

Exception to a Development Standard Fact Sheet

Made under clause 4.6 of the Randwick Local Environmental Plan 2012



APPLICATION/REFERENCE NUMBER:

DATE:

ABOUT THIS FORM

This fact sheet is a guide to addressing Clause 4.6 of the Randwick Local Environmental Plan (LEP) 2012.

Clause 4.6 is required to be addressed if a development application seeks to vary a development standard in the Local Environmental Plan. The consent authority (Council) must not grant consent for development that contravenes a development standard unless, a written request has been provided by the applicant addressing Clause 4.6 of the LEP.

If Council is satisfied that your Clause 4.6 request is adequately justified, it may grant consent to the development even though the proposal does not comply with the relevant standard. In some cases, concurrence of the Director-General of the Department of Planning may be required

Clause 4.6 can either be addressed as a part of your Statement of Environmental Effects or in a separate document attached to this fact sheet.

Note: you do not need to lodge this fact sheet if Clause 4.6 is adequately addressed in your SEE

APPLICANT DETAILS

Title: Mr Mrs Ms Other:

Applicant's Name:

PROPERTY/LOCATION DESCRIPTION

Unit/Street No: Street:

Suburb: Post Code:

Lot No(s): Strata/Deposited Plan Number(s):

DESCRIPTION OF PROPOSAL

.....
.....

WHICH DEVELOPMENT STANDARD/S ARE YOU SEEKING TO VARY

Clause 4.1 Subdivision Clause 4.3 Building Heights Clause 4.4 Floor Space Ratio
 Other (please specify)

GET IN CONTACT

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PROPOSED VARIATIONS

The LEP Standard (eg. Height - 8.5m)	The Proposal (eg. 9.5m)	Proposed Variation (eg. 1m over height limit)	Proposed variation as a percentage (eg. 12%)

MATTERS TO BE ADDRESSED WITHIN YOUR CLAUSE 4.6 SUBMISSION

In accordance with Clause 4.6(3) of the LEP, the applicant must submit a written request for consideration by Council which justifies the contravention of the development standard by demonstrating:

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

A separate prepared statement must be submitted which addresses ALL of the following matters:

- Justify why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. (*Wehbe v Pittwater Council* [2007] NSWLEC 827 provides guidance on this)
- Demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard (Discuss the environmental impacts of the proposal)
- Explain how the proposed development will be in the public interest, referring to:
 - The objectives of the particular standard, and
 - The objectives of the zone where the development is proposed
- Identify whether contravention of the development standard will raise any matter of significance for state or regional planning?
- Detail why there is no public benefit in maintaining the development standard.

If ALL of the above matters are not sufficiently addressed, Clause 4.6 cannot be satisfied.

HOW TO LODGE YOUR CLAUSE 4.6 SUBMISSION

Please lodge your Clause 4.6 submission with your Development Application either:

- As a separate document attached to this factsheet; OR
 - within your Statement of Environmental Effects (SEE)
- Note: you do not need to lodge this fact sheet if all Clause 4.6 details are contained in your SEE

OFFICE USE ONLY

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