

**REQUEST TO VARY A DEVELOPMENT STANDARD UNDER CLAUSE 4.6 OF
THE BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014**

Application Form

Note: Clause 4.6 of the Bathurst Regional Local Environmental Plan (LEP) 2014 cannot be used to vary any complying development standard; a development standard relating to a BASIX commitment; clause 5.4 Controls relating to miscellaneous development; clause 6.1 Arrangements for designated state public infrastructure; clause 6.2 - Public Utility Infrastructure; clause 6.3 – Development Control Plan; clause 7.7 - Mount Panorama Tourist and Visitor Accommodation and Eco-tourist Facilities; clause 7.8 – Mt Panorama Commercial Motor Race Hosting or clause 7.11 – Subdivision of land in Mount Haven Estate, Meadow Flat.

Section 1 Applicant details					
Contact Name:	.....			
Company Name: (if applicable)	.....			
Postal address:	.....			
	Suburb:	State:	P/Cod e		
Contact Nos:	Mobile:	Work	Home		
	Email:				
Section 2 Property details					
Owner:	.....			
No:	.....	Street:	.....	
Suburb:	.....			
Lot:	.....	DP:	.....	
Parcel No:	.....			
Section 3 Application No					
DA No:	.....			
Section 4 What is the zone of your property (consult Council)					
<input type="checkbox"/>	RU1	Primary production	<input type="checkbox"/>	R1	General residential
<input type="checkbox"/>	RU2	Rural landscape	<input type="checkbox"/>	R2	Low density residential
<input type="checkbox"/>	RU3	Forestry	<input type="checkbox"/>	R5	Large lot residential
<input type="checkbox"/>	RU4	Primary production small lots	<input type="checkbox"/>	E4	Environmental living
<input type="checkbox"/>	RU5	Village			
<input type="checkbox"/>	B1	Neighbourhood centre	<input type="checkbox"/>	SP1	Special activities
<input type="checkbox"/>	B3	Commercial core	<input type="checkbox"/>	SP2	Infrastructure
<input type="checkbox"/>	B5	Business development	<input type="checkbox"/>	SP3	Tourist
<input type="checkbox"/>	IN1	General industrial	<input type="checkbox"/>	W2	Recreational waterways
<input type="checkbox"/>	RE1	Public recreation			
<input type="checkbox"/>	RE2	Private recreation			
<input type="checkbox"/>	E2	Environmental conservation			

What is a clause 4.6 variation?

The Local Environmental Plan contains development standards which set minimum standards for the carrying out of a specified activity. For example the maximum height of a building.

Clause 4.6 of the LEP allows Council or the Department of Planning and Environment to vary a development standard under the LEP where, under the specific circumstances relating to a development, the application of the standards are considered unreasonable or unnecessary in the circumstances of the case.

The purpose of the request for the variation is to clearly spell out why the development standard is unreasonable or unnecessary under the specific circumstances relating to your application.

Who can lodge a variation?

An application may be prepared and lodged by any person. The level of information required is sometimes quite detailed and therefore you may need to consult with an appropriate professional.

Other things which you should be aware of

- The lodgement of a request to vary a standard under clause 4.6 of the Bathurst Regional Local Environmental Plan 2014 does not guarantee that Council will support the request. The decision will be based on an assessment of all the matters relevant to the application, of which the request is one component.
- Council cannot consider a variation to a development standard unless you formally lodge a written request to vary the standard. A letter is sufficient provided that it accurately sets out your case.
- You should consult Council from the outset as to the reasoning and intent behind the standard you wish to vary. In order to know why Council should support a variation to the standard you have to know why the standard was imposed in the first place. In addition, each zone in a planning instrument will have a number of specific objectives which clearly outline Council's intent for areas of land. Your development will have to be consistent with the zone objectives if it is to be successful.
- In some cases Council will require the concurrence of the Department of Planning and Environment. In respect of rural land, Council may only assume the Department's concurrence under the following circumstances:
 - ⇒ where in the case of a dwelling or a subdivision on or of rural land only one allotment does not comply with the minimum standard in Council's planning instrument; and
 - ⇒ that allotment has an area equal to or greater than 90 percent of the minimum area specified in the development standard.