

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) (c)

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

4(c) that the development does not involve, and will not result in, the erection of more than one mooring per lot or per lots owned by the same owner or owners.

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

4(c) that the development does not involve, and will not result in, the erection of more than one mooring per lot or per lots owned by the same owner or owners.

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?

Two mooring pontoons already currently exist at separate locations on the site. Each pontoon has a sepcific purpose to prevent disturbance between the events happening at the property:

- Existing poonton adjacent the packing shed is for guests attending the packing shed venue for functions
- Existing pontoon behind the homestead is for guests visting the historic homestead.
- The proposed mooring poonton will be used exclusivley by guests visting the eco tourist facility and will prevent disturbance with the other uses happening at the property

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, compliance with the standard is not consistent with the existing site conditions. Two pontoons already exist at the property.

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

Yes, the proposed mooring pontoon is a floating structure that is secured at the bank by two-star pickets, the structure does not disturb the stability of the riverbank. No native trees or vegetation to be removed.