

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?

Pittwater Local Environmental Plan 2014

2. What is the zoning of the land?

R3 Medium Density Residential

3. What are the objectives of the zone?

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

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

Density (Number of Dwellings)

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

4.5A Density Controls for Certain Residential Accommodation

6. What are the objectives of the development standard?

- a) *To achieve planned residential density in certain zones*
- b) *To ensure building density is consistent with the desired character of the locality*

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

6 dwellings

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

7 dwellings

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

16%

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

Strict compliance with the development control will result in one less dwelling on the site, but as the proposed development complies with the height, setback, landscape area and building envelope controls, whether there are six larger apartments or seven apartments with a mix of sizes in the development will not affect the overall form of the building. The proposed building will be consistent with the desired character of the locality whether there are six or seven apartments, and seven allows for a greater range of sizes and choice for residents and the local community. At 1393sqm the site area falls just short of the required 1400sqm under this control, and results in a density of 199sqm site area per unit. Council recently approved a development at 6 Foamcrest Avenue (adjacent to the subject site Consent No: N0313/17) with a density of 185sqm site area per unit, and 2-4 Foamcrest Avenue with a density of 196sqm site area per unit. The proposed development meets all the required amenity controls including height, setbacks, parking, private open space, landscape areas, solar access, privacy, and bulk and scale. The development site is immediately adjacent to the village centre, beach and transport facilities, and limiting the number of dwellings restricts the potential of the site to fewer households. Given the very small difference between the required and actual site area for seven apartments, in this instance it is appropriate that the development proposal be judged on its merits.

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

The requirement to build six rather than seven apartments would hinder the following objects of the Act:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*

Limiting the number of apartments has no impact on the overall form of the development or amenity of occupants and neighbours, but it limits the diversity of apartment types and encourages a greater size of apartment when the majority of residents for this type of building typology in this locality are looking for a compact floor area with a high level of amenity. In terms of environmental impact it is preferable to maximise the land resource, particularly when it is directly adjacent to existing infrastructure such as a shopping village and transport hub, by increasing density when it has little to no impact on amenity.

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.

The development standard is numerative rather than performance based, but it does have objectives which are met by the proposed development.

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?

It would be unreasonable to require strict compliance with the standard when Council has recently approved a development at 6 Foamcrest Avenue with a density of 185sqm site area per unit, and 2-4 Foamcrest Avenue with a density of 196sqm site area per unit, and which is less than that of the proposed development (199sqm site area per unit).

The proposed development meets all the required amenity controls including height, setbacks, parking, private open space, landscape areas, solar access, privacy, and bulk and scale. The proposed development is appropriate in scale for the medium density locality surrounding the village. One of the objectives of the zone is to provide a variety of housing types. Seven variably sized apartments provides more housing types than six larger apartments.

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

In terms of environmental impact the difference between six and seven apartments is minimal. The development meets all amenity requirements for occupants and neighbours and the locality has adequate infrastructure that is more than capable of servicing an additional household. The peninsula is an area that is dominated by the single detached house on large residential blocks and it will benefit by more diversity of housing types and a range of apartment sizes close the amenity of shops, recreational facilities and transport.