



Extraordinary Meeting of Council

Wednesday 4 March 2026

4:00 PM

**Yass High School
Grampian Street, YASS**

ATTACHMENTS TO REPORTS

Extraordinary Meeting of Council

Attachments to Reports

Page No.

4.1 Review of Determination - 7 Hanley Place, Yass

Attachment A. Locality Plan.....	3
Attachment B. Plans	4
Attachment C. Supporting Information.....	27
Attachment D. Submissions.....	56
Attachment E. Assessment Report.....	93
Attachment F. Original Council Report	121
Attachment G. Draft Conditions	137

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment A Locality Plan



yass valley council
the country the people

Yass Valley Council
PO Box 6
209 Comur Street
YASS NSW 2582
Telephone: 02 4326 1477
Email: council@yass.nsw.gov.au

Important Notice!
This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Yass Valley Council nor the SS makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
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Drawn By: Jeremy Knox

Projection: GDA94 / MGA zone 55

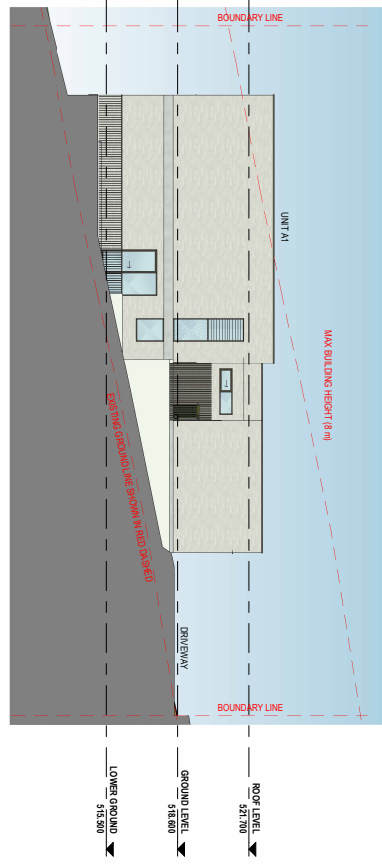
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Locality Plan

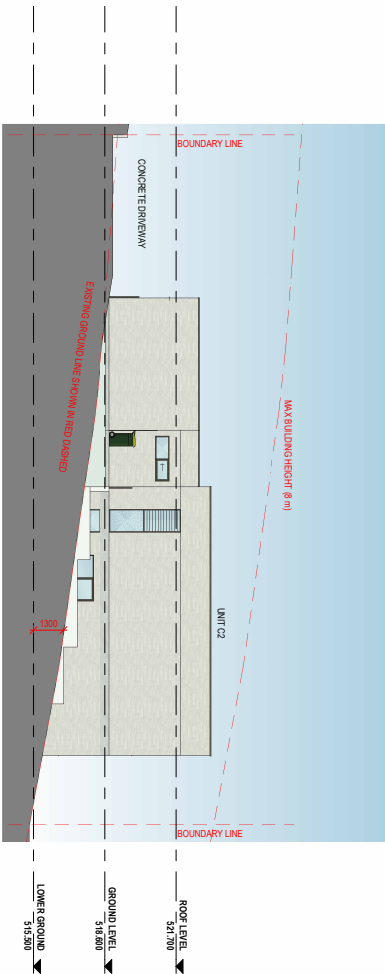
○ Property Notified

Map Scale: 1:2257 at A4

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans



1 NORTH ELEVATION
1:200



2 SOUTH ELEVATION
1:200

12

ARCHITECTURE ARCHITECTS

12

A. DAVID DAVENANT
DAVID DAVENANT ARCHITECTURE
1200 DUNDAS STREET WEST
TORONTO, ONTARIO M6H 1B5
TEL: 416-593-9333
WWW.DAVENANTARCHITECTURE.COM

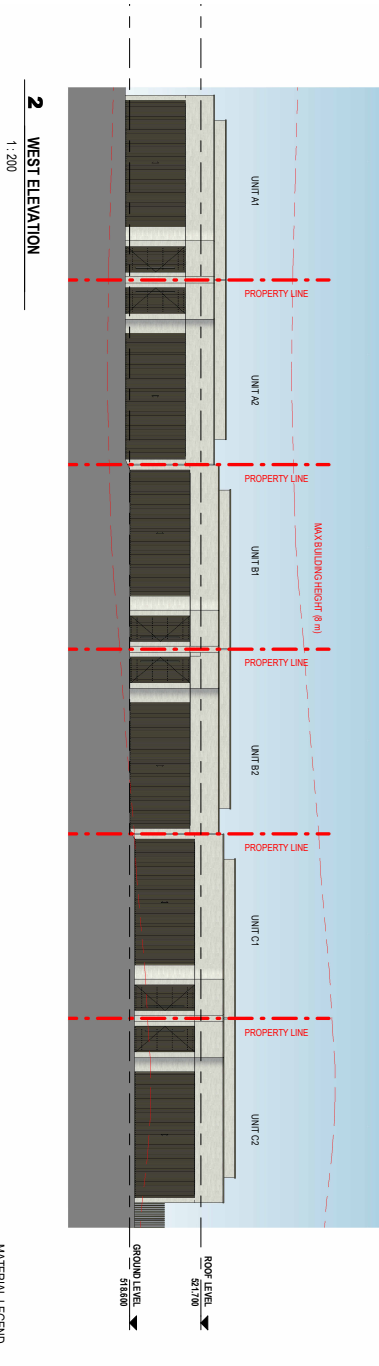
DATE: 2023-08-14
SCALE: 1:200
PROJECT: 7 HANLEY PLACE, YASS NSW 2582
DRAWING: NORTH ELEVATION
DRAWN BY: DAVID DAVENANT
CHECKED BY: DAVID DAVENANT
APPROVED BY: DAVID DAVENANT

MATERIAL LEGEND




MB 01	DARK BEIGE POWDER COATED ALUMINIUM
FB 01	FACE BRICK WHITE
AWD 01	DARK BEIGE POWDER COATED ALUMINIUM FRAME DOORS AND WINDOWS

PROJECT: 7 HANLEY PLACE, YASS NSW 2582
DRAWING: NORTH ELEVATION
DRAWN BY: DAVID DAVENANT
CHECKED BY: DAVID DAVENANT
APPROVED BY: DAVID DAVENANT

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans



MATERIAL LEGEND

	ALUD 01	DARK BEIGE POWDER COATED ALUMINIUM FRAME
	FB01	FACE BRICK WHITE
	TB01	DARK BEIGE POWDER COATED ALUMINIUM

PROJECT STAGE
DA

PROJECT DETAILS
RESIDENTIAL DEVELOPMENT

7 Hanley Pl, Yass NSW 2582

CLIENT DETAILS
OWNER

DRAWN
SM

DESIGNED
SM

DATE
11/20/20

DRAWING SCALE - SHEET SIZE
1:200 A3

PROJECT NUMBER

REFERENCES

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 1: GENERAL AND OTHER ENVIRONMENTAL ACTIONS AND OTHER ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 2: WIND ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 3: SEISMIC ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 4: FATIGUE ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 5: IMPACT ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 6: COLLISION ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 7: THERMAL ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 8: ACCIDENT ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 9: CRACKING ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 10: VIBRATION ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 11: SOIL ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 12: AIR POLLUTION ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 13: BOMBING ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 14: OTHER ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 15: OTHER ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 16: OTHER ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 17: OTHER ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 18: OTHER ACTIONS

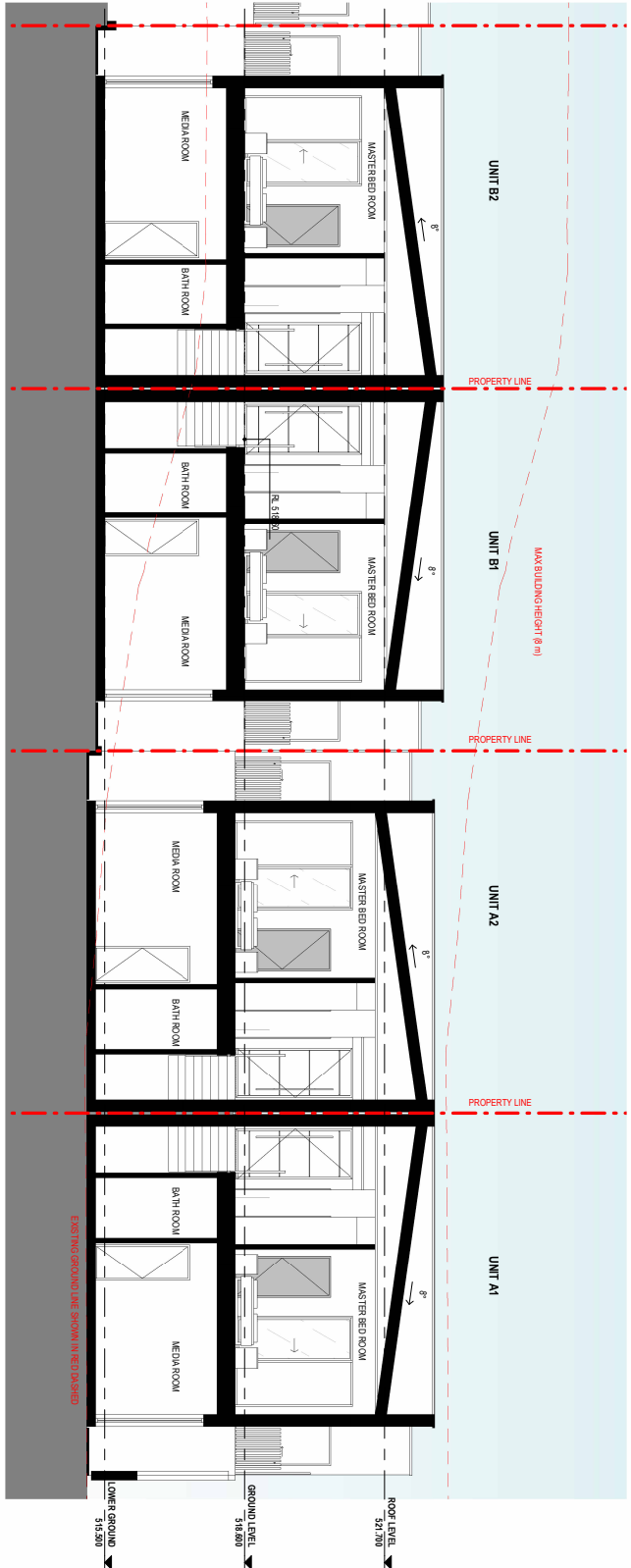
AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 19: OTHER ACTIONS

AS/NZS 1170:2009 STRUCTURAL DESIGN OF BUILDINGS - PART 20: OTHER ACTIONS

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4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans

B SECTION B-B
1 : 100



4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans



SHADOW DIAGRAM LEGEND
 PROPOSED SHADOW BY PROPOSED BUILDINGS

W www.sarchitect.com.au
 E info@sarchitect.com.au
 P 0262 231 111
 A 111 LINDHAY ST
 0 COMBISH
 RESIDENTIAL DEVELOPMENT
 PROPOSED BY THE CLIENT
 PREPARED BY THE ARCHITECT
 DATE 15/01/2024
 DRAWN BY
 CHECKED BY
 APPROVED BY
 PROJECT NO.

A. 04/23/24 D.A. SIMMONS
 DRAWN BY
 CHECKED BY
 NOT TO SCALE

REFERENCES
 STATEMENT OF WORK
 ARCHITECTS AND OTHER ADVISORS
 NOTES
 THE ARCHITECT HAS BEEN ADVISED THAT THE CLIENT HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED DEVELOPMENT.

PROJECT STAGE
 DA
 RESIDENTIAL DEVELOPMENT

7 Hanley Pl, Yass NSW 2582
 CLIENT DETAILS
 OWNER
 DRAWING TITLE
 SHADOW DIAGRAM-2/14

DRAWN DESIGNED
 SM SM
 DRAWING SCALE SHEET SIZE
 A4 HORIZONTAL 298
 PROJECT NO.

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans



SHADOW DIAGRAM LEGEND
 PROPOSED SHADOW BY PROPOSED BUILDINGS

REFERENCES

1. NATIONAL BUILDING REGULATIONS
 2. NATIONAL BUILDING CODE OF PRACTICE
 3. NATIONAL BUILDING CODE OF PRACTICE
 4. NATIONAL BUILDING CODE OF PRACTICE
 5. NATIONAL BUILDING CODE OF PRACTICE
 6. NATIONAL BUILDING CODE OF PRACTICE
 7. NATIONAL BUILDING CODE OF PRACTICE
 8. NATIONAL BUILDING CODE OF PRACTICE
 9. NATIONAL BUILDING CODE OF PRACTICE
 10. NATIONAL BUILDING CODE OF PRACTICE

PROJECT STAGE

DA

PROJECT DETAILS

RESIDENTIAL DEVELOPMENT

7 Hanley Pl, Yass NSW 2582

CLIENT DETAILS

OWNER

DRAWING TITLE

SHADOW DIAGRAM-2/14

DRAWN

DEVELOPER

SM

SM

DRAWING SCALE: SHEET SIZE

AS SHOWN ON THIS SHEET

PROPOSED DEVELOPMENT

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans



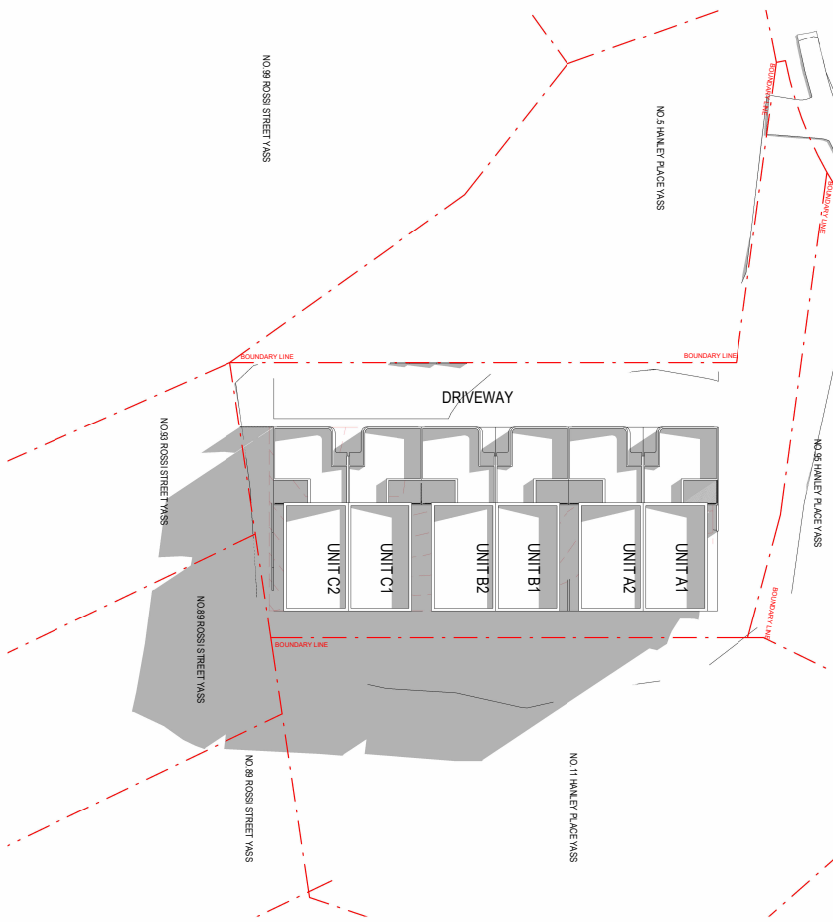
SHADOW DIAGRAM LEGEND
 PROPOSED SHADOW BY PROPOSED BUILDINGS

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans



SHADOW DIAGRAM LEGEND
 PROPOSED SHADOW BY PROPOSED BUILDINGS

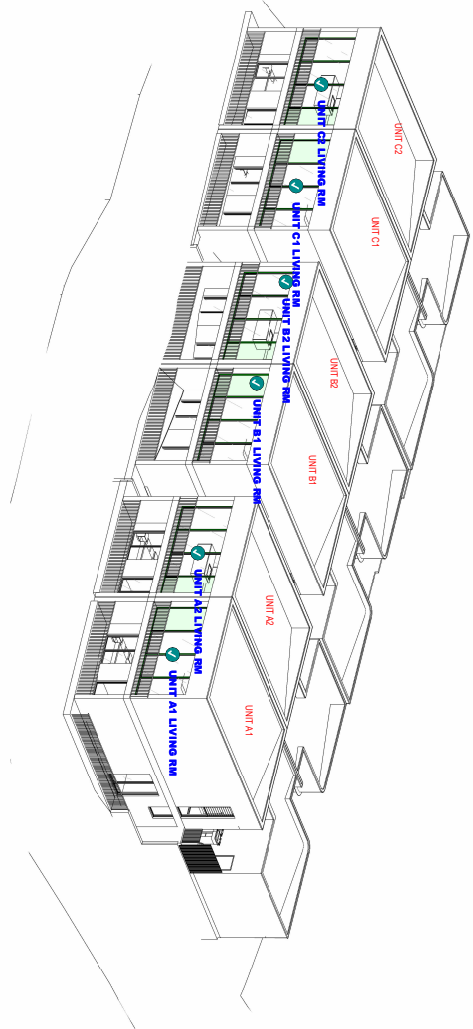
4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans



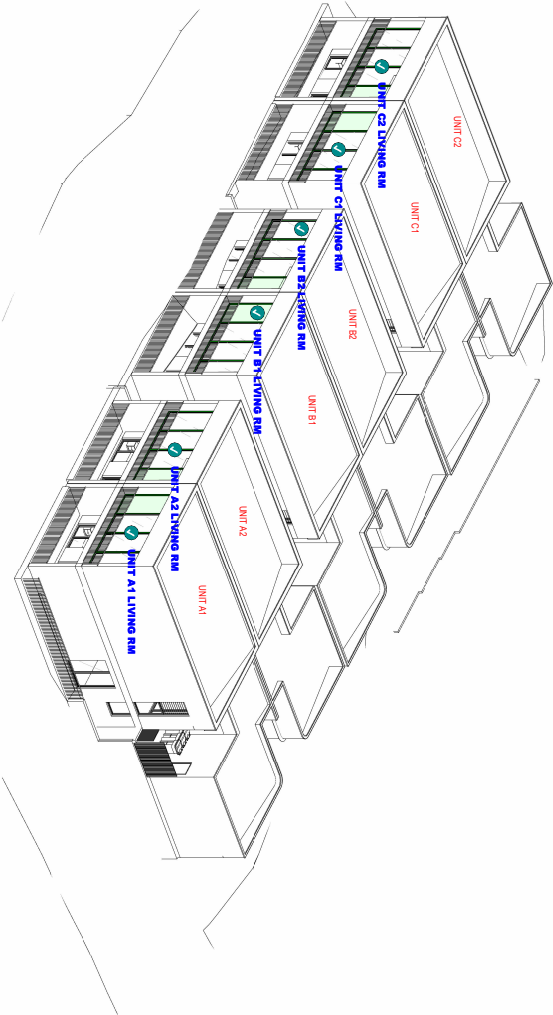
SHADOW DIAGRAM LEGEND
 PROPOSED SHADOW BY PROPOSED BUILDINGS

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans

1 NO.7 PROPOSED SUN VIEW ON 21 JUNE -09AM

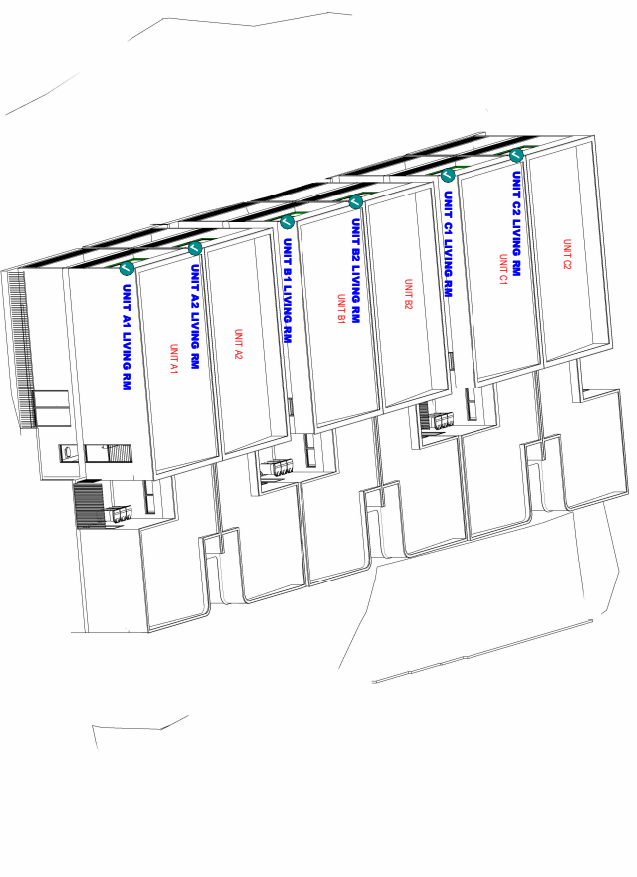
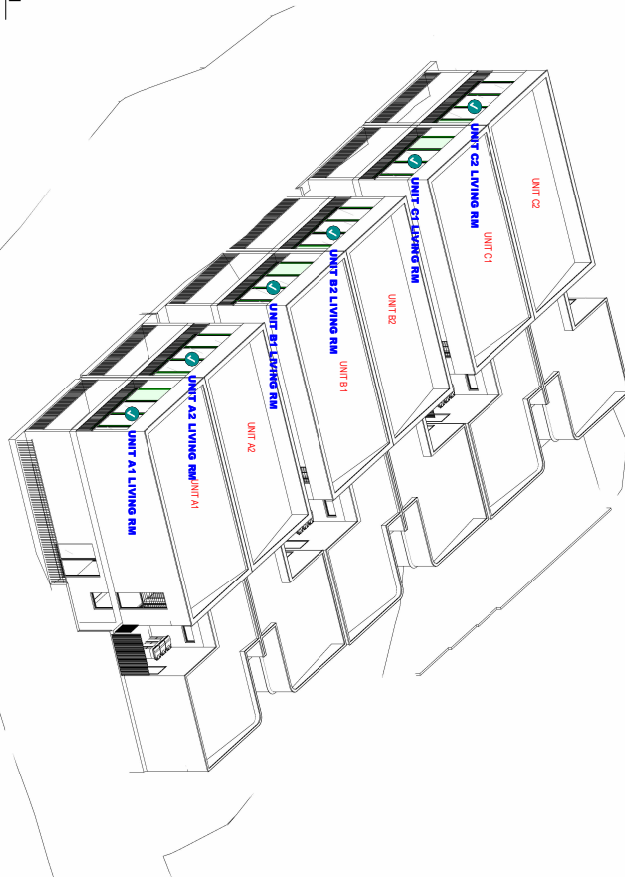


2 NO.7 PROPOSED SUN VIEW ON 21 JUNE -10AM



4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans

1 NO.7 PROPOSED SUN VIEW ON 21 JUNE 11AM



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E. info@architect.com.au
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M. 02 1234 5678
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DRAWING NO. 123456789
DATE: 21/06/2023
SCALE: 1:100
DRAWN BY: J. SMITH
CHECKED BY: M. JONES
PROJECT NO. 123456789

A. 04/03/23 DA SIKKENS
DRAWN BY: J. SMITH
CHECKED BY: M. JONES
SCALE: 1:100
DATE: 21/06/2023

REFERENCES
SYDNEY CITY DEVELOPMENT CONTROL
ACT 2015
RESIDENTIAL DEVELOPMENT
ACT 2015
LOCAL GOVERNMENT
REGULATIONS

PROJECT STAGE
DA
PROJECT DETAILS
RESIDENTIAL DEVELOPMENT

7 Hanley Pl, Yass NSW 2582
CLIENT DETAILS
OWNER

DRAWING TITLE
NO.7 PROPOSED SUN
VIEW ON 21 JUNE NO.2

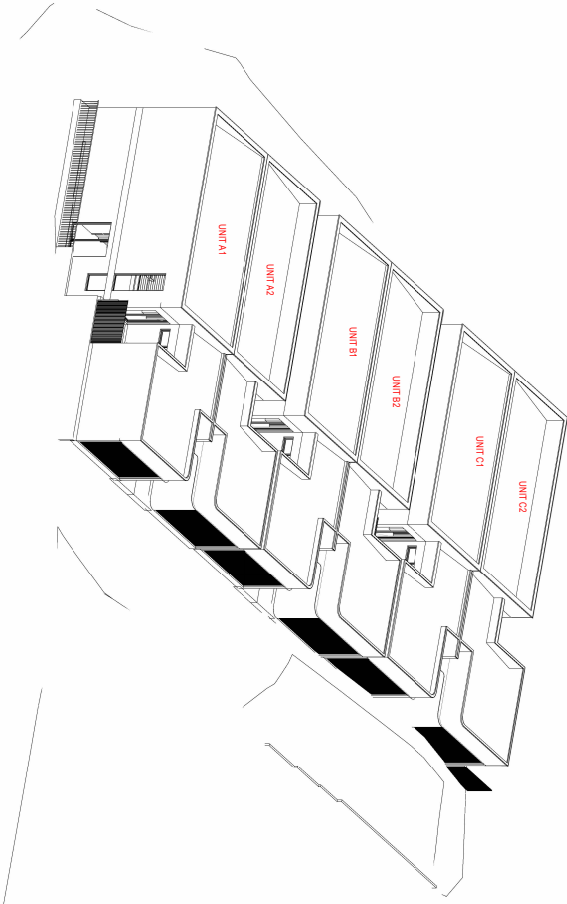
DRAWN DESIGNED
SM SM
DRAWING SCALE AS SHOWN
PROJECT NO. 123456789

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans

1 NO. 7 PROPOSED SUN VIEW ON 21 JUNE - 13PM

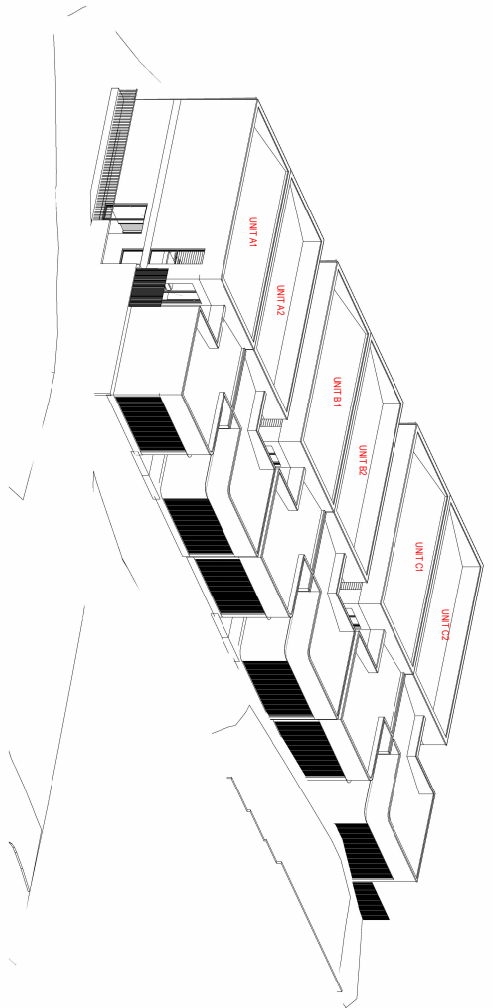


2 NO. 7 PROPOSED SUN VIEW ON 21 JUNE - 14PM



4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans

1 NO.7 PROPOSED SUN VIEW ON 21 JUNE - 1:30PM



PROPOSED BUILDING SUN VIEW STUDY ON NO.7 HANLEY PL ON JUNE 21 BETWEEN 9AM - 3PM							
Room Name	CD_Solar 09:00	CD_Solar 10:00	CD_Solar 11:00	CD_Solar 12:00	CD_Solar 13:00	CD_Solar 14:00	CD_Solar 15:00
UNIT A1 LIVING RM	Green	Green	Green	Green	Red	Red	Red
UNIT A2 LIVING RM	Green	Green	Green	Green	Red	Red	Red
UNIT B1 LIVING RM	Green	Green	Green	Green	Red	Red	Red
UNIT B2 LIVING RM	Green	Green	Green	Green	Red	Red	Red
UNIT C1 LIVING RM	Green	Green	Green	Green	Red	Red	Red
UNIT C2 LIVING RM	Green	Green	Green	Green	Red	Red	Red

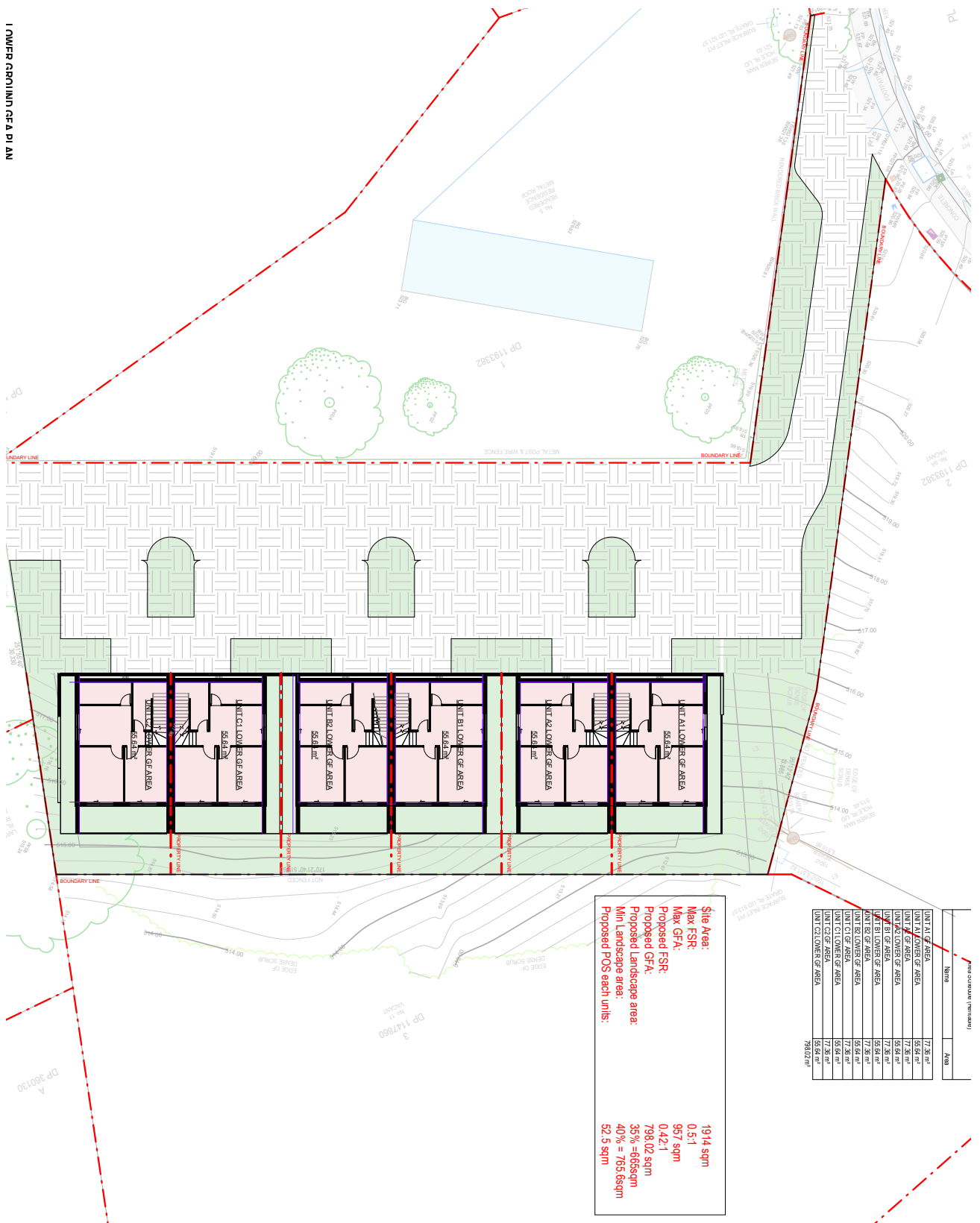
W. www.architect.com.au
E. info@architect.com.au
M. 02 6325 1111
A. 1/111 Market Street, Sydney NSW 2000
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A. 02 6325 1111
D.A. SIMMONS
DRAWN: [Name]
CHECKED: [Name]
DATE: [Date]
SCALE: 1:100

PROJECT DETAILS
7 Hanley Pl, Yass NSW 2582
OWNER
DRAWN: DESIGNED
SM SM
DRAWING SCALE: AS SHOWN
PROJECT NAME

PROJECT DETAILS
7 Hanley Pl, Yass NSW 2582
OWNER
DRAWING TITLE
NO.7 PROPOSED SUN
21 JUNE NO.4
DRAWN: DESIGNED
SM SM
DRAWING SCALE: AS SHOWN
PROJECT NAME

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans

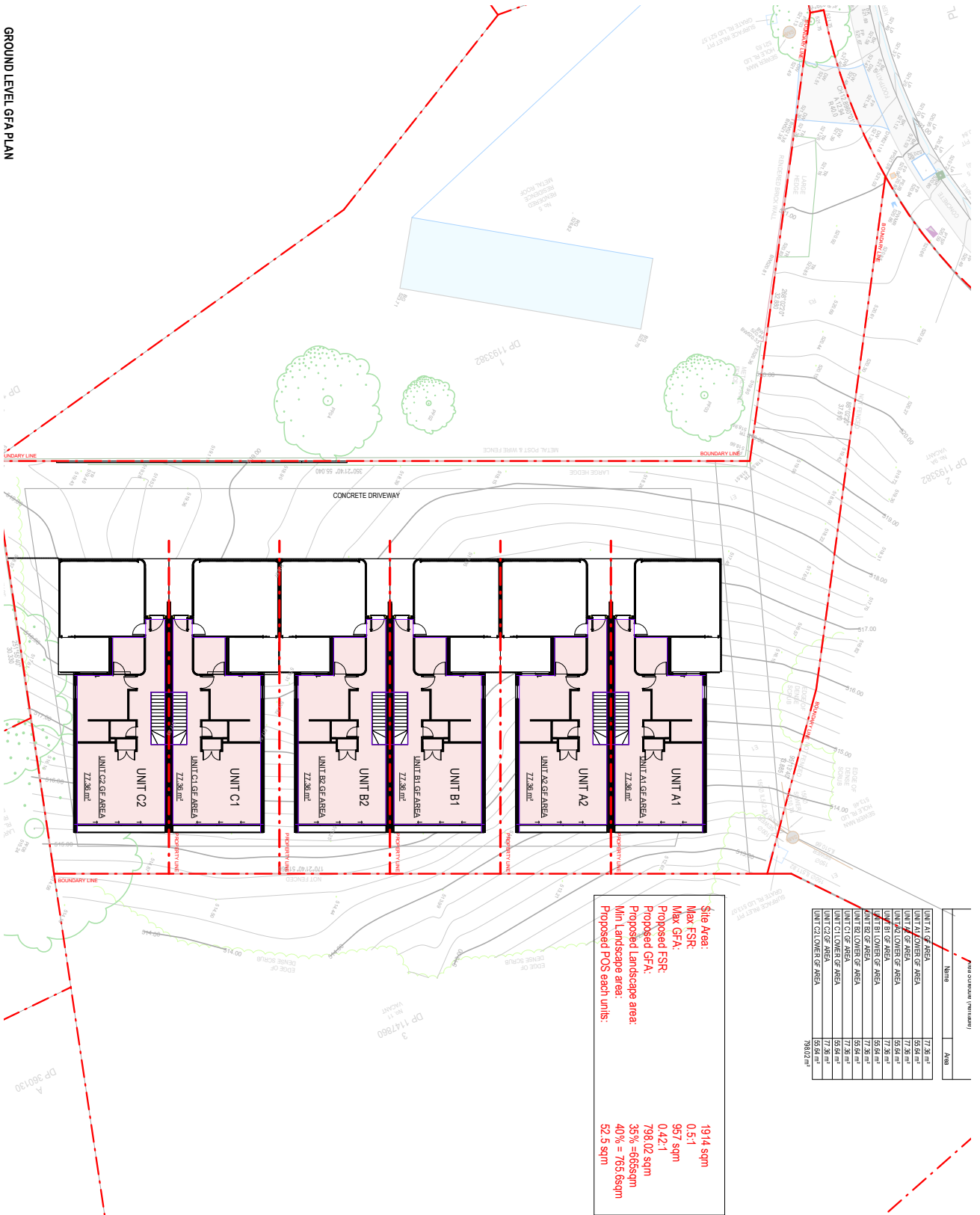


Unit	Area
UNIT 11 LOWER OF AREA	17.30 m ²
UNIT 12 LOWER OF AREA	55.64 m ²
UNIT 13 LOWER OF AREA	55.64 m ²
UNIT 14 LOWER OF AREA	55.64 m ²
UNIT 15 LOWER OF AREA	55.64 m ²
UNIT 16 LOWER OF AREA	55.64 m ²
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UNIT 87 LOWER OF AREA	55.64 m ²
UNIT 88 LOWER OF AREA	55.64 m ²
UNIT 89 LOWER OF AREA	55.64 m ²
UNIT 90 LOWER OF AREA	55.64 m ²
UNIT 91 LOWER OF AREA	55.64 m ²
UNIT 92 LOWER OF AREA	55.64 m ²
UNIT 93 LOWER OF AREA	55.64 m ²
UNIT 94 LOWER OF AREA	55.64 m ²
UNIT 95 LOWER OF AREA	55.64 m ²
UNIT 96 LOWER OF AREA	55.64 m ²
UNIT 97 LOWER OF AREA	55.64 m ²
UNIT 98 LOWER OF AREA	55.64 m ²
UNIT 99 LOWER OF AREA	55.64 m ²
UNIT 100 LOWER OF AREA	55.64 m ²

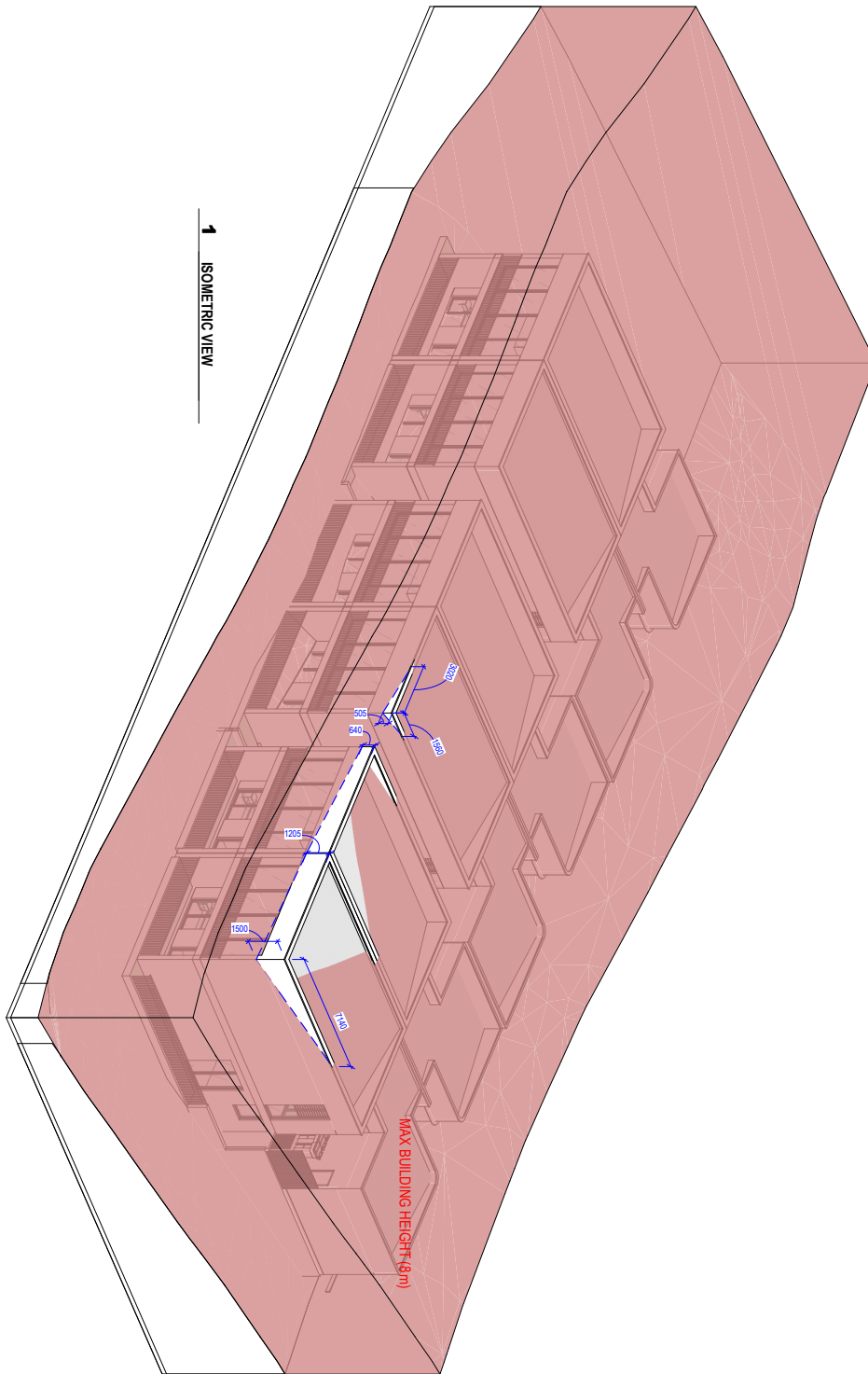
Site Area: 1914 sqm
Max FSR: 0.5:1
Max GFA: 957 sqm
Proposed FSR: 0.42:1
Proposed GFA: 798.02 sqm
Proposed Landscape area: 35% = 665sqm
Min Landscape area: 40% = 765.66sqm
Proposed POS each units: 32.5 sqm

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans

GROUND LEVEL GFA PLAN



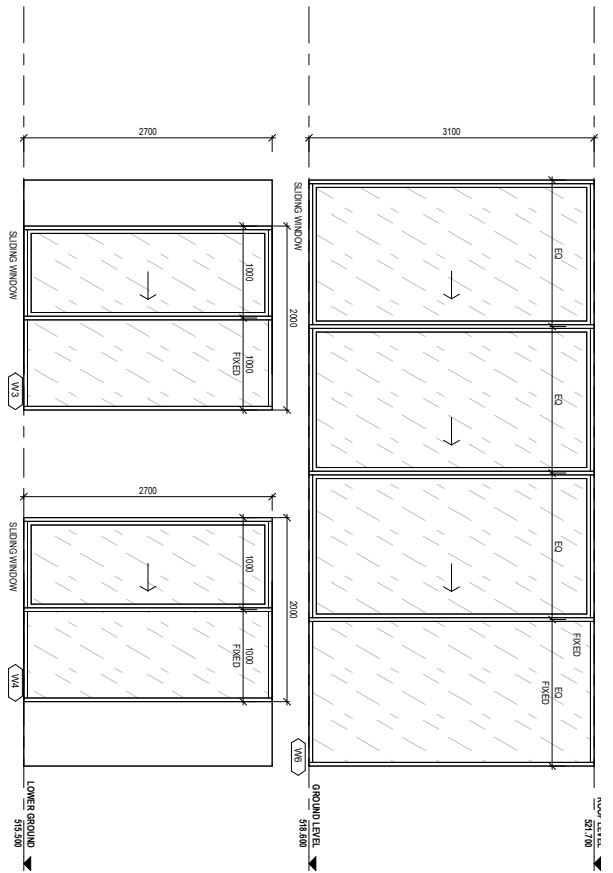
4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans



4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans

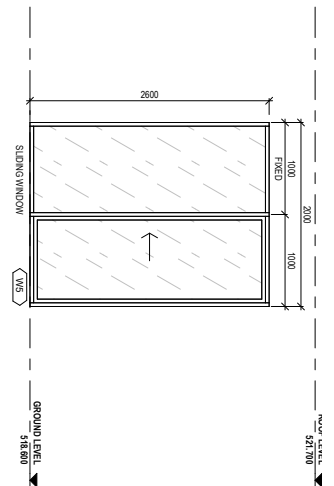
MATERIAL LEGEND		
MATERIAL REFERENCE	MATERIAL TAG	MATERIAL DESCRIPTION
	AWD 01	DARK BEIGE POWDER COATED ALUMINIUM FRAME DOORS AND WINDOWS
	FB 01	FACE BRICK WHITE
	TB 01	DARK BEIGE POWDER COATED ALUMINIUM

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment B Plans



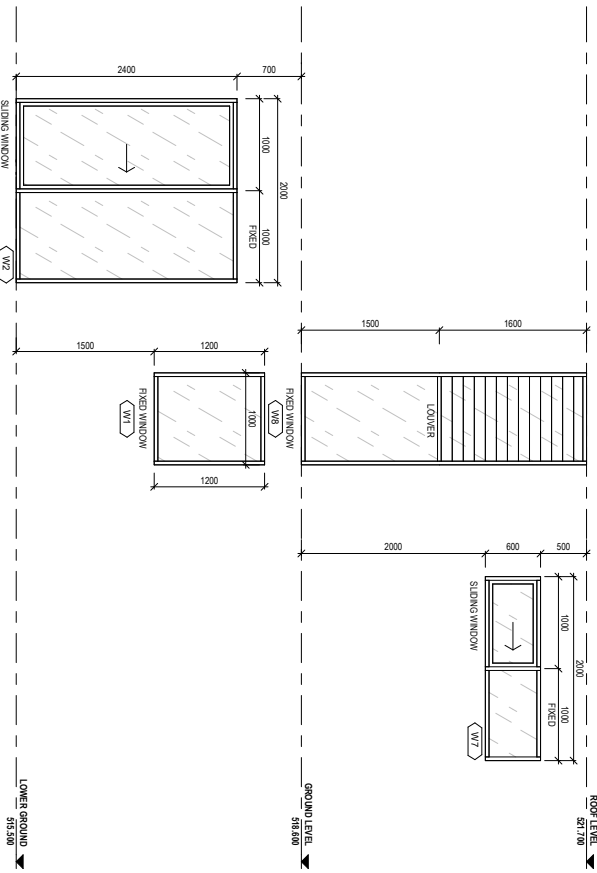
1 EAST WINDOW SCHEDULE

1:50



2 WEST WINDOW SCHEDULE

1:50



3 NORTH / SOUTH WINDOW SCHEDULE

 Your partners
in property



Knight Frank Town Planning Statement of Environmental Effects.

7 Hanley Place, Yass

Lot 1 DP1193382

**Attached Housing Development with Community Title Subdivision
Section 8.3 Review of Determination**

Submitted to:
Yass Valley Council

Prepared on Behalf of
The Price Group

13 November 2025

Knight Frank Town Planning Sydney
T: +61 9036 6666
GPO Box 187, Sydney NSW 2001
Level 22, Angel Place, 123 Pitt Street
Sydney NSW 2000

24-044 – Hanley Place, Yass.



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This report is current at the date of the development application only.

This report is to be read in its entirety and in association with other documentation submitted as part of the Development Application.

Job Name	7 Hanley Place, Yass			
Job Number	24-044			
Client	The Price Group			
Quality Management				
Issue	Date	Prepared By	Checked By	Approved for release by
V1	13.8.2024	DW	NC	NC
V2	15.3.2025	NC	NC	NC
V3	27.8.2025	NC	MG	NC
V4	13.11.2025	NC	NC	NC
For further information contact	Nicholas Cavallo Associate Director Knight Frank Town Planning Nicholas.Cavallo@au.knightfrank.com			

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24-044 – Hanley Place, Yass.



Table of Contents

1. Introduction	4
2. Subject Site & Context	5
2.1 The Site	5
2.2 Surrounding Development and Context	5
3. Background	7
3.1 Development Application DA250320	7
3.2 Amendments to Development Application	7
4. The Proposal	8
4.1 Proposal Overview	8
5. Environmental Assessment	11
5.1 Assessment of Planning Controls	11
5.1.1 EPA Act 1979 and EPA Regulation 2021	11
5.1.2 Biodiversity Conservation Act 2016 & Regulation 2017	11
5.1.3 State Environmental Planning Policies	11
5.1.4 Yass Valley Local Environmental Plan 2013	12
5.1.5 Yass Valley Council Development Control Plan 2024	16
5.1.6 Restrictions on Title	22
6. Section 4.15 Considerations	26
6.1 Section 4.15 (1)(a)(i) – The provisions of any Environmental Planning Instrument	26
6.2 Section 4.15 (1)(a)(ii) – The provisions of any Draft Environmental Planning Instrument	26
6.3 Section 4.15 (1)(a)(iii) – Any Development Control Plan	26
6.4 Section 4.15 (1)(a)(iiia) – Any Planning Agreement that has been entered into or any Draft Agreement	26
6.5 Section 4.15 (1)(a)(iv) – The Regulations	26
6.6 Section 4.15(1)(b) – The likely impacts of that development	26
6.7 Section 4.15 (1)(c) – The Suitability of the Site for the Development	27
6.8 Section 4.15 (1)(d) – Any Submissions made	27
6.9 Section 4.15 (1)(e) – The Public Interest	27
7. Conclusion	28
Appendices	29
Appendix 1 Architectural Plans	
Appendix 2 Civil Engineer Plans	
Appendix 3 Clause 4.6 Variation Statement (Height)	
Appendix 4 Concept Landscape Plans	
Appendix 5 BASIX Certificate	
Appendix 6 Traffic and Parking Impact Statement	
Appendix 7 Carpark Certification & Swept Path Diagrams	
Appendix 8 Plan of Subdivision	

24-044 – Hanley Place, Yass.



1. Introduction

This Statement of Environmental Effects (SEE) accompanies a Review of Determination pursuant to s8.3(1) Application for and conduct of review of the *Environmental Planning and Assessment Act 1979* to Yass Valley Council for the proposed construction of an attached housing development comprising six (6) dwellings, community title subdivision, civil works, earthworks, and landscaping on the subject site at 7 Hanley Place, Yass. The site is legally described as Lot 1 DP1193382.

This SEE and accompanying specialist documentation describes the proposed development as amended and provides an environmental assessment against the relevantly applicable Environmental Planning Instruments and Policies, pursuant to Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979 (EP&A Act). The assessment carried out in this SEE demonstrates that the proposed development:

- Will deliver additional housing supply within an established residential subdivision;
- Will contribute towards housing diversity and densities consistent with the zone objectives;
- Provides a high-quality design that will contribute towards the character of the area;
- Has been designed and to mitigate impacts upon neighbouring properties including established and future residential development;
- Will remain consistent with the relevantly applicable Environmental Planning Instruments and planning policies and controls;
- Is an efficient use of the land that will contribute towards housing diversity;
- Is consistent with the objectives of the subject land use zone R1 General Residential zone pursuant to the *Yass Valley Local Environmental Plan 2013*.

For the reasons stated and as explored within this Statement of Environmental Effects report, the proposed development is worthy of approval.

24-044 – Hanley Place, Yass.



2. Subject Site & Context

2.1 The Site

The subject site comprises 7 Hanley Place, Yass, and is legally described as Lot 1 DP1193382. It has a generally west to east fall. It is zoned R1 General Residential under the *Yass Local Environmental Plan 2013* and has an irregular shape measuring 1,914m². Pedestrian and vehicular access is via an easement leading to Hanley Place, which forms part of the site's western boundary. The site is cleared of vegetation.

Hanley Place is a cul-de sac which allows for two way traffic. The road levels separate part way along Hanley Place in response to the topography of the area.

The site is burdened by a building envelope which is quite expansive. Minor variations are required to the building envelope within the northern and southern parts of the site to accommodate the proposed development.



Figure 2 – Aerial view of subject site in its immediate context. Source: Nearmap.

2.2 Surrounding Development and Context

The site is located within an established residential subdivision largely characterised by single-storey dwellings. There are also dual occupancy developments within the estate to the north of the subject site. The site is located approximately 450m west of the main street within the Yass Valley town centre. The site is elevated and enjoys views of the town to the east.

With respect to the broader context there is established medium density residential zoned land to the east of the site with access from Dutton Street. The local centre zoning begins at the intersection of Rossi Street and Dutton Street approximately 250m to the east of the site.



24-044 – Hanley Place, Yass.

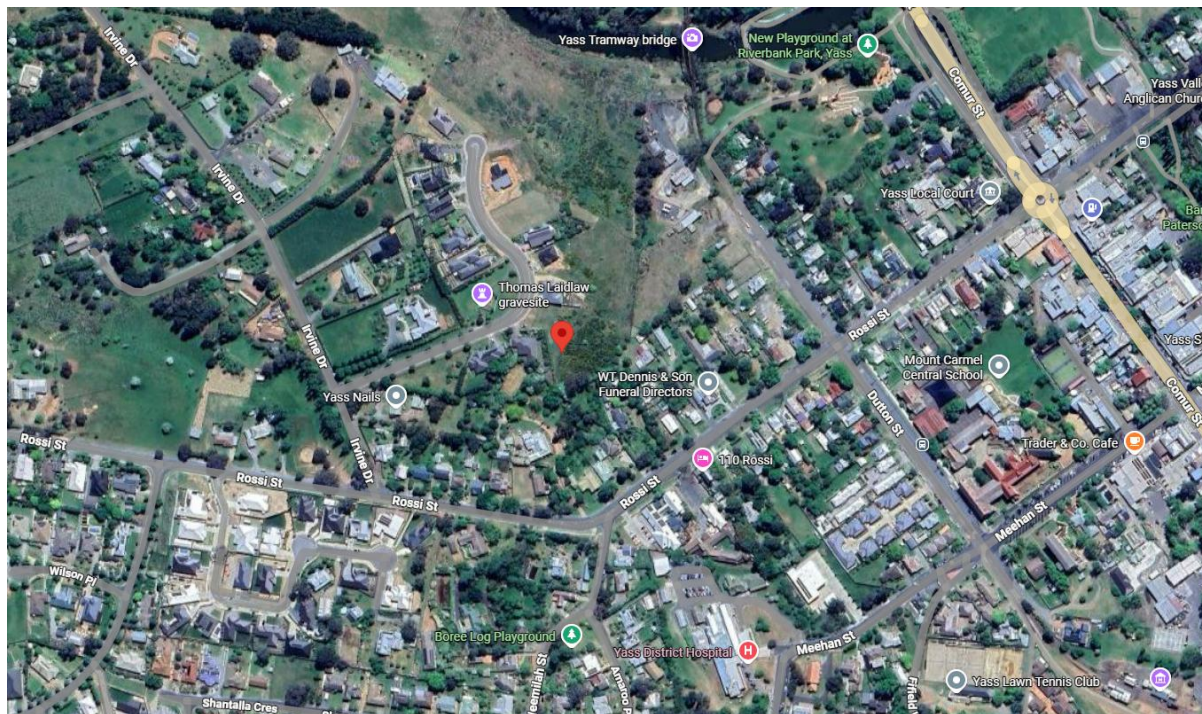


Figure 3 – Site Context Map. Source: Google.



3. Background

3.1 Development Application DA250320

The subject application comprises a review of determination pursuant to s8.2 of the *Environmental Planning and Assessment Act 1979* with respect to Yass Valley Council's (Council) decision to determine Development Application DA250320 by way of refusal on 25 September 2025. The development description of the refused development was as follows:

- *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 reasons for refusal are detailed in the notice of determination as follows:

1. *The proposal does not comply with the development standard contained in clause 4.1D(3)(a) of the Yass Valley Local Environmental Plan 2013 in relation to the minimum site area per dwelling. The development standard requirements a minimum site area of 400m² per dwelling. The proposal has a site area of 319.5m² per dwelling.*
2. *The exception to the development standard contained in clause 4.1D(3)(a) pursuant to clause 4.6 of the Yass Valley Local Environmental Plan 2013 is not supported as the applicant's written request has not demonstrated that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds. As such, development consent cannot be granted in accordance with clause 4.6(3).*

3.2 Amendments to Development Application

Pursuant to s8.3(3) of the EP&A Act 1979 there is an ability to make amendments to the proposed development for which consent is being sought as follows:

- (3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*

In response to the reasons for refusal from Council it is sought to amend the proposed development such that consent is sought for an attached dwelling development with community title subdivision. With respect to the other aspects of the development including the number of dwellings, design of the dwellings and associated work there are no amendments proposed.

Hence the amendments would result in the following development description:

- *Attached housing, including six dwellings of three bedrooms and two garage spaces each (two buildings with three dwellings in each)*
- *Community title subdivision with a dwelling each on its own lot of land*
- *Earthworks*
- *Landscaping works*
- *Driveway and services*

It is our view that the amendments made are considered to be substantially the same development for which consent was originally sought. While the planning characterisation does change there are otherwise no physical changes to the development that would alter the nature the proposal for which consent is sought. The incorporation of subdivision as part of the proposal similarly does not alter the nature of the development. It is expected that such a housing development would be the subject of some form of subdivision to enable the separate occupation and ownership of the resulting dwellings.

24-044 – Hanley Place, Yass.



4. The Proposal

4.1 Proposal Overview

The proposal seeks consent for the construction of an attached housing development comprising six (6) dwellings each with three (3) bedrooms, community title subdivision of the development, civil works, retaining walls, cut and fill, and landscaping on the subject site.

The dwellings are two storey in height and present as a townhouse style development, comprising of an aboveground level and lower ground level. The proposal seeks to utilise the topography, reducing the extent of cut and fill while also minimising the perceived bulk and scale from the streetscape.

The following is a description of the proposed works and general layout for each dwelling.

Lower Ground Floor

- Two bedrooms;
- Media room;
- Main bathroom;
- Outdoor private open space area with landscaping for each unit.

Ground Floor

- Living areas comprising an open plan kitchen, living and dining room;
- WC;
- Main bedroom with, ensuite, and WIR;
- Bin storage area;
- Double garage;
- Landscaped entrance;

The other works proposed within the site comprise the driveway; retaining walls within the site including along the south-western edge of the driveway; communal landscaping and embellishments for the residents; two (2) visitor parking spaces; landscaped areas; and stormwater infrastructure.

Refer to **Figures 3-5** below for the proposed site plan, and elevations.

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment C Supporting Information

24-044 – Hanley Place, Yass.



Figure 4 – Site Plan. Source: SN Architects.

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment C Supporting Information



24-044 – Hanley Place, Yass.

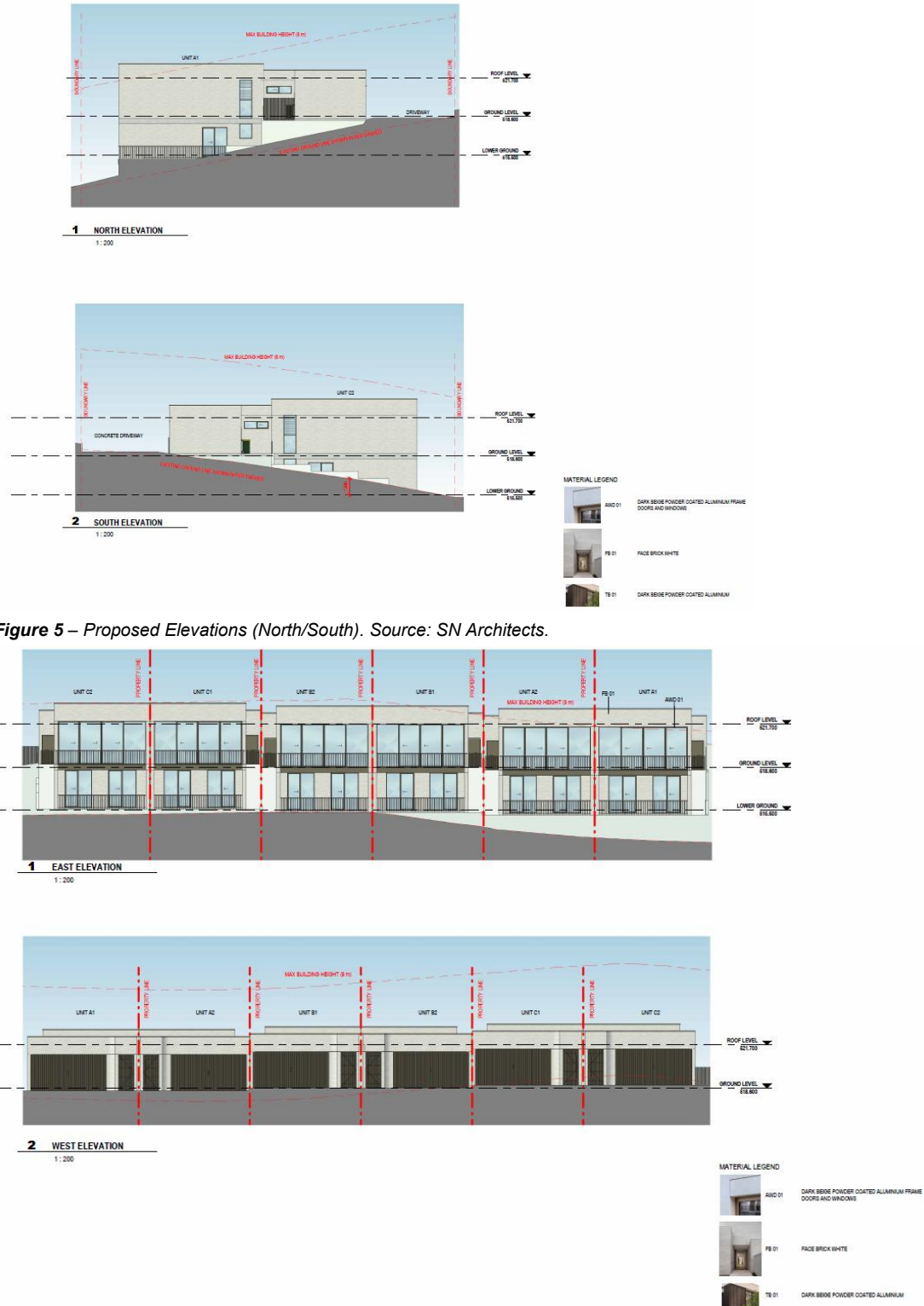


Figure 5 – Proposed Elevations (North/South). Source: SN Architects.

Figure 5 – Proposed Elevations (East/West). Source: SN Architects.



5. Environmental Assessment

Knight Frank Town Planning has undertaken an assessment of the proposal against the relevant environmental planning legislation, controls and guidelines to identify potential environmental impacts and mitigation measures.

5.1 Assessment of Planning Controls

This SEE includes an assessment of the proposal in terms of the matters for consideration as listed under Section 4.15 Evaluation of the EP&A Act and should be read in conjunction with specialist documentation appended to this report, as outlined on the contents page of this report.

5.1.1 EPA Act 1979 and EPA Regulation 2021

The *Environmental Planning and Assessment Act 1979* (the Act) and *Environmental Planning and Assessment Regulation 2021* (the Regulation) provides the legislative framework for the assessment and approval of the proposed development.

The objectives of the Act relevant to the proposed development are:

- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;
- to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- to promote the orderly and economic use and development of land,
- to promote the delivery and maintenance of affordable housing, and
- to promote good design and amenity of the built environment.

The assessment contained in this SEE demonstrates that the proposed development is consistent with these objectives and the other relevantly applicable provisions of the Act and Regulation.

Integrated Development

Development requiring approval under another Act in addition to development consent is '*integrated Development*'. Section 4.46(1) of the Act provides a list of these approvals. The proposed works do not trigger the need for the consent authority to obtain general terms of approval (GTA) from any approval bodies.

5.1.2 Biodiversity Conservation Act 2016 & Regulation 2017

The Biodiversity Conservation Act 2016 (BC Act) protects threatened species, communities and critical habitat in New South Wales. This Act provides protection for species, populations and ecological communities considered endangered, vulnerable or extinct. Any activity, which may have an impact on threatened species must consider a range of factors in the assessment and determination of the development application. Section 1.7 of the EP&A Act links with the BC Act and requires the consent authority to consider a range of factors during the determination of a development application.

The Biodiversity Conservation Act 2016 (BC Act) establishes the requirements for the protection of biodiversity, outlines the requirements for the regulating a range of development activities on land and provides mechanisms for the management of impacts resulting from development activities. Part 7 of the BC Act sets out the requirements for biodiversity assessment and sets out significant impact threshold criteria that trigger entry into the Biodiversity Offset Scheme (BOS).

The subject site is located within an established urban area with no biodiversity values identified. Vegetation within the site has already been cleared. Therefore, Council can be satisfied that the Biodiversity Offsets Scheme will not be triggered nor will there be any impact on threatened species.

5.1.3 State Environmental Planning Policies

The following is the relevant statutory planning framework:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Biodiversity Conservation Act 2016 and Regulation 2017*

24-044 – Hanley Place, Yass.



- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Yass Valley Local Environmental Plan 2013*
- *Yass Valley Council Development Control Plan 2024*

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 provides a framework for water catchments, waterways, urban bushland, and the Willandra Lakes World Heritage Property. It is applicable to the site by virtue of being applicable to the entire state. There are no water catchments, waterways, or urban bushland located within the site or in its vicinity. The site is not located within the Willandra Lakes World Heritage Property. As such, Council can be satisfied that the proposal will have no impacts to biodiversity or conservation considerations.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (the SEPP) applies to the proposed development by virtue of applying to the entire state.

Chapter 4 – Remediation of Land

Under clause 4.6 of the SEPP, the consent must consent to the carrying out of development unless it has considered the potential for contamination within a site, if the land is contaminated whether it is suitable in its current state for the proposed use and if the land requires remediation to be made suitable for the proposed use, that the remediation will occur prior to the proposed use. The site is located within an established residential area and does not have a history of potentially contaminating land uses. As such, the land is considered to be suitable for the residential development in its current state.

5.1.4 Yass Valley Local Environmental Plan 2013

The *Yass Valley Local Environmental Plan 2013* (LEP) is the relevant and primary environmental planning instrument which applies to the proposed development. The proposed development is assessed in detail against the relevant provisions of the LEP within the tables below.

The subject site is zoned R1 General Residential. The land use table for R1 is included below.

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works; Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Flood mitigation works; Group homes; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Take away food and drink premises; Tank-based aquaculture; Water supply systems

4 Prohibited

Water treatment facilities; Any other development not specified in item 2 or 3

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment C Supporting Information



24-044 – Hanley Place, Yass.

The proposed development is considered to be characterised as an ‘attached dwelling’ development defined as follows:

- attached dwelling** means a building containing 3 or more dwellings, where—
- (a) each dwelling is attached to another dwelling by a common wall, and
 - (b) each of the dwellings is on its own lot of land, and
 - (c) none of the dwellings is located above any part of another dwelling.

Note.

Attached dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.

The proposed development includes the community title subdivision of the development such that each dwelling ‘is on its own lot of land’ consistent with the requirement of the definition.

Relevant provisions of the LEP are detailed and assessed in **Table 3** below.

Yass Valley LEP 2013			
Clause	Provision	Assessment	Complies
2.2 Zoning of land to which Plan applies	The subject site is zoned R1 General Residential.	The proposed attached housing is permissible with consent in the R1 Zone.	Yes
2.3 Zone objectives and Land Use Table	The subject site is zoned R1 General Residential. Refer land use table above.	The proposed development is permissible with consent in the applicable zone, which is R1, and is consistent with the zone objectives.	Yes
2.6 Subdivision - consent requirements	(1) Land to which this Plan applies may be subdivided, but only with development consent.	Consent is sought for the community title subdivision of the completed development.	Yes
4.1 Minimum subdivision lot size	... (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. (4) This clause does not apply in relation to the subdivision of any land— (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015 , or (b) by any kind of subdivision under the Community Land Development Act 2021 .	The development includes the subdivision of land by way of community title subdivision. This clause applies to the subdivision of land shown on the lot size map. However, clause 4(b) applies in this instance which specifically excludes community title subdivision from the operation of the clause and hence the minimum lot size does as mapped not apply to the proposed development.	N/A
4.1D Minimum site areas for dual occupancies and multi dwelling housing in Zones R1, R2, R3 and RU5	(1) The objective of this clause is to achieve planned residential density in certain zones. (2) Development consent must not be granted to development for the purposes of a dual occupancy unless the site area per dwelling is at least— (a) in the case of Zone R1 General	With respect to the site area provision this only applies to certain development within the R1 zone being ‘multi dwelling housing’. In this instance the development proposes an ‘attached dwelling’ development and as such the clause does not apply.	N/A



Yass Valley LEP 2013			
	Residential—400 square metres... (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...		
4.3 Height of Buildings	A maximum height of 8m applies to the subject site.	The development does not comply with the maximum permitted building height. In this instance Units A1, A2 and A3 vary the height of building development standard located within the north-eastern part of the site. Units B2, C1 and C2 otherwise all comply with the maximum height of building. A maximum building height of 9.5m is proposed (Unit A1) representing an exceedance of 1.5m or 18.75%. In support of the application is a cl 4.6 Variation statement which seeks to vary the development standard.	No, refer to separate written statement
4.4 Floor Space Ratio	A maximum FSR of 0.5:1 applies to the subject site.	The development has a gross floor area of 798.02sqm equating to an FSR of 0.42:1.	Yes
5.10 Heritage Conservation	The site does not contain any heritage items, nor is it located in a heritage conservation area.		N/A
6.1 Earthworks	(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the	Consent for earthworks is sought as part of this application. Cut and fill works are required to facilitate the proposed dwellings. A balance between cut / fill is achieved and retaining walls proposed where required. Refer to the submitted architectural plans for further details. No heritage items, waterways or environmentally sensitive areas are located near the subject site.	Yes

24-044 – Hanley Place, Yass.



Yass Valley LEP 2013		
	development.	
6.4 Terrestrial Biodiversity	Not applicable. The subject site is not indicated on the Terrestrial Biodiversity Map to contain terrestrial biodiversity values.	N/A

Table 3 – Yass LEP 2013 Provisions.



5.1.5 Yass Valley Council Development Control Plan 2024

The Yass Valley Council Development Control Plan 2024 was exhibited from March to April 2024 and has since been adopted by Council. It gives effect to the aims and objectives of Yass Valley Local Environmental Plan 2013 and outlines Council's standards for new development. The relevant parts and controls of the DCP are assessed in the table below.

Yass Valley Council DCP 2024		
Control	Comments	Complies
Part C – Subdivision Controls		
C4 Strata & Community Title Subdivision Controls		
a. All lots are to be connected to a centralised electricity supply network in accordance with the requirements of Essential Energy	All lots to be connected to central electricity supply.	Yes
b. Pedestrian and street lighting are to be provided in accordance with AS/NZS 1158:2020 Lighting for roads and public spaces;	Pedestrian / vehicular lighting is to be provided within the driveway.	Yes
c. All lots are to be provided with a separate water meter and connection to the reticulated supply; all water meters are to be located at the front of the property in an accessible location to facilitate meter reading;	All lots to be created will be provided with a separate water meter and connection to the reticulated water supply.	Yes
d. A single master meter is to be provided to the common and community property	Can be provided to the common property if required.	Yes
e. All lots are to be provided individual connections to Council's reticulated sewer system or an approved on site sewage management system	All lots to be created will be provided with a separate connection to the sewer system.	Yes
f. All lots are to be provided with telecommunications	All lots to be created will be provided with a separate telecommunications connection.	Yes
g. Easements are to be created over services	No specific easements required to be created.	N/A
Part D – Residential Development Controls		
D2 Medium Density Housing		
D2.1 Site frontage and area		
Objective: To ensure that dwelling occupants have adequate access to private open space for the quiet enjoyment of their property and recreational opportunities	It is considered that the development achieves the objectives of the planning control.	Yes
a. The site shall have street frontage of at least 15 metres when measured at the building line. At the head of a cul-de-sac the minimum frontage shall allow sufficient area for the placement of bins required by the development in a single, not stacked, line and the parking of at least one vehicle.	The site is irregular in shape with access provided by way of a minor handle measuring 7m wide. However the site measures circa 30m in width at the building line of Unit A1, which is capable of accommodating development as proposed. Sufficient room within the access handle is provided for the presentation of bins.	Yes
b. For development involving attached dwellings, dual occupancies, multi dwelling housing; secondary dwellings and semi detached dwellings, each unit shall be provided with a minimum site area in accordance with Clause 4.1D of Yass Valley Local Environmental Plan 2013;	Clause 4.1D of the YVLEP 2013 applies only to dual occupancy development and multi dwelling housing. In this instance attached dwellings are proposed for which the clause does not apply.	N/A
c. Where it can be demonstrated that the objectives of this part are met, a smaller minimum site area may be considered.	The site area provision does not apply to the development as an attached dwelling development is proposed which is not covered by clause 4.1D of the YVLEP 2013.	N/A
D2.2.1 Front Setbacks		
No dwellings on adjacent lots fronting the same	Substantial front setback achieved of circa 30m.	Yes

24-044 – Hanley Place, Yass.



Yass Valley Council DCP 2024		
street, site greater than 1,500m ² – 10m		
D2.2.2 Side and rear setbacks		
Objective: To ensure that multi dwelling development does not impact on solar access, privacy, or overshadowing	It is noted that the proposal does not achieve compliance with the required side setbacks	No, but justified see below
<p>a. Multi Dwelling developments should have the minimum side and boundary setback as per the table below (taking account of solar access and privacy):</p> <p>Side boundary - 900mm for single storey elements 2m for second storey elements 6m if a habitable room window or balcony faces the boundary.</p> <p>Rear boundary – 10 metres for buildings measuring less than 4.5m with a lot area greater than 1,500m²</p> <p>15m for buildings measuring greater than 4.5m and with a lot area greater than 1,500m²</p>	<p><u>Side boundary (eastern & western boundary)</u> Compliance achieved to the western boundary with a setback of 7m to the single storey component.</p> <p>The proposal does not comply with the required side boundary setback to the eastern boundary and for which a 6m setback is required. Whereas the development proposes the following:</p> <ul style="list-style-type: none"> - Ground floor = 5m - First floor (Balcony) = 3m - First floor (Glass line) = 3.5m <p>The adjoining site is currently vacant. We are not aware of an application having been lodged with Council or otherwise being assessed. The adjoining site is significant in area and capable of accommodating a dwelling house and associated structures / infrastructure. It is noted the site is benefitted by a shared access handle which provides access to three (3) lots.</p> <p>Shadow diagrams prepared as part of the architectural package show that the built form (except boundary fencing) will not impact on the adjoining property between 9am and 1pm, which ensures that compliant solar access can be achieved to both the habitable areas of a future dwelling and its corresponding private open space area.</p> <p>A setback of 3.5m to the living area and 3m to the balcony is considered appropriate in this instance. The land slopes substantially to the east which assists with the sense of separation and mitigation of potential overlooking from the subject site. Furthermore, the adjoining site is of a significant size that is capable of being designed and sited to accommodate a dwelling house. It is not restricted for instance by way of a building envelope that would limit the placement of development and can instead respond positively to the site context.</p> <p><u>Rear Boundary</u> The development proposes a rear setback of circa 1.15m from the southern boundary at a minimum increasing to 3.45m as measured to the single storey component. Whereas a 15m setback would be required under the current planning controls. While this is a significant numerical departure from Council's controls it is considered that the proposal will still achieve the overarching objectives and will not detract from the amenity received by adjoining</p>	No

24-044 – Hanley Place, Yass.



Yass Valley Council DCP 2024		
	<p>properties to the south. That the proposal is capable of being supported.</p> <p>The adjoining properties directly to the south would appear to comprise two (2) dwelling houses on separate allotments (93 & 89 Rossi Street) within the R1 General Residential zone. Both dwellings appear to be on substantial allotments with the majority of built form and open space areas well setback from the common boundary with the subject site. These sites would also appear to be heavily vegetated particularly along the common boundary. This existing boundary condition would appear to assist in mitigating any potential visual impact that may occur by the development along this boundary. Finally, there are only minor windows within the southern elevation of the development that may be of concern.</p> <p>With regard to the impact upon solar access on the adjoining sites the overshadowing can be described as relatively minor between the hours of 9am – 12pm as measured on 21 June with compliance maintained with the solar access requirements to the adjoining properties. The impact does increase beyond that time reaching its greatest at 3pm.</p>	
c. The total length of wall within 900mm of a side boundary shall not exceed 10 metres (or if adjoining an existing boundary wall, no longer than that wall);	Complies with a minimum setback of 3m achieved.	Yes
D2.3 Site coverage		
a. The maximum floor space ratio for medium density development, including all ancillary buildings, is not to exceed those indicated below or as otherwise shown on the Yass Valley Local Environmental Plan 2013 Floor Space Ratio Map	Compliance is achieved with the maximum permitted FSR requirements under the LEP as outlined earlier in this report.	Yes
D2.4 Building height		
a. The maximum height of a building is not to exceed 8 metres, or as otherwise shown for the land on the Yass Valley Local Environmental Plan 2013 Height of Buildings Map;	The development does not comply with the maximum permitted building height of 8m. Units A1, A2 & B1 all seek to vary the maximum height. This is a result of the topography in the north-eastern part of the site. A cl 4.6 Variation statement has been submitted in support of the application which justifies the heights that are sought and demonstrates the absence of environmental impacts resulting from the variation.	No
b. Shadow diagrams are to be submitted for 9 am, 12 midday and 3 pm on the June 21 Solstice for all medium density housing, detailing overshadowing cast by the proposed development in addition to any existing buildings and fences. Shadows shall include internal and external the proposed development site;	Shadow diagrams and sun-eye diagrams have been submitted confirming that the impacts are acceptable and a compliant level of solar access is maintained to adjoining development.	Yes
c. At least 50% of the neighbouring existing principal open space or windows to internal habitable rooms should receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June. If it is already less than this, it should not be further reduced.	Compliance achieved or able to be achieved as demonstrated on the submitted plans.	Yes



Yass Valley Council DCP 2024		
D2.5 Character and built form		
a. The front dwelling in each development shall face the street and feature at least 1 main entry door and 1 major window to a living or bedroom;	The site is irregular with a minor access handle providing access to the site proper. It is not feasible for the site to comply with the control. The design and siting of the development is considered to be appropriate having regard to the site constraints, with substantial landscaping able to be viewed from the streetscape and the western / northern facades of Unit A1.	No
b. Where the development involves 3 or more dwellings facing the street; the building design shall incorporate physical changes in mass, form and material on the street elevation;	Does not apply	N/A
c. Garages shall not dominant and shall be recessed from the building line;	The development is well setback from the streetscape at circa 30m and while the garage of Unit A1 is able to be viewed it will not dominate the streetscape.	N/A
f. Removal of existing street trees is to be avoided;	No street trees will be impacted.	N/A
g. Existing street trees shall be protected from impact, including root compaction;	No existing street trees	N/A
h. Landscaping is to be provided which clearly differentiates the public and private domain in accordance with the principles outlined in Part B (safety);	Landscape strategy complies with these requirements.	Yes
i. The building alignment along common internal driveways shall be varied to provide visual relief and landscaped;	There is sufficient articulation of the built form along the proposed driveway. High quality materials are proposed with a curved façade that will provide visual interest where the built form is able to be viewed.	Yes
j. Windows, balconies, fencing and the like should be designed and constructed to allow views and passive surveillance of any adjacent public reserve or recreational area as well as internal driveways and carparking areas;	While passive surveillance is not strictly achieved from the proposed built form there are challenges given the access is achieved through a minor access handle and the slope of the land. Access to each dwelling is otherwise secure and will benefit each resident.	No
k. Stepped building form on sloping sites is encouraged to avoid mass excavation;	Built form has been stepped down through the site to balance the earthworks and visual prominence of the development.	Yes
l. Windows should not be located directly opposite the windows of primary living areas of adjoining dwellings;	Consideration has been given to adjoining properties both existing and potential.	Yes
m. Privacy screens should be installed where there is a chance of overlooking from balconies, open space areas, windows on adjoining buildings (within or external the proposed development) and the like;	Privacy screens are not proposed in this instance.	N/A
n. Noise sources such as driveways, service areas, plant rooms, mechanical equipment and communal open space areas should be located at least 3 metres from bedrooms;	Compliant setbacks achieved.	Yes
o. Windows should be located to allow surveillance of internal driveway and carparking areas;	Main doorways are proposed to the driveways which is considered to be sufficient. Garages are proposed on the upper levels given the topography of the site allowing the development to step down appropriately to the adjoining properties.	Yes
p. Sensor or solar lighting should be provided adjacent to entries for multi dwelling	Able to be installed as required.	Yes



Yass Valley Council DCP 2024		
development;		
r. The use of long straight driveways should be avoided, driveways should not be more than 20 metres without traffic calming devices	Traffic calming devices have been integrated into the driveway design.	Yes
D2.6 Private open space		
a. Each dwelling shall have a total area of at least 40m ² private open space which is directly accessible from, and adjacent to, a habitable room, (other than a bedroom) the principal part of the area being at least 24m ² with minimum dimensions of at least 4 x 4 metres, and not have a slope steeper than 5%;	Each dwelling will achieve the required 40m ² of POS at the ground level of each dwelling and with supplementary open space at the upper level to a total of 52.5m ² . It will be a highly functional and consolidated space.	Yes
b. Principal Private open space should be located on the north side of the lot where practical;	POS is located on the eastern boundary which will still achieve good solar access. Communal open space area is to be located along the northern boundary.	Yes
c. The southern boundary of principal private open space should be setback from any wall on the north of the space at least (2 + 0.9h) metres, (where 'h' is the height of the wall);	POS is typically oriented to the east.	Yes
d. Open space calculations are not to include areas utilised for driveways, on site parking, circulation, communal open space, utility/service areas or rainwater tanks;	Complies	Yes
e. Private open space areas are to clearly defined and separated from communal areas;	Complies	Yes
f. Private open space area are not to be located within the setback unless it can be demonstrated that negative impact on the streetscape and use of open is avoided;	Complies	Yes
D2.7 Landscaping		
a. At least 25% of the area in front of the building line is to be landscaped;	A substantive landscaped area is proposed forward of the built form and which is able to be viewed from the streetscape. This is to be landscaped and considered to meet the intent of the control.	Yes
b. A minimum landscape area of 40% of the total lot area must be provided;	The development achieves a total of 665m ² of landscaped area which equates to 35%. However, compliance is achieved with the landscape area requirements for multi dwelling housing – see control (c) below. High quality landscaped areas are proposed with a significant landscaped area to the north and substantial landscaped areas along the common boundaries particularly to the south and east. The landscaped areas have been located to benefit views to and from the site, where they are considered to be most effective. The limits on achieving compliance with this requirement largely stem from the shape and dimensions of the site with its narrow access handle and the resulting driveway. Otherwise compliance is achieved with the floor space ratio requirements as it relates to the built form.	No but justified
c. For terrace and multi dwelling housing at least 30% of the total lot area must be provided as landscaping with each dwelling having at least	The development complies noting that there is a more specific landscape rate required for multi dwelling housing (i.e. attached dwellings in this	Yes



Yass Valley Council DCP 2024		
54m2 of allocated landscaping;	instance). Overall compliance and compliance for individual dwellings has been achieved.	
d. The landscaped width of the landscaped area shall be 1.5 metres;	Complies	Yes
e. Mature trees are to be retained wherever possible;	No existing mature trees.	N/A
f. At least 50% of the trees and shrubs used in the landscaping should be native to the region;	Able to comply	Yes
g. Landscape design should allow for passive surveillance, not obscure dwelling entrances and not create hiding places;	Complies.	Yes
h. A preliminary Landscape Plan must be submitted with a development application for a multi dwelling development i. the nature strip and a combination of tree planting, for shade, mid height shrubs, lawn and ground covers, species should be selected for low maintenance and suited to the climate with endemic species encouraged; ii. a reticulated sprinkler system should be provided; and iii. an ongoing maintenance plan	Complies	Yes
D2.8 Facilities		
a. An outdoor clothes drying area should be provided for each dwellings, located in the rear or side yard not visible from public areas. Alternate areas for shop top housing and residential flat buildings may be considered where it can be demonstrated that such areas do not detract from the visual amenity of the area	Able to comply	Yes
b. Garbage bins associated with multi dwelling development should be stored in the rear yard or side setback, not visible from public areas. Where shared bin arrangements are provided, the storage area shall be screened from public areas, designed and located in accordance with safer by design principals;	It is intended that waste bins will be stored within the boundaries of each individual unit for management.	Yes
c. Machinery and plant, down pipes, bin storage, balconies and fences should be located in such a way that they prevent climbable access to windows;	Complies	Yes
d. Mailboxes are to be incorporated into the design of the development and provided in accordance with the relevant Australian Standards.	Able to comply	Yes
Part I Carparking and Access		
I5 Carparking Ratios		
Multi-dwelling housing - 1 space per 2 bedroom dwelling or 2 spaces per 3+ bedroom dwelling plus 1 visitor space per 3 units	Compliant car parking is proposed for the development both in the form of double garages for each dwelling and two (2) visitor parking spaces within the access area.	Yes
I6 Residential Carparking		
a. The minimum number of carparking spaces for each dwelling is as contained in H5 Carparking Ratios;	Compliant number of parking spaces are proposed.	Yes
b. Each dwelling shall have at least one covered space;	Complies. Double garage proposed for each dwelling.	Yes



Yass Valley Council DCP 2024		
c. Each carport or garage should have internal dimensions of: Single - 3 metres wide x 6 metres long; double - 5.5 metres wide x 6 metres long	Garages proposed exceed the minimum required width however the depth is circa 5.5m. This is still considered sufficient for the purpose of a residential parking space.	No
d. A hard stand space should measure at least 2.6 metres wide and 5.4 metres long;	Complies	Yes
e. One visitor space should be provided for each 3 dwellings in a single development;	Two (2) visitor parking spaces are proposed as required to benefit six (6) dwellings.	Yes
f. Hard stand car parking spaces should not be located within the setback of the front dwelling and the street frontage;	The open parking spaces are located a sufficient distance from the streetscape so as not to impact upon its amenity.	Yes
g. Car parks, garages and carports should be separated from adjacent habitable rooms or provided with noise insulation in accordance with National Construction Code;	Complies	Yes
h. Car parking should be provided adjacent or otherwise convenient to each respective dwelling;	Complies	Yes
i. For medium density development vehicle swept paths should be provided to demonstrate that a vehicle can move in and out of the spaces in no more than 2 movements;	Complies	Yes
j. Any connecting door from a garage to the dwelling must swing inwards into the dwelling, not into the garage, and any door knob being at least 1500mm above floor level. A grade 2 or better self-closer is to be placed on any connecting door	Does not comply with doors swinging inwards. This is considered appropriate as the width of the garages exceed the minimum requirements measuring 6.10m wide.	No – but justified
17.1.1 Access for dual occupancies and medium density housing		
a. A single point of entry and egress is preferred; this should be at least 6 metres in width;	Compliant access proposed measuring 6m wide and tapering to 3m as vehicles enter into the site to enable an appropriate landscape treatment. We note that the site would share an access point with the adjoining 5 Hanley Place which benefits from an easement for access across the subject site.	Yes
b. The edge of driveways should be at least 1.5 metres away from habitable rooms of all dwellings within the site, or a minimum of 1 metre where the floor level of the habitable room is at least 1 metre above the driveway at the window opening;	Complies	Yes
c. Where a driveway is longer than 30 metres, provision should be made for a passing bay;	Appropriate traffic calming and passing opportunities are provided adjoining the garage doors.	Yes
d. Driveway width should be a minimum of 3.0 metres;	Complies	Yes
e. Driveways should be designed to avoid a stark “gun barrel” effect, by incorporating variations in width or materials (brick edging, stamped concrete, aggregate), with provision of a strip at least 300mm wide for landscaping between the driveway pavement and side boundary	Appropriate articulation with regard to the driveway and landscape areas adjoining the dwellings will soften the impact of the stretch of driveway where it is able to be viewed.	Yes

5.1.6 Restrictions on Title

The following table is a summary of the restrictions on title Deposited Plan 1193382 that apply to the subject site and how the development addresses those restrictions.



Restriction	Comment
Terms of Restrictions on the Use of Land secondly referred to in the plan	
<p>(a) House siting – all dwelling houses shall be located within the building envelope on the attached plan.</p>	<p>The majority of the development has been located within the building envelope as identified on title. There are however some minor encroachments in the northern part of the site as it relates to Unit A1 and a point encroachment in the southern part of the site associated with Unit C1.</p> <p>It is acknowledged that the restriction on title would need to be varied and for which Yass Valley Council is the Party having the rights to vary.</p>
<p>(b) Siting of Outbuildings</p> <p>(i) No additional buildings, inclusive of garages and sheds, shall be located between the dwelling area identified on the attached plan and the public road;</p> <p>(ii) No outbuildings are to be located within the side boundary setbacks established for each allotment.</p>	<p>Complies. No additional building are proposed rather the garages are integrated into the building design.</p>
<p>(c) House size (floor area excluding carports and shed areas)</p> <p>For the purpose of this provision “gross floor area” has the same meaning as in the Standard Instrument – Principal Local Environmental Plan except that the following shall be substituted for paragraph (g) of the definition:</p> <p>(g) car parking (including access to that car parking)</p> <p>The gross floor area of any building to be erected on any lot shall comply with the following Table:</p> <p>...</p> <p>Lot Area between 1500m² and 2000m² Minimum 205m² Maximum 450m²</p> <p>...</p>	<p>Does not comply. Each dwelling has a GFA of 133m² which is less than the minimum area set by the restriction. The development is however compliant with the maximum permitted floor area. The development proposes a high quality design and achieves the intent of the restriction which is to provide for substantial dwelling construction that is of an appropriate scale relative to the site area.</p>
<p>(d) Building Height.</p> <p>The maximum number of storeys is two (2), subject to the following additional restrictions:</p> <p>...</p> <p>(ii) Houses on Lots 1 and 4 shall present as single storey buildings to the western boundary and not more than a two storey building to the eastern boundary.</p> <p>(iii) Subject to sub-clause (v) the maximum height for the two (2) storey component of housing is 7 metres to the ceiling of the top most storey and 10.5m to the ridge.</p> <p>(iv) The maximum height for the external wall of the single storey com-</p>	<p>With respect to the relevant restrictions the following is noted:</p> <p>(ii) Complies</p> <p>(iii) Complies with the overall maximum height of 10.5m the dwellings generally measuring less than 8m in height, except for Units A1, A2 & B1. The development does not comply with respect to the 7m height limit to the ceiling for Units A1 and A2, with heights of up to circa 8m.</p> <p>(iv) Complies for single storey component</p> <p>(v) Complies with a maximum height relative to 523 RL</p>

24-044 – Hanley Place, Yass.



<p>ponent of housing is 3.6 metres to the eave and 7 metres to the ridge.</p> <p>(v) The overall maximum height of housing, to the ridge of buildings measure to Australian Height Datum, shall be:-</p> <ul style="list-style-type: none"> ▪ Lot 1 – 526.3m. 	
(e) Roof mounted fixtures	None of the listed roof features are proposed as part of the development.
(f) Dormer Windows	No dormer windows are proposed as part of the development.
(g) Roof Materials and Colours	Roof material is not yet selected. Able to comply with the range of materials / colours shown.
(i) Roof materials to be either terracotta, slate grey or woodland grey in Custom Orb color-bond profile.	
(h) Roof Design	Does not comply. The predominant roof form is a modern low pitch roof which is screened by a parapet. The design is considered to be appropriate and compatible with the character of the locality.
(i) The roof pitch at the main building to be 30 or 23 degrees.	
...	
(iv) Skillion roof forms are not permitted for the main roof form.	
(i) House and Garage Materials	Complies
(i) External walls – face brick, rendered masonry, sandstone block or the like. Concrete can only be used if finished and painted so to be indistinguishable from rendered masonry construction;	
...	
(j) House Colours	Complies. Materials comprise face brick for the dwellings which is unpainted. Garage doors and window / door frames are consistent with the restriction.
(k) Garden walls; Retaining walls and embankments.	With respect to the relevant restrictions the following is noted:
...	(ii) Does not comply. Excavation proposed within 500mm of the boundary to provide for appropriate site levels. The works will be fully contained within the subject site.
(ii) No site excavation or fill within 500mm of a lot boundary	(iii) Does not comply. Excavation proposed within 500mm of the boundary to provide for appropriate site levels. The works will be fully contained within the subject site. Retaining walls greater than 500mm, where required, will be structurally certified.
(iii) No garden or retaining wall shall be:	
a) Over 500mm, unless structurally certified;	
b) Below natural ground level within 500mm of a lot boundary.	
(l) Fencing.	Fencing to the side, rear and within the front boundary is able to comply with the restriction on title.
(k) Fences bounding Public Open Space	N / A
(n) Paving and Driveway Materials	The driveway finish is able to comply with the required 'charcoal grey coloured concrete' finish as per the restriction on title.
	The driveway meets the minimum dimension requirements of:
	<ul style="list-style-type: none"> • Minimum 3m wide at the property boundary; and • Minimum 5m wide at the edge of the road pavement.
(o) Landscaping	Able to comply. With respect to the species to be planted these are able to comply with the restriction on title comprising native

24-044 – Hanley Place, Yass.



	varieties endemic to Yass. This could form a condition of consent with a detailed planting schedule provided as part of the CC documentation.
(p) Water Tanks	Complies. Water tanks are located underground and not within the side boundary.
(q) Number of Dwellings Not more than 1 dwelling shall be permitted on proposed lots 2, 3, 6 & 7.	N / A to the subject site.



6. Section 4.15 Considerations

The following *Matters for Consideration* are to be taken into consideration by a consent authority when determining a development application, pursuant to Section 4.15 *Evaluation of the Environmental Planning and Assessment Act 1979*.

6.1 Section 4.15 (1)(a)(i) – The provisions of any Environmental Planning Instrument

The proposal is generally considered to be consistent with the provisions of the relevant Environmental Planning Instrument assessed in this SEE (the Yass LEP 2013). The proposed attached dwelling development will give effect to the objectives of the R1 General Residential zone by contributing towards the diversity of housing in the locality and thereby addressing the housing needs of the community.

The proposed variation to the building height provisions within the LEP have been addressed and justified in the written clause 4.6 variation statement (see **Appendix 3**) which accompanies this SEE. The proposed variation is considered to be well founded and meets the relevant tests contained therein. That the proposed development is an appropriate use of the site and to require strict compliance would be unreasonable and unnecessary in the circumstances.

6.2 Section 4.15 (1)(a)(ii) – The provisions of any Draft Environmental Planning Instrument

There is no draft EPI of relevance to the development being considered.

6.3 Section 4.15 (1)(a)(iii) – Any Development Control Plan

The relevant provisions of the Yass Valley DCP 2024 have been examined within this SEE and the proposal is considered to be generally consistent with those provisions. Variations have been sought with regard to the required side and rear setbacks and are considered appropriate for the reasons outlined in this report. That despite the numerical non-compliances the development remains consistent with the objectives of the controls being varied and will not impinge upon the amenity of either existing or likely future residential uses of the adjoining properties by way of solar access or visual privacy.

6.4 Section 4.15 (1)(a)(iiia) – Any Planning Agreement that has been entered into or any Draft Agreement

We are not aware of a Voluntary Planning Agreement that has been entered into for the site.

6.5 Section 4.15 (1)(a)(iv) – The Regulations

The relevant matters listed under clause 61 of the EP&A Regulation 2021 have been considered in the assessment of the proposed development.

6.6 Section 4.15(1)(b) – The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed attached dwelling development is compatible with the low-density, residential character of its surrounds. The site does not contain any waterways, terrestrial biodiversity, heritage, or other environmental considerations.

The proposal will increase the diversity of housing stock in the locality and contribute towards the housing needs of local residents. Therefore, environmental, social and economic impacts resultant of the proposal are considered to be positive overall.

Traffic Impacts

The site is accessed from Hanley Place and the supporting traffic assessment confirms that the site will not adversely affect the operation of the local road network. A carpark certification report and swept path diagrams have been prepared by the specialist traffic engineer which confirms:

- That the development is capable of accommodating a small rigid vehicle (SRV) within the site by way of a reversing manoeuvre. As confirmed in the supporting report the proposed arrangement is considered to be reasonable in their view and would allow for the significant number of regular movements for a supermarket delivery, parcel delivery, etc.

24-044 – Hanley Place, Yass.



- Confirms that any vehicles larger than an SRV would not enter the site and would instead utilise the local road network, being the full width Hanley Place Rd before its levels change, on the rare occasion this is needed; and
- A swept path diagram has now been provided which demonstrates how a B85 vehicle can enter the site with a left hand manoeuvre.

6.7 Section 4.15 (1)(c) – The Suitability of the Site for the Development

The proposed attached dwelling development is permissible with consent under the R1 General Residential zone and found to be consistent with zone objectives.

6.8 Section 4.15 (1)(d) – Any Submissions made

Any submissions made to Council during the notification and advertising period would be evaluated during the DA assessment phase. Knight Frank Town Planning would welcome the opportunity to be able to respond to any issues that may be raised.

6.9 Section 4.15 (1)(e) – The Public Interest

As discussed, the proposal will largely be in the public's interest as it will contribute towards local housing options in a manner that is compatible with the character of the Yass locality. It will not give rise to any adverse environmental, social or amenity impacts.

24-044 – Hanley Place, Yass.



7. Conclusion

The relevant matters for consideration under Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979 have been addressed in this Statement of Environmental Effects and the proposed development has been found to be consistent with the objectives and requirements of the relevant planning provisions.

The proposed development is permitted with development consent within the R1 General Residential zone, pursuant to the Yass Valley Local Environmental Plan 2013 and is consistent with the objectives of the zone. For reasons outlined in this Statement of Environmental Effects the proposed development is considered worthy of being granted development consent.

24-044 – Hanley Place, Yass.



Appendices

Submission #1

Submission Type

I am making a personal submission

Title

First Name

Family name

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

Yass

submission

More affordable housing is needed in Yass & there's a shortage of rentals as it is. Developments like this will benefit the ongoing population growth of Yass.

Submission #2

Submission Type

I am making a personal submission

Title

First Name

Family

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

submission

There is a clear gap in the Yass housing market for modern, low-maintenance, energy-efficient homes suited to downsizers. This townhouse development directly addresses that need by providing an important option for long-term residents who want to remain in the community while transitioning out of larger properties.

In addition to meeting this demand, the development offers excellent privacy, great views, and a thoughtfully considered architectural design, ensuring high-quality living and modern appeal. Its location is another major advantage, close to local amenities, shops, and essential services, providing convenience while maintaining a peaceful, well-positioned setting.

The project supports ageing-in-place, strengthens local housing diversity, and offers downsizers a more manageable, sustainable way of living. The off-the-plan design also allows ample time to plan financially, organise the sale of their existing home, and prepare for a smooth, comfortable transition.

Submission #3

Submission Type

I am making a personal submission

Title

First Name

Family name

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

2620

submission

This development fills a clear gap in the Yass market by offering modern, low-maintenance and energy-efficient homes designed specifically for downsizers. It allows long-term residents to remain in the community while moving on from larger properties, supporting ageing-in-place and strengthening local housing diversity. The homes provide excellent privacy and sweeping views in a peaceful setting, paired with high-quality architecture by Julie that delivers thoughtful, contemporary living spaces. With a location close to shops, services and everyday essentials, it offers a more manageable and sustainable lifestyle. And with the flexibility of an off-the-plan purchase, buyers have time to plan financially, sell their current home and make a smooth, well-timed transition.

Submission #4

Case details

Submission Type

I am making a personal submission

Title

First Name

Family name

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

Yass

submission

1, Yass needs more choice and options when existing residents of Yass are looking to up or down size from their existing housing.

2, Looking to accommodate the needs, and choices, available to new residents looking to locate to the Yass township.

Submission #5

23 December 2025

To Whom It May Concern
Yass Valley Council
209 Comur St
YASS NSW 2582

Letter of Support for Development Application DA250320 re 7 Hanley Place Yass

Hello

We wish to support Development Application DA250320 re 7 Hanley Place Yass for construction of 6 town houses. We are acquainted with the developer. We support his application given our particular circumstances as explained below. We have not received nor expect to receive any recompense or reward for our support.

Our support is based on our experience in obtaining suitable accommodation close to Yass Town. Up until recently we had been living on 2 hectares outside of Yass, but have recently moved into Yass town. We were empty nesters who decided to downsize to more suitable accommodation for our lifestyle, but finding suitable downsized accommodation close to town was not easy. It involved extensive searching which revealed there is not a great supply of homes for downsizers like us.

Our current downsized home suits our lifestyle requirements as it is close to town, easy to maintain, small yard, very suitable for us. Unfortunately, due to its age, wear and tear, it also required some maintenance such as replacement flooring, carpet, floor boards polished, repainting etc. This was of great expense to us.

Had more small complex townhouses been available, such as those proposed for Hanley Place, our downsizing needs would have been met, especially as they would have been new without the expense of extensive maintenance and we could have quickly moved in. We perceive there to be a shortfall in this type of accommodation for people like us.

We are not the only downsizers looking for suitable accommodation close to Yass Town. For this reason we fully support the approval of the proposed townhouses for all those in our situation.

Kind Regards

Submission #6

The proposed six-townhouse development at 7 Hanley Place, Yass, is a well-located medium-density infill project that aligns with the strategic and statutory planning framework for Yass Valley and warrants approval on review of determination.

Introduction and proposal

This submission is made in support of a Development Application for a review of the previous determination relating to medium density housing at 7 Hanley Place, Yass NSW 2582 (Lot 1 in Deposited Plan 1193382). The proposal seeks consent for the erection of a new structure comprising six attached dwellings (townhouses), associated on-site parking, landscaping, internal vehicular and pedestrian access, and subdivision to create separately titled dwellings, consistent with Council's medium-density housing controls.

The application is categorised as "Medium Density Housing, Attached dwelling, Erection of a new structure, Subdivision" and is lodged as a Review of Determination under the relevant provisions of the Environmental Planning and Assessment Act 1979 and the Yass Valley Local Environmental Plan 2013. The development application has been submitted under the attached dwellings provisions that apply to multi-dwelling and medium-density housing on suitably zoned residential land in Yass Valley.

Statutory framework and exhibition

The proposal is assessed principally against the Yass Valley Local Environmental Plan 2013 and the applicable Development Control Plan provisions for multi-dwelling and townhouse development in Yass. The land is zoned for residential purposes and the Local Environmental Plan seeks to enable a range of housing types and densities to meet the housing needs of the community while maintaining local character and amenity.

The Development Application has been placed on public exhibition from 9 December 2025 to 12 January 2026, providing the community and adjoining owners with an opportunity to make submissions. This submission is made during that formal exhibition period in support of the application and the revised design and justification now before Council.

Consistency with planning objectives

Under the Yass Valley Local Environmental Plan 2013, medium-density housing such as townhouses and attached dwellings is an anticipated form of development in appropriate residential zones, provided that development standards and zone objectives are satisfied. The proposal delivers six dwellings on a single lot, achieving an efficient density that is consistent with the minimum lot size and subdivision framework for multi-dwelling housing and the broader strategic direction for Yass as a growing regional centre.

The associated Development Control Plan provisions for multi-unit housing address matters such as site coverage, setbacks, solar access, private open space, parking and landscaping. The submitted architectural and site plans demonstrate that the six-dwelling layout is capable of complying with, or appropriately addressing, these controls, including the provision of private open space directly accessible from living areas and adequate on-site car parking for residents and visitors.

The development also responds to strategic objectives to make efficient use of existing urban infrastructure and provide a more diverse housing stock in locations close to services, open space

and community facilities. By providing modern, low-maintenance attached dwellings, the proposal caters for older residents wishing to downsize, young families and local workers, thereby supporting both social and economic objectives for Yass.

Design quality, amenity and neighbourhood impact

The townhouse design at 7 Hanley Place offers a contemporary, well-articulated built form that addresses the street with a clear residential character and human scale. Building height, roof form and façade articulation have been considered to ensure the development sits comfortably within the existing neighbourhood context and avoids a bulky or overbearing appearance when viewed from Hanley Place and adjoining properties.

Internal layouts, window placement and screening treatments are arranged to protect the privacy of both future occupants and neighbouring dwellings, while still allowing for generous natural light and ventilation. Shadowing impacts on adjoining properties have been managed to an acceptable level through building siting, setbacks and modulation, such that reasonable solar access is retained to neighbouring private open space and living areas, consistent with Council's solar access and amenity objectives.

Private open space areas for each dwelling are designed to be functional, directly accessible from main living areas and of sufficient size to accommodate outdoor seating, landscaping and clothes drying. The landscape concept includes new planting to soften the built form, enhance the streetscape and provide shade and visual relief, while maintaining good sightlines for safety and passive surveillance.

Access, parking, services and subdivision

Vehicle access to the site will be obtained from Hanley Place, with an internal driveway and manoeuvring areas that provide safe and efficient access to resident parking and accommodate service and emergency vehicles. On-site car parking is provided in line with Council's parking requirements for multi-dwelling housing, ensuring that the development does not unreasonably rely on on-street parking in Hanley Place.

The proposed subdivision is structured for community title. All six dwellings will be fully serviced by reticulated water, sewer, electricity and telecommunications, with stormwater directed to lawful points of discharge in accordance with Council's engineering standards and the Development Control Plan.

The design incorporates appropriate waste storage and collection arrangements, ensuring that bins can be stored discreetly within the site and presented to the street in an orderly manner on collection days, without adversely affecting the streetscape or traffic safety.

Sustainability, safety and social benefits

The development incorporates passive solar design principles, opportunities for cross-ventilation, water-efficient landscaping and provision for rainwater tanks or similar water-saving measures, consistent with Council's sustainability objectives. These measures will reduce energy and water consumption, support thermal comfort for future occupants and contribute to reduced running costs over the life of the development.

Crime prevention through environmental design principles are addressed through clear delineation of public and private spaces, active frontages to the street and common areas, passive surveillance from habitable rooms, and the avoidance of concealed or entrapment spaces. Fencing and landscaping are designed to balance privacy with visibility, enhancing both resident safety and neighbourhood amenity.

From a broader community perspective, the proposal contributes to housing diversity and supply in Yass at a time of growing demand for smaller, more manageable homes in established residential areas. Locating additional housing close to existing services, transport and community facilities also supports more sustainable travel patterns and efficient use of public infrastructure.

Review of determination and planning merits

In the context of this Review of Determination, it is submitted that the proposal now before Council demonstrates improved planning and design outcomes and appropriately addresses any issues that led to the earlier refusal. The development achieves a suitable balance between increasing housing supply and diversity in Yass and protecting the established residential amenity and character of Hanley Place.

The proposed six-townhouse development at 7 Hanley Place represents a unique offering in the Yass housing market, where there are currently limited opportunities for high-quality, low-maintenance medium-density homes in established residential areas. Its configuration of attached dwellings with individual entries, private open space and modern, accessible layouts will be particularly attractive to older residents seeking to downsize from larger family homes while remaining within the local community, close to familiar services, friends and support networks. By providing contemporary, low-maintenance dwellings designed with amenity, safety and accessibility in mind, the development responds directly to the ageing demographic of Yass and offers an option that can free up traditional detached housing stock for younger families, thereby supporting more efficient use of the existing housing supply.

For these reasons, it is respectfully requested that Yass Valley Council, in determining this Review of Determination for the application on exhibition from 9 December 2025 to 12 January 2026, grant development consent to the proposed development.

Submission #7

Submission Type

I am making a personal submission

Title

First Name

Family name

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

Kaleen

submission

I am writing to express my support for the proposed medium density townhouse development at 7 Hanley Place, Yass (DA250320 / Review of Determination).

This project represents a positive step forward for meeting housing needs in the region and delivers much-needed dwelling diversity in a part of New South Wales that has traditionally had limited options for affordable homeownership.

—

1. Affordable Housing Alternative Compared to Sydney

One of the most compelling aspects of this proposal is its contribution to more affordable and accessible housing. In recent years, buyers seeking to

enter the property market have faced escalating costs in Sydney, with median house prices well above \$1 million and significant price growth pressures.

By contrast, in Yass the median dwelling prices are considerably lower — with the local median house price around the mid-\$700,000s and units/townhouses typically more affordable than comparable price points in Sydney.

This townhouse development will help provide housing options at price points that are more attainable for first-home buyers, downsizers and local workers, supporting people to live locally closer to services and employment rather than being priced out or forced to commute long distances.

Providing additional, appropriately designed housing stock supports the broader regional objective of balanced and sustainable growth across NSW, alleviating pressure on capital city markets while encouraging people to settle in vibrant regional towns like Yass.

2. Thoughtful and Liveable Design for Easy Living

From the architectural and documentation overview on the NSW Planning Portal, the proposed design reflects well-considered principles for modern, easy living within a medium density context:

- Efficient use of land to deliver multiple dwellings without compromising neighbourhood character. ^(OBJ)
- Integration of landscape planning and amenity to enhance liveability for residents and adjoining properties.
- Compliance with state planning and BASIX requirements, ensuring the development is energy-efficient and sustainable.

This demonstrates a commitment to quality design that supports daily living needs — from comfortable indoor spaces to functional outdoor areas — making these townhouses suitable for a wide range of future occupants including families, professionals and retirees.

3. Benefits to the Local Community

- Increased housing diversity and choice in Yass, supporting demographic shifts and local workforce retention.
- Potential uplift in local economic activity through construction jobs and increased demand for services.
- Efficient use of serviced land located close to town facilities, reducing the

need for urban sprawl.

—

For these reasons, I respectfully support approval of the development application DA250320 for the 7 Hanley Place townhouses. I believe it will make a valuable contribution to the affordability, liveability and vibrancy of the Yass community.

Submission #8

Submission Type

I am making a personal submission

Title

First Name

Family name

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

Yass

submission

I am writing in support of the proposed townhouse development at 7 Hanley Place Yass. I have been watching the Yass property market with keen interest since mid 2022. I am looking to move from Canberra (not too far as I have adult children in Canberra). Yass offers all the appeal of a regional lifestyle whilst being close enough to Canberra to commute daily. I have not been able to find a property to suit. I do not want 4 bedrooms, nor do I want a large yard to maintain or an old house that needs significant work to update it. New land subdivisions lack character and do not meet my needs. A new townhouse is the perfect option for me and unfortunately Yass has no stock of new townhouses particularly beautifully designed homes in such a sort after location. I have observed many Canberrans wanting to move to Yass to downsize and enjoy the quieter pace. A development like this will certainly attract interest in Yass.

Submission #9

Submission Type

I am making a personal submission

Title

First Name

Family name

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

YASS

**I agree to the Privacy statement
submission**

I believe that the proposed development at 7 Hanley Place offer a modern housing style that would be welcomed in Yass. It reflects a new approach to housing that will meet the needs of modern families and retirees.

It also offers environmentally sustainable accommodation at a time when it is desperately needed. The demand for this style of accommodation has increased dramatically given that many families no longer have the time to maintain quarter-acre blocks and that extensive gardens are sadly no longer practical for many households.

If this project is approved, I believe that it will encourage more high-quality developments of this type and as a result more people will make Yass their home. We need more diverse housing and people have differing accommodation requirements. I also believe that Yass businesses and Yass Valley Council would benefit enormously from more people deciding to make this fabulous town their home.

Documents

Action summary

Submission #10

Submission Type

I am making a personal submission

Title

First Name

Family name

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

Yass

**I agree to the Privacy statement
submission**

Yass is in desperate need of some townhouses to create an opportunity for renters, down sizers and first home buyers.

Submission #11

Submission Type

I am making a personal submission

Title

First Name

Family name

ria

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

Denman Prospect

**I agree to the Privacy statement
submission**

**This development provides affordability compared to Canberra
Being so close and potential duplication of road to Canberra i strongly
support this development**

Nice design and diversity for the area

Submission #12

Submission Type

I am making a personal submission

Title

First Name

Family name

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

Lyons

**I agree to the Privacy statement
submission**

I'm a property investor and I've been keeping an eye on Murrumbateman and Yass. The plans for this development are impressive. I've seen a few similar ones in Canberra, but not in Yass. Modern builds like this with elevation, are very hard to find. I hope the development proceeds and I'd be most interested in any updates.

Documents

Action summary

Submission #13

Submission Type

I am making a personal submission

Title

First Name

Family name

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

Suburb/ Town

CANBERRA

**I agree to the Privacy statement
submission**

I am a medical practitioner who has recently begun practising in Murrumbateman, driven by a genuine desire to serve a regional community and contribute meaningfully to its health and wellbeing. Like many professionals who choose to work in regional New South Wales, I did so with the hope of becoming part of the community I serve.

However, despite wanting to live locally in the Yass Valley, I have found there are very limited options for modern, low-maintenance housing, such as apartments or townhouses. As a result, I currently live in Canberra and commute daily to work. This ongoing travel places a significant strain on time, energy, and work–life balance—particularly in a profession where long hours and community availability are already a given.

This experience has helped me understand, firsthand, why many general practitioners and essential service professionals hesitate to permanently

relocate to regional towns, even when their intention is to do so. The challenge is not a lack of commitment to regional communities, but rather the absence of suitable housing that supports contemporary lifestyles and the realities of demanding professional roles.

Strong, sustainable communities rely not only on jobs and services, but on housing that enables people to live, settle, and truly belong. For regional NSW to continue to grow and flourish, it is essential to provide a diversity of high-quality accommodation options. Well-designed, comfortable, and low-maintenance townhouses are especially important for healthcare workers, emergency responders, educators, and other professionals who form the backbone of regional communities.

Developments such as 7 Hanley Place, Yass represent more than just new housing—they represent opportunity. They create a pathway for professionals like myself to live where we work, reduce daily commuting, spend more time within the community, and build lasting connections with the people we serve. These types of developments directly support the attraction and retention of much-needed skills and services, strengthening the social and economic fabric of the Yass Valley.

Investing in quality townhouse developments is an investment in the future of the community itself—one that enables regional towns to remain vibrant, resilient, and well supported for generations to come.

Submission #14

Submission Type

I am making a personal submission

Title

First Name

Family name

Name withheld

**Please tick this box if you do not want your name published in the list of
submitters on the department's website**

Email

Suburb/ Town

BRADDON

**I agree to the Privacy statement
submission**

i strongly support this

Submission #15

11 January 2026

Dear Yass Valley Council,

Please accept this formal objection to the **amended proposal for DA 250320** - construction of an attached dwelling development with community title at 7 Hanley Place Yass.

This objection is based on:

1. The amendment proposed is substantially the same development for which consent was originally sought and refused, and our concerns regarding this development remain the same.
2. The proposed development does not comply with the maximum permitted building height.
3. The changes in the amendment proposed are an attempt to 'game the system' and undermines the intent of the Local Environmental Plan.

1. The amendment proposed is substantially the same development for which consent was originally sought and refused

The proposal itself acknowledges that the amendments are "*substantially the same development*" as the one for which consent was originally sought and refused. Our primary concern remains unchanged: the development provides insufficient on-site parking, and Hanley Place has very limited street parking available. As a result, residents and visitors of the proposed development would be forced to park on the street, directly impacting all existing residents.

Increased on-street parking would further narrow an already tight single-lane road, obstruct footpaths, reduce pedestrian visibility, and create avoidable traffic hazards. The small parking bay adjacent to the park is intended to serve tourists visiting Laidlaw's grave, this area would inevitably be used by residents and visitors of the new development, rendering it unavailable for tourists.

2. The proposed development does not comply with the maximum permitted building height

The proposal exceeds the maximum permitted building height established for River View Estate. These height controls were deliberately set at the time of subdivision to protect the estate's character, maintain equitable view sharing, and ensure consistent built form outcomes. The development's non-compliance is not minor and cannot be justified as acceptable. The height controls were intentionally set when the estate was created to ensure a cohesive, low-scale built form. Allowing

this development to exceed those limits would undermine the planning framework that existing residents relied upon when building or purchasing their homes.

The proposed heights of units that exceed maximum heights is unnecessary and lacks reasonable justification. The applicant has not provided any reasonable or compelling justification for exceeding the height limit. The variation appears to be driven by preference rather than need and does not demonstrate how the non-compliance would result in a better planning outcome for the community or adjoining residents.

The increased height will impact adjoining properties including:

- Reduce the views enjoyed by adjoining properties, particularly those in Hanley Place, where outlook and river views significantly contribute to residential amenity and property value.
- Compromise the privacy of neighbouring dwellings due to elevated sightlines.
- Create overshadowing that will reduce solar access to nearby homes and private open space.

3. The changes in the amendment proposed are an attempt to circumvent the original refusal (game the system)

The changes proposed in this amendment appear designed to circumvent the original refusal rather than address the substantive issues previously raised in relation to the minimum site area per dwelling.

The applicant themselves acknowledges that the amended proposal is “*substantially the same development*” as the one previously refused.

The proposal relies on exploiting loopholes in the subdivision provisions rather than genuinely responding to the reasons for refusal. This approach effectively facilitates “gaming the system,” allowing the applicant to sidestep the intent and spirit of the planning controls. Such practices undermine the effectiveness and equity of the planning framework, creating a precedent that weakens the purpose the development standards.

Allowing this amendment to proceed despite the unchanged impacts risks eroding public trust in both the council’s decision-making processes and the integrity of the legislation itself.

Regards

Submission #16

Dear Sir/Madam,

We are writing to formally express our strong objections to the proposed building development located at 7 Hanley Place YASS NSW 2582, within the General Residential Zone of the Riverview Estate. As concerned residents and in accordance with our rights, we have thoroughly reviewed the proposal and identified several significant concerns regarding its compliance with zoning regulations and potential adverse impacts on the neighbourhood. We have been residents of the street since September 2012, and have watched on as the street has come to life with all the current homes in the street built (except for 6A and 6B Hanley Place) since we moved in.

Compatibility with General Residential Zone:

The proposed 6 Townhouse Development appears to be incongruent with the General Residential Zone's intended purpose. The primary purpose of this subdivision on this block, as outlined in the Planning Scheme, is to provide for a single dwelling and no further subdivision of this block has yet been established. The proposed multi dwelling development's size, scale, and density do not align with council's current minimum size regulations as the block is less than 2000sqm. The proposed development also does not align with the established character of the neighbourhood, potentially leading to negative impacts on amenity, traffic, and infrastructure and property values.

The resubmission after the proposal has been rejected once, doesn't appear to have changed its footprint, to comply with the size regulations, but now proposes higher rooflines, which do not comply with the allowable Riverview roofline Height of 7 meters. An increase of rooflines to 9.5 meters really encroaches on the privacy of the resident in 5 Hanley Place, it will also affect the view "Riverview" has for all residents.

Traffic and Infrastructure:

The increased population density resulting from the proposed 6 Townhouses will strain existing traffic and infrastructure in the area. This includes concerns related to parking. Appendix 6 section 2.2 Refers to Hanley Place as "*a local road featuring a single lane in each direction with a default speed limit of 50 km/hr. The road terminates in a cul-de-sac. On-street parking is permitted on both sides of the road and is time un-restricted*".

Hanley place is a Single Lane loop road past the driveway of 3 Hanley Place. There is no on street parking around the loop. There is a footpath along the lower side of the street and in front of 3 Hanley Place to Irvine Drive. The Footpath is constructed along the road edge with no set back from the street. So, cars would need to park on the footpath in front of existing dwellings to be off the road. Additionally, in approximately 2013/14 the Yass Valley Council advised residents on street parking restricted garbage collection. Specifically, council vehicles were unable to navigate the confines of Hanley Place if vehicles were parked on the road.

The on-Street parking refers to the sides of the road between Irvine drive and in front of 3 Hanley Place. There is already existing strain when existing residents are having a gathering resulting in multiple guests as the only additional parking is in front of 3 Hanley Place, increasing traffic and noise volume for us.

With each townhouse requiring a double garage and the necessary visitor parking spaces, there is potential for 12 vehicles to be permanently housed in these residences. On this basis the potential for residents to utilise the visitor parking and by extension street parking is highly likely. As the only street parking that is realistically available is prior to the road becoming a

one-way loop, multiple residents and visitors will by necessity park on the street causing street congestion in front of our house. We do note there is two parking spots available to enable people to visit Thomas Laidlaw's grave (A Yass historical visitors attraction

It is already common practice for these to be used by residents and visitors to the street.

During construction of the many houses currently built on Hanley Place, the increased traffic due to construction vehicles has regularly caused issues and necessitated road closures and blockages of our driveway as many of the trucks were unable to navigate the loop and have had to park in front of our home to offload construction materials and go back and forth with a forklift to deliver the goods, often doing so by driving down the wrong side of the road. This increased traffic and noise, and by default has also meant that local residents of the street have had to transit Hanley Place the wrong way for a one-way road to navigate past the parked construction vehicles with no traffic controls in place.

The proposed site of the 6 Townhouses has a shared driveway entrance with 5 Hanley Place and will require a hook turn from Hanley Place to access the driveway down into the block, and it would be highly likely that construction deliveries and construction vehicles would need to use the Street parking in order to make deliveries as they will not be able to navigate the driveway.

The position of the Driveway entrance is also at a blind bend in the Hanley Place loop. The proposed dwellings and the ease and safety with which vehicles gain access to the site, having potentially 14 additional vehicles accessing the street at this point causes safety concerns (especially in an emergency when evacuations may become necessary) and potentially highly increased noise and disturbance to the residents located in the nearby dwellings of 3, 5 and 9 Hanley Place.

Noise and Privacy:

The Residents of neighbouring properties may experience privacy and noise issues due to the proximity of the proposed 6 Townhouses at 7 Hanley Place.

While Number 5 Hanley Place will be most affected by this planned development, with the 6 backyards and terraces of the proposed townhouses facing the master bedroom and living spaces of Number 5, plus the increased traffic directly in front of their home due to the shared driveway access. The overall increase in traffic and noise on Hanley Place from all the potential extra residents of 7 Hanley Place will have adverse effect on all of Hanley Place's residents as the proposed dwellings has the potential to double the current volume of traffic in Hanley Place.

We must also express deep concerns on the added noise an extra 6 dwellings will have on our home. We are already the most affected residents of any traffic in the street as all traffic must traverse past our home twice as the driveway entrance to our home is located just before the road splits to one way. An increase of potentially 12 (or more) vehicles having to pass by our home daily and visitors having to park on the street opposite our home and further up the street from our home (increasing potential foot traffic past the house) will really impact the noise.

Due to health issues, _____ spends three (3) or more days of the work week, working from home, so is aware of the increased noise traffic causes.

can testify that when homes are contrasted in the street, many of the building materials are offloaded from trucks directly in front of 3 Hanley Place, as the vehicles are unable to traverse the street.

We are also concerned about the placement of Garbage Bins on Bin collection days. Given the Shared access entrance of the driveways at 5 and 7 Hanley Place, the 6 bins required for 7 Hanley Place would need to be placed in front of number 5 and Number 3 on Collection days. This is inconvenient for potential new residents of 7 Hanley Place and is unfair inconvenience to the residents of number 5 and number 3. Despite the application stating the space has been measured in order for the truck to collect the bins, space is required between bin for the bins to be picked up and placed down without knocking bins over.

It is also our belief that building the proposed multiple dwelling complex in River View Estate, that currently has a high-end exclusive estate feel, will impact current property values in a negative way, especially for the owners of its nearest neighbours.

We respectfully request that the Planning Department carefully review this development proposal. We firmly believe that the proposed development of the 6 Townhouses, in any form, may not align with the General Residential Zone's objectives and may have adverse effects on our community.

We appreciate your attention to this matter and trust that the Yass Valley Council Planning Department will act in the best interest of the community. We look forward to receiving updates on the progress of this application and any further opportunities for community input.



Image showing vehicles parked on one side of Hanley Place from driveway of 3 Hanley Place. These vehicles were visitors to a residence further around the loop of Hanley Place. When vehicles are parked on one side of the street, it effectively becomes a one-way road. On occasion when vehicles are parked on both sides of the street, it makes for a narrow passage between the parked vehicles only One (1) car can pass at a time in those circumstances.

Submission #17

Submission in Objection to Revised DA 250320

7 Hanley Place, Yass

1. Introduction

I am a _____ and wish to lodge a formal objection to the revised Development Application (DA 250320) for 7 Hanley Place, Yass.

My original objections to the proposal for six dwellings on this site remain unchanged. In addition, the revised DA now seeks approval for **increased building height for three of the dwellings on the northern side**, further worsening the impacts on neighbouring properties and the streetscape.

2. Summary of Objection

This submission objects to the revised DA on the following grounds:

- The proposal remains inappropriate for the site despite being reclassified from multi-dwelling housing to attached housing with community title.
 - The requested **increase in building height** directly contravenes Riverview Estate restrictions and Council planning controls.
 - The development will cause unacceptable impacts on **amenity, views, solar access, privacy, noise, traffic, and safety**.
 - The site is fundamentally unsuitable for six dwellings due to access constraints, limited frontage, steep topography, and one-lane dog-leg driveway access.
 - Approval would set an undesirable precedent by allowing extensive variations to development standards.
-

3. Lack of Meaningful Change in the Revised DA

The revised DA appears to rely primarily on a **change in terminology**, rather than substantive design improvements. Renaming the proposal as “attached housing with community title” does not resolve the original issues.

Most supporting documents appear unchanged and in some cases still contain errors previously identified.

4. Errors and Inaccuracies in Supporting Documentation

Several documents contain factual errors that undermine their reliability:

- **Preliminary Engineering Drawings** reference “Proposed Development 6a” and appear to incorrectly include an additional property, 6A unless title is incorrect.
- **Traffic Impact Assessment** incorrectly states that Hanley Place is a cul-de-sac with unrestricted parking on both sides. This is incorrect. Hanley Place contains sharp bends, is one-way in sections, and has no parking allowed on the street on the one-way section.
- The Traffic Impact Assessment fails to identify the **western adjoining property (5 Hanley Place)** as the most impacted dwelling.

5. Site Context and Impact on Neighbouring Properties

5.1 Impact on 5 Hanley Place and 9B Hanley Place

The proposal will have its most significant impacts on 5 Hanley Place and the future dwelling at 9B Hanley Place, yet these impacts are consistently minimised or overlooked in the documentation.

Impacts include:

- Loss of northern light and solar access due to tree planting.
- Loss of established town and hill views
- Increased noise, vehicle lights, and pedestrian activity adjacent to living areas
- Reduced privacy from driveway, mail collection areas, and increased foot traffic

6. Building Height Non-Compliance

6.1 Riverview Estate Restrictions

The title and subdivision conditions for DP1193382 require:

- Presentation as **single storey to the public road**
- Maximum **3.6 m to eaves**
- Maximum **7 m to ridge**

These controls apply across Riverview Estate and have been adhered to by all existing residents.

6.2 Proposed Height Increase

The revised DA seeks to increase the height of three dwellings to **9.5 m**, exceeding:

- Riverview Estate contractual controls
- Council’s standard 8 m height control for this section of land

- Established neighbourhood expectations

Topography is not a valid justification. If additional excavation is required to comply, that should occur. If six dwellings cannot comply with height controls, then six dwellings are inappropriate for this site.

Allowing this variation would unfairly impact neighbouring properties and undermine the planning framework that residents relied upon when purchasing in Hanley Place.

7. Overshadowing, Views, and Landscaping Impacts

While the applicant claims no adverse overshadowing impacts, this assessment fails to consider:

- Overshadowing from **proposed tree planting** along the northern driveway boundary
- Loss of northern light and eastern views from 5 Hanley Place
- Visual dominance created by increased height and bulk

Shrubs or low planting would achieve driveway calming without blocking views or sunlight. Tree planting in these locations is inappropriate.

8. Traffic, Parking, and Access Constraints

8.1 One-Lane Dog-Leg Driveway

The site relies on a **single narrow, steep, dog-leg driveway** accessing a one-way road. This presents serious safety and operational concerns.

8.2 Traffic Impacts

- Twelve resident vehicles plus visitors and deliveries will significantly increase traffic.
- The increased driveway traffic will affect access to 5 Hanley Place.
- Emergency vehicle access has not been adequately demonstrated.
- Small rigid trucks at 6.5m (even longer if delivery trucks open from the back); will extend into circulation areas due to parking length of 5.5m larger vehicles such as fire trucks and moving vans cannot be accommodated and there is no nearby street parking available without blocking the road.

This level of road use is incompatible with the physical constraints of the tightly curved street of Hanley Place.

9. Noise, Light, and Privacy Impacts

The proposal fails to adequately address:

- Vehicle noise and headlights impacting living areas and bedrooms
- Weekly movement of up to twelve garbage bins up and down the driveway
- Pedestrian noise adjacent to habitable rooms
- Lighting impacts from motion sensors and vehicle movements

The subdued lighting character of Hanley Place should be maintained.

10. Amenity and Precedent Concerns

Statements that the proposal will not result in negative amenity impacts are not supported by the scale, intensity, and operational impacts of six dwellings on this site.

Approval would:

- Reduce neighbourhood amenity
- Devalue adjoining properties
- Set a precedent for further non-compliant developments

There are numerous more suitable sites in Yass for higher density housing, particularly near Dutton Street where access, frontage, and services are appropriate.

11. Conclusion

Changing the classification of the development does not make it appropriate.

The revised DA:

- Continues to contravene multiple planning controls
- Seeks unjustified height increases
- Creates unacceptable impacts on neighbouring properties
- Represents an overdevelopment of a site intended for a single dwelling or duplex

For these reasons, I respectfully request that Council **refuse the revised Development Application**, particularly the proposed height increase, and uphold the planning controls that protect the amenity and character of Hanley Place and Riverview Estate.

Submission #18

TO: YASS VALLEY COUNCIL

ATTN: DEVELOPMENT ASSESSMENT TEAM

Re: Submission – Objection to s8.3 Review of Determination

Property: 7 Hanley Place, Yass

Application: Attached Housing Development with Community Title Subdivision

To whom it may concern, Development Assessment Team, Yass Valley Council:

I am writing this submission to formally object to the proposed development at 7 Hanley Place, Yass, currently under review pursuant to section 8.3 of the *Environmental Planning and Assessment Act 1979*.

While I acknowledge the importance of additional housing supply, the proposed development is not appropriate for this site due to its adverse real-life impacts on local road infrastructure, residential amenity, and the suitability of the site when assessed against section 4.15 of the Act. I have discussed this in detail in the following points-

1. Inadequate local road infrastructure and traffic impacts

(EP&A Act s4.15(1)(b))

Hanley Place is a constrained residential cul-de-sac with a limited single lane carriageway and a stepped road formation due to local topography. The application does not demonstrate that the road can lawfully accommodate on-street parking or vehicle standing while maintaining minimum clear widths for safe traffic movement and emergency access.

All vehicular movements associated with the proposal, including residents, visitors, service vehicles, waste collection, and construction traffic, would therefore be concentrated at a single, constrained access point. Any vehicle standing or servicing the development will occupy the only available traffic lane, further compounding impacts on access, safety and residential amenity.

The Traffic and Parking Impact Statement **relies heavily on theoretical compliance** with AS2890 geometry and **does not adequately assess the cumulative, real-world impacts of six dwellings on the existing road environment**. Particularly, it does not address how increased traffic volumes and vehicle interactions within a cul-de-sac will affect safety, access, and day-to-day functioning for existing residents.

2. Failure to properly accommodate service and waste vehicles

The swept path analysis demonstrates access only for a small rigid vehicle and excludes larger service vehicles from entering the site.

No lawful or practical standing areas have been identified for waste trucks, removalists, maintenance vehicles, or construction-related vehicles without obstructing Hanley Place or impacting neighbouring properties.

In the absence of any on-site or approved off-site servicing provision, the proposal leaves servicing and standing impacts unresolved and effectively displaced onto the public road. This outcome is inconsistent with orderly and proper planning and contrary to section 4.15(1)(b) of the Act.

3. Unsuitability of the site for the proposed intensity

(EP&A Act s4.15(1)(c))

The scale and configuration of the internal driveway, required solely to service six dwellings, highlights the inherent access limitations of the site. The proposal relies on extensive internal manoeuvring and private infrastructure to compensate for constrained public road conditions, rather than demonstrating that the site is naturally suited to the proposed density.

When assessed holistically, the proposal represents an over-intensification of a site accessed via a local residential cul-de-sac that was not designed to accommodate this level of traffic, servicing, and ongoing vehicle activity.

4. Adverse amenity impacts on existing residents

(EP&A Act s4.15(1)(b))

The Statement of Environmental Effects **does not meaningfully assess the amenity impacts on surrounding properties arising from increased vehicle movements, headlight glare, reversing noise, and congestion within Hanley Place.** Given the cul-de-sac configuration, these impacts will be concentrated and ongoing, rather than dispersed.

This raises serious concerns regarding residential amenity and neighbourhood character, which are central considerations under section 4.15 of the Act.

5. Over-reliance on technical compliance

While the proposal may demonstrate partial technical compliance with parking and manoeuvring standards, **NSW planning law requires consideration of actual impacts in context, not theoretical design outcomes in isolation.** Technical compliance alone does not establish that a development is suitable for its setting or that impacts on existing residents are acceptable.

6. Additional amenity impacts on adjoining properties

The proposal relies on significant departures from Development Control Plan setback controls, particularly to rear boundaries, combined with reduced landscaping provision and a variation to maximum building height. When considered cumulatively, these departures result in unreasonable impacts on the amenity of adjoining properties, including loss of privacy through overlooking, increased visual bulk, and reduced solar access to private open space.

While the Statement of Environmental Effects seeks to justify each variation in isolation, it does not demonstrate that the combined outcome is acceptable when assessed under section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

6. Conclusion

For the reasons outlined above, the proposal fails to satisfactorily address the impacts of increased density on constrained local road infrastructure and does not demonstrate that the site is suitable for the proposed development when assessed against section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Accordingly, I respectfully request that Council maintain its original refusal of the DA application in its' current form.

Thank you.

Submission #19

To: Yass Valley Council
Attn: Development Assessment Team

Re: Submission – Objection to s8.3 Review of Determination

Property: 7 Hanley Place, Yass

Application: Attached Housing Development with Community Title Subdivision

I make this submission to formally object to the proposed development at 7 Hanley Place, Yass, currently under review pursuant to section 8.3 of the *Environmental Planning and Assessment Act 1979*.

While the importance of additional housing supply is acknowledged, the proposed development is not appropriate for this site due to its adverse impacts on local road infrastructure, residential amenity, and the suitability of the site when assessed against section 4.15 of the Act.

1. Inadequate local road infrastructure and traffic impacts

(EP&A Act s4.15(1)(b))

Hanley Place is a constrained residential cul-de-sac with a limited single lane carriageway and a stepped road formation due to local topography. The application does not demonstrate that the road can lawfully accommodate on-street parking or vehicle standing while maintaining minimum clear widths for safe traffic movement and emergency access. All vehicular movements associated with the proposal, including residents, visitors, service vehicles, waste collection, and construction traffic, **would therefore be concentrated at a single, constrained access point**. Any vehicle standing or servicing the development will occupy the only available traffic lane, further compounding impacts on access, safety and residential amenity.

The Traffic and Parking Impact Statement relies heavily on theoretical compliance with AS2890 geometry and does not adequately assess the cumulative, real-world impacts of six dwellings on the existing road environment. In particular, it does not address how increased traffic volumes and vehicle interactions within a cul-de-sac will affect safety, access, and day-to-day functioning for existing residents.

Roadway leading into access to 7 Hanley place showing narrow width of the roadway and example of parked vehicle obstructing footpath and impacting services and private property.



2. Failure to properly accommodate service and waste vehicles

The swept path analysis demonstrates access only for a small rigid vehicle and excludes larger service vehicles from entering the site. No lawful or practical standing areas have been identified for waste trucks, removalists, maintenance vehicles, or construction-related vehicles without obstructing Hanley Place or impacting neighbouring properties.

In the absence of any on-site or approved off-site servicing provision, the proposal leaves servicing and standing impacts unresolved and effectively displaced onto the public road. This outcome is inconsistent with orderly and proper planning and contrary to section 4.15(1)(b) of the Act.

3. Unsuitability of the site for the proposed intensity

(EP&A Act s4.15(1)(c))

The scale and configuration of the internal driveway, required solely to service six dwellings, highlights the inherent access limitations of the site. The proposal relies on extensive internal manoeuvring and private infrastructure to compensate for constrained public road conditions, rather than demonstrating that the site is naturally suited to the proposed density.

When assessed holistically, the proposal represents an over-intensification of a site accessed via a local residential cul-de-sac that was not designed to accommodate this level of traffic, servicing, and ongoing vehicle activity.

4. Adverse amenity impacts on existing residents

(EP&A Act s4.15(1)(b))

The Statement of Environmental Effects does not meaningfully assess the amenity impacts on surrounding properties arising from increased vehicle movements, headlight glare, reversing noise, and congestion within Hanley Place. Given the cul-de-sac configuration, these impacts will be concentrated and ongoing, rather than dispersed.

This raises serious concerns regarding residential amenity and neighbourhood character, which are central considerations under section 4.15 of the Act.

5. Over-reliance on technical compliance

While the proposal may demonstrate partial technical compliance with parking and manoeuvring standards, NSW planning law requires consideration of actual impacts in context, not theoretical design outcomes in isolation. Technical compliance alone does not establish that a development is suitable for its setting or that impacts on existing residents are acceptable.

6. Additional amenity impacts on adjoining properties

The proposal relies on significant departures from Development Control Plan setback controls, particularly to rear boundaries, combined with reduced landscaping provision and a variation to maximum building height. When considered cumulatively, these departures result in unreasonable impacts on the amenity of adjoining properties, including loss of privacy through overlooking, increased visual bulk, and reduced solar access to private open space.

While the Statement of Environmental Effects seeks to justify each variation in isolation, it does not demonstrate that the combined outcome is acceptable when assessed under section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

6. Conclusion

For the reasons outlined above, the proposal fails to satisfactorily address the impacts of increased density on constrained local road infrastructure and does not demonstrate that the site is suitable for the proposed development when assessed against section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Accordingly, I respectfully request that Council maintain its original refusal of the application.

Thank you for the opportunity record my concerns regarding this proposed development application.

Section 4.15 Assessment

Summary of Application

Development Application No.	DA250320
Type of Development	Local Development
Development Site	Lot 1 DP 1193382, 7 Hanley Place, Yass
Description of Development	<p>The submitted application involves:</p> <ul style="list-style-type: none">• Attached 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 <p>This assessment addresses the Clause 8.2 Review requested by the applicant following a Council resolution for refusal of the original application. The physical design of the development remains the same as the original. However, the subdivision has been amended to create a Community Title Subdivision rather than a Strata Subdivision.</p> <p>This review does not re-assess the design of the development, as that was largely accepted in the original assessment. It instead addresses the reason for refusal, being non-compliance with Cl.4.1D of the LEP. The key change in the application is the change from strata title to community title. This amends the definition from multi-dwelling housing to attached dwellings.</p> <p>This removes the requirement to comply with Cl.4.1D of the LEP, as this only applies to dual occupancies and multi-dwelling housing. This therefore removes the reason for refusal.</p>

Integrated Development

Legislation	Yes	N/A
Coal Mine Subsidence Compensation Act 2017 s 22	<input type="checkbox"/>	✓
Fisheries Management Act 1994 s 144, S201 S205. S219,	<input type="checkbox"/>	✓
Heritage Act 1977 s 58	<input type="checkbox"/>	✓
Mining Act 1992 ss 63, 64	<input type="checkbox"/>	✓
National Parks and Wildlife Act 1974 s 90	<input type="checkbox"/>	✓
Petroleum (Onshore) Act 1991 s 16	<input type="checkbox"/>	✓
Protection of the Environment Operations Act 1997 ss 43(a), 47 and 55, ss 43(b), 48 and 55, ss 43(d), 55 and 122	<input type="checkbox"/>	✓
Roads Act 1993 s 138	<input type="checkbox"/>	✓
Rural Fires Act 1997 s 100B	<input type="checkbox"/>	✓
Water Management Act 2000 ss 89, 90, 91	<input type="checkbox"/>	✓

Comments

The proposed development is not integrated development.

Section 4.15 – Matters for Consideration

Provisions of any environmental planning instrument

State Environmental Planning Policy (SEPP)	<p>Where a SEPP is applicable to the proposed development, is the development:</p> <ul style="list-style-type: none"> • Consistent with the aims and objectives of the instrument • Complies with development standards contained in the instrument • Satisfies the requirements of the instrument • Meets the relevant concurrence, consultation and/or referral requirements.
<p>Comment</p> <p>State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p>The proposed development is not for a potentially hazardous or offensive development for the purposes of the requirements of the SEPP.</p> <p>There are no known existing contamination risks or issues which would be incompatible with the proposed development. The land is considered suitable for the development without the need for any remediation measures.</p> <p>State Environmental Planning Policy (Sustainable Buildings) 2022</p> <p>The proposed development is BASIX affected development and a compliant BASIX Certificate has been submitted with the application.</p>	
Local Environmental Plan (LEP)	<p>In considering the provisions of the Yass Valley Local Environmental Plan 2013 (YVLEP), is the proposed development:</p> <ul style="list-style-type: none"> • Consistent with the aims and objectives of the plan • Consistent with the aims and objectives of the land use zone • Permissible in the land use zone • Consistent with all relevant clauses within the LEP • Complies with development standards in the LEP.
<p>Comment</p> <p>Below is an assessment of the application pursuant to the relevant clauses of the <i>Yass Valley Local Environmental Plan 2013</i> (the LEP)</p>	
Clause 2.3 Zone and zone objectives	<p>The land is zoned R1 General Residential zone. The proposed development provides for the housing needs of the community and contributes to a diversity of housing type.</p>
Clause 2.3 Land Use Table	<p>The proposed development is permitted with consent in the zone as 'multi dwelling housing' which is defined as:</p> <p><i>multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.</i></p> <p>Note—</p> <p><i>Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.</i></p> <p>'attached dwelling' which is defined as:</p> <p><i>attached dwelling</i> means a building containing 3 or more dwellings, where—</p> <p>(a) each dwelling is attached to another dwelling by a common wall, and</p>

	<p>(b) each of the dwellings is on its own lot of land, and</p> <p>(c) none of the dwellings is located above any part of another dwelling.</p> <p>Note.</p> <p>Attached dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.</p>						
<p>Clause 2.6 Subdivision consent requirements</p>	<p>N/A - there is no subdivision proposed as part of the application.</p> <p>A condition requiring Community Title Subdivision of land will be imposed</p>						
<p>Clause 2.8 Temporary use of land</p>	N/A						
<p>Clause 4.1 Minimum subdivision lot size</p>	N/A - there is no subdivision proposed as part of the application.						
<p>Clause 4.1B Subdivision using average lot sizes</p>	N/A - there is no subdivision proposed as part of the application.						
<p>Clause 4.1C Additional requirements for subdivision in certain rural zones</p>	N/A						
<p>Clause 4.1D Minimum site areas for dual occupancies and multi dwelling housing in Zones R1, R2, R3 and RU5</p>	<p>For multi dwelling housing in the R1 General Residential zone, the minimum site area per dwelling is 400m². The proposal is for a minimum site area per dwelling of 319.5m². The Applicant has requested an exception to the development standard pursuant to clause 4.6.</p> <p>N/A</p>						
<p>Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones</p>	N/A						
<p>Clause 4.3 Height of buildings</p>	The maximum height of buildings is 8m. The proposed development has a maximum height of 9.5m. The Applicant has requested an exception to the development standard pursuant to clause 4.6.						
<p>Clause 4.4 Floor space ratio</p>	The maximum floor space ratio is 0.5:1. The proposed development satisfies this requirement with a floor space ratio of 0.42:1.						
<p>Clause 4.6 Exceptions to development standards</p>	<p>The applicant has requested an exception to one development standards contained in the LEP through use of clause 4.6:</p> <table border="1"> <thead> <tr> <th>Clause</th> <th>Development Standard Requirement</th> <th>Proposed Exception</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Clause	Development Standard Requirement	Proposed Exception			
Clause	Development Standard Requirement	Proposed Exception					

	<p>Clause 4.1D – Minimum site areas for multi dwelling housing</p>	<p>Site area per dwelling must be at least 400m² per dwelling (1,914m²/400m² = maximum 4 dwellings)</p>	<p>Site area per dwelling of 319.5m²</p> <p>Exception: 20% based on proposed 6 dwellings</p>
	<p>Clause 4.3 - Height of buildings</p>	<p>Maximum 8m above natural ground level</p>	<p>Maximum 9.5m above natural ground level</p> <p>Exception: 1.5m or 18.75% exception</p>
	<p><u>Clause 4.1D – Minimum Site Area</u></p> <p>The Applicant’s written request is not considered to have demonstrated that compliance with the development standard is unreasonable and unnecessary in this instance (i.e. through nonetheless achieving the objectives of the development standard) and that there are sufficient environmental planning grounds. As such, development consent for the exception to the minimum lot size development standard cannot be granted in accordance with clause 4.6(3) of the LEP.</p> <p>The detailed record of assessment for the purposes of clause 4.6(4) is included as separate attachment.</p> <p><u>Clause 4.3 – Height of Buildings</u></p> <p>The Applicant’s written request is considered to have demonstrated that compliance with the development standard is unreasonable and unnecessary in this instance (i.e. through nonetheless achieving the objectives of the development standard) and that there are sufficient environmental planning grounds.</p> <p>The detailed record of assessment for the purposes of clause 4.6(4) is included as separate attachment.</p>		
<p>Clause 5.4 Controls relating to miscellaneous permissible uses</p>	<p>N/A</p>		
<p>Clause 5.10 Heritage conservation</p>	<p>The subject land does not contain a heritage item and is not within a heritage conservation area. However, there is a heritage item (1274 – “The Manse”) nearby to the south at 99 Rossi Street. The lots adjoin at a corner only. The Manse is a historic dwelling located on a relatively large lot, sitting behind lots which front Hanley Place and Rossi Street. Concern was raised within a submission received that having a multi-dwelling housing development located on the site may detract from the heritage significance of the heritage item.</p> <p>The application was referred to council’s specialist heritage advisor and a site inspection was undertaken. The advice received indicates that there is limited visual relationship between the two properties (particularly with the presence of established vegetation) and that, in their opinion, the character of the proposed multi dwelling housing would not have an impact on an appreciation of the heritage item or its significance.</p>		

	<p>There is also a heritage item (I226 - Catholic pioneer cemetery with grave of Thomas Laidlaw) on the western side of Hanley Place. This will not be adversely impacted by the proposed development.</p> <p>The requirements and objectives of clause 5.10 are satisfied.</p>
<p>Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</p>	N/A
<p>Clause 5.21 Flood planning</p>	N/A – the land is not identified as flood affected.
<p>Clause 6.1 Earthworks</p>	<p>Applies to the proposed development and prescribes matters that must be considered by the consent authority before granting consent for earthworks.</p> <p>The proposed development involves of earthworks in order to achieve a suitably levelled area for the building. It is noted that the design of the building generally responds to the topography and ‘steps down’ the land with single storey on the high side and two storey on the low side. Some earthworks are however still required due to the slope.</p> <p>As this proposal includes earthworks, all matters in clause 6.1(3) have been considered.</p> <ul style="list-style-type: none"> • The proposal is not considered to have a significant impact on drainage in the area. Stormwater can be appropriately managed. • The earthworks are unlikely to have a significant effect of the development on the likely future use or redevelopment of the land. • The proposal does not include the importation of fill material. • The earthworks proposed as part of the development are not considered to have a significant impact on the amenity of the area. Amenity impacts such as the movement of heavy vehicles, dust and noise, could be managed through conditions of consent. • It is unlikely that any relics will be disturbed; however, in the event that relics are found, the relevant cultural heritage legislation still apply so therefore protection will be ensured. A condition can be included in any consent that may be issued which requires the Heritage NSW to be contacted should any relic be unearthed. <p>The requirements and objectives of clause 6.1 are satisfied.</p>
<p>Clause 6.2 (repealed)</p>	N/A
<p>Clause 6.3 Terrestrial biodiversity</p>	N/A

4.1 Review of Determination - 7 Hanley Place, Yass
Attachment E Assessment Report

Clause 6.4 Groundwater vulnerability	N/A
Clause 6.5 Riparian land and watercourses	N/A
Clause 6.6 Salinity	N/A
Clause 6.7 Highly erodible soils	N/A
Clause 6.8 Essential services	<p>The consent authority must be satisfied that services which are essential for the development are available or that adequate arrangements have been made to make them available when required.</p> <ol style="list-style-type: none"> a. The development will be serviced by reticulated water. b. Electricity can be supplied a grid connection to electricity infrastructure. c. The development will be serviced by reticulated sewer. d. Stormwater drainage can be managed. e. Legal and physical access is available from Hanley Place and can meet relevant engineering design standards. f. The development can be serviced by telecommunications. <p>The requirements and objectives of clause 6.8 are satisfied.</p>
Clause 6.9 Development within a designated buffer area	N/A
Clause 6.10 Development on land intended to be acquired for Barton Highway duplication	N/A
Clause 6.12 Development on certain land in Gundaroo and Sutton in R2 Low Density Residential	N/A
Other relevant clause	N/A

Proposed environmental planning instrument that is or has been subject of public consultation and has been notified to the consent authority

Primary Matters	Specific Consideration
Draft Environmental	Where a draft environmental planning instrument is applicable to the proposed development, is the development:

Planning Instrument	<ul style="list-style-type: none"> • Consistent with the aims and objectives of the draft instrument • Complies with development standards contained in the draft instrument • Satisfies the requirements of the draft instrument • Meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft instrument
Comment	
Nil.	

Any development control plan

Primary Matters	Specific Consideration
Development Control Plan (DCP)	<p>Where a DCP is applicable to the proposed development, is the development:</p> <ul style="list-style-type: none"> • Consistent with the aims and objectives of the plan • Satisfies the requirements of the DCP

Comment

Yass Valley Development Control Plan 2024

An assessment of the applicable controls of the DCP are presented in [Appendix A](#).

There are some areas identified of non-compliance with the specific controls. These include:

Part/Control	Nature of Non-Compliance with Control
B4.1(a) - Crime Prevention and Safety	Limited passive surveillance to the driveway due to the battle-axe shape of the lot and orientation of the dwellings.
B5(b) - Neighbourhood Character	Pitch of roof which is a low-pitched roof whilst the majority of the existing development nearby has steeper pitched roofs.
D.2 - Privacy	Setback distance to first storey balcony to boundary. Minor exceedance of size of balcony based on setback distance without a privacy screen being provided.
D2.1 - Site Frontage and Area	Minimum site area per dwelling refers to clause 4.1D of the LEP. Clause 4.6 request has been sought for an exception.
D2.2.2 - Side and Rear Setbacks	Distance to eastern boundary and southern boundary. It is noted that there is some variation for how the setback controls could be applied depending on which boundaries are considered to be the side or rear.
D2.4 - Building Height	Maximum height of building refers to clause 4.3 of the LEP. Clause 4.6 request has been sought for an exception.
D2.5 - Character and Built Form	The front dwelling does not face the street (although noting that this is a battle-axe lot and the development is set back from the street). Limited passive surveillance to the driveway due to the battle-axe shape of the lot and orientation of the dwellings. Potential overlooking from first storey balcony into the required 40m ² of private open space of eastern courtyards.
D2.5 - Character and Built Form	The development achieves a total of 665m ² of landscaped area which equates to 35% instead of 40%.
I6 - Residential Carparking	Double garage dimensions are slightly shorter in length than required but slightly wider. The length dimension still complies with Australian Standard.

D2.9 – Adaptable and Accessible Housing	Insufficient information to determine compliance of providing one adaptable dwelling (Class C). Anticipated however that it can be made to comply and could be addressed with conditions.
<p>It is considered that the main DCP compliance issues relate to the side and rear setback distances and the roof pitch. The applicant’s justification to the proposed setbacks are considered to have met the objective of the control despite the non-compliance, whilst roof pitch is discussed in the accompanying Council report.</p> <p>It should be noted that in accordance with s4.15(3A) of the Act, council must be flexible in applying DCP provisions to allow reasonable alternative solutions that achieve the objective of prescriptive development controls.</p>	
Contributions Plans	Are contributions under the Yass Valley Development Contribution Plan 2018 and/or the Yass Valley Heavy Haulage Contribution Plan 2021 applicable to the proposed development?
<p><u>Comment</u></p> <p>Yass Valley Development Contribution Plan 2018. If the cost of undertaking the development exceeds \$100,000 a s7.12 development contribution will be payable prior to the issue of a Construction Certificate if approved. Appropriate conditions of consent could be included.</p>	

Planning agreement entered into or a developer has offered to enter into under s7.4 of the Act

Primary Matters	Specific Consideration
Planning Agreement or Draft Planning Agreement	Details of Agreement
<p><u>Comment</u></p> <p>Nil.</p>	

Prescribed Matters – Environmental Planning and Assessment Regulation

Primary Matters	Specific Consideration
Environmental Planning and Assessment Regulation 2021	<p>The following matters under the <i>Environmental Planning and Assessment Regulation 2021</i> have been considered:</p> <ul style="list-style-type: none"> • complies with AS 2601 when demolition is involved • complies with the Category 1 fire safety provisions if a change of building use is involved • has provision for compliance with the Building Code of Australia as amended if a building upgrade required • has been accompanied by a compliant BASIX certificate where the development is BASIX affected.
<p><u>Comment</u></p> <p>The proposed development has the potential to comply with the National Construction Code NCC/Building Code of Australia.</p>	

The proposed development is BASIX affected development and a compliant BASIX Certificate has been submitted with the application.

There are no other matters that require discussion.

Likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Primary Matters	Specific Consideration
<p>Context and setting</p>	<p>Context</p> <p>Compatibility of the development with:</p> <ul style="list-style-type: none"> • scenic qualities and features of the landscape • character and amenity of the locality and streetscape • scale (bulk, height, mass) form, character, density and design of development in the locality • previous existing land uses and activities in the locality <p>Setting</p> <p>Impact of the development on adjacent properties in terms of:</p> <ul style="list-style-type: none"> • the relationship and compatibility of adjacent land uses • sunlight access (overshadowing) • visual and acoustic privacy • views and vistas • edge conditions such as boundary treatments and fencing
<p>Comment</p> <p>The surrounding land uses and built form is 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 lot sizes of between approximately 600m² and 800m² each.</p> <p>Whilst the existing development is primarily single detached dwellings, multi dwelling housing is considered to be broadly a compatible type of development in the R1 General Residential zone.</p> <p>The proposed development is generally considered compatible with the existing development in the locality and would not have a significant impact on context and setting, except in relation to the proposed density of dwellings on the site, noting that exceeds minimum site area per dwelling requirements of clause 4.1D of the LEP. There is also an inconsistency identified with the proposal in relation to the pitch of the roof compared to that of existing development in the locality, which is discussed further in the accompanying Council report.</p> <p>View impacts and acoustic privacy are discussed in the accompanying Council report.</p> <p>There are no issues associated with overshadowing.</p>	

Access, transport and traffic	<p>Consideration of access, transport and traffic and the proposed development:</p> <ul style="list-style-type: none"> • The existing road network is capable of supporting the proposed development • The proposed development complies with Council’s Roads Standards Policy • The volume of traffic generated as a result of the proposed development is unlikely to exceed the capacity of the local and arterial road network • Public transport is available • A traffic management study was either not required to support the proposed development or was submitted and was considered satisfactory • An adequate number of vehicle parking spaces have been provided • On site car parking has provisions for compliance with relevant standards • The proposed or existing location of vehicular access to the site is considered satisfactory
<p><u>Comment</u></p> <p>Legal and physical access is available to Hanley Place.</p> <p>The road network is able to accommodate the traffic volume generated by the proposed development.</p> <p>Access, car parking and traffic are discussed in detail in the accompanying Council report.</p>	
Utilities	<p>Consideration of utilities and the proposed development:</p> <ul style="list-style-type: none"> • Utilities are either existing and capable of supporting the proposed development or capable of being extended to service the site • Where onsite sewage management is proposed it has been accompanied by a report prepared by an appropriate consultant demonstrating the suitability of the site for on-site effluent disposal
<p><u>Comment</u></p> <p>The proposed development is not considered any significant impact on the provision of utilities in the locality.</p> <p>The proposed development can be suitably serviced by utilities.</p>	
Heritage	<p>Impact of the proposed development on heritage significance of the site, adjacent properties and/or a heritage conservation area:</p> <ul style="list-style-type: none"> • Consideration of impact on items, landscapes, areas, places, relics and practices • Consideration of the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site
<p><u>Comment</u></p> <p>The subject land does not contain a heritage item and is not within a heritage conservation area. However, there is a heritage item (I274 – “The Manse”) nearby to the south at 99 Rossi Street. The lots adjoin at a corner only. The Manse is a historic dwelling located on a relatively large lot, sitting behind lots which front Hanley Place and Rossi Street. Concern was raised within a submission received that having a multi-dwelling housing development located on the site may detract from the heritage significance of the heritage item.</p> <p>The application was referred to council’s specialist heritage advisor and a site inspection was undertaken. The advice received indicates that there is limited visual relationship between the two properties (particularly with the presence of established vegetation) and that, in their opinion, the character of the proposed multi dwelling housing would not have an impact on an appreciation of the heritage item or its significance.</p> <p>There is also a heritage item (I226 - Catholic pioneer cemetery with grave of Thomas Laidlaw) on the western side of Hanley Place. This will not be adversely impacted by the proposed development.</p> <p>Standard conditions could be applied in relation to the management of unexpected finds in accordance with legislative requirements.</p>	

Water	<p>Impact of the proposed development on conservation of water:</p> <ul style="list-style-type: none"> • water supply sources • treatment, reuse and disposal of waste water and runoff • drainage, flow regimes, flooding on-site, up and downstream and in the catchment flood plain • groundwater tables
<p><u>Comment</u></p> <p>The proposed development is to be serviced by reticulated water service. Stormwater drainage can be appropriately managed.</p> <p>The site is not identified as being subject to potential “groundwater vulnerability” in accordance with clause 6.4 of the LEP or “riparian land and watercourse” in accordance with clause 6.4 of the LEP.</p> <p>The proposed development is not considered to have any significant adverse impacts on water and the water cycle.</p>	
Soils	<p>Impact of the development on soils:</p> <ul style="list-style-type: none"> • soil qualities - erodibility, permeability, expansion/contraction, fertility/productivity, salinity, sodicity, acidity, contaminants • instability - subsidence, slip, mass movement • the movement, formation, use and management of soils • soil erosion and degradation • remediation of contaminated soils
<p><u>Comment</u></p> <p>The subject lot is not identified as “high soil erodibility” in accordance with clause 6.7 of the LEP or as “salinity” in accordance with clause 6.6 of the LEP.</p> <p>Erosion and soil movement can be managed through sediment control measures and supported by appropriate conditions of consent where approved.</p> <p>There are no known risks of contamination. The land is not identified on Council’s contaminated land database or layers. As such the site is suitable for the proposed development.</p> <p>The proposed development is not considered to have any significant adverse impacts on soils.</p>	
Air and Microclimate	<p>Impact of the development on air quality and microclimatic conditions in terms of emissions of dust, particulates, odours, fumes, gases and pollutants.</p>
<p><u>Comment</u></p> <p>Any emissions of dust, particulates, odours, fumes, gas and pollutants would be primarily during construction if approved. These impacts can be managed through appropriate conditions of consent and compliance with all other relevant legislation.</p>	
Flora and Fauna	<p>Impact of the proposed development on:</p> <ul style="list-style-type: none"> • wilderness areas and national parks • wildlife corridors and remnant vegetation • the relationship of vegetation to soil erosion/stability and the water cycle • weeds, feral animal activity, vermin and disease <p>Outcomes of an assessment under the <i>Biodiversity Conservation Act 2016</i> considers:</p> <ul style="list-style-type: none"> • whether the development will result in serious and irreversible impacts • whether a BDAR is required

	<ul style="list-style-type: none"> • where a BDAR is required, whether it is considered satisfactory
<p><u>Comment</u></p> <p>The provisions of the <i>Biodiversity Conservation Act 2016</i> apply to this application. A submission of a BDAR was not required as:</p> <ul style="list-style-type: none"> • Development does not involve clearing of 0.25ha or more of native vegetation. • Does not involve clearing of native vegetation on land identified on the Biodiversity Values Map. • Will not have an impact on threatened species or ecosystems which exceeds the test of significance <p>There are no trees or woody vegetation on the site.</p> <p>The proposed development is not considered to have any significant impact on flora and fauna.</p>	
Waste	<p>Impact of the proposed development on waste:</p> <ul style="list-style-type: none"> • solid, liquid and gaseous wastes and litter • the generation, collection, storage and disposal of waste
<p><u>Comment</u></p> <p>Waste during construction works if approved can be suitably managed.</p> <p>There is adequate area for the storage of bins near each of the proposed dwellings in accordance with the DCP requirements.</p> <p>As assessment including inspections by council's resource and waste team had indicated that there is space within the road reserve area to accommodate bins at approximately the location of the battle-axe handle, as shown on the submitted site plan. In practice, bins could end up being placed further along and outside the front boundary of adjoining properties. It is important to note that property owners do not own their adjacent road reserve and therefrom some placement of bins further along the road reserve is not unreasonable. A hardstand pad at the location of the driveway (with a plate indicating for bin placement) would however assist in addressing this issue, similar to that which has been included at the townhouse development on McKenna Place in Yass which also a battle-axe lot.</p>	
Energy	<p>Impact of the proposed development on energy:</p> <ul style="list-style-type: none"> • the overall energy needs of the development • the measures employed to save energy - passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery • the use of renewable and non-polluting energy sources? • energy needs in producing building/structural materials? • energy use by-products and waste <p>Where relevant the development also complies with the Building Sustainability Index (BASIX).</p>
<p><u>Comment</u></p> <p>The proposed development is BASIX affected development and a compliant BASIX Certificate has been submitted with the application.</p> <p>Each dwelling achieves suitable solar access in accordance with the requirements of the DCP.</p>	

Noise and Vibration	Whether the development has potential to generate noise pollution or vibration including during construction and potential impacts.
<p>Comment</p> <p>Noise and vibration during construction and can be suitably managed if approved. These impacts can be managed through appropriate conditions of consent and compliance with all other relevant legislation.</p> <p>It is unlikely that there would be any significant amenity impact by way of noise. The noise generated as a result of the development is likely to be consistent with similar residential development. The largest and most frequent noise source will be as a result of vehicle movements. Noise impacts associated with private vehicles moving at low speeds is also likely to reduce in time with further adoption of electric and hybrid vehicles which make limited noise at low speed.</p>	
Natural Hazards - Geological	Risks to people, property and the physical environment as a result of geologic/soil instability - subsidence, slip, mass movement has been considered.
<p>Comment</p> <p>The subject site is sloping and requires earthworks. It is considered that can be suitably managed with and an appropriately qualified structural engineer through construction certificate and certification process if the development is approved.</p>	
Natural Hazards - Flooding	<p>Where the development is located on land identified as flood affected:</p> <ul style="list-style-type: none"> • Compliance with the relevant Flood Risk Management Plan in accordance with the information submitted with the application or • The addition of conditions which require compliance with the relevant Flood Risk Management Plan or the Building Code of Australia.
<p>Comment</p> <p>The subject land is not identified as flood affected.</p>	
Natural Hazards - Bushfire	<p>Where the development is located on land identified as bushfire prone:</p> <ul style="list-style-type: none"> • Compliance with Planning for Bushfire Protection 2019 (however in accordance with s.8.3.2 of <i>Planning for Bushfire Protection 2019</i> there are no bushfire protection requirements for <u>class 10a buildings located more than 6 metres from a dwelling</u> in bushfire prone areas); or • If it is integrated development it has been referred to the RFS in accordance with s100B Rural Fires Act 1997.
<p>Comment</p> <p>The site is not mapped as being on bushfire prone land.</p>	
Technological Hazards	<p>Does the development present risks from:</p> <ul style="list-style-type: none"> • industrial and technological hazards • land contamination and remediation <p>Where potential land contamination has been identified an assessment must be provided determining whether the:</p> <ul style="list-style-type: none"> • The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive, or • The land is not contaminated, or

	<ul style="list-style-type: none"> The land is contaminated and remediation is proposed prior to the proposed use
<p>Comment</p> <p>There are no known risks of contamination. The land is not identified on Council’s contaminated land database or layers. As such the site is suitable for the proposed development.</p>	
Safety, Security and Crime Prevention	<p>The assessment must determine whether adequate measures are included to address the potential for accident / injury and criminal activity.</p>
<p>Comment</p> <p>The proposed development is considered to be low risk and not expected to create any specific potential for crime. There is suitable delineation between public and private spaces. There is a minor issue identified with compliance against the Crime Prevention and Safety provisions (and other similar controls) under the DCP controls. These are discussed further under the DCP controls in Appendix A.</p>	
Social impact in the locality	<p>Whether the development is likely to have social benefits in the locality in terms of:</p> <ul style="list-style-type: none"> community facilities and links the interaction between the new development and the community
<p>Comment</p> <p>The proposed development is not considered to have any significant social impacts.</p>	
Economic impact in the locality	<p>Whether the development is likely to have economic benefits in terms of:</p> <ul style="list-style-type: none"> employment generation economic income generating benefits for existing and future businesses
<p>Comment</p> <p>Generally economic impact through the generation of economic activity during construction works and ongoing economic benefits as a result of provision of housing.</p>	
Site and internal design	<p>The development is generally sensitive to environmental conditions and site attributes including:</p> <ul style="list-style-type: none"> the size, shape and design of allotments, easements and roads the proportion of the site covered by buildings the positioning of buildings the size (bulk, height, mass), form, appearance and design of buildings the amount, location, design, use and management of private and communal open space landscaping <p>The development is unlikely to affect the health and safety of the occupants in terms of:</p> <ul style="list-style-type: none"> inadequate lighting, ventilation and insulation inadequate building fire risk prevention and suppression inappropriate building materials and finishes inappropriate common wall structure and design lack of access and facilities for the disabled

<p><u>Comment</u></p> <p>The proposed development is not considered to result in any impacts which are specific to the site and internal design. The site and internal design is considered to be generally suitable, with the exception of key issue in relation to the number of dwellings that are provided which is contrary to the minimum site area requirements of clause 4.1D of the LEP.</p> <p>This non-compliance has been addressed through revising the development definitions to attached dwellings rather than multi-dwelling.</p>	
<p>Construction</p>	<ul style="list-style-type: none"> • The proposed development has provision for compliance with the Building Code of Australia (as amended) and relevant Australian standards • The impacts of construction activities can be managed and suitable conditions have been included in the development consent.
<p><u>Comment</u></p> <p>Construction impacts can be suitably managed if approved. These impacts can be managed through appropriate conditions of consent and compliance with all other relevant legislation.</p> <p>However, the main construction issues are associated with the space within the road reserve, limited parking, one way nature of Hanley Place, and the shape of the lot with the battle-axe handle. The applicant was requested to provide preliminary details on how would anticipate for this to be managed and they advised:</p> <ul style="list-style-type: none"> • Construction workers would be required to park within the western part of Hanley Place where it is a full width road and does not impede traffic. • Works would be undertaken within the standard days and hours which we expect to form part of the conditions of consent. • A Construction Traffic Management Plan (CTMP) would be prepared as part of the Construction Certificate and once a contractor has been engaged to undertake the works. • A CTMP would also include a traffic control plan which details how site access would be managed. • Traffic control that would be implemented particularly with respect to deliveries of materials onto the site including a concrete truck; and the staff needed to manage the safe operation of Hanley Place. • All construction materials are to be located within the subject site and not within the road reserve. <p>This is generally considered to be consistent with expectation and industry practice. Where consent is granted, a full Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) will be required. As part of this, a strategy for consultation and communication with surrounding residents should be developed and implemented (e.g. for forewarning of any major impediments, process for receiving/responding to concerns, etc.)</p>	

The suitability of the site for the development

Primary Matters	Specific Consideration
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Compatibility with existing development in the locality	<p>The proposal is compatible with existing development in the locality as:</p> <ul style="list-style-type: none"> • Utilities and services available to the site are adequate for the development • The development will not lead to unmanageable transport demands • Transport facilities are adequate in the area • The locality contains adequate recreational opportunities and public spaces to meet the needs of the development • The air quality and microclimate are appropriate for the development • No hazardous land uses or activities nearby • Ambient noise levels are suitable for the development • The site is not critical to the water cycle in the catchment • The proposal is compatible with the existing built environment
<p><u>Comment</u></p> <p>The surrounding land uses and built form is 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 lot sizes of between approximately 600m² and 800m² each.</p> <p>Whilst the existing development is primarily single detached dwellings, multi dwelling housing is considered to be broadly a compatible type of development in the R1 General Residential zone.</p> <p>The proposed development is generally considered compatible with the existing development in the locality, except in relation to the proposed density of dwellings on the site, noting that exceeds minimum site area per dwelling requirements of clause 4.1D of the LEP. There is also an inconsistency identified with the proposal in relation to the pitch of the roof compared to that of existing development in the locality, which is discussed further in the accompanying Council report.</p>	
Site conduciveness to the development	<p>The subject site is conducive with the proposed development as :</p> <ul style="list-style-type: none"> • The site is suitable for the proposed development • The site is either not subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement, and bushfires or where it is these risks have been adequately managed • The slope of the land is suitable for the proposed development • The proposal is compatible with conserving the heritage significance of the site • The soil characteristics on the site is appropriate for development (Saline / Sodic / Acidic) • The development is compatible with protecting any critical habitats or threatened species, populations, ecological communities on the site • The site is not prime agricultural land and the development will not unduly prejudice future agricultural production • The development will not unduly prejudice the future use of the site • Cut and fill is a suitable development option for the site
<p><u>Comment</u></p> <p>The site is considered to be generally conducive to the proposed development, except in relation to the site area available, noting that the number of dwellings proposed for the site results in an exceedance of the minimum site area per dwelling requirements of clause 4.1D of the LEP.</p> <p>There are some other site constraints including access, parking and slope of the site, but these are considered to either be suitably addressed and/or complying with relevant controls and requirements.</p>	

Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration
Public Submissions	Community consultation was undertaken in accordance with Council’s Community Engagement Strategy. Where submissions have been received, the issues raised have been considered and are summarised in the comments below.
<p><u>Comment</u></p> <p>The development application was placed on public exhibition between 3 April 2025 and 17 April 2025. During the public exhibition period there were 10 submissions received, including one in support and nine raising objections or issues of concern. The key issues raised in the submissions are discussed in the accompanying Council report.</p> <p>A second round of public exhibition was held between XX and XX</p>	
Submissions from Public Authorities	Where relevant submissions received from Government or Public Authorities have been considered with any issues raised being resolved, addressed by conditions of consent/general terms of approval or are considered not relevant to the development
<p><u>Comment</u></p> <p>There were no submissions sought or received from public authorities.</p>	

The public interest

Primary Matters	Specific Consideration
Government (Federal, State and Local) and Community Interests	<p>Government and community interests have been considered and are satisfied as:</p> <ul style="list-style-type: none"> • The proposed development complies with the Council Policies identified as applicable in the <u>schedule below</u>. Where a variation to this policy has been supported details have been included in the comments. • The proposed development is generally consistent with any relevant planning studies and strategies • Covenants not imposed by council have been set aside for the purpose of this assessment • The proposal generally complies with all other covenants, easements, restrictions and agreements that have an bearing on the proposal • Issues raised in public meetings and inquiries have been considered. Where relevant more detail has been provided under the heading public submissions. • It is unlikely that the development will have a detrimental effect on the health and safety of the public
<p><u>Comment</u></p> <p>The public interest is served by the consistent application of requirements of the relevant Environmental Planning Instruments and by the consent authority (in this case council) ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments as detailed in this assessment.</p> <p>The provision of housing and a diversity of housing is considered to be in the public interest and supports the objectives of the LEP and the R1 General Residential zone.</p>	

However, the nature of the proposed exception to the development standard in clause 4.1D of the LEP to reduce the minimum site area per dwelling is not considered to be in the public interest in this instance. It is considered that the public interest is better served by ensuring compliance with the development standard in instance where the matters required by clause 4.6(3)(a)&(b) of the LEP have not been demonstrated.

	Policy	Code	Applicable
Council Policies	Building Over Sewer Mains	SEW-POL-1	No
	Filling Policy	DA-CP-22	No
	Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	No
	Kerb and Gutter Construction	ENG-POL-4	No
	Road Naming	RD-POL-6	No
	Road Standards	RD-POL-9	Yes
	Truck and Transport Depots in Rural Areas	DA-POL-11	No
	Water Supply in Rural Areas and Villages	WS-POL-2	No

Comment

Road Standards RD-POL-9

Legal and physical access exists to Hanley Place. If Council is to support the application and grant development consent, conditions are to be included requiring the property access to be constructed or upgraded in accordance with the Road Standards Policy RD-POL-9

APPENDIX A - Yass Valley Development Control Plan 2024
Assessment of DA250320 – 7 Hanley Place, Yass

Only those sections applicable to the development are included in the table below.

Clause	Comment
Part A – Introduction	
All parts	Noted – Application for placed on public exhibition and must be determined by meeting of Council due to 10 submissions received and multiple exceptions/variations to controls in the LEP (>10%), DCP and 88B restrictions.
Part B – Principles for All Development	
B1 Sustainability	Noted.
B2 Site Suitability	The matters required have been considered in the assessment to determine whether the site is suitable for the proposed development.
B3 Site Analysis Plan	The information accompanying the application contains sufficient detail to assess the proposed development.
B4 Crime Prevention and Safety	<p>Does not comply with all controls</p> <p>The development is not considered to result in confusion between public and private spaces.</p> <p>The development complies with the requirements of this part, with the exception of B4.1(a) which does not comply in that there are no windows located to allow passive surveillance of the shared driveway, noting the garages face the shared driveway and the dwellings are oriented in the other direction. This is not particularly uncommon for ‘rear loading’ townhouse development which may provide vehicle access from a rear laneway (often in order to instead to orientate the dwelling towards the street, which promotes surveillance). In this instance the constraints of the site including access via a battle-axe hand and the slope of the land presents difficulties in this being achieved. With consideration of the relatively small number of dwellings, the nature of the residential environment, and the secure garage/access to each dwelling, it is generally considered that there is not a significant issues associated with passive surveillance of the shared driveway and can be considered acceptable.</p> <p>There is however suitable opportunity for passive surveillance to the other communal areas to take place from within the development.</p>
B5 Neighbourhood Character	<p>Does not comply with all controls.</p> <p>The objective of this part is to encourage development which responds to and contributes positively to the character and topography of the existing streetscape.</p> <p>The relevant controls which require discussion are:</p> <p><i>a. Development should respect the scale, patterns and predominant building characteristics within a streetscape</i></p>

	<p>The surrounding land uses and built form is mainly residential including predominately single detached dwellings, however multi dwelling housing can still be a type of development, and undertaken, in a way which respects the scale, patterns and predominant building characteristics within the streetscape.</p> <p>The scale of the development in terms of the overall scale of the built form, including height and gross area do comply with the relevant LEP planning controls, with exception of the density of the number of dwellings. The height and scale of the buildings respect the existing streetscape, and it is noted that the site itself is setback from the street as a battle-axe, limiting the visual presence.</p> <p><i>b. The design should consider how the building/s will respond to the predominant characteristics of the neighbourhood such as dominant land uses, construction types and materials, roof pitch, setbacks, location and proportion of windows and doors, verandahs, vehicle parking/garaging, landscaping of public and private areas.</i></p> <p>The design is generally considered to respond to the predominant characteristics of the neighbourhood, with the exception of the pitch of roof which is a low-pitched roof whilst the majority of the existing development has steeper pitched roofs, consistent with the section 88B restrictions which apply to this lot.</p>
Part D – Residential Development Controls	
D.1 Solar Access	Each dwelling can achieve appropriate solar access. Living areas are located on the eastern side of each dwelling (and northern in the case of A1, B1 & C1)
D.2 Privacy	<p>Does not comply with all controls.</p> <p>The objective of this part is to ensure that residents of new residential development have privacy from overlooking from other nearby development and to ensure that new residential development does not impede on the privacy of existing or future development.</p> <p>The relevant controls which require discussion are:</p> <p><i>a. Any habitable room windows within the development (other than bedrooms) setback 3 metres or less (ground floor) or 10 metres or less (first floor) from a side or rear boundary, with a floor level of more than 1 metre above ground level (existing) should either:</i></p> <ul style="list-style-type: none"> <i>i. Have a sill height of 1.5 metres above floor level, or</i> <i>ii. Have fixed obscure glazing to a height of 1.5 metres above floor level, or</i> <i>iii. Have a permanent, fixed, durable, privacy screen which faces the boundary, or</i> <i>iv. Other measure to ensure the privacy of adjoining residents</i> <p>Complies as habitable rooms on the first storey setback <10m from the boundary are bedrooms and therefore do not require measures for sill height, obscure glazing or privacy screens. The ground floor is setback >3m.</p> <p><i>b. Any new balcony, deck, patio, pergola, terrace or verandah setback 3 metres or less (ground floor) or 10 metres or less (first floor) from a side or rear boundary, with a floor area more than 3 m2 with a floor level or</i></p>

	<p><i>more than 1 metre above ground level (existing) should have a permanent, fixed, durable, privacy screen which faces the boundary.</i></p> <p>Does not comply. The balcony on the first floor is setback within 10m of the boundary and is marginally over 3m².</p> <p>A privacy screen extending 1.5m high (with no individual opening of more than 30mm wide and not more than 30% opening of the surface area) would be required. If Council supports the reduced side/rear setback of the dwellings proposed under D2.2.2, Council could support a variation to the privacy screen control noting that the size of the balcony is only marginally over 3m².</p>
D.3 Stormwater	Stormwater drainage arrangements can be suitably designed and provided for.
D.4 Services	All required services can be suitably designed and provided for. Refer clause 6.8 of the LEP in relation to essential services.
D2.1 Site Frontage and Area	<p>Does not comply with all controls.</p> <p>The objective of this part is to ensure that dwelling occupants have adequate access to private open space for the quiet enjoyment of their property and recreational opportunities.</p> <p>The relevant controls which require discussion are:</p> <p><i>a. The site shall have street frontage of at least 15 metres when measured at the building line. At the head of a cul-de-sac the minimum frontage shall allow sufficient area for the placement of bins required by the development in a single, not stacked, line and the parking of at least one vehicle.</i></p> <p>The site is a battle-axe handle with a width of approximately 13m at Hanley Place. The width of the lot though is greater than 15m at the building line.</p> <p>There is opportunity for the placement of bins which is discussed in the accompanying Council report.</p> <p>There is no on street car parking available in Hanley Place which is discussed in the accompanying Council report.</p> <p><i>b. For development involving attached dwellings, dual occupancies, multi dwelling housing; secondary dwellings and semi detached dwellings, each unit shall be provided with a minimum site area in accordance with Clause 4.1D of Yass Valley Local Environmental Plan 2013;</i></p> <p>No minimum site area is required for attached dwellings. For multi dwelling housing in the R1 General Residential zone, the minimum site area per dwelling is 400m². The proposal is for a minimum site area per dwelling of 319.5m². The Applicant has requested an exception to the development standard pursuant to clause 4.6. This has been assessed and discussed under clause 4.6.</p> <p>It is noted that the area of private open space does comply with the minimum 40m² required by D2.6, consistent with the objective.</p>
D2.2.1 Front Setback	Complies with minimum front setback requirement.
D2.2.2 Side and Rear Setbacks	<p>Does not comply with all controls.</p> <p>The objective of this part is to ensure that multi dwelling development does not impact on solar access, privacy or overshadowing.</p>

The relevant controls which require discussion are:

a. *Multi dwelling development should have the minimum side and rear boundary setback as per table below:*

Table 9 - Side and Rear Setbacks – Medium Density

Boundary	Height	Setback
Side boundary	Single Storey	1.5 metres to National Construction Code
	>Single Storey	1.5 metres for single storey elements 2 metres for second storey elements 6 metres if a habitable room window or balcony faces the boundary where screening or other privacy measures are not included
Rear boundary	Buildings up to 4.5 metres	3 metres for lots with an area of 600m ² – 900m ² 5 metres for lots with an area of 900m ² – 1,500m ² 10 metres for lots with an area greater than 1,500m ²
	Above 4.5 metres	8 metres for lots with an area of 600m ² – 900m ² 12 metres for lots with an area of 900m ² – 1,500m ² 15 metres for lots with an area greater than 1,500m ²

Firstly, due the battle-axe nature of the lot, there can be some differences in interpretation as to which boundary is considered a side boundary and a rear boundary.

The applicant has considered the eastern and western boundaries to be side boundaries, whilst the southern boundary as the rear boundary. As the battle-axe handle is from the western boundary, it could also be concluded that the eastern boundary is actually the rear boundary. Alternatively, it could also be approached as all boundaries being considered as side boundaries.

Western Boundary

Compliance is achieved to the western boundary with the separation of the shared driveway.

Eastern Boundary

The proposed setback to the eastern boundary is:

- Ground floor = 5m
- First floor (Balcony) = 3m
- First floor (Glass line) = 3.5m

As a side boundary, the setback would comply, but only if a privacy screen on the balcony is being provided (refer assessment under control D2 Privacy).

As a rear boundary, the setback would not comply where the eastern boundary is considered a side boundary as it does not meet minimum 15m.

Northern Boundary

Compliance is achieved to the northern boundary.

Southern Boundary

The development proposes a rear setback of circa 1.15m from the southern boundary as a minimum increasing to 3.45m as measured to the single storey component.

As either a side or rear boundary, the proposed setback would not comply.

Applicant Justification

The applicant has provided justification that the proposed setbacks are acceptable for the following reasons:

	<ul style="list-style-type: none"> • The adjoining site to the east is significant in area and capable of accommodating a dwelling house and associated structures / infrastructure. • Shadow diagrams prepared as part of the architectural package show that the built form (except boundary fencing) will not impact on the adjoining property between 9am and 1pm, which ensures that compliant solar access can be achieved to both the habitable areas of a future dwelling and its corresponding private open space area. • In relation to the eastern boundary, a setback of 3.5m to the living area and 3m to the balcony is considered appropriate in this instance. The land slopes substantially to the east which assists with the sense of separation and mitigation of potential overlooking from the subject site. • Furthermore, the adjoining site to the east is of a significant size that is capable of being designed and sited to accommodate a dwelling house. It is not restricted for instance by way of a building envelope that would limit the placement of development and can instead respond positively to the site context. • The adjoining properties directly to the south would appear to comprise two (2) dwelling houses on separate allotments (93 & 89 Rossi Street) within the R1 General Residential zone. Both dwellings appear to be on substantial allotments with the majority of built form and open space areas well setback from the common boundary with the subject site. These sites would also appear to be heavily vegetated particularly along the common boundary. This existing boundary condition would appear to assist in mitigating any potential visual impact that may occur by the development along this boundary. Finally, there are only minor windows within the southern elevation of the development that may be of concern. <p><u>Consideration</u></p> <p>In this instance, there is potentially significant numerical departures from boundary setback requirements depending on which boundaries are considered as side or rear. However, with consideration of the objective of the controls which is “to ensure that multi dwelling development does not impact on solar access, privacy or overshadowing”, the applicant’s justification is generally supported.</p> <p>There is no concern in relation to setback to the south due to the large lot sizes, the location of development on those lots, and the presence of existing established vegetation.</p> <p>There is some potential concern in relation to setback from the eastern boundary noting the dwellings essentially ‘front’ that boundary. The large lot size and difference in levels does mean that there is likely reasonable ability for the adjoining lot be developed in a way which manages the privacy between lots. The proposed development is therefore not considered to have any significant impact on the reasonable ability for development on the adjoining lot.</p>
<p>D2.3 Site Coverage and Floor Space Ratio</p>	<p>The maximum floor space ratio for the R1 General Residential zone is 0.5:1. The proposed development as a floor space ration of 0.42:1.</p>
<p>D2.4 Building Height</p>	<p>Does not comply with all controls.</p> <p>The objective of this part is to provide guidance on the bulk and scale of multi dwelling development.</p>

	<p>The relevant controls which require discussion are:</p> <p><i>a. The maximum height of a building is not to exceed 9 metres, or as otherwise shown for the land on the Yass Valley Local Environmental Plan 2013 Height of Buildings Map</i></p> <p>Does not comply. The maximum height of buildings specified by the LEP is 8m. The proposed development has a maximum height of 9.5m. The Applicant has requested an exception to the development standard pursuant to clause 4.6. This has been assessed and discussed under clause 4.6.</p> <p><i>b. Shadow diagrams are to be submitted for 9 am, 12 midday and 3 pm on the June 21 Solstice for all medium density housing, detailing overshadowing cast by the proposed development in addition to any existing buildings and fences. Shadows shall include internal and external the proposed development site</i></p> <p>Shadow diagrams have been submitted and compliance demonstrated.</p> <p><i>c. At least 50% of the neighbouring existing principal open space or windows to internal habitable rooms should receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June. If it is already less than this, it should not be further reduced.</i></p> <p>Shadow diagrams have been submitted and compliance demonstrated.</p>
<p>D2.5 Character and built form</p>	<p>Does not comply with all controls.</p> <p>The objective of this part is to ensure that multi dwelling development respects the streetscape and visual amenity.</p> <p>The relevant controls which require discussion are:</p> <p><i>a. The front dwelling in each development shall face the street and feature at least 1 main entry door and 1 major window to a living or bedroom.</i></p> <p>Does not comply. The street is located to the western boundary whilst the dwellings are orientated to the east. This is however a battle-axe lot, so inherently there are difficulties in achieving a design for a front dwelling which can face the street as such. In this regard, the requirement of this control is not considered to be of particular relevance in this instance.</p> <p><i>i. The building alignment along common internal driveways shall be varied to provide visual relief and landscaped.</i></p> <p>This is generally considered to be achieved.</p> <p><i>j. Windows, balconies, fencing and the like should be designed and constructed to allow views and passive surveillance of any adjacent public reserve or recreational area as well as internal driveways and carparking areas.</i></p> <p>Does not comply. This is discussed previously under B4 Crime Prevention and Safety.</p> <p><i>k. Stepped building form on sloping sites is encouraged to avoid mass excavation.</i></p> <p>The development has used a suitable step building form.</p> <p><i>l. Windows should not be located directly opposite the windows of primary living areas of adjoining dwellings.</i></p>

	<p>The design of the development complies. There are no windows looking directly opposite.</p> <p><i>m. Privacy screens should be installed where there is a chance of overlooking from balconies, open space areas, windows on adjoining buildings (within or external the proposed development) and the like.</i></p> <p>Does not comply. The small first storey balcony has potential for overlooking into the required 40m² private open space areas of the adjoining dwelling. Privacy screens are not proposed.</p> <p><i>n. Noise sources such as driveways, service areas, plant rooms, mechanical equipment and communal open space areas should be located at least 3 metres from bedrooms.</i></p> <p>The design of the development complies.</p> <p><i>o. Windows should be located to allow surveillance of internal driveway and carparking areas;</i></p> <p>Does not comply. This is discussed previously under B4 Crime Prevention and Safety.</p> <p><i>p. Sensor or solar lighting should be provided adjacent to entries for multi dwelling development.</i></p> <p>The design of the development can comply.</p> <p><i>r. The use of long straight driveways should be avoided, driveways should not be more than 30 metres without traffic calming devices.</i></p> <p>The design of the development complies. Traffic calming devices have been integrated into the driveway design.</p>
<p>D2.6 Private open space</p>	<p>Each dwelling has private open space of >40m² which is accessible from the habitable living areas of the dwelling. The private open space is located on the east side.</p>
<p>D2.7 Landscaping</p>	<p>Does not comply with all controls.</p> <p>The objective of this part is to ensure that landscaping is provided for multi dwelling development complements and softens the visual.</p> <p>A preliminary landscape plan has been submitted with the application.</p> <p>The relevant controls which require discussion are:</p> <p><i>b. A minimum landscape area of 40% of the total lot area must be provided.</i></p> <p>Does not comply. The development achieves a total of 665m² of landscaped area which equates to 35%. The applicant has provided the following justification:</p> <p><i>“A high quality landscape will be achieved with a significant landscaped area to the north and substantial landscaped areas along the common boundaries particularly the southern and eastern. The landscaped areas have been located to benefit views from the site and from adjoining properties, where they are considered to be most effective. The limitations on the ability to achieve compliance with this requirements largely stem from the need for an access handle owing to the dimensions and orientation of the lot. Otherwise compliance is achieved with the floor space ratio requirements as it relates to the built form.”</i></p>

	<p>The applicant's justification is generally accepted and noting that it does comply with control (c).</p> <p><i>c. For terrace and multi dwelling housing at least 30% of the total lot area must be provided as landscaping with each dwelling having at least 54m² of allocated landscaping.</i></p> <p>The development achieves a total of 665m² of landscape area which equates to 35% and the equivalent of at least 54m² per dwelling within the site.</p>
D2.8 Facilities	<p>Each dwelling can be supplied clothes drying area.</p> <p>Mailboxes for dwelling can be provided at the entrance driveway.</p> <p>There is adequate opportunity for storage of bins for each dwelling.</p>
D2.9 Adaptable and Accessible Housing	<p>Insufficient information to determine compliance.</p> <p>It is noted that there applicant has not addressed this part in their assessment against the DCP.</p> <p>The relevant controls which require discussion are:</p> <p><i>a. At least one dwelling within a multi dwelling housing development should have a continuous, step free, slip resistant path of travel from the street or parking area to an entrance. The entrance should be weather sheltered with a minimum width of 1000mm</i></p> <p>This appears to comply as each dwelling has step free entry from the garage into the dwelling.</p> <p><i>b. Multi dwelling housing development should be designed to incorporate or provide for essential features to achieve a minimum 'Adaptable house class C' Classification in accordance with AS4299 – 1995, at the following rate: 4-10 dwellings: 1 adaptable dwelling required.</i></p> <p>There is insufficient information supporting the development application to determine whether the proposal complies or does not comply with this requirement. It is noted that the minimum standard is for 'Adaptable house class C' only, which is for the minimum essential requirements. It is considered likely that compliance can be achieved based on the ground floor layout. Conditions demonstrating compliance prior to Construction Certificate will be required if development consent is issued.</p>
Part H – Development in Hazard Affected Areas	
H3 Contaminated Land	<p>There are no known risks of contamination. The site is not identified on council's contaminated land database or mapping layers.</p>
Part I – Carparking and access	
I5 – Carparking ratios	<p>The DCP requires two spaces per dwelling with three or more bedrooms. It also requires one visitor space per three dwellings. This is provided for and demonstrated on plans.</p>
I6 Residential Carparking	<p>Does not comply with all controls.</p> <p>The objective of this part is to ensure that carparking facilities are provided for residential development in a manner that caters to the needs of allow residents and future residents.</p> <p>Each dwelling is provided with a double garage. The proposed development complies with the controls of this part, with this exception of I6(c) which</p>

	<p>requires a double garage to have internal dimensions of 5.5m wide x 6m long. The double garages are proposed to be wider than 5.5m but have a length of less than 6m at approximately 5.5m. This is acceptable and still consistent with Australian Standard size for car space.</p> <p>Swept path diagrams and certification from a traffic engineer have been provided with the application.</p>
17 Property Access Crossings	<p>The property access can be constructed in accordance with the requirements of this part and Council's Road Standards Policy RD-POL-9. Appropriate conditions can be included if development consent is issued.</p>
17.1.1 Access for dual occupancies and medium density housing	<p>There is a single point of entry and egress to Hanley Place. This is at least 6.8m wide. The design of the driveway complies with the controls.</p>

6.3 DEVELOPMENT APPLICATION NO. DA250320 - MULTI-DWELLING HOUSING - 7 HANLEY PLACE, YASS

SUMMARY

To present the assessment of development application no. DA250320 for multi dwelling housing (six dwellings) at 7 Hanley Place, Yass. The application attracted 10 submissions including one in support and nine raising objections or concerns. The proposal seeks a variation to a number of planning controls, including maximum height and minimum site area for multi-dwelling housing in the LEP, setbacks to side/rear boundaries in the DCP, the building envelope, and 88B restrictions. Refusal is recommended.

RECOMMENDATION

That development application no. DA250320 for multi dwelling housing (six dwellings) at 7 Hanley Place, Yass, be refused on the following grounds:

- 1. The proposal does not comply with the development standard contained in clause 4.1D(3)(a) of the Yass Valley Local Environmental Plan 2013 in relation to the minimum site area per dwelling. The development standard requirements a minimum site area of 400m² per dwelling. The proposal has a site area of 319.5m² per dwelling.*
- 2. The exception to the development standard contained in clause 4.1D(3)(a) pursuant to clause 4.6 of the Yass Valley Local Environmental Plan 2013 is not supported as the applicant's written request has not demonstrated that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds. As such, development consent cannot be granted in accordance with clause 4.6(3).*

FINANCIAL IMPLICATIONS

- Resources for development assessment are provided for in the current Operational Plan
- The application does not propose any council-maintained assets

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

Guidelines

- NSW Guide to Varying Development Standards
- Landcom Residential Density Guide 2011

REPORT

1. [Application Details]

Date Received	-	17 March 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. Proposal

The submitted application involves:

- 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 proposal seeks an exception to the minimum site area per dwelling and maximum height of buildings development standards in clause 4.1D and clause 4.3 of the Yass Valley Local Environmental Plan 2013 (LEP).

Details of the proposal are included in **Attachment B**.

4. Public Exhibition

Public exhibition included notice to 25 adjoining and nearby landowners, including all of Hanley Place. There were 10 submissions, including one in support and in raising objections or concerns (**Attachment C**).

A planning forum was held on 3 June 2025 to provide an opportunity for submission authors and the applicant to address Councillors prior to completion of assessment and determination of the DA. There were two presentations made by residents at the planning forum as well as presentations by the applicant and their consultants.

The applicant's response to submissions and council additional information request is included as **Attachment D**.

5. Assessment

The proposed development has been assessed against the requirements of section 4.15 of the Environmental Planning and Assessment Act 1979. It is considered that the proposed development cannot be supported for the reasons outlined in the Assessment Report (refer **Attachment E**).

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

6.1 Housing Type - Support

There is a submission of support received 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. Council's data from [idcommunity](#) (which sources from Census data) indicates that 11.6% of dwellings in Yass are currently considered medium density. In comparison, the Goulburn urban area has medium density of 15.8%.

Whilst there are other medium density developments within Yass, it is noted that the proposed development provides a variation of this and supports diversity of housing and the objectives of the R1 General Residential zone. This however needs to be considered within council's current planning intentions and settings which are established through the controls in the LEP and the Yass Valley Development Control Plan 2024.

Although a recent and specific study has not been undertaken at this time, for the purposes of this assessment report, council's planners have a general understanding that there is interest and demand for additional quality medium density housing within Yass. This is something that will be considered further as part of any future review of the Settlement Strategy and LEP.

6.2 Zoning and Purpose of the Land

A number of submissions received suggest that the lots within Hanley Place were created or they were envisaged for the purposes of single detached dwellings only. Whilst this may have formed consideration in the overall design and approval of the subdivision, ultimately the LEP determines the uses of land which are permissible in a particular zone. In this instance, the site is zoned R1 General Residential with permissible uses of land including single dwellings, dual occupancies, multi dwelling housing, and residential flat buildings. Proposals for any of these permissible uses are then subject to other planning controls as applicable in the LEP and the DCP.

6.3 Exceptions to LEP Development Standard

The applicant has requested an exception to two development standards contained in the LEP through use of clause 4.6:

Clause	Development Standard Requirement	Proposed Exception
Clause 4.1D - Minimum site areas for multi dwelling housing	Site area per dwelling must be at least 400m ² per dwelling (1,914m ² /400m ² = maximum 4 dwellings)	Site area per dwelling of 319.5m ² Exception: 20% based on proposed 6 dwellings
Clause 4.3 - Height of buildings	Maximum 8m above natural ground level	Maximum 9.5m above natural ground level Exception: 1.5m or 18.75% exception

Clause 4.6 allows for consideration of exception to development standard in certain circumstances, intending to allow a degree of flexibility and enabling development which achieves environmental planning objectives. Clause 4.6 is a key part of the planning system and the LEP, and a non-compliance with a development standard does not automatically

mean that the development is not orderly or has an adverse planning outcome – this however, must be demonstrated.

Clause 4.6(3) of the LEP requires:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

It is important to note that clause 4.6 was updated across all Standard Instrument LEPs by the NSW Government in November 2023. This change now specifically requires that council must not grant consent unless they are satisfied that that the applicant's written request has demonstrated the above matters. It is not up to council as the consent authority to determine what is 'unreasonable or unnecessary' or whether there are 'sufficient environmental planning grounds' but whether the applicant's written request demonstrates this through supporting information and evidence as sufficient justification. The previous version of the clause required that council only consider the written request alongside public interest but now must be expressly satisfied the applicant has demonstrated it.

6.3.1 Clause 4.1D – Minimum Site Areas for Multi Dwelling Housing

The application requests an exception to the development standard contained in clause 4.1D of the LEP. This development standard requires a minimum site area of 400m² per dwelling in the R1 General Residential zone for multi dwelling housing with the objective of achieving the 'planned residential density'. As the site is 1,900m² in size, ordinarily compliance with clause 4.1D would allow four dwellings. The applicant is however seeking approval for six dwellings, representing one dwelling per 319.5m² or a 20% departure.

It is noted that council has not previously considered any exception requests in relation to clause 4.1D and that this is a local clause (i.e. not one which is included in NSW Standard LEPs). It is also noted that clause 4.1D only applies to 'dual occupancy' and 'multi dwelling housing' but not some other permissible residential uses such as 'residential flat buildings'.

The clause 4.6 request was subject to a peer review based on governance advice which was completed by Queanbeyan Palerang Regional Council (QPRC).

The peer review author concluded that they were not satisfied that the applicant's written request had adequately addressed the matters required by clause 4.6(3) – i.e. therefore development consent could not be granted.

A copy of the peer review was provided to the applicant to allow their reply, and if desired, provide a revised clause 4.6 written request for further consideration. The applicant has since provided a revised written request, town planning response letter, and a statement from their solicitor. Yass Valley Council is the consent authority so must therefore have consideration of all information in forming own view as to whether satisfied by the applicant's written request.

The applicant's written revised request is included as **Attachment F**, the peer review completed by QPRC of the original written request as **Attachment G**, and the record of assessment for the purposes of clause 4.6(4) is included as **Attachment H**.

Unreasonable or Unnecessary

The written request uses the commonly known five-part test (or 'Wehbe test') to justify that compliance with the development standard is 'unreasonable or unnecessary', relying on 'Test 1' on the basis of the objectives of the development standard being achieved notwithstanding

the noncompliance with the numerical minimum site areas. The objective of clause 4.1D is as follows:

(1) The objective of this clause is to achieve planned residential density in certain zones.

In summary, the justification in the written request includes:

- There are two aspects of residential development which inform the objective, being:
 1. The land use intensity of number of dwellings and number of bedrooms in a dwelling, which determine the number of persons that can be accommodated.
 2. The built form in terms of bulk, scale, and amenity.
- The proposed development in context of the Hanley Place subdivision and number of dwellings would still clearly remain within the planned residential development contemplated by the development standard, which based on an overall area of 26.8ha could allow for up to 67 dwellings.
- The proposed development is for construction of six dwellings as part of a multi dwelling housing development, with each containing three bedrooms and not being significant in terms of overall size (i.e. they are townhouses). The occupancy rate of three bedroom townhouses are less than a four-five bedroom houses which is generally the typical detached dwelling type in Yass. This results in a similar level of population in a development that complied with clause 4.1D but instead had four-five bedrooms in each dwelling. In this regard, it remains consistent with the planned residential density of the area and the broader R1 General Residential zone.
- The LEP under clause 4.4 prescribes a maximum floor space ratio of 0.5:1 – that is, a maximum gross floor space being up to 50% of the site area. The proposed development has a floor space ratio of 0.42:1. The proposed development therefore does not reach the maximum allowable floor space ratio which another development that might otherwise comply with clause 4.1D could, and therefore still achieves the planned residential density for built form.

It is noted that ‘planned residential density’ is not defined in the LEP and there are different measures that can be considered. The applicant’s written request references the [Landcom Residential Density Guide 2011](#) (the Landcom Guide) to obtain dwelling occupancy figures. The Landcom Guide also does provide an outline of the different ways in which density can be measured, separating population density and residential density:

- *“Population and activity densities measure the concentration of people”*
- *“Residential density measures the concentration of dwellings in a given land area”*

The Landcom Guide then further defines residential density at different scales using definitions of the Australian Model Code for Residential Development (AMCORD), which has been previously a widely accepted industry standard. The relevant definitions for this instance then include:

Gross residential density (‘the place’):	The ratio of the number of dwellings to the area of land they occupy. The area includes internal public streets, all areas of local open space (including parks, sports fields, drainage reserves, landscape buffers, bushfire asset protection zones) local or neighbourhood shops, primary and secondary schools, local community services, local employment areas and half the width of adjoining arterial roads.
Net residential density (‘the built form’):	The ratio of the number of dwellings to the area of land they occupy including internal public streets, plus half the width of adjoining access roads that provide vehicular access.

<p>Site density* ('the lots'):</p>	<p>The ratio of the dwellings to the area of the site they occupy.</p> <p>*Note: The Landcom Guide considers 'site density' as a type of 'residential density'</p>
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The above definitions present different scales of residential density which can present differences in how 'planned residential density' could be understood for the purposes of clause 4.1D. In context of the whole clause, it is evident that it intended to achieve planned residential density through an individual 'site density' - that is, the ratio of dwellings to the area they occupy on individual lots. This is evident in the name of the clause ("minimum site area") and it achieves the objective of the planned residential by specifying a minimum site area requirement per dwelling on a lot.

However, the applicant's written request has taken a broader view of planned residential density considering the Hanley Place subdivision, similar to the 'net residential density' definition presented above. This does indicate that within the Hanley Place subdivision the overall residential density of dwellings is much lower than envisaged by clause 4.1D at minimum 400m² per dwelling. The potential weakness in the way this is presented however is in relation to how the five undeveloped lots within the subdivision are accounted for, noting they represent approximately a quarter of the lots within that area. Whilst the written request presents two scenarios of assuming that each vacant lot is developed for either a single dwelling or a dual occupancy, it does not present a third theoretical scenario of each vacant lot being developed at the same site density as proposed as part of this development (i.e. one dwelling per 319.5m²). The approach presented by the applicant has some merit in this particular case, but there is broader reservation with the soundness for determining planned residential density for the purposes of the objectives of clause 4.1D as it can be significantly influenced by vacant lots and assumptions that are made. The Landcom Guide does also note caution with this approach:

"As a general rule, the larger the area you choose, the more density becomes useful only as an average statistic. Comparing the net residential density of a single lot against an entire precinct is usually meaningless."

There is also reservation with the approach in the applicant's written request in comparing minimum site area per dwelling to gross floor area as the basis for achieving the planned residential density of the built form. The LEP is evidently seeking to regulate density of the built form through the two separate development standards - i.e. both a floor space ratio and the minimum site area per dwelling in the case of dual occupancy and multi dwelling housing. These two controls may work together or separately to achieve overall density of the built form depending on the typology and specifics of the residential development. There is also no guarantee that a development that complies with the floor space ratio would be approved on this site as there are other considerations and controls that apply in conjunction.

The applicant's written request has continued to use the 2011 Landcom Guide data for occupancy rates of dwelling types which was identified as a concern in the QPRC peer review due to age. This has however been bolstered in the revision by relevant census data. Whilst the Landcom Guide data is now aging, it is considered that in conjunction with the census data, it is reasonable for the purpose of the theoretical analysis being presented. It is generally accepted that townhouses in Yass will have a lower occupancy rate, and that based on the information presented in the written request, the population density of the proposed development compared to an otherwise compliant development (i.e. with less dwellings but more bedrooms in each) is likely to be similar but not exactly the same. On this particular site, the proposal does however result in a population of more than a development that is compliant. This is a difference of approximately two persons, but this is accepted as not being significantly different.

Whilst the written request provides consideration of difference in population between dwelling types and how that relates to planned residential development, it does not provide consideration of differences as a result number of 'households' (i.e. each in separate dwellings) and how that may relate to planned residential density, including for services which was a factor underpinning the original planning proposal that introduced clause 4.1D.

In summary, with examination of the applicant's revised written request/supporting information and the QPRC peer review, overall it is considered that the written request has not demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances. However, it may not be unreasonable for a different view to be formed under this part if council took the broader interpretation or scale of applicant's for planned residential density and determined that it is primarily clause 4.4 floor space ratio that is intended to control the regulate density of the built form (rather than clause 4.1D and 4.4 regulating density separately or together).

Environmental Planning Grounds

The environmental planning grounds presented in the written request to justify the convention of the development standard include:

- That the development has maximum floor space ratio which is below the maximum permitted by the LEP and therefore does not result in a physical increase in terms of bulk and scale.
- Whilst the development proposes an increase in the number of dwellings provided on the site, the number of persons likely to be accommodated does not differ significantly from a complaint development.
- The amenity that is required for multi dwelling housing can all be accommodated, resulting in appropriate degree of amenity for occupants.
- The development does not have an adverse impact on adjoining properties by overshadowing or privacy impacts.
- There are no identified traffic impacts.
- Development contributions will be payable and will satisfy the demand for community infrastructure generated as a result of the development.

The environmental planning grounds further detail the absence of impacts by way of overshadowing and privacy.

A review has indicated that the written request does not adequately demonstrate that are sufficient environmental planning grounds to justify contravention of the development standard.

The reservation in relation to interaction of floor space ratio and minimum site area is discussed under 'unreasonable and unnecessary' further above.

The written requests notes - and largely relies on - that the avoidance of impacts can be considered environmental planning grounds as these can promote good design and amenity of the built environment, which is one of the objects of the Act. However, the avoidance of impact must arise as a result of the contravention of the development standard. In this instance, the written request focuses on an avoidance of impacts of the development as a whole, rather than on the aspects of the development which contravenes the standard - i.e. how the reduced minimum site area per dwelling results in the avoidance of impacts. The written request correctly identified the test required in relation to avoidance of impacts but then has not correctly applied it. The applicant's supporting solicitor's letter also appears not to correctly apply this either, referring to "minimal impacts of the non-compliance".

The environmental planning grounds presented in relation to numbers of persons likely accommodated and payment of development contributions are just factual assertions in this instance and not environmental planning grounds.

It is noted that more broadly within the written request there are other matters which could be considered environmental planning grounds, but these are not being relied upon by the applicant to demonstrate under this part, so have therefore not been considered further.

6.3.2 Clause 4.3 – Height of Buildings

The application also requests an exception to the development standard contained in clause 4.3 in relation to the maximum height of buildings. Clause 4.3(2) requires the height of a building not to exceed the maximum height for the land as shown on the Height of Buildings Map, which in this instance is maximum 8m, measured above natural ground level. The proposal has a maximum height of 9.5m above natural ground level, representing a 1.5m or 18.75% exception.

Whilst outside of the matters included in the applicant's written request, it is noted that exceptions to the maximum height of buildings development standard have previously been approved on this side of Hanley Place.

The applicant's written revised request is included as **Attachment I** and the record of assessment for the purposes of clause 4.6(4) is included as **Attachment J**.

Unreasonable or Unnecessary

The applicant's request is relying on basis of the objectives of the standard being achieved, notwithstanding the noncompliance with the numerical height development control. There are five parts of the objective with the most relevant in this instance being:

- (a) *to ensure that the heights of buildings are consistent with the existing streetscape or character of the area in which the buildings are to be located;*

[...]

- (e) *to minimise the loss of solar access and privacy for neighbouring development.*

In summary, the justification in the written request includes:

- The subject site has an irregular shape with a minor access handle providing access to the body of the site. Given the access handle, the nearest building form is setback approximately 31m from the front property. That part of the development which can be viewed from the streetscape is single storey in form. These conditions and the orientation of building form within the site result in a development that does not have a significant streetscape presence and remains consistent with the prevailing heights.
- With respect to the character of the area, this part of the subdivision substantially slopes towards the southeast. Existing dwelling houses at this location are generally two storeys, comprising a single storey form at the street level and a two-storey form down slope in response to the topography.
- The proposed development adopts a two-storey building form with only the very north-eastern part of the development exceeding the maximum height of building. The building design is modern in nature with the parapet and roof form comprising the majority of the height exceedance.
- Despite the exceedance that is sought it is considered that the development and its response to the site conditions remains consistent with the character of the area.

It is accepted that based on the above the applicant has demonstrated that compliance with the development standard is unreasonable and unnecessary as the objective has been nonetheless achieved.

Environmental Planning Grounds

The environmental planning grounds presented in the written request to justify the convention of the development standard include:

- The design responds appropriately to the topography with a stepped design comprising a single storey form at the highest point of the site, increasing to a two-storey form down slope. The height exceedance is limited to the north-eastern part of the site where the slope is most significant.
- The multi dwelling housing development adopts a consistent architectural design language across the dwellings resulting in a harmonious development. To require compliance would disrupt the harmonious design that has been achieved across the development and would also raise practical issues with vehicular access with changes to design levels.
- The development has been carefully designed to not adversely impact adjoining properties with respect to overshadowing or privacy impacts.

It is accepted that due to the first two points the applicant has demonstrated that there are sufficient environmental planning grounds. The considerations around avoidance of impacts has the same issue in this written request as under the minimum site area per dwelling request in that the avoidance of the impact must arise as a result of the contravention of the development standard. However, that is not fatal in this instance as the sufficient environmental planning grounds are substantiated by the first two points.

6.4 Building Envelope and Section 88B Instrument Restrictions

The proposal involves several variations in relation to the building envelope and section 88B restrictions applicable to the lot to which council is the benefited authority and power to vary. It was understood that these were imposed at the time of the original subdivision, and prior to both the current LEP and DCP.

6.4.1 Building Envelope

There is a proposed minor encroachment outside of the defined building envelope. This is not any fundamental concern with this and is more appropriately considered in relation to setback compliance with the DCP.

6.4.2 Section 88B Instrument Restrictions

It is noted that a section 88B restriction limited the number of dwellings on some lots within the subdivision to one only, but this does not apply to the subject lot.

The following are the key items non-compliance and proposed variations:

House Size

The restriction requires a minimum house size to be a minimum 205m² and a maximum of 450m². It appears this restriction has been primarily drafted in relation to anticipated dwelling or dual occupancy type development as being the most likely to occur.

Each dwelling has a gross floor area (GFA) of 133m² but are paired together with only the garages being adjoined. It could be said that each building has a GFA of 266m², but then arguably the whole building as joined exceeds 450m².

In assessing a proposal for multi dwelling housing which is a permissible use of the land, it is considered that the control contained in this restriction does not provide clarity or purpose. It is more appropriate to now assess a multi dwelling proposal under the LEP and DCP provision, which have the statutory weight for the purposes of assessment under s4.15 of the Act.

Roof Design/Pitch

The restriction requires a roof design of the main building to be at 30 or 23 degrees and that skillion roofs are not permitted. The major ridgeline is also to be to be at 90 degrees to the slope of the land. The proposal does not comply predominant roof form is a modern low pitch roof which is screened by a parapet, and this forms part of the overall architectural design of the development, which overall is a quality architectural design.

It noted that the majority of the dwellings in Hanley Place do largely comply with the intention of this restriction.

Council's heritage advisor, whilst providing specific heritage advice in relation to the adjoining property (as discussed in section 6.11) also provided broader commentary around heritage impact noting the site is quite prominent on the hillside from within the Yass heritage conservation area further below in town. The heritage advisor was not privy to the 88B restrictions for these lots. The heritage advisor commended the design quality of the proposal, although indicated some concern that the very urban design character is somewhat unsympathetic to the prominent hillside location in a rural town. The concerns were in relation to the hard-edged parapet lines of the roof. The heritage advisor suggested that using a gable roof of an appropriate pitch (e.g. minimum 25 degrees) could assist in addressing this. It was noted that the actual roof design of the proposal uses a low-pitched roof for each of the buildings but conceals these behind a parapet. The parapet could be deleted and the pitch increased, with a flat roof being retained over the garages and entries. The commentary from the heritage advisor is consistent with the assumed intention of the 88B restriction.

Overall, the flat pitched roof is not considered to have a significant impact noting the location of this particular lot at the corner of the subdivision and behind the street. However, if council had particular concern with this issue, further consideration of this with the opportunity for change of design could be requested prior to making any determination. This change could have further implications for the maximum height.

6.5 Yass Valley Development Control Plan 2024 (DCP)

An assessment has been completed against the provisions of the DCP and there are some areas identified of non-compliance with the specific controls. These include:

Part/Control	Nature of Non-Compliance with Control
B4.1(a) - Crime Prevention and Safety	Limited passive surveillance to the driveway due to the battle-axe shape of the lot and orientation of the dwellings.
B5(b) - Neighbourhood Character	Pitch of roof which is a low-pitched roof whilst the majority of the existing development nearby has steeper pitched roofs.
D.2 - Privacy	Setback distance to first storey balcony to boundary. Minor exceedance of size of balcony based on setback distance without a privacy screen being provided.
D2.1 - Site Frontage and Area	Minimum site area per dwelling refers to clause 4.1D of the LEP. Clause 4.6 request has been sought for an exception.
D2.2.2 - Side and Rear Setbacks	Distance to eastern boundary and southern boundary. It is noted that there is some variation for how the setback controls could be applied depending on which boundaries are considered to be the side or rear.
D2.4 - Building Height	Maximum height of building refers to clause 4.3 of the LEP. Clause 4.6 request has been sought for an exception.
D2.5 - Character and Built Form	The front dwelling does not face the street (although noting that this is a battle-axe lot and the development is set back from the street). Limited passive surveillance to the driveway due to the battle-axe shape of the lot and orientation of the dwellings. Potential overlooking from first storey balcony into the required 40m ² of private open space of eastern courtyards.
D2.5 - Character and Built Form	The development achieves a total of 665m ² of landscaped area which equates to 35% instead of 40%.
I6 - Residential Carparking	Double garage dimensions are slightly shorter in length than required but slightly wider. The length dimension still complies with Australian Standard.

D2.9 – Adaptable and Accessible Housing	Insufficient information to determine compliance of providing one adaptable dwelling (Class C). Anticipated however that it can be made to comply and could be addressed with conditions.
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A full assessment of the DCP controls is included in Appendix A of **Attachment E**.

It is considered that the main DCP compliance issues relate to the side and rear setback distances and the roof pitch. The applicant's justification to the proposed setbacks are considered to have met the objective of the control despite the non-compliance, whilst roof pitch is discussed in the above under the section 88B instrument restrictions.

It should be noted that in accordance with s4.15(3A) of the Act, council must be flexible in applying DCP provisions to allow reasonable alternative solutions that achieve the objective of prescriptive development controls.

6.6 Access

6.6.1 Access Driveway

Concern has been raised in submissions received and identified during the assessment in relation to the access driveway with Hanley Place, with the battle-axe handle creating an acute angle for entry.

A certification assessment prepared by a traffic engineer was submitted with the application. This was reviewed by council's development engineer and further clarifications sought. Additional swept path diagrams were requested and have been provided, including for up to a 6.4m small rigid truck. These demonstrate compliance with the relevant Australian Standard.

However, in the absence of an onsite turning area and wider driveway being available, vehicles over 6.4m long should not enter the site. By-laws for the development will need to limit and make owners aware that removalist and delivery vehicles can only be to a maximum of 6.4m.

All vehicles will need to enter and leave the site in a forward direction. A sign worded "No Reversing Across Footpath" will need to be provided adjacent to the vehicular entry and can be required as a condition in any consent if issued.

Despite this, in the event of an emergency, there is opportunity for a fire truck larger than 6.4m to reverse down the driveway.

The required minimum sight distances at the access for the speed environment are met.

6.6.2 Access Driveway Relationship with 5 Hanley Place

It has been identified during the assessment that the access driveway for adjoining 5 Hanley Place (Lot 1 DP 1193382) crosses over the battle-axe handle of 7 Hanley Place (Lot 1 DP 1193382) before reaching the road reserve. This means that the current access driveway for 5 Hanley Place does not enjoy a continuous corresponding legal and physical access – i.e. travelling along the current access driveway requires crossing over the private land associated with 7 Hanley Place. The access driveway for 5 Hanley Place should have been located further to the west where the lot has direct frontage to the road reserve.

A review of the file indicates that this may have been due to a number of factors, including the way the plans were drawn for the dwelling at 5 Hanley Place which were assessed and approved by council, the presence of a right of way that did exist at the time over the battle-axe handle and which was shown on the plans (but that did not actually benefit 5 Hanley Place), and error by the original builder in likely not having the driveway properly surveyed before construction. This is an existing issue regardless of any development proposal on 7 Hanley Place.

There is however opportunity for the access driveways of both 5 Hanley Place and development on 7 Hanley Place to function adequately and satisfy relevant engineering standards. The applicant has indicated a willingness to provide a legal right of way to the

benefit of 5 Hanley Place as part of their development to ensure they enjoy corresponding legal and physical access in perpetuity. The existing driveway is proposed to be replaced to integrate with the new driveway as a single shared access point. This is fair offer and solution in the circumstances presented and can be included as a condition of any consent that may be issued.

6.7 Car Parking and Traffic

6.7.1 Car Parking

Concern has been identified in submissions received in relation to car parking as Hanley Place has no street parking available other than two spaces at Laidlaw's Grave. It is also noted that on the eastern (subject) side of Hanley Place the footpath immediately adjoins the road pavement with a roll-over kerb. Photos of Hanley Place are included as **Attachment K**.

Each dwelling is provided with a two car garage and there are two visitor car spaces for the six dwellings. This meets the minimum requirements of the DCP.

In reality, the minimum requirement is a rate based on an assumed level occupancy and car usage. Street parking generally provides additional capacity in instance where demand requires. It is foreseeable that there will be instances where there is additional demand for car parking which cannot be provided on site or in the street. This could result in informal parking on the adjoining footpath, on the limited verge on the western side of Hanley Place, within the Laidlaw's Grave open space, or further towards Irvine Drive. It is understood this already occurs at times with the existing dwellings.

As the proposal complies with the car parking requirements of the DCP, council could not refuse the application on the basis of car parking provided. If the development is approved, council will need to monitor street parking and if issues are presenting, consider options in conjunction with the traffic committee for management which may include establishing a 'no parking' environment for the length of Hanley Drive.

6.7.2 Vehicle Traffic

Concern is raised in a submission that the proposed development will result in additional traffic generation which the road network of Hanley Place is not able to accommodate. An assessment indicates that there is capacity within the road network to accommodate the additional traffic volume generated.

6.7.3 Pedestrians

Concern is also raised in submissions that there are inadequate pedestrian links available to service the development. There is an existing footpath on the eastern side of Hanley Place which terminates at Irvine Drive, and there is a missing link along this section of Irvine Drive to Rossi Street.

Although preferable, there is no requirement in the DCP for a continuous pedestrian link to be available to Yass town. There are a number of other multi dwelling developments where this is not available, including a recent approval for a site on Orion Street.

There is already a potential need for the missing pedestrian link to service to service the existing dwellings in Hanley Place and it is not being triggered by the proposed development. In this regard, would be unreasonable in this instance require it be constructed by the developer as a condition of any consent if issued.

6.8 Amenity

Concern is raised in the submissions that the proposed development and the number of dwellings will result in an adverse privacy and amenity impact. With the current location of development, it is primarily only potentially 5 Hanley Place that is likely to be impacted.

There is not considered to be any significant or unreasonable privacy impact as:

- The orientation of the proposed dwellings including outdoor areas are away from 5 Hanley Place with only the garages fronting that boundary.
- The difference in levels which places the proposed development at 7 Hanley Place below 5 Hanley Place.
- There is no overlooking into private open space or habitable rooms.

It is also unlikely that there would be any significant amenity impact by way of noise. The noise generated as a result of the development is likely to be consistent with similar residential development. The largest and most frequent noise source will be as a result of vehicle movements. Noise impacts associated with private vehicles moving at low speeds is also likely to reduce in time with further adoption of electric and hybrid vehicles which make limited noise at low speed.

There is some amenity impact likely from the headlights of vehicles entering the site of a night time as the angle of the driveway results in vehicle turning across the front of 5 Hanley Place, however, it is not a bedroom located at the front which significantly lessens the impact compared to if it was.

It is also noted that the nearby properties are currently afforded a particularly high level of amenity and privacy due to the number of vacant lots.

6.9 View Impacts

Concern is raised in submissions received in relation to the loss of view.

The site is tucked into the southern edge of the subdivision. The predominant views for the subdivision are to the northeast towards the Yass River Corridor and generally east towards the town centre.

The view impact is primarily considered to be to 5 Hanley Place. The orientation of the dwelling on 5 Hanley Place results in the view being from a side boundary. The applicant in their response to submissions noted the planning principle of the Land and Environment which is generally used to consider view impacts. The planning principle does indicate that the side views are generally harder protect, but it is noted that the potential view impact is from living areas and outdoor alfresco, which are considered the more valuable areas for views to experienced.

It is noted that the proposed development does present as single storey on the top side, then being stepped down to two storeys on the lower side. There ends up a height difference between the dwelling at 5 Hanley Place and the proposed development at 7 Hanley Place. The finished floor level of 5 Hanley place is at approximately the same level as the roof of the garage on the single storey top side. This suggest that there will be the ability for 5 Hanley Place to generally look over the top of the proposed buildings.

In this instance, it is also considered that any development on the site which is to the northern edge of the building envelope is likely to have some or similar view impact in that area. The proposed building extent (i.e. length) does create a visual 'presence' along that boundary, but that is different to a view impact.

The proposed plantings along the driveway include trees which grow up to 6m at maturity. The submissions requests that these be changed to a smaller species to allow continuation of the northern view and sun to the outdoor alfresco area. The proposed tree plantings may have benefit by way of privacy, but the request is not unreasonable and a plantings of a smaller maturity (i.e. fence height) can still achieve suitable landscaping for the driveway. This can be included as a condition of consent if approval is issued.

Overall the view impact is not considered to be significant or unreasonable in this instance, particularly as it is primary from a side boundary.

6.10 Mailboxes and Bin Placement

Concern is raised in the submissions received in relation to the location of mailboxes and the placement of bins for collection on Hanley Place due to the battle-axe handle which has a limited frontage to the street.

Mailboxes are not shown on the site plan, however an assessment indicates that there is sufficient width at the driveway to include these. If consent is granted, conditions can require details of mailboxes to be provided at construction certificate.

An assessment including inspections by council's resource and waste team has indicated that there is space within the road reserve area to accommodate the bins at approximately the location of the battle-axe handle, as shown on the submitted site plan. In practice, bins could end up being placed further along and outside the front boundary of adjoining properties. It is important to note that property owners do not own their adjacent road reserve and therefore some placement of bins further along the road reserve is not unreasonable. A hardstand pad at the location of the driveway (with a plate indicating for bin placement) would however assist in addressing this issue, similar to that which has been included at the [townhouse development on McKenna Place](#) in Yass which also a battle-axe lot.

6.11 Impact on Adjoining Heritage Item

There is a heritage item (I274 – "The Manse") nearby to the south at 99 Rossi Street. The lots adjoin at a corner only. The Manse is a historic dwelling located on a relatively large lot, sitting behind lots which front Hanley Place and Rossi Street. Concern was raised within a submission received that having a multi dwelling housing development located on the site may detract from the heritage significance of the heritage item.

The application was referred to council's specialist heritage advisor and a site inspection was undertaken. The advice received indicates that there is limited visual relationship between the two properties (particularly with the presence of established vegetation) and that, in their opinion, the character of the proposed multi dwelling housing would not have an impact on an appreciation of the heritage item or its significance.

6.12 Construction Impacts

A submission received raises concern in relation to the impacts of construction of six dwellings. It is suggested that this will lead to extended disruption for all surrounding residents, including as a result of construction vehicles, road blockages, dust, noise etc. It especially highlights this with concerns with the limited space in the street for manoeuvring.

Broadly, multi housing is a permissible use of land in the zone and on the site, and the subdivision is still developing with a number of vacant lots. The majority of the constructions impacts referenced are not unanticipated with any construction project and can be managed in accordance with standard practices, conditions of any consent if issued, and compliance with other relevant legislation.

The main constraint in this instance however is the issues associated with the space within the road reserve, limited parking, one way nature of Hanley Place, and the shape of the lot with the battle-axe handle. The applicant was requested to provide preliminary details on how would anticipate this being managed and they advised:

- Construction workers would be required to park within the western part of Hanley Place where it is a full width road and does not impede traffic.
- Works would be undertaken within the standard days and hours which we expect to form part of the conditions of consent.
- A Construction Traffic Management Plan (CTMP) would be prepared as part of the Construction Certificate and once a contractor has been engaged to undertake the works.
- A CTMP would also include a traffic control plan which details how site access would be managed.

- Traffic control that would be implemented particularly with respect to deliveries of materials onto the site including a concrete truck; and the staff needed to manage the safe operation of Hanley Place.
- All construction materials are to be located within the subject site and not within the road reserve.

This is generally considered to be consistent with expectation and industry practice. Where consent is granted, a full Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) will be required. As part of this, a strategy for consultation and communication with surrounding residents should be developed and implemented (e.g. for forewarning of any major impediments, process for receiving/responding to concerns, etc.)

6.13 Bushfire

Concern was raised in representations at the planning forum in relation to the suitability of the development and potential bushfire risks. It is noted that the land is not identified as being on 'bushfire prone land' and therefore the development does not trigger consideration of the requirements of Planning for Bushfire Protection 2019 under the legislative assessment framework.

6.14 Water, Sewer and Stormwater Infrastructure

A submission received suggest that the proposed development will place strain on local infrastructure of water, sewer and stormwater. Assessment by council engineers has indicated that the proposed development can be adequately serviced by each of these provisions, subject to standard design considerations and requirements.

6.15 Impact on Property Values

The NSW Land and Environment Court has consistently maintained that reduction in property values is not a valid planning consideration under the Act.

7. Conclusion

From the assessment of the proposal and consideration of issues raised in submissions it is recommended that the application be **refused**.

Draft conditions are included as **Attachment L** for if council are of the mind to grant development consent.

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. 8: Plan for the provision of a variety of affordable and quality and housing types
Delivery Program Action	EN 8.1 Forward planning is undertaken to integrate environmental, social, and economic factors for the benefit of the community and region.

- ATTACHMENTS:**
- A. Locality Plans
 - B. Plans and Supporting Documents
 - C. Submissions
 - D. Applicant Response to Submissions and Additional Information Request

-
- E. s4.15 Assessment
 - F. Applicant Revised Clause 4.6 Request and Solicitor Letter - Minimum Site Area
 - G. QPRC Clause 4.6 Peer Review - Minimum Site Area
 - H. Clause 4.6 Record of Assessment - Minimum Site Area
 - I. Applicant Clause 4.6 Request - Height of Buildings
 - J. Clause 4.6 Record of Assessment - Height of Building
 - K. Hanley Place Photos
 - L. Draft Conditions

DA250320 – REVISED DRAFT CONDITIONS OF CONSENT 25.2.2026 – 7 HANLEY PLACE

Terms and Reasons for Conditions

Under section 88(1)(c) of the *Environmental Planning and Assessment Regulation 2021* the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

Part A General Conditions

1. Approved Plans and Documents

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans

Doc ID	Plan Title	Plan No.	Revision No.	Date of Plan	Drawn by
To be added.					

Approved Documents

Doc ID	Document Title	Version No.	Revision No.	Date of Document	Prepared By
To be added.					

Reason: *To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.*

2. Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.

4. In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
5. In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
6. This section does not apply:
 - a. to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

3. Construction Certificate Required

Work must not commence until a Construction Certificate has been issued.

The conditions in Part B of this consent must be satisfied before a Construction Certificate can be issued.

If Council is the Principal Certifier the Construction Certificate application must be lodged on the NSW Planning Portal.

The Construction Certificate certifies that work completed in accordance with approved plans, specifications and/or standards will comply with the relevant requirements of the following:

- *Environmental Planning and Assessment Act 1979 (EP&A Act)*
- *Environmental Planning and Assessment Regulation 2021*
- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*
- National Construction Code/Building Code of Australia (NCC/BCA)
- Council policies

Reason: To require approval to proceed with building work

4. Extent of Approval

This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.

Reason: To ensure all parties are aware of the extent of the approval.

5. Runoff and Erosion Control Measures

The capacity and effectiveness of runoff and erosion control measures, including techniques to suppress dust and the tracking of sediment onto sealed roads, must be maintained at all times to the satisfaction of council.

Reason: To ensure appropriate runoff and erosion control measures are maintained during site work

6. Adjustments to Existing Utility Services

All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.

Reason: To ensure all parties are aware of the responsibility of utility services

7. Colours and External Materials

Colours and external materials must be compatible with those of existing development in the locality. Zinalume is not permitted to be used for roof or wall panels.

Reason: To protect the character of the area

8. Engineering Work

All engineering design and construction work must be undertaken in accordance with the following, current at the time of the Construction Certificate being issued:

- Council's Road Standards Policy RD-POL-09
- Council's Design and Construction Specification – AUS-SPEC #1
- Australian Standards.

Reason: To ensure engineering work is designed in accordance with relevant specifications

9. Shoring and adequacy of adjoining property

1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense:
 - a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
3. This section does not apply if:
 - a. the person having the benefit of the development consent owns the adjoining land, or
 - b. the owner of the adjoining land gives written consent to the condition not applying.

Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

10. Fulfilment of BASIX commitments

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled:

1. BASIX development
2. BASIX optional development if the development application was accompanied by a BASIX certificate.

Reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

11. Notification of Home Building Act 1989 requirements

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following:
 - a. for work that requires a principal contractor to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6
 - b. for work to be carried out by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

12. Maximum Length of Vehicles

Due to site restrictions of the access vehicles over 6.4m long shall not access the site in perpetuity. Where relevant, appropriate legal instruments as by-laws are to be created.

Reason: To ensure vehicles larger than the maximum design length do not enter the site due to site restrictions with the configuration of the vehicle access to Hanley Place

Part B
Before Issue of Construction Certificate

13. Construction Certificate Application Required

An Application for a Construction Certificate must be lodged with the Principal Certifier on the NSW Planning Portal.

Reason: To require the lodgement of a construction certificate application on the NSW Planning Portal

14. Contract for Certification Work

The assessment of a construction certificate must not commence until a contract for the work of has been entered into between the applicant and a registered certifier.

If council is appointed as the registered certifier to carry out the assessment of the construction certificate, the [Contract for Appointment as Principal Certifier or Certification Work](#) must be submitted to council.

Reason: To require compliance with s.31 Building and Development Certifiers Act 2018 and Part 5 Building and Development Certifiers Regulation 2020

15. s.7.12 Contributions

In accordance with [s.7.12 EP&A Act](#) and the [Yass Valley Development Contributions Plan 2018](#), a monetary contribution must be paid to Council if the proposed cost of carrying out the development exceeds \$100,000.

The cost of carrying out development is to be determined by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following (as applicable to the development):

- Materials and labour required for the erection of building/s
- Materials and labour for the internal fit out of all buildings
- Demolition works
- Excavation and site preparation including earthworks for access construction
- Driveway construction/upgrade
- Water, sewer and stormwater infrastructure

The contribution rate is determined as follows:

- (i) Cost of works is up to and including \$100,000 – Nil
- (ii) Cost of works is more than \$100,000 and up to and including \$200,000 - 0.5% of that cost
- (iii) Cost of works is more than \$200,000 - 1% of that cost

The contribution plan may be viewed on Council's [website](#) or at the Council Office, located at 209 Comur Street, Yass.

Reason: To ensure developer contributions are paid

16. Cost of Works Required

Cost summary information detailing the total cost of labour and materials involved in the approved development must be submitted to Council:

- (i) Cost of works up to and including \$1,000,000 - a quote, invoice or cost summary report prepared by a suitably qualified builder, architect, building designer or registered quantity surveyor.
- (ii) Cost of works over \$1,000,000 – a quote or invoice prepared by a suitably qualified builder, or a cost summary report prepared by a registered quantity surveyor.

The cost of carrying out development is to be determined by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following (as applicable to the development):

- Materials and labour required for the erection of building/s
- Materials and labour for the internal fit out of all buildings
- Demolition works
- Excavation and site preparation including earthworks for access construction
- Driveway construction/upgrade
- Water, sewer and stormwater infrastructure

If the total cost of works exceeds the amount specified in the Development Application, additional fees must be paid to Council.

Reason: To ensure the cost of works provided is accurate

17. Long Service Levy

In accordance with the *Building and Construction Industry Long Service Payments Act 1986* the long service levy must be paid if the cost of building works is \$250,000 or more.

Evidence of payment must be submitted to the Principal Certifier.

Reason: To ensure compliance with the Building and Construction Industry Long Service Payments Act 1986

18. License / Permit / Insurance Details Required

The following information is required to be submitted to the Principal Certifier:

- Cost of works up to and including \$10,000 - Licensed contractor's details or Owner builder declaration
- Cost of works up more than \$10,000 - Licensed contractor's details or Owner builder permit
- Cost of works More than \$20,000 - Certificate of Insurance under the Home Building Compensation Fund (organised with licensed contractor) or Owner Builder Permit

Reason: To ensure relevant documentation is provided to the certifier

19. Water headwork contribution

A Certificate of Compliance shall be obtained for the augmentation of Council's water supply system under section 305 *Water Management Act 2000*. The fee for the Certificate of Compliance is **\$66,318.74**.

It should be noted that:

- The total fee is based on **3.8ET** increase in demand calculated on a base rate of **\$17,452.30 per ET**.
- The base rate utilised above was the rate applicable at the time the application was determined.
- The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
- The base rate per connection may vary over time.
- Compliance under Section 305 does not include the physical installation of any infrastructure.

Reason: To ensure fees are paid for the purposes of a Certificate of Compliance under section 305 Water Management Act 2000

20. Sewer headwork contribution

A Certificate of Compliance shall be obtained for the augmentation of Council's sewer system under section 305 *Water Management Act 2000*. The fee for the Certificate of Compliance is **\$98,575**.

It should be noted that:

- The total fee is for a 5ET increase in demand calculated on a base rate of \$19,715 per ET.
- The base rate utilised above was the rate applicable at the time the application was determined.
- The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
- The base rate per connection may vary over time.
- Compliance under Section 305 does not include the physical installation of any infrastructure.

Reason: To ensure fees are paid for the purposes of a Certificate of Compliance under section 305 Water Management Act 2000

21. Construction drawings – access, driveway and carparking

Construction drawings for the provision of proposed access crossing to the development and internal driveways including carparking areas shall be submitted for approval in accordance with:

- Council's current Roads Standards Policy RD-POL-09 and
- Council's Design and Construction Specification – AUS-SPEC #1.

These drawings shall include but not limited to the following details:

- (a) Location and dimensions of proposed access driveway.

- (b) Cross sections of the driveways showing car parking aisle with a minimum width of 7.105 meters.
- (c) A longitudinal section of the driveways showing all driveway gradients from the street center line.
- (d) Median line marking and convex mirror at the blind bend in the driveway.
- (e) High barrier kerbs along the landscape areas within the handle driveway.
- (f) A sign worded "NO Reversing Across Footpath" to be provided adjacent to the access crossing to ensure all vehicles enter and leave the site driving forwards.
- (g) Construction of a suitable pad for the placement of bins. Appropriate markings or plates are to be installed to indicate bin placement area.

The property access crossing within Council's Road reserve can only be approved by Council pursuant to Section 138 of the Roads Act 1993.

Due to site restrictions, and unless an onsite turning area and wider driveway in the site handle are provided, vehicles over 6.4 meter long shall not access the site.

Reason: To ensure the vehicular access is designed in accordance with council's Road Standards Policy

22. Construction drawings – stormwater

Construction drawings associated with the drainage of stormwater shall be submitted to the principal certifier in accordance with Council's Stormwater Policies and Design and Construction Specification – Ausspec#1.

These documents will include details of the discharge of stormwater off the site (including quantities for various storm event and is to include stormwater that falls on the site or enters the site from upstream), what is proposed to manage the discharge (including details of any infrastructure etc.), the potential downstream effects of such discharges and actions proposed to ameliorate such effects and what is proposed to ameliorate any effects on the site from stormwater from upstream of the site.

The stormwater system shall be designed to ensure that discharge from the site post development is not exceeded when compared to predevelopment flows for a 1 in 5 and 1 in 100 year ARI.

The civil design plans prepared by MJM Consulting Engineers with Project No. (240430) and dated February 2025 have been assessed as concept only. Fully detailed design plans shall be submitted with the application of the Construction Certificate.

Reason: To ensure the stormwater drainage system is appropriate designed and the required finished floor level is achieved

23. Construction drawings - sewer

Construction drawings associated with the drainage of sewer shall be submitted to Council for approval.

- Hydraulic drawing with levels to demonstrate that the proposed development can be drained by gravity to the existing sewer main. Otherwise, household sewage pump unit shall be installed to drain sewage generated from proposed development.

- Connect the internal sewer main to the sewer main (SLine4272) that running through the property. Revised sewer Plan (Ref: Civil Plans sheet No C8 dated Feb 2025) shall be provided for.
- Otherwise, if the internal sewer main connects to an existing manhole (RV17) a construction drawing and method of sewer tie construction shall be provided to Council prior to starting construction.
- Minimum clearance of 750mm shall be maintained from sewer tie to proposed driveway.
- The internal sewer drainage diagram showing connection to the sewer tie and location of sewer boundary riser (DN150)

Reason: To ensure arrangements for sewer are appropriately designed to Council requirements

24. Construction drawings – water

Construction drawings associated with the supply of water shall be submitted to Council for approval.

- Site plan shall be updated to show the location of the existing water service.
- Metering individual units will be responsibility of the developer.
- A testable RPZD (Reduced Pressure Zone Device) shall be installed 300mm above ground and downstream of Council water meter in accordance with the National Plumbing Code.
- Sectional drawing of water meter and RPZD shall be provided to Council review and approval prior to start construction.
- Design of the water meter enclosure shall be provided prior to issue CC for Council approval.
- A minimum clearance of 500mm shall be maintained between the edge of the water meter and any proposed driveway.
- Adequate protection from internal traffic to water meter shall be provided.

Reason: To ensure arrangements for water are appropriately designed to Council requirements

25. Water service application

An application (Form 33a) to disconnect existing water service (DN25) shall be lodged with Council.

An application (Form 33) for upgrading the water service and a new water meter (DN50 combination meter) shall be lodged to Council. Installation of water service will be by the Council.

The water meter must be connected while work associated with the development is being carried out.

Reason: To ensure the development site has a metered water connection

26. Soil Classification Required

A report prepared by a suitably qualified professional, stating the soil classification of the site as required by AS 2870 Residential Slabs and Footings must be submitted to the Principal Certifier.

Reason: To ensure the structure is designed as per the soil classification of the site

27. Structural Drawings Required

Structural drawings, prepared by a suitably qualified and experienced structural engineer, must be submitted to the certifier.

The plans must detail (as applicable to the development):

- (a) All reinforced concrete floor slabs and/or beams or raft slab, having regard to the possible differential settlement of the cut and fill areas
- (b) Footings of the proposed structure/s
- (c) Structural steel wall frames, roof framing members, beams, columns, bearers, joists and wall/roof bracing and
- (d) Retaining walls greater than 600mm in height
- (e) If footings are located adjacent to an existing sewer main.

Reason: To require all structural elements to be designed and certified by a structural engineer

28. BASIX commitments on plans

Plans which include all BASIX commitments must be submitted to the Principal Certifier.

Reason: To require plans which comply with BASIX

29. Revised Landscaping Plan

A revised final landscaping plan is to be submitted to Council for approval which replaces the large trees to be planted in the driveway adjacent with Lot DP 1154354, 5 Hanley Place, with smaller species which mature to approximately to fence height (approx. 1.8m).

Reason: To protect the visual amenity of neighbouring properties

30. NCC/BCA compliance

Plans and details demonstrating compliance with the National Construction Code (NCC) must be submitted to the principal certifier.

Reason: To ensure the development is designed in accordance with the National Construction Code

31. Adaptable dwelling

Plans and details demonstrating compliance for one (1) dwelling as 'Adaptable house class C' classification in accordance with AS 4299-1995.

Reason: Compliance with Yass Valley Development Control Plan 2024, D2.9 Adaptable and accessible housing

32. Rainwater tank specifications

Manufacturer's specifications of the rainwater tank to be installed must be submitted to the principal certifier.

Reason: To ensure the structural adequacy of the rainwater tank

Part C Before Building Work Commences

General

33. Principal certifier details and commencement date

No later than two days prior to works commencing council must be informed of:

- The name and details of the principal certifier and
- Intended commencement date

If council is the principal certifier the above details must be lodged with your construction certificate application on the NSW Planning Portal.

Reason: To ensure compliance with Environmental Planning and Assessment Act 1979, section 6.6

34. Erection of Signs

This section applies to a development consent for development involving building work, subdivision work or demolition work.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

The sign must be—

- (d) maintained while the building work, subdivision work or demolition work is being carried out, and
- (e) removed when the work has been completed.

This section does not apply in relation to—

- (f) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

35. Garbage receptacle

A garbage receptacle must be provided at the work site before works commence and must be maintained until the works are completed.

The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers.

Reason: To ensure facilities are readily available for the disposal of waste

36. Run-off and erosion control measures

Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties and
- (c) preventing the tracking of sediment by vehicles onto roads and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems, waterways and adjoining land

37. Hoarding or temporary construction site fence

Hoarding or temporary construction site fence must be erected between the site and adjoining properties, if the works:

- (a) could cause a danger, obstruction or inconvenience to the public, pedestrian and/or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

The hoarding or temporary construction site fence must be erected before works commence and be removed immediately after the work in relation to which it was erected has finished, if no safety issue will arise from its removal.

Reason: To protect the public and surrounding properties during construction

38. Toilet facilities

Toilet facilities must be available or provided at the work site before works commence and must be maintained until the works are completed.

The toilets must be provided in accordance with the following:

- (a) at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site and
- (b) be a standard flushing toilet connected to a public sewer or
- (c) be connected to an on-site sewage management system approved under the *Local Government Act 1993* or
- (d) be a temporary chemical closet approved under the *Local Government Act 1993*.

Reason: To ensure compliance with the Work Health and Safety Regulation 2017

39. Set out by registered surveyor

The building/s must be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries.

Evidence that the building/s were set-out and have been located in accordance with the approved plans must be submitted to the Principal Certifier upon request.

Reason: To ensure buildings are sited and positioned in the approved location

40. Dilapidation report

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier is not required.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier is not required, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.

Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report

41. Application for works in road reserve

An Application for Activities in a Council Road Reserve (Form 35) must be lodged with and approved by Council.

The application must be accompanied by the following:

- A current work Licence
- A current public liability certificate with a minimum cover of \$20 million
- Current plant/vehicle insurances
- A certified Traffic Management Plan for the proposed works

Where works are required within a classified road, the applicant must obtain approval from Transport for NSW (TfNSW).

Reason: To ensure works within the road reserve are approved pursuant to s.138 Roads Act 1993

42. Notice of work – plumbers and drainers

Each plumber and drainer that works on the development must submit to Council a Notice of Work (Form 11) notifying Council of their intention to carry out works, no later than two business days prior to works commencing.

Reason: To ensure compliance with the Plumbing and Drainage Act 2011

43. Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) to address construction activity is to be prepared and submitted to Council and the Principal Certifier. The Construction Environmental Management plan shall include:

- Details for waste management
- Details for minimising impacts on neighbouring properties
- Details for minimising impacts on the road network
- Construction Traffic Management Plan
- Suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from Council's road reserve.
- Appropriate signage and fencing is to be installed and maintained.
- The proposed construction site's entrance is to be clearly shown.
- A strategy for consultation and communication with surrounding residents should be developed and implemented (e.g. for forewarning of any major impediments, process for receiving/responding to concerns, etc.)

Reason: To ensure impacts associated with construction are appropriately managed

Part D During Building Work

Environmental Heritage

44. Discovery of relics and Aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- (a) The work in the area of the discovery must cease immediately
- (b) The following must be notified:
 - (i) For a relic – the Heritage Council or
 - (ii) For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in NSW under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- (a) For a relic – the Heritage Council or
- (b) For an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in NSW under the National Parks and Wildlife Act 1974, section 85.

Reason: To ensure the protection of objects of potential significance during works

Earthworks, Internal Driveways and Importation of Material

45. Soil management

While site work is being carried out, the principal certifier is not required must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management system and the classification and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be:
 - (i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
 - (ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - (iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants

46. Impact of earthworks

Any earthworks, including any structural support or other related structure for the purposes of the development:

- (a) must not cause danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.

Reason: To require earthworks to be undertaken in a manner which does not impact the public or surrounding properties

47. Code of Practice for excavation work

Any excavation must be carried out in accordance with Safe Work Australia's Excavation Work: Code of Practice, published October 2018.

Reason: To manage risks associated with excavation work

Inspections

48. Procedure for critical stage inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Reason: To require approval to proceed with building work following each critical stage inspection

49. Council inspection booking system

To arrange a building or plumbing inspection with Council please use the booking system on Council's [website: yassvalley.nsw.gov.au](http://yassvalley.nsw.gov.au) > Our Services > Planning and Building > Certification and Inspections > Inspections.

Reason: To require inspections to be booked using council's online system and to ensure fees are paid for inspections carried out by council

50. Inspections – building work

Critical stage inspections must be carried out by the principal certifier, as required by the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, Part 8.

Reason: To ensure all parties are aware of the critical stage inspections applicable to the development and to require approval to proceed with building work following each critical stage inspection

51. Inspections - plumbing and drainage

As the local plumbing regulator council must undertake inspections as outlined below.

Inspection	Hold Point
All internal sanitary drainage	Prior to backfill
All external sanitary drainage	Prior to backfill
Connection to Council's sewer main	Prior to backfill
Connection to Council's stormwater system (street or inter-allotment)	Prior to backfill
Installation of RPZD	Upon installation
At the completion of all plumbing and drainage works	Prior to occupation of the structure

Reason: To require council to undertake plumbing and drainage inspections and to require approval to proceed with building work following each inspection

52. Inspections – vehicular access

As the local road authority Council must undertake inspections at the following stages of construction:

Inspection	Hold Point
Vehicular access	Upon completion of the vehicular access and prior to the occupation or use of the development.

Reason: To require council to undertake an inspection of the vehicular access and to require approval to commence use/occupation following the inspection

53. Inspections – internal driveway

If Council is selected as the Principal Certifying Authority for engineering works, compliance certificates shall be obtained from Council at the following stages of construction:

Inspection	Hold Point
Completion of internal driveways and carparking areas	At formwork and completion of works
Completion of internal stormwater drainage lines and associated pits	Prior to backfilling

Reason: To require an inspection of the internal driveway and to require approval to commence use/occupation following the inspection

54. Safety measures during construction

Upon inspection of each stage of construction, the principal certifier is required to ensure that adequate provisions are made for the following measures (as applicable):

- (a) Run-off and erosion control
- (b) Provision of perimeter fence, hoarding or temporary construction site fence for public safety and restricted access to building sites
- (c) Maintenance of the public place free from any unauthorised materials, waste containers or other obstructions.

Reason: To protect the public and surrounding properties

Construction

55. Hours of work

Site work must only be carried out between the following times:

- Monday to Friday, 7.00am to 5.00pm
- Saturday, 8.00am to 1.00pm
- Sunday or Public Holiday, no site work to be carried out

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Reason: To protect the amenity of the surrounding area

56. Responsibility for changes to public infrastructure

While work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

Reason: To ensure payment of approved changes to public infrastructure

57. Surveys by a registered surveyor

While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

- (a) All footings / foundations in relation to the site boundaries and any registered and proposed easements
- (b) At other stages of construction – any marks that are required by the principal certifier.

Reason: To ensure buildings are sited and positioned in the approved location

58. Materials and equipment storage

All materials and equipment must be stored wholly within the work site unless otherwise approved.

Reason: To protect the public and the amenity of surrounding properties during construction

59. Waste material management

Waste materials (including those from excavation, demolition, and construction) must be managed wholly within the development site and disposed of at an approved waste management facility.

Copies of receipts relating to the disposal of waste at an approved waste management facility must be submitted to council upon request.

Reason: To ensure waste material is appropriately managed and disposed and to require records to be available, documenting the lawful disposal of waste

60. Vehicle loads and cleanliness

During construction:

- (a) all vehicles entering or leaving the site must have covered loads, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking materials onto public roads.

Reason: To protect the public and public infrastructure

61. Waste and debris

At the completion of works, the development site must be clear of waste and debris.

Reason: To protect the residential amenity of neighbouring and nearby properties

Plumbing and Drainage

62. Plumbing and drainage compliance

All plumbing and drainage work must comply with the provisions of the following:

- *Plumbing and Drainage Act 2011*
- *Plumbing and Drainage Regulation 2012*
- Plumbing Code of Australia
- AS/NZS 3500:2021 Plumbing and Drainage

Reason: To ensure plumbing and drainage work complies with relevant legislation, code, and Australian standard

63. Documentation to plumbing regulator

The *Plumbing and Drainage Act 2011* requires the person responsible for plumbing and drainage work to submit to the plumbing regulator (council) the following documentation:

Document	Purpose	Timing	Section of Act
Notice of Work	Specifies the work to be carried out and the responsible person for the work	<u>Before</u> plumbing and drainage work is carried out	9
Certificate of Compliance	Certifies that the plumbing and drainage work to which it relates is code compliant	<u>On completion</u> of plumbing and drainage work	15
Sewer Service Diagram	Plan of work for a sanitary drainage system	<u>On completion</u> of plumbing and drainage work	16

Reason: To ensure documentation required by the Plumbing and Drainage Act 2011 is submitted to the plumbing regulator (council).

64. Sewer boundary riser

The sewer boundary riser (i.e. point of connection between internal plumbing and council's sewer infrastructure) must be located and exposed at all times.

If there is no existing sewer boundary riser, a sewer boundary riser must be installed by a licensed plumber in accordance with *AS/NZS 3500.2:2021 Plumbing and Drainage - Sanitary Plumbing and Drainage*.

Reason: To provide access to public infrastructure for inspection, cleaning and maintenance purposes

Stormwater Drainage

65. Compliance with Australian Standard 3500.3:2021

Stormwater drainage work must comply with *AS/NZS 3500.3:2021 Plumbing and Drainage - Stormwater Drainage*.

Reason: To ensure the stormwater drainage system is designed and installed to meet required specifications

66. Stormwater nuisance

Stormwater collected from the development must not cause nuisance to adjoining landowners.

Reason: To protect surrounding properties from stormwater runoff

67. Up-stream surface flows

Where up-stream surface water flows through the lot the development must not redirect or divert this water in such a manner that would intensify flows onto adjoining properties.

Reason: To protect surrounding properties from stormwater runoff

68. Roof stormwater drainage system

The roof stormwater drainage system must be installed and connected prior to roof installation.

Reason: To require appropriate disposal of stormwater and to protect surrounding properties from stormwater runoff

69. Roof water

Roof water must be piped and discharged to one of the following, as applicable:

- (a) The street stormwater drainage system
- (b) Inter-allotment stormwater drainage system
- (c) A rubble pit designed by a suitably qualified person to cater for a 1 in 5 year rainfall event. The pit design must make suitable provision for overflow.

Reason: To ensure adequate provision is made for the disposal of roof water collected from the development and to protect public infrastructure and surrounding properties.

Part E Before the Issue of an Occupation Certificate

70. Occupation certificate application

An application for an occupation certificate must be lodged with the principal certifier in accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 37.

This includes lodgement on the NSW Planning Portal.

Reason: To ensure all parties are aware of the requirements to lodge an application for occupation certificate

71. Restrictions on occupation certificate - section 6.10

Prior to the issue of an occupation certificate, the relevant parts of the EP&A Act, section 6.10 must be satisfied, including:

- (a) a construction certificate has been issued for this development
- (b) all conditions in this part of the consent have been satisfied
- (c) the completed building is suitable for occupation or use in accordance with its classification under the NCC/BCA.

Reason: To ensure all requirements have been met and the building is suitable for occupation

72. Part occupation certificate - section 42

In accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 42, an occupation certificate authorising a person to commence occupation or use of part of a building, must not be issued unless the building will not constitute a hazard to the health or safety of the occupants of the building.

Reason: To ensure the relevant part of the building is suitable for occupation

73. Certificates of compliance

Certificates of Compliance for contractor's work must be submitted to the principal certifier.

Where Council is nominated as the principal certifier, certificates are required for the following work, as applicable to the development:

- Air conditioning
- Electrical
- Framing (timber or metal)
- Gas fitting
- Glazing (windows, doors, shower screens)
- Insulation
- Photovoltaic electricity generating system
- Plumbing/drainage
- Refrigeration systems
- Smoke alarms
- Solid fuel heater
- Stormwater
- Structural adequacy
- Swimming pool, pump and filtration system
- Termite protection system
- Waterproofing
- Other work as relevant to the development.

Certificates must contain the following information:

- (a) name, address, licence/registration number, qualifications, professional memberships and insurance details of the individual issuing the certificate
- (b) development consent number to which the work relates
- (c) address of the land on which the development is being carried out
- (d) date of issue of the certificate
- (e) date and time of inspection of work
- (f) description of the inspection of work
- (g) Australian Standards or codes to which the certificate relates.

Reason: To provide confirmation to the principal certifier that the completed building work complies with council, development and regulatory requirements.

74. Council infrastructure damage

Any damage caused to Council owned infrastructure or property must be repaired or replaced at no cost to Council.

Reason: To protect public infrastructure and property

75. Identification survey required

An identification survey, prepared by a registered surveyor must be submitted to the principal certifier indicating the location of the constructed development in relation to property boundaries, easements and building envelopes.

Reason: To ensure buildings are sited and positioned in the approved location

76. BASIX certification

In accordance with the Environmental Planning and Assessment (Development Assessment and Fire Safety) Regulation 2021, section 44, the applicant must certify that all BASIX commitments have been fulfilled.

The certification must reference the following:

- (a) Address of the development site
- (b) Development consent number
- (c) BASIX certificate number

Reason: To require the development to meet mandatory water and energy saving targets

77. Completion of stormwater drainage, access/driveway/carpark, and water and sewer infrastructure

Stormwater drainage and any related infrastructure and quality/quantity devices to be constructed as per the Construction Certificate plans.

The access, drive and carparking area are to be constructed all as per the Construction Certificate plans.

The property vehicular access from the road to the property boundary shall, if required be constructed in accordance with Council's Road Standards Policy RD-POL-9 requirements.

Water, sewer and stormwater infrastructure and connections are to be completed in accordance with the approved Construction Certificate plans

Reason: to ensure stormwater drainage, access/driveway/carparking area and water and sewer infrastructure is completed in accordance with the approved plans prior to the occupation of the development

78. Completion of landscape and tree works

Before the issue of an occupation certificate or after the clearing of vegetation, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s)

79. Sewer boundary riser location

The sewer boundary riser must be located above the finished ground level and have a concrete collar installed.

Reason: To provide access to public infrastructure for inspection, cleaning and maintenance purposes

80. Subdivision Certificate Application and Registration

Upon substantial completion of building work, and before the issue of any Occupation Certificate, a Subdivision Certificate application for the Community Title subdivision is to be lodged in accordance with the conditions in Part F.

Evidence that the plan of subdivision has been registered with the NSW Land Registry Service is to be submitted to the Principal Certifier.

Reason: To ensure the Community Title subdivision is registered with the NSW Land Registry Service prior to occupation

Part F Prior to Issue of Subdivision Certificate

81. Subdivision Certificate Application

An application for a Subdivision Certificate complying in all respects with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021* shall be made and shall include the following:

- The name and address of the applicant.
- The address and formal particulars of title of the land to which the application relates.
- If the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application.
- A list of the documents accompanying the application.

The application must be accompanied by the following:

- (a) A plan of subdivision (line plan) acceptable for registration by the NSW Land Registry Service.
- (b) An Administration Sheet which incorporates a Subdivision Certificate acceptable for registration by the NSW Land Registry Service.
- (c) Where easements, rights of carriageway or restrictions on the use of land are proposed or required to be created under Section 88 of the *Conveyancing Act 1919*, a copy of the relevant instrument.
- (d) The relevant documents required by the NSW Land Registry Service for the registration of a Community scheme or a Strata scheme, if applicable.
- (e) A copy of relevant development consent or complying development certificate.
- (f) A copy of any relevant construction certificate.
- (g) A copy of any relevant compliance certificates, letters from authorities and receipts for payment of any fees/contributions.
- (h) A copy of detailed subdivision engineering plans, where relevant.

- (i) Evidence that the applicant has complied with all conditions of consent that it is required to comply with before a subdivision certificate can be issued.
- (j) For subdivision involving subdivision work, evidence that the work has been completed, or:
 - (1) agreement has been reached with the relevant consent authority as to payment of the cost of work and as to the time for carrying out the work, or
 - (2) agreement has been reached with the relevant consent authority as to security to be given to the consent authority with respect to the completion of the work
- (k) The relevant fee payment at the date of lodgement of the Subdivision Certificate application.

Reason: To ensure all relevant documentation is provided to Council prior to receiving the Subdivision Certificate

Part G Occupation and ongoing use

82. Maintenance of wastewater and stormwater treatment device

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

Reason: To protect sewerage and stormwater systems

General Advisory Notes

1. This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.
2. The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
3. Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.
4. A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.
5. This consent has been granted under Clause 2.3 and Clause 4.6 of *Yass Valley Local Environmental Plan 2013*.

6. All fees and charges associated with this consent will be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
7. This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the landowner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
8. The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.
9. All persons undertaking work in connection with this consent must ensure all required risk control measures and procedures are complied with.

The *Work Health and Safety Act 2011*, the *Work Health and Safety Regulation 2011* and various Australian Standards provide a comprehensive set of risk control measures and procedures for development sites. This legislation is administered by WorkCover New South Wales which has produced a variety of guidelines and other supporting documents for the information of developers.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means YASS VALLEY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater
- the reuse of stormwater
- the detention of stormwater
- the controlled release of stormwater and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision work certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Southern Regional Planning Panel.