

Request for Variation to a Development Control and Supporting Information



Clause 1.12 of the Ballina Shire Development Control Plan (DCP) 2012

Lodge Applications at Ballina Shire Council • 40 Cherry Street • Ballina (Mon-Fri 8.15am to 4.30pm)

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This request is to accompany a development application lodged with Council where the development does not meet the development control(s) contained with the **Ballina Shire Development Control Plan (BSDCP) 2012**, and a variation to such control(s) is sought.

Clause 1.12 of the BSCDP 2012

1.12 Application of the DCP and Variations

Under the Environmental Planning & Assessment Act 1979, Development Control Plans (DCP's) are required to be applied flexibly, and consent authorities are required to allow for alternate solutions to DCP requirements so that otherwise permissible development may be carried out. The role of the DCP is to give effect to an environmental planning instrument (EPI) by supporting the aims of the instrument, the range of permitted development under the EPI and the objectives of applicable land use zones.

Council will consider variations to the development controls set out in the DCP where a proposed development can otherwise demonstrate that it achieves the applicable planning objectives. Council will consider variations to the DCP provisions as set out below:

- a. Where a proposal does not comply with a particular development control, applicants may propose an alternative solution. In some circumstances, variations can produce improved and innovative solutions for particular site.
- b. A written variation request must:
 1. Identify the development control that is to be varied and detail the extent of variation proposed;
 2. Identify the general and/or specific objectives of that control and how the variation complies with the objectives;
 3. Justify why the specific provisions of the policy do not make appropriate provisions with regard to the subject application; and
 4. Demonstrate why compliance with the provisions of this DCP is unreasonable or unnecessary in the particular circumstances of the case.

Note: Variations to a development control(s) will only be considered where the specific development objective can be met.

The following section is required to be completed as part of any development application where a variation is sought to a development control(s) contained within the BSDCP 2012. Alternatively, the listed questions may be addressed within a Statement of Environmental Effects (SEE) document lodged with the development application. Further documentation may be attached to support your submission.

1. What is the development control(s)? (specify)

2. Provide details of the extent of variation (ie. what is the non-compliance? Is it minor or extensive? Percentage of variation between your proposal and the development control)

3. What are the objectives of the development control(s)?

4. How does the proposed variation comply with those objectives listed above?

5. Please provide justification/reasoning as to why the development control(s) does not make specific provision in relation to your proposal/does not enable you to achieve the outcome you are seeking?

6. Demonstrate why compliance with the development control(s) is unreasonable or unnecessary in your particular circumstance.

7. Any other considerations?

Applicant Details

Name

Property Details

DA No. (if known)

Signature

Date

Privacy Protection Notice

The completed Request for a Variation to a Development Control form contains personal information which is being collected for the purpose of assessing this application. The information will be processed by the Planning and Environmental Health Division and may be made available to public enquiries under the Government Information (Public Access) Act. The information will be stored in Councils electronic document management system.