



## Development Applications Exceptions to Development Standards

Pursuant to Section 4.6 of the Inner West Local Environmental Plan 2022

<b>About this form:</b>	Use this form to request a variation to a development standard for a Development Application.
<b>How to complete:</b>	<ol style="list-style-type: none"><li>1. Ensure that all fields have been filled out correctly.</li><li>2. Once completed, please refer to the lodgment details section for further information.</li></ol>

Development Application Details:	
<b>Address:</b>	
<b>Proposed Development:</b>	

Standard sought to be varied:	
<input type="checkbox"/>	<b>Minimum Site Area – Secondary Dwellings</b> Section 53 (2)(a) of SEPP Housing 2021
<input type="checkbox"/>	<b>Subdivision Allotment Size</b> Section 4.1 of Inner West LEP 2022
<input type="checkbox"/>	<b>Height of Buildings</b> Section 4.3 of Inner West LEP 2022
<input type="checkbox"/>	<b>Landscaped Area</b> Section 4.3C(3)(a) of Inner West LEP 2022
<input type="checkbox"/>	<b>Site Coverage</b> Section 4.3C(3)(b) of Inner West LEP 2022
<input type="checkbox"/>	<b>Floor Space Ratio</b> Section 4.4 or Section 4.4A of Inner West LEP 2022
<input type="checkbox"/>	<b>Foreshore Building Area</b> Section 6.5 of Inner West LEP 2022
<input type="checkbox"/>	<b>Development on land in Haberfield Heritage Conservation Area</b> Section 6.20 of Inner West LEP 2022



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The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items

Where an applicant wishes to vary a development standard, the application must be accompanied by a well- founded, written request which seeks to justify the contravention of the development standard by demonstrating:

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

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

*This should be specific and address all non-compliance.*

**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 \_\_\_\_%.*



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**Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this 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?*
- d) *Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard*
- e) *Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?*

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

*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.*



## Development Applications Exceptions to Development Standards


**Is there any other relevant information relating to justifying a variation of the development standard?**

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


<b>Applicant's signature:</b>		<b>Date:</b>		/		/
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**Privacy statement**

Application forms and/or names and addresses of people making an application is information that is publicly available. In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998 (NSW)*, you are advised that all application forms received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to the provisions of the *Government Information (Public Access) Act 2009*, Council is obliged to allow inspection of its documents, including any application you make. However, should you wish for your contact details to be suppressed, please indicate on this application form.



## Development Applications Exceptions to Development Standards

### Instructions for applicants

Lodging an application requires a completed application form, all relevant information and the payment of the required fee. The Application will be checked at lodgment to ensure the required information is provided.

#### Required Documentation/Information

- [Development Application Checklist](#)
- [DA Documentation Requirements](#)

**Incomplete/illegible applications will not be accepted and will be returned to you.**

**Lodge online:** <https://www.planningportal.nsw.gov.au/onlineDA>

#### Fees and charges:

Find fees and charges on the Council website: [www.innerwest.nsw.gov.au/FeesAndCharges](http://www.innerwest.nsw.gov.au/FeesAndCharges)

Upon review of the documentation, if found to be satisfactory, the application will be entered into our system. You will then be sent an invoice. Please note that the application is not considered to be 'Lodged' until the fees have been paid.

#### Inconsistency in Lodgment Information:

Where information on this form differs from information entered into the Planning Portal Application (PAN) the information on this form will prevail.