Request to vary a development standard

Request to vary clause [\_\_\_\_\_] in [LEP/SEPP]

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_/\_\_/\_\_\_\_

Site and proposed development

**1. Describe the site.**

*Please provide the address and describe any features of the site.*

**2. Describe the proposed development.**

*Please provide details about the proposed development, including land use and works*

Planning instrument, development standard and proposed variation

**3. What is the environmental planning instrument/s you are seeking to vary?**

*Please identify the relevant Local Environmental Plan or State Environmental Planning Policy that you seek to vary.*

**4. What is the site’s zoning?**

*Please identify the land use zone that applies to the site.*

**5. Identify the development standard to be varied.**

*Please identify the name of the development standard being varied (for example, minimum lot size, floor space ratio, height of building), its relevant environmental planning instrument clause and the objectives of the development standard.*

**6. Identify the type of development standard.**

*Please identify if the development standard you are seeking to vary is numeric or non-numeric. For more guidance, see Part A, Chapter 1.3 of this guide.*

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

*This should be specific and address all non-compliance. Please see the relevant environmental planning instrument to determine the numeric value of the development standard for your site.*

**8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?**

*For example: The proposal exceeds the maximum \_\_\_\_\_ development standard by \_\_\_\_, which is a percentage variation of \_\_\_%.*

**9. Visual representation of the proposed variation (if relevant)**

*If relevant, provide a diagram or image showing the proposed variation.*

Justification for the proposed variation

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

*There are 5 common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary (items a to e). An applicant must satisfy at least one. This list is not exhaustive – there may be other ways available.*

a) Are the objectives of the development standard achieved notwithstanding the non-compliance? *(Give details if applicable)*

b) Are the underlying objectives or purpose of the development standard not relevant to the development? *(Give details if applicable)*

c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? *(Give details if applicable)*

d) Has the development standard been virtually abandoned or destroyed by the council’s own actions in granting consents departing from the standard? *(Give details if applicable)*

e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary? *(Give details if applicable)*

**11. Are there sufficient environmental planning grounds to justify contravening the development standard?**

*Note: Environmental planning grounds are matters that relate to the subject matter, scope and purpose of the EP&A Act including the Act's objects (see Part A, Chapter 2.6 of this guide). They must relate to the aspect of the proposed development that contravenes the development standard and not simply promote the benefits of the development as a whole. You must provide substantive justification as to why the contravening the development standard is acceptable.*

**12. Is there any other relevant information relating to justifying a variation of the development standard? *(If required)***

Please provide any other information that you feel is relevant in justifying your proposed variation to the development standard.