



Extraordinary Meeting of Council

Wednesday 4 March 2026

4:00 PM

Yass High School

Grampian Street, YASS

Extraordinary Meeting of Council

AGENDA

Page No.

Webcasting

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

Acknowledgement of Country

Yass Valley Council recognises the Ngunnawal people, the Traditional Custodians of the land, water, and sky. We pay our respect to their Elders past, present and future emerging leaders. We extend our respect to other Aboriginal and Torres Strait Islander people who live in the Yass Valley Local Government Area.

1. Prayer

2. Apologies

3. Declaration of Pecuniary Interests/Special Disclosures

4. Reports to Council

4.1 Review of Determination - 7 Hanley Place, Yass.....3

Close of Meeting Time

Peta Gardiner

ACTING CHIEF EXECUTIVE OFFICER

4.1 REVIEW OF DETERMINATION - 7 HANLEY PLACE, YASS

SUMMARY

To present a review of the determination of development application DA250320 for six (6) attached dwellings at Lot 1 DP1193382, 7 Hanley Place, Yass. The application for review attracted 19 unique submissions, 15 in favour of the development and 4 opposed, and relevant conditions can be imposed to mitigate these impacts. Approval is recommended.

RECOMMENDATION

That conditional development consent be issued for Development Application No DA250320 for six (6) attached dwellings at Lot 1 DP 1193382, 7 Hanley Place, Yass, subject to additional conditions which require the community title subdivision to be registered prior to the issue of any Occupation Certificate."

FINANCIAL IMPLICATIONS

Resources for development assessment are provided for in the 2025-2026 Operational Plan.

POLICY & LEGISLATION

Acts and Regulations

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Roads Act 1993

State Environmental Planning Policies

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021

Local Controls

- Yass Valley Local Environmental Plan 2013
- Valley Development Control Plan 2024
- Yass Valley Development Contributions Plan 2018
- Yass Valley Community Engagement Strategy
- Road Standard Policy RD-POL-09

REPORT

1. Application Details

Date Received	-	17 November 2025
Land	-	Lot 1 DP 1193382, 7 Hanley Place, Yass
Area	-	1,914m ²
Zoning	-	R1 General Residential

2. Site Description and Locality

The site is located generally on the western side of the Yass town in Hanley Place. The site is on the eastern or lower side of Hanley Place and is accessed via a battle-axe handle. Hanley Place is a 'no through' loop off Irvine Drive, which is in turn off Rossi Street.

The subject lot is 1,914m² in size and has considerable fall like most lots on this side of Hanley Place. The lot does not contain any significant vegetation but there is a large rocky outcrop in the middle.

The surrounding land uses are mainly residential including predominately single detached dwellings. There are however two pairs of what could be described as detached dual occupancy style dwellings on the northern side of Hanley Place, although these have been subdivided and are still on relatively large lots of between approximately 600m² and 800m² each.

There are several vacant lots nearby including 9A, 11, 13A and 13B Hanley Place. The adjoining lot to the west at 5 Hanley Place contains an established dwelling, whilst there is a heritage item (I274 – "The Manse") nearby to the south at 99 Rossi Street.

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

3. Background

Development Application DA230320

In September 2025 council resolved to refuse an application for a multi-dwelling housing application on the subject site. The refusal was based on there being a lack of justification contained within the Clause 4.6 Variation request. This was based on the definition of multi-dwelling housing triggering the minimum lot size requirements under clause 4.1D(3)(a)

4. Application for Review

The current application seeks a review of the determination of the application DA230320 pursuant to s.8.2 of the Environmental Planning and Assessment Act 1979 (the Act). As part of the review process, the applicant is seeking to have the definition of the proposed development be considered as *attached dwellings* rather than *multi-dwelling housing*. This removes the area of non-compliance that led to the refusal of the original application.

Excluding this revised definition, the proposed development remains unchanged from the original DA, comprising:

- Multi dwelling housing, including six dwellings of three bedrooms and two garage spaces each (two buildings with three dwellings in each)
- Earthworks
- Landscaping works
- Driveway and services

The applicant has provided supporting documentation which is included in **Attachment B and C**.

5. Public Exhibition

Public exhibition of the application for review included notice to 25 adjoining and nearby landowners and those who made a submission to the original application. Nineteen unique submissions were received and are included in **Attachment D**. 15 of the submissions were in support of the development, with four being opposed to the development.

6. Assessment

The design of the development has not been altered in the request for review of determination. As a result, the original s4.15 assessment report and report to Council where it relates to the development form has not been re-prosecuted. This identified minor areas of non-compliance. However, these areas of non-compliance were considered to be justified during the original assessment.

The only area that the Review of Determination seeks to amend is the definition of the proposed development. Instead of the development meeting the previous definition of *multi-dwelling housing*

under a strata title scheme, which creates non-compliance with clause 4.1D(3)(a), the applicant now seeks approval for *attached housing* with a community title subdivision. Clause 4.1D(3)(a) states:

(3) Development consent must not be granted to development for the purposes of multi dwelling housing unless the site area per dwelling is at least—

(a) in the case of Zone R1 General Residential—400 square metres,

As the proposed development is no longer lodged as multi-dwelling housing, the reason for refusal is no longer applicable.

It is considered that the proposed development can be supported for the reasons outlined in the amended Assessment Report (refer **Attachment E**).

The s.4.15 assessment report, along with the original report to Council prepared for the original application, comprehensively addresses the potential impacts of the development (refer **Attachment F**). Only additional items raised in submissions are addressed below.

The following planning issues have been identified including the response to the issues raised in submissions.

Issues raised in submissions

The issues raised in submissions focus on the following key areas:

Housing Type - Support There are a number of submissions (15 in total) of support that suggests that the type of housing proposed will be welcome in Yass, including to meet the needs to modern families or retirees and downsizers.

Design – Support A submission has been received that expresses support the design quality of the proposed development

The review process – The determination made should not be ‘re-opened’ as it is the developer ‘gaming the system’ and that will undermine procedural fairness, erode confidence in the council decision making process and planning system and set a precedent for other developers.

The Act allows for the review of determination, including providing additional information that may assist in the review process. In this instance, the review of the application, and the amending of the definition of the building type allows for a building type that is permissible in the zone and removed the reasons for refusal. This reinforces the integrity of the planning system.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions, it is recommended that a Development Consent be issued. Draft conditions are included in **Attachment G**.

STRATEGIC DIRECTION

CSP Theme	Our Environment (EN)
CSP Strategy Objective	We have a robust planning framework that protects and maintains our rural character and natural landscapes
Strategies	EN. 9: Our local character is maintained through the protection and preservation of our built, cultural and natural heritage
Delivery Program Action	EN. 9.1: We will encourage and implement progressive urban design, sensitive to environmental and heritage issues and maintaining local character.

- ATTACHMENTS:**
- A. Locality Plan
 - B. Plans

- C. Supporting Information
- D. Submissions
- E. Assessment Report
- F. Original Council Report
- G. Draft Conditions