

**Application to Vary Development Standards
Pursuant to Clause 4.6 of the Richmond Valley Local Environmental Plan 2012
(100m Dwelling Separation)**

What is the name of the environmental planning instrument that applies to the land?	What is the zoning of the land?
Richmond Valley Local Environmental Plan 2012	RU1 – Primary Production
What are the objectives of the zone?	
<u>RU1 – Primary Production</u> <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. To ensure that development does not unreasonably increase the demand for public services or public facilities. 	
What is the development standard being varied?	
Each dwelling will be situated within 100 metres of each other	
Under what clause is the development standard listed in the environmental planning instrument?	
Clause 4.2B(4)(c) of the RVLEP 2012	
What are the objectives of the development standard?	
<ol style="list-style-type: none"> a) to minimise unplanned rural residential development, b) to enable the replacement of lawfully erected dual occupancies or dwelling houses in rural and conservation zones, c) to provide alternative accommodation for rural families and workers, d) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land, e) to set out consent considerations for development of dual occupancies (detached) to address matters such as access, siting, land suitability and potential impacts. 	
Is it a numerical or performance based standard that you would like to vary?	
Numerical standard	
What is the numeric value of the development standard in the environmental planning instrument?	
100m	
What is the proposed numeric value or performance based variation in your development application? (Please give details of the standard and what the variation involves).	
The dwellings are proposed to be approximately 175m apart.	

What is the percentage variation (between your proposal and the environmental planning instrument)?		
75%		
How is strict compliance with the development standard unreasonable or unnecessary in this particular instance?		
<p>Strict compliance with the development standard is unreasonable and/or unnecessary in this instance for the following reasons:</p> <ol style="list-style-type: none"> 1. In this instance, whilst it is possible to comply with the 100m requirement, there is no flood free land within 100m of the existing dwelling. The proposed dwelling has been sited on an elevated portion of the land to provide flood immunity to the new dwelling. 2. The location of the proposed dwelling does not impair the continued use of the land for agricultural purposes. 3. The proposed dwelling provides significant setbacks to Woodburn Coraki Road and is compliant with all other aspects of the RVLEP 2012. 4. Based on the submitted Statement of Environmental Effects, the proposal is not expected to create any land use conflicts with respect to existing land uses. 		
How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?		
<p>Strict compliance with the 100m separation distance would either require the proposed new dwelling to be erected within flood prone land or alternatively, the existing dwelling would be required to be demolished. Both scenarios are not considered good planning outcomes.</p>		
Would strict compliance with the standard, in your particular case be unreasonable or necessary? Why?		
<p>Strict compliance with the nominated standard would be unreasonable due to the fact the non-compliance is sought to ensure flood immunity to the new dwelling.</p> <ol style="list-style-type: none"> 1. 		
Applicant Details		
PROPERTY: Lot 2 DP809736	DATE: 20 th February 2024	AUTHOR: Adrian Zakaras