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OFFICE USE ONLY

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.

Contact Name: (if applicable) Postal address: Suburb: State: P/Cod e Contact Nos: Mobile: Work Home Contact Nos: Mobile: Work Home Section 2 Proced Description 2 Section 3 Application No
Postal address:
Postal address:
Suburb: State: P/Cod e
Contact Nos:
Email:
Section 2 Property details Owner:
Owner: No: Street: Suburb: Lot: DP: Parcel No: Section 3 Application No
No: Street: Suburb: DP: Lot: DP: Parcel No: Application No
Suburb: DP: Lot: DP: Parcel No: Section 3 Application No
Lot: DP: Parcel No: Section 3 Application No
Parcel No: Section 3 Application No
Section 3 Application No
DA No:
Section 4 What is the zone of your property (consult Council)
RU1 Primary production R1 General residential
☐ RU2 Rural landscape ☐ R2 Low density residential
☐ RU3 Forestry ☐ R5 Large lot residential
RU4 Primary production small lots E4 Environmental living
☐ RU5 Village
B1 Neighbourhood centre
B3 Commercial core SP2 Infrastructure
B5 Business development
☐ IN1 General industrial ☐ W2 Recreational waterways
RE1 Public recreation
RE2 Private recreation
E2 Environmental conservation Ref: 08.00016/496 Issue Date: 28 November 2014 Review Date: As required Page 1 of 5

Section 5	What is the development standard you wish to vary (including its numeric value)? (Please refer to clause number in the Bathurst Regional LEP 2014)
eg floor space ra	atio, height of buildings, lot size
Section 6	What is the proposed numeric value of the development standard in your application? What is the percent variation between the LEP development standard and that proposed in your application?
Section 7	How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Section 8	Are there sufficient environmental planning grounds to justify contravening the development standard? Give details
Section 9	How is your proposal consistent with the objectives of the zone?
Section 10	Has any consultation taken place with Council or any relevant Government Authority in relation to the development? If so please attach any correspondence received.
Council Officer	
Government D	epartment name:

Section 11	How does the proposal meet the objectives of the Environmental Planning & Assessment Act?
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The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

GENERAL INFORMATION

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.

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