

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?

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Water Courses Section 5.9 'Specific Principals'

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

Specific Principles

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

Water Courses Section 5.9

6. What are the objectives of the development standard?

(a) to ensure that appropriate consideration is given to development with the potential to adversely affect the

riverine environment of the River Murray, and

(b) to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and

(c) to conserve and promote the better management of the natural and cultural heritage values of the riverine environment

of the River Murray.

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?

Although the mooring is on private land it is used for commercial use to allow the public travelling commercially via river to visit the eco tourist facility. The property is open to the public at all times to visit the historical property and educate the public of the regions history

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

It will limit public access to the property, preventing paying guests to disembark by paddlesteamer

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?

Moorings at the proposed pontoon will be for short stay use. There will be no vessels permanently mooring at the pontoon. The operators of the commercially operated paddle steamer, "Emmy-Lou" have an arrangement with the owners of Perricoota Station to bring charters to a homestead and grounds of the property. These charters frequent the property 3 times a week. The pontoon is available at the for all guests visiting the eco tourist facility when visiting the site.

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

Yes, the proposed pontoon is for commercial use, allowing the public to visit the eco tourist facility.