

Appendix 3: Application Form to vary a development standard

Written application providing grounds for variation to development standards

To be submitted together with the development application (refer to EP&A Regulation 2000 Schedule 1 Forms).

1. What is the name of the environmental planning instrument that applies to the land?

Murray LEP 2011

Section 7.6 (4) (a)

2. What is the zoning of the land?

RU1 - Primary Production

3. What are the objectives of the zone?

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.

4. What is the development standard being varied? e.g. FSR, height, lot size

7.6 Additional provisions—development on river bed and banks of the Murray and Wakool Rivers

5. Under what clause is the development standard listed in the environmental planning instrument?

4(a) that the proposed structure will not be located on an outside bend of the Murray or Wakool River

6. What are the objectives of the development standard?

(a) to manage and maintain the quality of water in the Murray and Wakool Rivers,

(b) to protect the environmental values and scenic amenity and cultural heritage of those rivers,

(c) to protect the stability of the bed and banks of those rivers,

(d) to limit the impact of structures in or near those rivers on natural riverine processes and navigability of those rivers.

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

N/A

8. What is proposed numeric value of the development standard in your development application?

N/A

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

N/A

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

The proposed pontoon is located downstream and at the commencement of a straight. The pontoon is located on a reasonably flat bank on the main channel of the river. The flat bank indicates that the river has already exited the bend as there is little erosion at this location

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

It would hinder the orderly and economic use and development of the land. Preventing the public to access the eco tourist facility by river

Note: If more than one development standard is varied, an application will be needed for each variation (eg FSR and height).

12. Is the development standard a performance based control? Give details.

N/A

Additional matters to address

As outlined in "Varying Development Standards: A Guide" there are other additional matters that applicants should address when applying to vary a development standard.

13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

Yes, it is used for commercial use to allow the public travelling commercially via river to visit the eco tourist facility. y The property is open to the public at all times to visit the historical property and educate the public of the regions history.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

No native trees or vegetation to be removed. There are currently two mooring pontoons approved on the site that support existing commercial use of the site. The impact from installation of a third pontoon would be minimal.