-housing-trends-property-market-report.html>

Submission in relation to proposed DA210063 - 3 Burrai Place, Yass

Prior to final approval of DA210063 we seek the following amendments and issues to be addressed to reach a satisfactory outcome that balances the long-term needs of the community with the impact to current residents/property owners/rate payers:

1. Reduction in lot numbers (specifically removal of Lots 2,3,4,5,6,45,46,47,48,55,56,57,58) and redesign of DA with increased open space to allow for further set back from existing boundaries of Burrai Place, Guginya Place and Grand Junction Road for reduction in noise/visual/lifestyle impact, traffic congestion/safety and asset value protection for existing properties in Burrai Place, Grand Junction Road and Guginya Place.
2. No development activity to occur for at least 12-months to provide relief to current residents/property owners/rate payers from continual prolonged development activity during the previous 2 years from Stage 1 Wellington Estate and sewage pump construction
3. Removal of proposed new entry roads along Burrai Place and Grand Junction Road with utilisation of current (recently redeveloped) access via Wellington Road to reduce traffic and noise issues for existing property owners in Burrai Place, Grand Junction Road and Guginya Place.
4. Permanent noise and visual screening protection to be incorporated in DA for existing property owners in Burrai Place, Grand Junction Road and Guginya Place.
5. All development infrastructure (site office, vehicles, electrical, sewage etc) to be always located within the development site without encroaching on any adjoining private or public land with appropriate visual screening and noise suppression barriers to be installed
6. Further details of proposed future development of Lot 1 "Super Lot" – we would strongly oppose any medium-high density development
7. Road and traffic management/impact details to be provided
8. Council and/or developer to indemnify/compensate us for any reduction/loss in market value of our property at _____, Yass resulting from the proposed development.
Calculated as:

(Current value (#) + 6.8% (*) pa x 20 years) less (reduced value + 6.8% pa x 20 years) + \$50,000 (general compensation). We reserve the right to vary the calculation method of loss/damages – pending legal advice

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Muzaffar Rubbani

From: Yass Valley Council <no-reply@wufoo.com>
Sent:
To: YVC Customer Service Team
Subject: Public Consultation online submission [#239]

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

Name *

Address * 

Email *

Phone

Number *

What item DA210063 – 3 Burrai Place Yass
are you
making a
submission
on? *

Submission *

In regard to the above submission, I'd like to add this being close to my family home and growing up in the area knowing it well. A consideration for foot paths & a public area or park as the existing areas are lacking in these things and require more foot pathing for aging/disabled & young families. I know how much the existing homes in the grand Junction Road area are already sacrificed for the Wellington estate (up to 10 days without water & electricity) to upgrade & connect the new estate. This has been accepted even when there is a lot of people in the area who don't work and are home through the days as well.

I love seeing our town grow but we must be able to provide more as well.

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<http://www.mailguard.com.au/mg>

Muzaffar Rubbani

From: Yass Valley Council <no-reply@wufoo.com>
Sent:
To: YVC Customer Service Team
Subject: Public Consultation online submission [#237]

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

Name *

Address * 

Email *

Phone

Number *

What item are you making a submission on? *
DA210063 – 3 Burrai Place, Yass

Submission *

Dear Council

I write regarding the above-named development application for a new subdivision in Burrai Place.

While I have no fundamental opposition to this development, I note with concern that no space has been allocated within this plan to a public park, open space, or children's playground. For a development of this size, these sorts of facilities are a must, especially considering how far residents will otherwise have to go to access these.

I would ask too that the development include footpaths throughout to facilitate healthy lifestyles and enable those with a disability or injuries to have safe egress. We already have too many roads in Yass where the only pedestrian access is by walking on-road: it should be a must that all new developments include footpaths that link up with existing paths.

With best wishes

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<http://www.mailguard.com.au/mg>

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Muzaffar Rubbani

From: Yass Valley Council <no-reply@wufoo.com>
Sent:
To: YVC Customer Service Team
Subject: Public Consultation online submission [#238]

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

Name *

Address *



Email *

Phone Number *

What item are you making a submission on? DA210063 – 3 Burrai Place, Yass

*

Submission *

I think this development needs dedicated green spaces for people to exercise safely, a play space for children, and consideration for wildlife corridors. It should also be a cat containment zone to stop the growth of feral cats in Yass.

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<http://www.mailguard.com.au/mg>

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