

Initiator details

Title	
First given name	Rachel
Family name	Doberer
Contact number	0262263322
Email	rachel@dpsyass.com.au

Applicant contact details

Title	Mr
First given name	Josh
Other given name/s	
Family name	Barker
Contact number	0262263322
Email	rachel@dpsyass.com.au
Address	C/- DPS PO Box 5, YASS NSW 2582
Application on behalf of a company, business or body corporate	No

Owner/s of the development site

Owner/s of the development site	There are one or more owners of the development site and the applicant is NOT one of them
Owner #	1
Title	Mr
First given name	Joshua
Other given name/s	Arnold
Family name	Barker
Contact number	0262263322
Email	joshbarker039@gmail.com
Address	29 ORION STREET YASS 2582
Owner #	2
Title	Ms
First given name	Meg
Other given name/s	Elizabeth
Family name	Perceval
Contact number	0262263322
Email	joshbarker039@gmail.com
Address	29 ORION STREET YASS 2582

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Site access details

Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc.	No
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Developer details

ABN	
ACN	
Name	
Trading name	
Address	
Email Address	

Development details

Application type	Development Application
Site address #	1
Street address	29 ORION STREET YASS 2582
Local government area	YASS VALLEY
Lot / Section Number / Plan	1/-/DP779030 <input checked="" type="checkbox"/>
Primary address?	Yes
Planning controls affecting property	<p>Land Application LEP Yass Valley Local Environmental Plan 2013</p> <p>Land Zoning R1: General Residential</p> <p>Height of Building 8 m</p> <p>Floor Space Ratio (n:1) 0.5:1</p> <p>Minimum Lot Size 2000 m²</p> <p>Heritage NA</p> <p>Land Reservation Acquisition NA</p> <p>Foreshore Building Line NA</p>

Proposed development

Selected common application types	Subdivision
Description of development	Development Application for the approval of a Two (2) Lot Torrens Title Residential Subdivision including a Clause 4.6 Variation Request to the Minimum Lot Size.
Dwelling count details	
Number of dwellings / units proposed	
Number of storeys proposed	
Number of pre-existing dwellings on site	
Number of dwellings to be demolished	
Number of proposed occupants	0
Existing gross floor area (m2)	0
Proposed gross floor area (m2)	0
Total site area (m2)	2,027
Total net lettable area (m2)	0
What is the estimated development cost, including GST?	\$93,500.00
Estimated development cost	\$85,000.00
Do you have one or more BASIX certificates?	
Climate Zone	
What climate zone/s is the development in?	Climate zone 8 - alpine
Has the climate zone impacted the	

design of the development?	No
Subdivision	
Number of existing lots	1
Type of subdivision proposed	Torrens Title
Number of proposed lots	2
Proposed operating details	
Number of staff/employees on the site	

Number of parking spaces

Number of loading bays	
Is a new road proposed?	No
Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	No

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Is this application for biodiversity compliant development?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	Yes
Would you like to answer questions in this form to complete the variation request or upload a supporting document	Complete questions
What is the name of the relevant environmental planning instrument? eg. LEP, SEPP	Local Environmental Plan (LEP)
Relevant LEP	Yass Valley Local Environmental Plan 2013
What is the zone of the land?	
Address	29 ORION STREET YASS 2582
Zone	R1
What are the objectives of the zone(s) ?	<ul style="list-style-type: none"> 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.
Development Standard Variation details	
Name of the development standard being varied	Lot Size
Clause name	4.1
Numeric value of the standard being varied	2000
Numeric value of the development against this standard	856

Percentage value of the proposed variation	57.2
<p>What are the objectives of the development standard(s) ?</p>	<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to minimise the likely impact of subdivision on the amenity of neighbouring properties, (b) to ensure that lot sizes and dimensions have appropriate regard to the characteristics of the land, the rural environment, the protection of biodiversity, significant geological and natural resources, the heritage and the built form of Yass Valley, (c) to ensure that subdivision reflects and reinforces the predominant subdivision patterns of neighbouring properties and surrounds, (d) to maintain the character of Yass Valley, (e) to ensure subdivision occurs in a planned and sustainable way, (f) to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services, (g) to prevent the subdivision of land on the fringe of urban areas into small lots that may negatively influence the layout of future urban areas. <p>(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.</p> <p>(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.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <ul style="list-style-type: none"> (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.
	<p>4.1 CLAUSE 4.6(3)(A) – UNREASONABLE OR UNNECESSARY</p> <p>The Guide to Varying Development Standards (November 2023) has been prepared by DPHI to assist applicants applying to vary development standards. It sets out that there are five common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary as established by the NSW Land and Environment Court in determining whether the objection to the development standard is well founded.</p> <p>The Guide to Varying Development Standards also states that a Clause 4.6 application is not required to meet all of the tests.</p> <p>The Court in <i>Wehbe v Pittwater Council</i> [2007] NSW LEC 827, identified five tests or methods (the ‘Wehbe tests’) that may be used to establish that compliance with the development standard is unreasonable or unnecessary. The five tests or methods are as follows:</p> <ol style="list-style-type: none"> 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard; 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary; 3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable; 4. The development standard has been virtually abandoned or destroyed by the council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable 5. The compliance with the development standard is unreasonable or inappropriate due to the existing use of land and current environmental character of the particular parcel of land. That is, the

particular parcel of land should not have been included in the zone.

4.1.1 First Method

The objectives of the standard are achieved notwithstanding noncompliance with the standard.

In accordance with the principle established in *Wehbe*, one of the ways to determine whether a Clause 4.6 variation request has demonstrated the achievement of the matters in Clause 4.6(3)(a) is to show that it is unreasonable or unnecessary to strictly apply the development standard as the development achieves the objectives of the development standard, notwithstanding the contravention of the development standard.

By demonstrating that the development achieves the objectives of the development standard it involves:

1. Identification of what the objectives of the development standard are; and
2. Establishing that those objectives are, in fact, achieved.

It is noted that both of the above requirements need to be addressed in a written Clause 4.6 variation request, and that the consent authority must form its own view on whether both of these matters have been adequately addressed.

The objectives of the Minimum Subdivision Lot Size development standard pursuant to Clause 4.1 of YVLEP 2013 and explanations of how these objectives are met notwithstanding the non-compliance with the standard are provided in Table 1 below.

TABLE 1 - OBJECTIVES OF CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE

OBJECTIVES OF CLAUSE 4.1 – MINIMUM SUBDIVISION LOT ISZE COMPLIANCE
to minimise the likely impact of subdivision on the amenity of neighbouring properties, Complies. The proposed two (2) lot Torrens Title residential subdivision minimises any likely impact on the amenity of neighbouring properties by adopting the existing fencing and retaining the existing facade, it will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts.

It is noted the proposed development is located within an already established area within Yass Town. The proposed subdivision layout responds to the characteristics of the site as demonstrated on the Proposed Plan of Subdivision (refer Figure 4.1).

It is demonstrated the proposal will not:

- Impact on the amenity of neighbouring properties as there will be no change to the existing streetscape therefore maintaining the existing visually amenity,
- Result in any adverse environmental impacts notwithstanding the variation from the minimum lot size requirement.

The proposed development has been designed to take into account the existing land uses and has been able to retain efficient and productive sized allotments, maintaining the opportunity for current and future sustainable residential development.

The proposed two (2) lot subdivision has taken a holistic and sustainable approach to the development with the intention of creating a development that offers productive sized lots delivering a better environmental planning outcome for the town of Yass and the Yass Valley LGA as a whole.

The proposed subdivision will not impact on either the built or natural environment in any substantial way. In this regard:

? It will not result in any substantial changes to the established streetscape qualities of the area.

? The act of subdividing will not directly impact on neighbouring properties. The position of a future dwelling has been taken into consideration and any issues such as overshadowing, noise and privacy will not directly impact on neighbouring properties. It is determined any future new dwelling will have good separation distances to adjoining dwellings.

? The act of subdividing will not result in any substantial changes to traffic volumes in the locality.

? Subdividing the site will not necessitate the removal of any existing important vegetation.

By integrating the relevant economic, environmental and social considerations the proposed subdivision is actively promoting ecological sustainable development as specified earlier in this Statement.

How is compliance with the development standard(s) unreasonable or unnecessary in the circumstances of this particular case ?

to ensure that lot sizes and dimensions have appropriate regard to the characteristics of the land, the rural environment, the protection of biodiversity, significant geological and natural resources, the heritage and the built form of Yass Valley,

Complies. The proposed two (2) lot Torrens Title subdivision is seeking Council consent for the creation of two lots of 1001m² and 1026m² respectively, resulting in two lots less than the prescriptive minimum lot size of 2000m².

The detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision (refer Figure 4.1).

LOT LOT SIZE PRIMARY ROAD FRONTAGE ACCESS TO SERVICES VARIATION (%)

1 856 Orion Street Yes 57.2

2 1192 Orion Street Yes 40.4

The subject site is considered to be located in an area with aesthetic values associated with the established leafy landscape character and the character of a regional town. It also has limited native ecological values.

It is anticipated that this variation will have minimal impact on the surrounding landscape of the subject site. The lot layout has been determined by the location of the existing dwelling/ ancillary structures and fencing and enables the future proofing of the existing dwelling house.

The proposed subdivision is consistent with the aims and objectives of the YVLEP2013. The proposal will facilitate development generally in accordance the plan and will deliver allotments that can facilitate a variety of housing products to provide variety in the market and attract buyers at different price points in the market.

to ensure that subdivision reflects and reinforces the predominant subdivision patterns of neighbouring properties and surrounds,
Complies. The proposal has been prepared to ensure that the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of Yass Valley (refer Figure 4.2) that demonstrates lots of similar size to the proposed Lots.

It is anticipated that the proposed two (2) lot Torrens Title Residential subdivision will have a positive impact on the surrounding landscape of the subject site.

The proposed development seeks to promote good design and amenity that will allow for the orderly and economic development of the subject land.

to maintain the character of Yass Valley,

Complies. The proposal has been prepared to ensure the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of Yass Valley.

Local character is what makes a place or area distinctive or unique. Local character is the combination of multiple factors, which relate to the area's history, built form, public and private spaces, community values and how they connect to a place.

The proposal responds to the character of Yass and is consistent with the aims and objectives of this development standard.

The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the surrounding environment, in turn maintaining the character of Yass Valley.

The proposed development has been prepared taking into consideration any potential socioeconomic and environmental concerns. It has been determined the development will not raise any matters of significance to inhibit the approval of the development application.

to ensure subdivision occurs in a planned and sustainable way,

Complies. The subdivision has been designed to have regard to the existing land uses and has been able to retain efficient and productive sized allotments, maintaining the opportunity for sustainable residential development.

The subject site is within an established residential area comprising a range of lot sizes, many of similar size to proposed Lot 1. Yass Town is subject to urban renewal through redevelopment and

use of vacant land to assist with the number of available housing stock.

It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have no adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.

to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services,

Complies. The proposed two (2) lot Torrens Title subdivision will not create unreasonable or uneconomic demands for the provision of services.

It is noted the provision of services to proposed Lot 1 is existing. Proposed Lot 2 will require the extension of Councils services as demonstrated on the Civil Engineering Design (refer Appendix C of the SEE), however it will not create an unreasonable or uneconomic demand on the existing service provisions.

to prevent the subdivision of land on the fringe of urban areas into small lots that may negatively influence the layout of future urban areas.

Not Applicable. The subject lot is located within an existing urban area. The proposed subdivision will not negatively influence the layout of future urban areas.

This Clause 4.6 variation request does not seek to justify a departure from Clause 4.1 minimum subdivision lot size on the basis that compliance with the YVLEP 2013 is achieved.

Rather, as demonstrated in Table 1, compliance with the objectives of Clause 4.1 is achieved notwithstanding the non-compliance with the lot size control in question. This is due to the sensitive design of the proposed lot size arrangement which has regard to the future development of proposed Lot 2 and seeks to create appropriately sized lots in the current circumstances.

4.2 CLAUSE 4.6(3)(B) – SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

This section of the report demonstrates that there are sufficient environmental planning grounds to justify contravening the minimum subdivision lot size development standard as required by Clause 4.1 of the YVLEP2013.

The Court in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSW LEC 118 established the 'sufficient planning grounds' include matters that 'relate to the subject matter, scope and purpose of the EP&A Act, including the objects in S 1.3'.

By varying the development standard, we are not contravening the outcome of the development standard, rather the development is expected to lay the foundation for more efficient utilisation of the land in the future.

This proposed layout including the non-compliant section subject to this variation request is compatible with the existing and surrounding lot patterns. Therefore, the degree of non-compliance with the development standard does not contravene from the existing and future character of the area and the proposal in its current form satisfies the objectives of Clause 4.1 Minimum Lot Size. Specifically, the proposed subdivision:

- Will not impact on the amenity of neighbouring properties.
- Ensures that the lot size and dimension is appropriate in regard to the characteristics of the subject land and the existing built form.
- The proposed subdivision reflects and reinforces the subdivision patterns of neighbouring properties and surrounds.
- Maintains the character of Yass Valley by retaining the existing dwelling/ cottage on the site.
- Ensures the subdivision occurs in a planned and sustainable way as the subject site is within an established residential area comprising a range of lot sizes, many of similar size to proposed Lots 1 & 2. Yass Town is subject to urban renewal through redevelopment and use of vacant land to assist with the number of available housing stock.
- Ensures there will not be an unreasonable or uneconomic demands for the provision of services. It is noted the provision of services to proposed Lot 1 is existing. The extension of services to proposed Lot 2 is achievable as per the Civil Engineering Plans prepared by Genium Civil Engineering (refer Appendix C of the SEE).

Nonetheless, the objectives of the standard have been achieved albeit in a different way envisioned under the YVLEP2013. The variation to lot size as detailed earlier will not result in any detriment to the public, rather the public benefits arising from the additional lot/ dwelling entitlement, potential employment opportunities that would be delivered by the development, increased supply to the

housing market, the development and maintenance of underutilised land to name a few can be classed as 'sufficient environmental planning grounds' to justify contravening the development standard.

The Guide to Varying Development Standards sets out the following in relation to consideration of environmental planning grounds:

The term 'environmental planning grounds', while not defined in the EP&A Act or the Standard Instrument – Principle Local Environmental Plan, refer to grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects in section 1.3 of the EP&A Act. The scope of environmental planning grounds is wide as exemplified by the court decisions in this area.

Sufficient environmental planning grounds need to be established by the facts of the request. The request must justify the contravention of the development standard, not simply promote the benefits of the development. The grounds must:

- ? Be sufficient to justify the contravention
- ? Focus on the aspect of the development that contravenes the development standard, not the development as a whole.

Environmental planning grounds may not be sufficient to justify the contravention of a development standard if the variation results in unsatisfactory planning outcomes.

Avoiding adverse impacts may constitute sufficient environmental planning grounds as it promotes 'good design and amenity of the built environment – one of the objects of the EP&A Act. However, the lack of impact must be specific to the non-compliance to justify the breach.

Other examples of environmental planning grounds and specifically for this variation request include:

- Achieving consistency with the streetscape and existing built form.
- Responding to topography
- Improving public benefit
- Achieving equal or better amenity outcomes (solar access, privacy, views/ outlook)
- Being consistent with the prevailing subdivision pattern
- Conserving built and cultural heritage values

Further supporting justification for the proposed variation is listed below:

- a. The proposed subdivision will not physically change the appearance of the surrounding environment or character of the existing neighbourhood due to the existing house closest to the street being retained with the development.
- b. The proposed lot size variation will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts.
- c. The land is not steep.
- d. Each lot will have direct frontage to a public road.
- e. The proposed lots are located in a high amenity area with good access to services and public reserves.
- f. The proposal, if approved, will not result in any inconsistencies with other environmental planning instruments.
- g. The site is within an established residential area comprising a range of lot sizes. The locality is one subject to urban renewal through redevelopment and use of vacant land as well as replacement of existing housing stock.
- h. The proposed subdivision will not impact on either the built or natural environment in any substantial way. In this regard:
 - i. It will not result in any substantial changes to the established streetscape qualities of the area;
 - ii. The act of subdividing will not directly impact on neighbouring properties. The new building site has good separation distances to adjoining dwellings;
 - iii. The act of subdividing the site will not result in any substantial changes to traffic volumes in the locality;
 - iv. Subdividing the site will not necessitate removal of any existing important vegetation.
- i. As stated in the Yass Valley Settlement Strategy 2036 the Yass Valley LGA is forecasted to grow in population size quite significantly. The report noted:

'The majority of this future growth in the short to medium term (to 2036) will be focused in the existing settlements of Yass and Murrumbateman. It is recommended Yass strengthen its role in the region and aim to grow into a Regional Centre of 20,000 people. Murrumbateman, recognizing the primacy of Yass, would aim to grow into a major town/ large district town of 10,000 people'.
- j. The Draft South East and Tablelands Regional Plan 2041 records a current population for Yass of 17,442 with an expected growth to 20,684 by 2041. Further supporting comments in relation to the strategic location and growth of the area state:

Are there sufficient environmental planning grounds to justify variation of the development standard(s) ?

? Yass is strategically located off the Hume Highway and is a 45-minute drive from the northern suburbs of Canberra. Residents can access an established commercial core, hospital, medical and emergency services, primary and high schools, as well as a TAFE. Many people travel to the ACT for work, higher order services, health and tertiary education.

? While proximity to the ACT could constrain Yass's commercial core and local service industry in the short term, the continued desire for housing and lifestyle opportunities outside the ACT could see Yass become a strategic centre in the long term. Consideration of the direction for Yass should also consider the role of Murrumbateman, and opportunities to enable residential and economic growth.

k. A recognised opportunity for growth and the future character of Yass specifically stated 'Sensitive urban infill and intensification especially around Comur Street and North Yass. Intensification of undeveloped or unsubdivided land zoned for residential. There are some areas that have been zoned for residential. This land has yet to fully realise its potential; and could allow a greater intensity of development.'

l. The proposed subdivision, located in North Yass will be providing two (2) Torrens Title residential lots similar in size to accommodate a range of different housing needs for the current and future community, boosting the supply, diversity and affordability of housing for the community and future residents.

m. The Yass Valley Settlement Strategy 2036 recognizes the need for greater diversity of housing types and additional dwelling houses that will be in close proximity to facilities and services in Yass and suggests:

'Providing well designed housing for residents who are aging or have a disability could be achieved through a mechanism such as the application of the R3 Medium Density Residential zone, with a reduction in the minimum lot size possibly to 300 sqm'.

The proposed development will be allowing for lots close to services especially retail and medical, will be reasonable flat with an already established footpath network and will be seen as providing an improvement of supply and diversity of housing stock for members of the public.

n. The Yass Valley Settlement Strategy 2036 recognises the subject parcel of land as being located in the North Yass Precinct. The character of the North Yass precinct is primarily single story, detached, residential character. Streets are a grid pattern and are generally wide, long and landscaped. Built form is generally brick veneer and weatherboard. The precinct has significant views of the Yass Dam and scenic vistas. The opportunities taken from this report for this precinct are:

? There is no significant change to the character of this precinct.

? The existing character will be retained and enhanced through general renovation and redevelopment of the existing houses.

o. It is noted, the proposed development, whilst proposing a variation to the minimum lot size, proposes to retain/ enhance the existing character and is a redevelopment of the existing house on the subject property. It is purposefully maximising the use of the subject lot whilst acknowledging the severe housing shortage that is being felt Australia wide.

p. There are a number of other lots on Orion Street and surrounding streets within Yass Town that are less than 2000m² (refer Figure 4.2). Whilst potentially created via an older LEP or other plans such as Strata or Community Title, they assist in demonstrating that this proposal will not look out of place in comparison to the surrounding lots.

q. The proposed subdivision will not result in any impact to the immediate and surrounding visual amenity as the streetscape will remain as it is with the addition of a glimpse of a future dwelling house when Lot 2 is developed. It is noted a future built form is permitted with development consent however does not form a part of this development application or variation request, it does however influence the proposed subdivision and ultimate overall outcome.

r. Under a separate legislative mechanism (Clause 4.1D of the YVLEP2013), the existing lots could be subdivided to an average of 400m² via a community title plan, but as there is no requirements for common or community property, it is not appropriate to utilise this clause.

s. Sewer and stormwater disposal and infrastructure will not be impacted as they are existing for proposed Lot 1. Proposed Lot 2 provisions have been designed and demonstrated on the Civil Engineering Plan prepared by Genium Civil Engineering dated 21 March 2024 (refer Appendix C of the SEE).

t. The requirements for principal open space and lot size ratios are satisfied i.e. the proposed reduced lot size would satisfy the open space and landscaping requirements.

u. The proposed subdivision promotes orderly and economic use of the land. The proposed Lot sizes are not unreasonable nor will the subdivision look out of place. By adopting the existing fencing and structures, we are demonstrating that the proposed lot sizes are already in practice and the layout works.

v. The proposed subdivision makes good use of a long narrow block of land that in turn promotes good design and amenity of the built environment.

The above justification has outlined the environmental planning grounds for the departure. It is recommended that the consent authority can form the positive opinion that the applicant's written request has satisfied clause 4.6(3)(b).

There are sufficient environmental planning grounds to justify a flexible approach to the application

	of the minimum subdivision lot size control as it applies to the site.
Is there any other relevant information to be considered to justify variation of the development standard(s) ?	<p>This submission requests a variation, pursuant to Clause 4.6 of the YVLEP 2013, to the Minimum Subdivision Lot Size in the R1 General Residential Zone and demonstrates that:</p> <p>? Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development. ? There are sufficient environmental planning grounds to justify the contravention. ? The development achieves the objectives of the development standard (Test 1 under Webhe) and is consistent with the objectives of the R1 General Residential Zone.</p> <p>The consent authority can be satisfied that the proposed subdivision of Lot 1 DP779030 in its current form achieves the objectives of the development standard to which this request relates. It is consistent with the objectives of the R1 General Residential zone, notwithstanding the non-compliance with the numerically prescriptive minimum subdivision lot size requirement and it is considered that the requirements of Clause 4.6 have been satisfied to justify the variation to the development standard.</p> <p>On this basis, it is appropriate to exercise the flexibility afforded by Clause 4.6 in the circumstances of this application.</p>
Is the application accompanied by a Planning Agreement ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	
Tree works	
Is tree removal and/or pruning work proposed?	No
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Sustainable Buildings

Is the development exempt from the State Environmental Policy (Sustainable Buildings) 2022 Chapter 3, relating to non-residential buildings?	Yes
Provide reason for exemption. Is the development any of the following:	Development that is wholly residential

Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees. Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

First name	Josh
Other given name(s)	
Family name	Barker
Contact number	0262263322
Email address	rachel@dpsyass.com.au
Billing address	C/- DPS PO Box 5, YASS NSW 2582

Application documents

The following documents support the application.

Document type	Document file name
Civil Engineering Plan	6. APPENDIX C_Civil Engineering Design - 29 Orion Street_YASS
Clause 4.6 variation request	5. APPENDIX B_Written Clause 4.6 Variation Request - 29 Orion Street_YASS
Cost estimate report	8. APPENDIX E_Estimated Cost of Works - 29 Orion Street_YASS
Other	2. Development Application Cover Letter - 29 Orion Street_YASS
Owner's consent	1. Signed YVC eLodgement Owners Consent Form - 29 Orion Street_YASS
Preliminary Engineering Drawings	6. APPENDIX C_Civil Engineering Design - 29 Orion Street_YASS
Proposed Subdivision plan	4. APPENDIX A_Proposed Plan of Subdivision - 29 Orion Street_YASS
Statement of environmental effects	3. Statement of Environmental Effects - 29 Orion Street_YASS
Survey plan	7. APPENDIX D_Detail Survey Plan - 29 Orion Street_YASS
Title Documentation / Certificate of Title	9. APPENDIX F_Certificate of Title and Deposited Plan - 29 Orion Street_YASS

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes

I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice

Yes

I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).