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Request Form to vary a development standard

This form aims to assist you with the preparation of a written application seeking a variation to a development standard under Clause 4.6 of the *Clarence Valley Local Environmental Plan 2011* (the LEP). Development standards are a means to achieving an environmental planning objective and can be numerical or performance based. Some developments may achieve planning objectives despite not meeting the required development standards. The planning system provides flexibility to allow these objectives to still be met by varying development standards in exceptional cases.

If you wish to vary a development standard contained within the LEP, the development application is to be supported by a written application that demonstrates:

- a) Compliance with that development standard is unreasonable or unnecessary in the circumstances of the case.
- b) There are sufficient environmental planning grounds to justify contravening the development standard.

This form guides you to what should be included in a written request. Please complete the form and submit it with your development application

Note – additional application fees in accordance with Council's adopted fees and charges may apply for consideration of an LEP variation. Additionally, advertising and notification requirements may change if your proposal includes an LEP variation as per the adopted Community Participation Plan.

Council may also be required to obtain concurrence from the NSW Department of Planning and Environment before it can determine an LEP variation.

Written application providing grounds for variation to development standards

To be submitted together with the development application (refer to approved form published on the NSW Planning Portal website for list of documents – refer schedule 7 of the Environmental Planning and Assessment Regulation 2021).

1. What is the name of the environmental planning instrument that applies to the land?

2. What is the zoning of the land?

3. What are the objectives of the zone?

4. What is the development standard being varied? e.g., building height, minimum lot size

5. Under what clause is the development standard listed in the environmental planning instrument?

6. What are the objectives of the development standard?

7. What is the numeric value of the development standard in the environmental planning instrument?

8. What is proposed numeric value of the development standard in your development application?

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Note: If more than one development standard is varied, an application will be needed for each variation (e.g., minimum lot size and height).

12. Is the development standard a performance-based control? Give details.

13. Would strict compliance with the standard, in your case, be unreasonable or unnecessary? Why?

14. Would strict compliance with the standard, in your case, would be unreasonable or unnecessary? Why?

15. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

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