



CREATIVE**PLANNING**SOLUTIONS

## Statement of Environmental Effects

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Change of Use of a Dwelling House to a Permanent Group Home



10 Dowling Street, Queenscliff  
Lot 3 DP 170341

Prepared for: Sunnyfield Limited

CPS Project No: D438

Date: June 2021

### Document Control

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If this document has not been signed for review and approval then it is deemed a preliminary draft.

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## 1.0 Introduction

The Statement of Environmental Effects ('SEE') has been prepared to accompany a Development Application ('DA') for a permanent group home under the relevant provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('ARH SEPP') at 10 Dowling Street, Queenscliff NSW 2096. The DA proposes the change of use from a dwelling house to a permanent group home.

This DA is being lodged for consideration by Northern Beaches Council ('Council') pursuant to Section 4.12 of the *Environmental Planning & Assessment Act 1979* ('the Act') by Creative Planning Solutions Pty Limited ('CPS').

The DA is being lodged pursuant to clause 43(1)(b) of the ARH SEPP that allows for permanent group homes to be undertaken with consent in prescribed zones. The subject site is zoned R2 Low Density Residential under the *Warringah Local Environmental Plan 2011* ('WLEP 2011'). This zone is classified as a prescribed zone under clause 42 of the ARH SEPP. Group homes are also permitted with consent within this zone under WLEP 2011.

This SEE also describes the site, its environs and the proposed development, and includes an assessment of the proposal pursuant to Section 4.15 of the Act and the relevant provisions of the *Environmental Planning and Assessment Regulation 2000* ('the Regulations').

### 1.1 Purpose of application

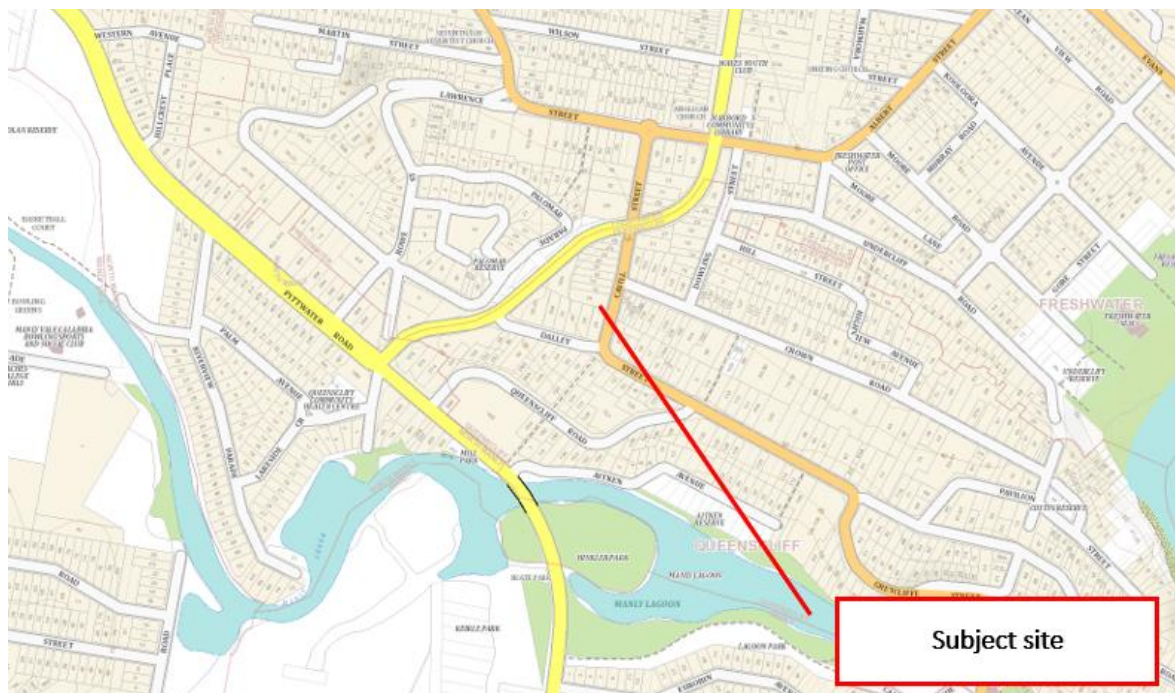
The subject site is currently operating as a permanent group home. Sunnyfield Limited has recently identified that earlier approvals on the site did not consent to the use of the site as a group home. The intention of this application is to therefore regularise the use as such.

## 2.0 The Site

### 2.1 Site description

The legal description of the subject land is Lot 3 in Deposited Plan 170341, and has an address of as 10 Dowling Street, Queenscliff NSW 2096.

The subject site is located in the suburb of Queenscliff, which is approximately 11 kilometres north of the Sydney Central Business District ('CBD'), and is within the Northern Beaches Local Government Area ('LGA').



**Figure 1:** Locality Map – 10 Dowling Street, Queenscliff

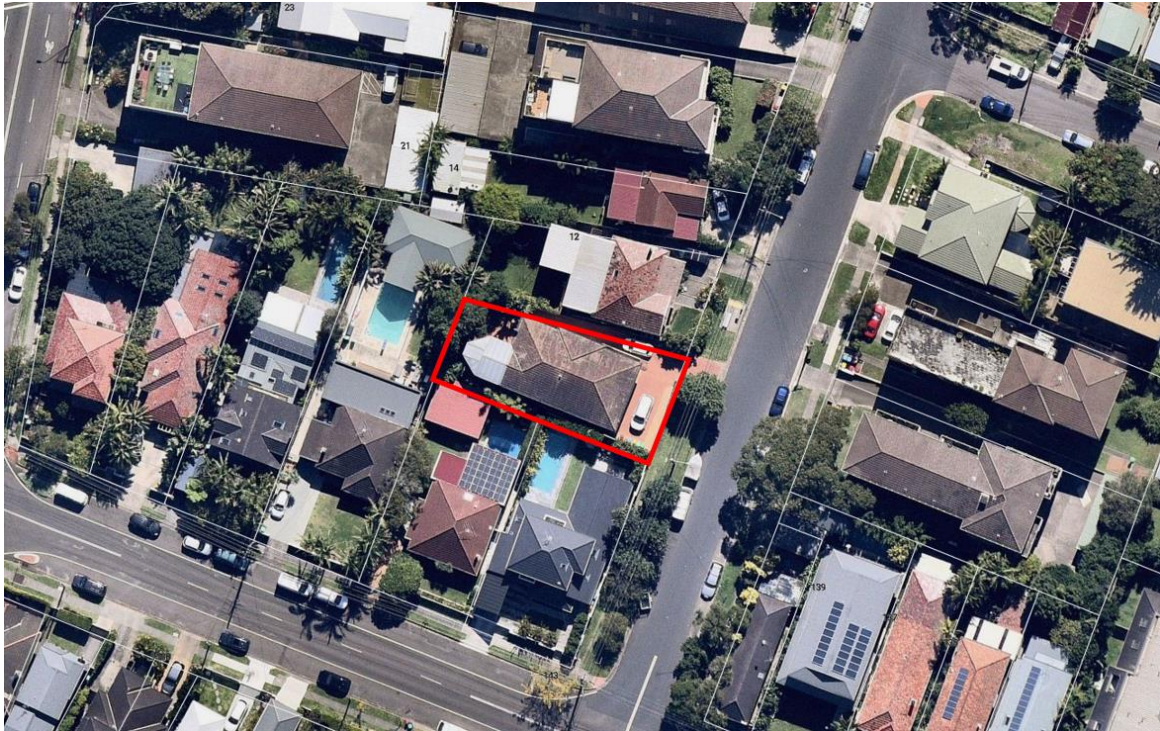
Source: Six Maps, 2021

The subject site consists of an irregularly-shaped allotment on the western side of Dowling Street. The area of the site is approximately 1,038m<sup>2</sup>, and the single street frontage at the northeast side of the site is approximately 21 metres in length.

The subject site and all adjoining allotments are located within the R2 Low Density Residential zone. The subject site is mapped as being affected by a landslip hazard (Area B, denoting slopes of 5-25 degrees), though the site is not mapped as being affected by any other notable considerations. The subject site does not contain a heritage item and is not within a heritage conservation area; the subject site is also not in close proximity to a heritage item.

The allotment comprises a part one and part two-storey dwelling house constructed of rendered brick with a tile roof (*figure 3*). An elevated deck is located to the rear of the dwelling. A large proportion of the site consists of paved areas, with some landscaped areas towards the rear boundary. Two (2) car parking spaces are located within the front and northern side setback areas.





**Figure 2:** Aerial Photograph of Subject Site, which is identified by the red border.

Source: Nearmap, 10 April 2021



**Figure 3:** View of the site from Dowling Street. Note the people mover used for transporting residents within the front setback.

Source: Google, September 2020

## 2.2 Adjoining development and surrounding locality

Areas within surrounding residential-zoned areas consist predominantly of low-density residential development and associated structures (such as swimming pools).

The adjoining property to the north of the subject site is 12 Dowling Street which contains a part one and part two-storey dwelling house occupied by three (3) tenancies constructed of brick with a tile roof. Minimal vegetation is located throughout. Adjoining the subject site to the west is 149 Crown Road which contains a single storey dwelling house constructed of rendered brick with a tile roof. A detached secondary dwelling is located in the rear setback. Dense vegetation is also located throughout.

The adjoining property to the south of the subject site is 145 Crown Road which contains a two-storey dwelling house constructed of rendered brick and weatherboard with a slate roof. Minimal vegetation is located throughout. Also adjoining the subject site to the south is 147 Crown Road which contains a single storey dwelling house constructed of weatherboard with a tile roof. Minimal vegetation is also located throughout the site.

Located to the east of the site (i.e. on the opposite side of Dowling Street) is 3 Dowling Street which contains a residential flat building constructed of brick with a tile roof and comprises ten (10) units. Minimal vegetation is located throughout.

## 3.0 Proposed Development

Pursuant to Section 4.12 (Application) of the Act, consent is sought from Northern Beaches Council to change the use of the existing dwelling house to a permanent group home pursuant to the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('ARH SEPP').

The site has been operating as a group home for an extended period of time; the subject application is being lodged as it was recently identified by the site operator (Sunnyfield Disability Services) that consent had not been obtained for this use.

Works to the building are not required to facilitate the permanent group home use. Consent is therefore being sought for the use of the premises only, as no building works are proposed.

Sunnyfield is a member based, registered not-for-profit charity organisation that provides a range of support services for persons with intellectual disabilities. Such services include (but is not limited to) accommodation services, assistance with daily life, social and community participation, supported employment, skills development and support coordination.

This site provides permanent residential accommodation to six (6) clients. While they have intellectual disabilities requiring some degree of care, the clients that reside at this site are considered to be 'high functioning' and as such do not require twenty-four-hour care. The majority of onsite and support and care services is subsequently provided by Sunnyfield employees at this site between 10:00am to 2:00pm.



## 4.0 Planning Assessment

### 4.1 Section 4.15(1) - Evaluation

In accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the Consent Authority is to take into consideration matters that are of relevance and that are the subject of the DA, specifically:

- (a) *the provisions of:*
  - (i.) *any environmental planning instrument, and*
  - (ii.) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii.) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv.) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
  - (v.) *(Repealed)**that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

With regard to the above, the key environmental planning instruments and development control plans that are of relevance to the development are as considered within Part 4 of this document.

For reference, the following list contains Environmental Planning Instruments and a Development Control Plan that have been considered in the preparation of this statement:

- State Environmental Planning Policy – Affordable Rental Housing 2009 ('**ARH SEPP**')
- State Environmental Planning Policy No. 55 – Remediation of Land ('**SEPP 55**')
- State Environmental Planning Policy (Coastal Management) 2018 ('**CM SEPP**')
- Warringah Local Environmental Plan 2011 ('**WLEP 2011**')
- Warringah Development Control Plan 2011 ('**WDCP 2011**')

## 4.2 Environmental Planning Instruments

### 4.2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

Compliance with the applicable provisions of Part 2, division 1 (In-fill affordable housing) of the ARH SEPP is demonstrated within the following table:

Part 2 New affordable rental housing - Division 7 Group homes		
Clause	Comment	Complies
<b>42 Definitions</b>		
(1) In this Division— <b>group home</b> means a permanent group home or a transitional group home.	As indicated within Section 3 of this SEE, the proposal is for a permanent group home.	Yes
<b>permanent group home</b> means a dwelling— (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged, but does not include development to which <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> applies.	The building on the subject site was formerly used as a dwelling house; the layout has not changed and is therefore still consistent with that of a dwelling house which can provide permanent household accommodation for persons with disabilities.	
<b>prescribed zone</b> means— (a) any of the following land use zones or a land use zone that is equivalent to any of those zones— (i.) Zone R1 General Residential, (ii.) Zone R2 Low Density Residential, (iii.) Zone R3 Medium Density Residential, (iv.) Zone R4 High Density Residential, (v.) Zone B4 Mixed Use, (vi.) Zone SP1 Special Activities, (vii.) Zone SP2 Infrastructure, and (b) any other zone in which development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.	As with all Sunnyfield group homes, the purpose of this group home is to provide permanent accommodation for persons with a disability (i.e. those afflicted by “...an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.”, as defined by the ARH SEPP)	
<b>transitional group home</b> means a dwelling— (a) that is occupied by persons as single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation	The building is to be permanently occupied by persons with disabilities and support needs; these residents will be provided with paid supervision and care by suitably qualified staff. The proposal is not a land use to which <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> ('Seniors SEPP') applies.	

<p>purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,</p> <p>but does not include development to which <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> applies.</p>	<p>Further, the subject site is located within an R2 Low Density Residential zone under <i>WLEP 2011</i>, and is therefore within a prescribed zone as defined by the ARH SEPP.</p>	
<p>(2) In this clause—</p> <p>(a) a reference to people with a disability is a reference to people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives, and</p> <p>(b) a reference to people who are socially disadvantaged is a reference to—</p> <p>(i) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or</p> <p>(ii) people who require protection because of domestic violence or upheaval.</p>	<p>Noted.</p>	-
<b>43 Development in prescribed zones</b>		
<p>(1) Development for the purpose of a permanent group home or a transitional group home on land in a prescribed zone may be carried out—</p> <p>(a) without consent if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority, or</p> <p>(b) with consent in any other case.</p>	<p>As indicated above, the site is located within a prescribed zone. While the building contains six (6) bedrooms, it is not being undertaken on the behalf of a public authority. Consent is therefore sought for the proposed change of use.</p>	Yes
<p>(2) Division 1 of Part 2 of <i>State Environmental Planning Policy (Infrastructure) 2007</i> applies in respect of development carried out by or on behalf of a public authority under subclause (1) and, in the application of that Division, any reference in that Division to that Policy is taken to be a reference to this clause.</p>	<p>Noted.</p>	-
<b>44 Exempt development existing group homes</b>		
<p>(1) Development for a purpose specified in Schedule 1 to <i>State Environmental Planning Policy (Infrastructure) 2007</i> that is carried out within the boundaries of an existing group</p>	<p>Noted.</p>	-

home, by or on behalf of a public authority, is exempt development if—		
<ul style="list-style-type: none"> <li>(a) it meets the development standards for the development specified in that Schedule (as modified by subclause (2)), and</li> <li>(b) it complies with the requirements of clause 20 (2) of that Policy.</li> </ul>		
<p>(2) For the purposes of this clause, the development standards set out in Schedule 1 to that Policy with respect to carports associated with an existing building are taken to be modified as follows—</p> <ul style="list-style-type: none"> <li>(a) the maximum surface area for such a carport is taken to be 30 square metres,</li> <li>(b) the maximum height for such a carport is taken to be 3 metres above ground level (existing),</li> <li>(c) any such carport may be located up to 1 metre forward of a front building setback.</li> </ul>	Noted.	-
<b>45 Complying development—group homes</b>		
<p>(1) Development for the purposes of a group home is complying development if—</p> <ul style="list-style-type: none"> <li>(a) the development does not result in more than 10 bedrooms being within one or more group homes on a site, and</li> <li>(b) the development satisfies the requirements for complying development specified in clauses 1.18 and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (other than clauses 1.18 (1) (h) and 1.19 (1) (b) and the requirement that the development not be in a draft heritage conservation area).</li> </ul> <p><b>Note —</b> Development specified as complying development under this clause may not be undertaken as complying development if the development is on bush fire prone land—see section 100B of the <i>Rural Fires Act 1997</i>.</p>	Noted.	-
(2) The development standards for complying development under this clause are set out in Schedule 2.	Noted.	-
(3) A complying development certificate is taken to satisfy any requirement of an environmental planning instrument or tree preservation order for a consent, permit or approval to remove a tree, or other vegetation, under 4 metres in height if the complying development cannot be carried out without the removal of the tree or other vegetation.	Noted.	-
(4) A complying development certificate for development that is complying development under this clause is subject to	Noted.	-

the conditions specified in Schedule 6 to <i>State Environmental Planning Policy (Exempt and Complying Development) Codes 2008</i> , except that the reference in clause 11 of Schedule 6 to that Policy to a dwelling house is taken to be a reference to a group home.		
<b>46 Determination of development applications</b>		
(1) A consent authority must not— (a) refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or (b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.	In accordance with these provisions, Council must not refuse consent to the application unless an assessment of the community needs of the group home has been considered.  Further, Council must not impose consent conditions on the basis of the proposal being for a group home.	-
(2) This clause applies to development for the purpose of a group home that is permissible with consent under this or any other environmental planning instrument.	Noted.	-

#### 4.2.2 State Environmental Planning Policy No. 55 – Remediation of Land

*State Environmental Planning Policy No. 55 – Remediation of Land* applies to the site. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The subject site and surrounding sites are located within a well-established residential area that has been both zoned and used as such for an extended period of time. With regard to existing and previous development both on the subject site and surrounding site, there is no information to suggest that the subject site has become contaminated. Further, the site was not previously zoned for purposes identified in Table 1 of the contaminated land-planning guide in SEPP 55, in particular, industrial, agricultural or defence uses.

With regard to the above, the site is considered to be suitable in its present state for the proposed development, and no further investigations of site contamination is warranted.

#### 4.2.3 State Environmental Planning Policy (Coastal Management) 2018

The subject site is not located in close proximity to the coast, however due to its relative proximity to Manly Lagoon, it is mapped as within the 'Coastal Environment' area. As such, Divisions 3 and 5 of the CM SEPP would be applicable to the DA.

As is detailed within Section 3 of this SEE, the proposal is for the change of use of an existing structure, with no works being required to facilitate such a proposal. Given no works are proposed, the proposal



will have no impact on coastal environments or values, local water quality, marine vegetation, indigenous heritage nor access to/use of the coastal area. Further, the relevant provisions of the CM SEPP will be satisfied.

#### 4.2.4 Warringah Local Environmental Plan 2011

##### Permissibility and zone objectives

The subject site located within an R2 Low Density Residential zone under WLEP 2011 (**Figure 3**). Aside from being permissible under Division 7 of the ARH SEPP, Group homes are also a permissible land use within the R2 zone under the WLEP 2011.



**Figure 4:** An extract of the WLEP 2011 zone map; the subject site is identified by the blue border.

Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au)

The objectives of the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The use caters for the specific housing needs of people with a disability within a building that was previously constructed as a dwelling home; both the use and appearance of the building will therefore be consistent with development found within a low-density residential environment. No works are required to facilitate the use of the site and will not alter the appearance of the dwelling nor its existing

landscaped character. Further, the proposal does not affect the ability of surrounding areas to provide facilities that meet the day to day needs of residents.

As such, the proposal satisfies the objectives of the R2 zone.

### Applicable development standards

The following table provides an assessment of the proposed development against the relevant provisions of WLEP 201.

Warringah Environmental Plan 2011			
Clause	Requirement	Proposed	Complies
<b>Part 4 Principal Development Standards</b>			
The proposal is for use only, and no changes are proposed that will change the height and/or FSR of the structure. The provisions within Part 4 of the LEP therefore do not apply to this proposal.			
<b>Part 5 Miscellaneous provisions</b>			
There are no provisions within Part 5 of the LEP that apply to this proposal.			
<b>Part 6 Additional local provisions</b>			
6.2 Earthworks	(2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.	As the proposal is for the use of the site, this clause does not apply.	N/A
6.4 Development on sloping land	(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map. (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and (b) the development will not cause significant	The site is located within Area B of the LEP's Landslip Risk map. No works are however proposed to facilitate the use, therefore the provisions of the clause are not relevant to the proposal, as it will not cause any additional impact or risks that are associated with landslips and subsurface flows.	N/A

	detrimental impacts because of stormwater discharge from the development site, and (c) the development will not impact on or affect the existing subsurface flow conditions.		
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### 4.3 Draft Environmental Planning Instruments

There are no draft planning instruments which apply to the subject site.

### 4.4 Development Control Plans

#### 4.4.1 Warringah Development Control Plan 2011

An assessment of the proposal under the WDCP is illustrated in the Table below. This Statement has assessed the proposal against controls relating to dwelling houses given the form of the group home represents a dwelling house.

Warringah Development Control Plan 2011		
Part C Siting Factors		
Provisions	Proposed	Complies
<b>C3 Parking Facilities</b>		
2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account: <ul style="list-style-type: none"> <li>the land use;</li> <li>the hours of operation;</li> <li>the availability of public transport;</li> <li>the availability of alternative car parking; and</li> <li>the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.</li> </ul>	New parking facilities are not proposed, however the existing facilities are appropriate for the proposed use (refer to the assessment of control 4 below).	Yes
3. Carparking, other than for individual dwellings, shall : <ul style="list-style-type: none"> <li>Avoid the use of mechanical car stacking spaces;</li> <li>Not be readily apparent from public spaces;</li> <li>Provide safe and convenient pedestrian and traffic movement;</li> <li>Include adequate provision for manoeuvring and convenient access to individual spaces;</li> <li>Enable vehicles to enter and leave the site in a forward direction;</li> </ul>	<p>The existing car parking facilities will not be altered; there will subsequently be no change to the appearance of such facilities.</p> <p>As the change of use affects a dwelling house, the onsite parking facilities are unable to provide forward entry/egress.</p> <p>The onsite parking facilities are capable of meeting all Australian Standard. The existing ramp to the front of the building also provides access for persons with disabilities.</p>	Yes

<ul style="list-style-type: none"> <li>• Incorporate unobstructed access to visitor parking spaces;</li> <li>• Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;</li> <li>• Provide on site detention of stormwater, where appropriate; and</li> <li>• Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.</li> </ul>		
<p>4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses.</p> <p>Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.</p>	<p>Under Appendix 1 of the DCP, parking rates for group homes are not specified; comparisons are to therefore be made with a similar purpose.</p> <p>Given that the proposed group home is of a similar purpose to a dwelling house (noting that six (6) residents are accommodated at the site), in terms of residential functionality and build form, the proposal has drawn upon dwelling house car parking requirements.</p> <p>Car parking rates for dwelling houses require a minimum of two (2) spaces. At present, two (2) off-street car parking spaces are provided within the front and northern side setbacks of the site.</p> <p>It should also be noted that as Sunnyfield group home residents typically do not drive, the only traffic generation associated with this site therefore consists of Sunnyfield carers/employees and a van/people mover is otherwise used by Sunnyfield staff to transport residents to/from the site.</p> <p>The small number of staff at the site arrive via a number of transport options; bus stops immediately in front of the site are serviced both ways by the high-frequency 167 bus route between Manly and Warringah Mall (noting that additional high-frequency services are provided by the 165X route between Curl Curl and the Sydney CBD, which services both-way stops on Oliver Street, which are within 300 metres walk of the site).</p> <p>Given the small number of residents accommodated at this site (and the small number of staff required to care for them), the two (2) car parking spaces are therefore capable of meeting the parking demand generated by this proposed use.</p>	Yes
<p>5. Adequate provision for staff, customer and courier parking, and parking and turning of</p>	<p>As indicated above, there are sufficient space onsite parking facilities for staff, noting that residents do not park at the site. As indicated</p>	Yes

vehicles with trailers must be provided if appropriate to the land use.	above, the site is also in close proximity to public transport services, which provides alternative transportation options for staff.	
7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.	While the residents of the group home have 'high level' intellectual disabilities and are not physically impaired, suitable off-street car parking facilities are provided.	Yes
<b>Part D Design</b>		
<b>D2 Private Open space</b>		
1. Residential development is to include private open space for each dwelling.	The existing Private Open Space ('POS') area within the front setback will continue to be utilised by residents at the site.	Yes
2. The minimum area and dimensions of private open space are as follows: <ul style="list-style-type: none"> <li>Dwellings with 3 or more bedrooms: A total 60m<sup>2</sup> with minimum dimensions of 5 metres</li> </ul>	The existing 105m <sup>2</sup> unencumbered POS area (inclusive of necessary dimensions), in addition to the 30.5m <sup>2</sup> ground floor deck to the rear of the dwelling will remain unchanged by this proposal.	Yes
3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.	The POS area will continue to be directly accessible from internal living areas.	Yes
4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.	The location of the existing POS area will remain unchanged, and does not adversely affect the visual privacy of adjoining sites.	Yes
5. Private open space shall not be located in the primary front building setback.	The existing location of the POS area within the rear setback will remain unchanged by the proposal.	Yes
6. Private open space is to be located to maximise solar access.	The existing location of the POS area on the northern side of the building will remain unchanged by the proposal.	Yes
<b>D3 Noise</b>		
1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	New plant equipment is not proposed, however if it were required at a later stage then it will be located and designed so as to prevent adverse impacts on adjoining sites, noting that there are numerous locations both under the dwelling and within the well-screened secondary frontage for such equipment.	Yes
2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.	Not applicable.	N/A



3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.	The site relies upon standard kerbside residential waste collection.	N/A
4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.	The location of noise sensitive areas within the building are unchanged, however they are situated away from noise-generating areas (i.e. the road frontage and driveway).	Yes
5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.	As indicated above, should new plant equipment be required at a later stage, then as a well-screened corner allotment there are ample opportunities to site plant equipment in locations that will not adversely affect noise sensitive areas.	Yes
<b>D18 Accessibility and Adaptability</b>		
1. The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided.	The layout of the existing dwelling already provides a barrier free environment for clients, noting that level access to the building from the front parking area is obtainable without the need for ramps, stairs and narrow pathways.	Yes
2. There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.	Continuous, independent and barrier-free access ways are already incorporated into the design of the building.	Yes
3. Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.	Access is obtainable to the building from the front of the site via level pathways.	Yes
4. Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated.	Not applicable.	N/A
5. There is to be effective signage and sufficient illumination for people with a disability.	Suitable signage is already provided.	Yes
6. Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.	Noted and applied where required.	Yes

## 4.5 Planning agreements

No planning agreement has been found to apply to the subject site.

## 4.6 The Regulations

The pertinent considerations identified within the *Environmental Planning and Assessment Regulation 2000* relate to conformity with the Building Code of Australia (BCA). No building works are proposed; if works are however required as a result of any conditions imposed by the consent authority, then the considerations of the Regulations (i.e. conformity with the BCA) are capable of being satisfied.

## 4.7 Likely impacts of the development

### 4.7.1 Impact on the natural environment

The proposed development will utilise an existing dwelling which is provided with existing infrastructure and utility services. As no works are proposed, there will be no impacts on trees and landscaped areas. As a result, there will be no soil or water impacts and no tree removal is proposed.

As the building is not proposed to be modified as a result of the use, the proposal will not change streetscape character and/or the amenity of surrounding residences. The existing orientation of the site provides good access to natural sunlight due to the multiple aspects favouring the property. The rear private open space receives uninterrupted sunlight from the north.

The small-scale operations being proposed on the site will not result in any noise or air pollution during the operation of the group home as it will operate at a domestic scale. Further, the use of the site caters for only a small number of residents; such operations do not and will not adversely affect the surrounding area in terms of acoustic disturbance and air pollution. The proposed use has already operated at the site for a considerable period of time, with no environmental nor amenity-based issues arising as a result of this use. This application does not seek to alter such operational activities.

As such, the proposal will not adversely affect the natural environment and associated residential amenity.

### 4.7.2 Impact on the built environment

The proposed change of use utilises an existing residential dwelling and does not require the undertaking of any building works. The proposal will subsequently not change the appearance of the site, the streetscape and the built character of the wider area. The proposal will therefore not have any impacts on the built environment.

### 4.7.3 Social impacts

The proposal provides specialised and suitable housing for members of the community who have a disability. The location of the group home within the locality enables increased community participation and provides both tailored and supportive accommodation with higher levels of privacy, flexibility and amenity. The more supportive housing model considers that people with a disability have a right to live in a community, and to participate fully in that community. Group homes provide people with the support they need to increase their independence, achieve personal goals and to live both full and productive lives.

No adverse social impacts will arise as a result of the proposed development, noting that the site has already operated as a group home for a considerable length of time without adverse impacts on the surrounding area.

The proposed development will:

- Assist Sunnyfield Limited in meeting significant demand for supported accommodation in the Northern Beaches LGA, and within the area more broadly,
- Provide more accessible housing, and
- Not adversely affect the surrounding area or locality more broadly.

Approval of the use will therefore not give rise to adverse social impacts, and the proposal will have positive social impacts for the locality and the Northern Beaches LGA more broadly.

#### 4.7.4 Economic impacts

No adverse economic impacts are likely to result from the proposed group home development. The proposed development is likely to contribute to a range of economic benefits within the Northern Beaches LGA and surrounding areas through:

- A more efficient use of land resources, through the utilisation of an existing structure that is adequately supported by infrastructure and services,
- Additional employment opportunities through the hiring of suitably qualified staff to facilitate the group home's operation, and
- Enhanced consumption of local goods and services as a result of accommodating additional residents.

### 4.8 Suitability of the site for the development

The proposed group home is both a permissible land use within, and will satisfy the objectives of, the R2 Low Density Residential zone.

The proposed use is well suited to the subject site. The subject site and dwelling are well-oriented to maximise residential amenity, while the site layout also provides for sufficient off-street parking. The proposal is an efficient and economic use of the site, given that it utilises existing residential development (which is already consistent with local character) and does not require any works to be undertaken. The proposal will therefore continue to be compatible with the residential and landscaped character of the locality. The site is located within proximity to local services including shops and supporting social and community infrastructure for use by both carers and the residents.

Accordingly, it is submitted that the subject site is suitable for the proposed group home development.

### 4.9 Public submissions

Any public submissions received in response to the development proposal are required to be considered in light of Section 4.15 of the Act, having particular regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;

- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and,
- The acceptable nature of the proposal when considering the wider public interest.

#### 4.10 Public Interest

The proposal provides the local area with housing infrastructure on a site inherently suitable for such a use as it is a permissible form of development under both the ARH SEPP and WLEP 2011. Further, the proposal will increase the diversity of housing resources for persons with disabilities within the Northern Beaches LGA.

Accordingly, the proposed use provides a service to the broader community, as it will:

- Provide shelter, support and care for people with a disability,
- Improve opportunities for people with a disability to remain as independent and healthy as possible,
- Provide additional employment opportunities for specialised staff, and
- Provide residents with the support and care provided by a group home, including the provision of suitably-qualified support staff during the day that enables residents to live with adequate support within residential areas.

With regard to the above, the proposal is in the public interest.

## 5.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the Act. On balance, it is concluded the development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development is permissible within the R2 zone under both the ARH SEPP and WLEP 2011.
- The proposal is consistent with the relevant aims and objectives of WLEP 2011.
- The proposal is consistent with relevant development controls and requirements within the WDCP.
- Appropriate operational management measures are in place to ensure that the residents occupying the proposed group home are cared for according to their needs in a manner that does not adversely affect the amenity of the surrounding community.
- The proposal makes use of existing infrastructure and resources through the utilisation of a structure that does not require modifications of the proposed use. The utilisation of the building in its current form will also ensure that there are no impacts on the natural and built environments, and the character of the existing low-density residential environment will remain unchanged.
- It is considered there are no matters that warrant refusal of the proposal on the grounds of it being contrary to the public interest.

Accordingly, it is recommended that Northern Beaches Council support and approves this development application.