



CREATIVE**PLANNING**SOLUTIONS

Statement of Environmental Effects

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



50 Starkey Street, Forestville
Lot 10 DP 24952

Prepared for: Sunnyfield Limited

CPS Project No: D437

Date: 9 November 2020

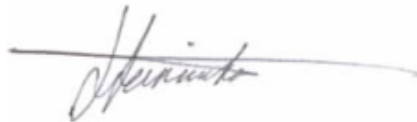
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1.0 Introduction

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 50 Starkey Street, Forestville. 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**').

Clause 43 (1) (b) of the ARH SEPP 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 the R2 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 did not consent to the use of the site as a group home. The intention of this DA is to therefore regularise the use as such. No physical works are proposed.

2.0 The Site

2.1 Site description

The legal description of the subject land is Lot 10 in Deposited Plan 24952, and is known as 50 Starkey Street, Forestville NSW 2087.

The subject site is located in the suburb of Forestville, approximately 10 kilometres north of the Sydney Central Business District ('CBD'). The site is located within the Northern Beaches Local Government Area ('LGA'). Refer to **Figure 1** for a locality map of the subject site.

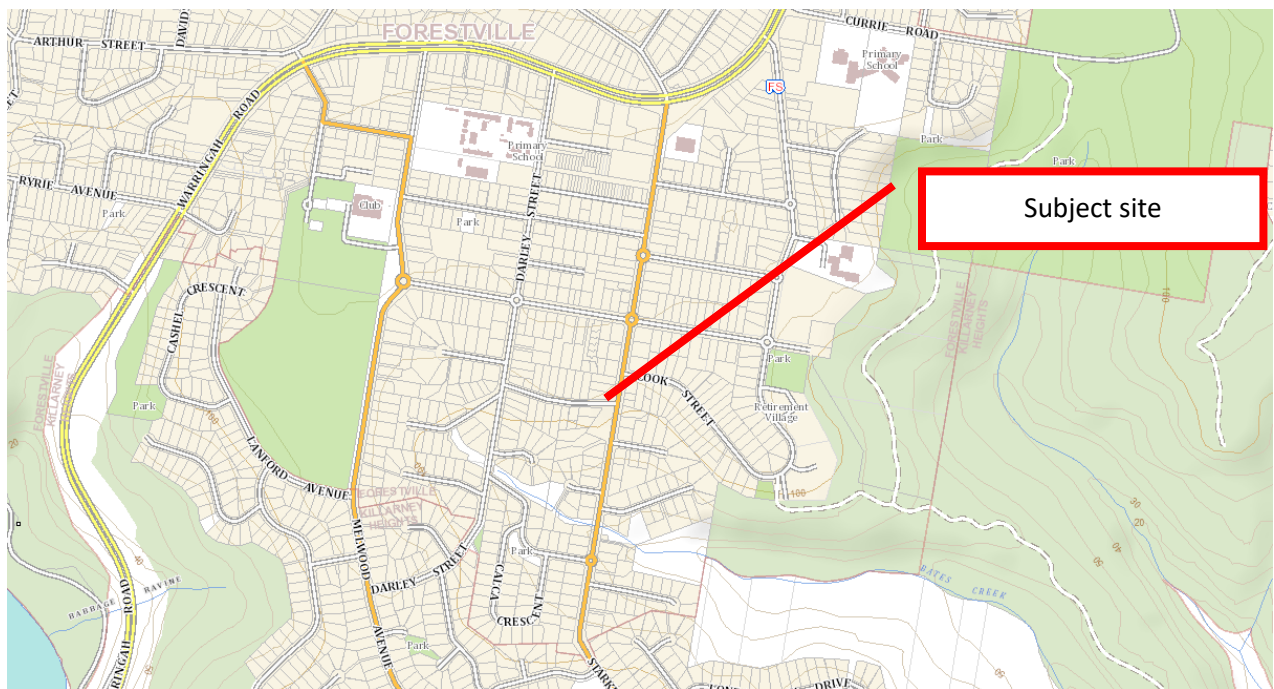


Figure 1: Locality Map – 50 Starkey Street, Forestville

Source: Six Maps, 2020

The subject site is a corner allotment with a site area of 687m²; the primary frontage of the site is oriented to the east and adjoins the Starkey Street road reserve, while the secondary frontage is oriented to the south and adjoins the Wirrilda Way road reserve. The site is sloped in a west-to-east direction towards Starkey Street.

Development on the subject site consists of a single storey detached dwelling, with a lower-ground two-car garage located beneath the southeast corner of the dwelling. The rear setback area is oriented towards the west of the site and development within this area includes a paved outdoor area at ground level, landscaped areas, an open/at grade car parking area and a disabled access ramp connecting the car parking space and the rear of the dwelling. The site has two driveways; the one servicing the lower-ground floor garage is located within the primary setback and connects to Starkey Street, while the car parking space within the rear setback connects to the secondary Wirrilda Way frontage. The ramp and car parking space/associated crossover within the rear setback were part of alterations and additions under Development Consent No. DA2012/0227, which were approved by the then Warringah Council

on 31 May 2012. There are a number of landscaped areas around the site, with the front setback containing a number of large trees.



Figure 2: Aerial Photograph of Subject Site (identified by the red border) and surrounding sites).

Source: Nearmap, 26 September 2020



Figure 3: The view of the subject site from the southeast within Starkey Street.

Source: Google, August 2019

The site is mapped by WLEP 2011 as being within the R2 Low Density Residential zone, with all surrounding sites within the immediate vicinity being within the same zone.



Figure 4: The view of the subject site from the south within Wirrilda Way.

Source: Google, August 2019

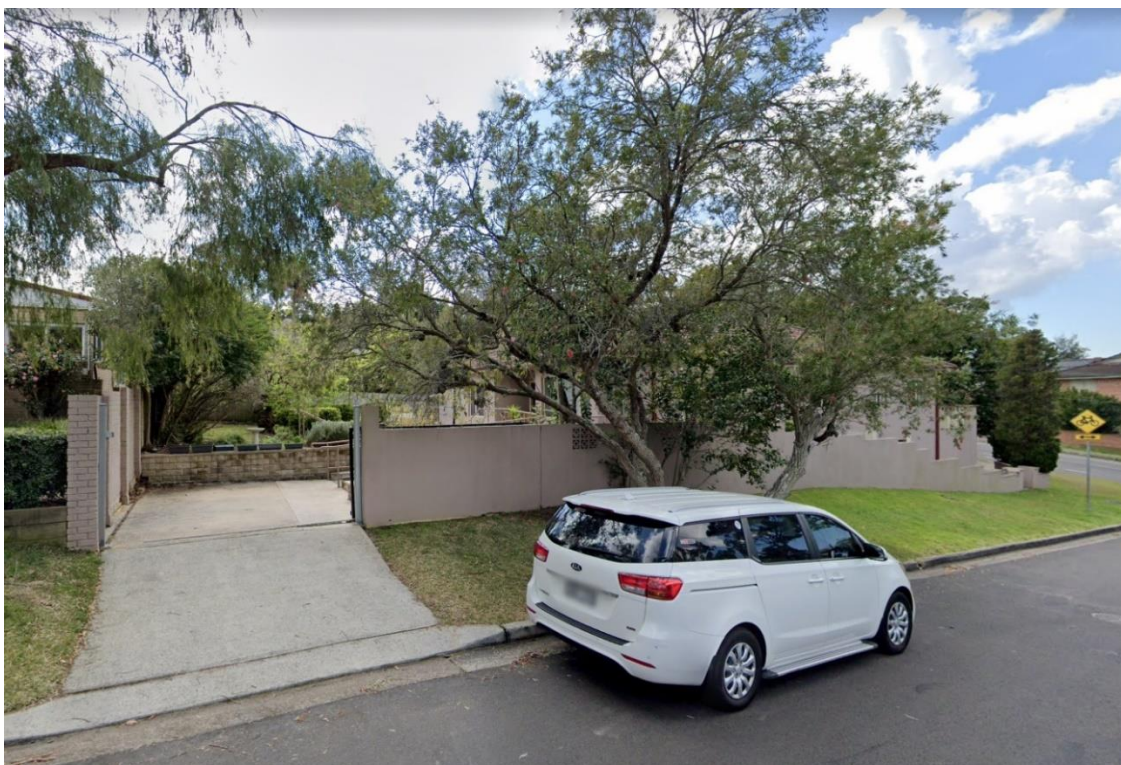


Figure 5: The view of the subject site from the southwest within Wirrilda Way. Note the driveway, parking space and ramping that towards the left of the image that formed part of the works as approved by Development Consent No. DA2012/0227.

Source: Google, August 2019

The site is not mapped as being affected by any significant affectations (e.g. bushfire, flooding, acid sulphate soils, biodiversity significance, etc.). The site is however identified under the WLEP 2011 as being within a landslip-prone area, with flanking slopes of between 5 and 25 degrees. The site does not contain a heritage item, is not within a heritage conservation area, nor is it in close proximity to a heritage item.

The site is also not located within a special or sensitive area, nor does the proposed use (detailed in Section 3 of this SEE) constitute a special activity as identified by Warringah Development Control Plan 2011.

2.2 Adjoining development and surrounding locality

The site is located within an established residential area characterised predominantly by low density residential development (i.e. dwelling houses, dual occupancies and isolated multi-dwelling housing developments, etc.).



Figure 6: 48 Starkey Street, Forestville

Source: Google, August 2019

The adjoining property to the north of the subject site is 48 Starkey Street which contains a two-storey dwelling house constructed of weatherboard with a tile roof. Significant vegetation is located adjacent to the common boundary with the subject site (*Figure 5*). Adjoining to the west of the site is 2 Wirrilda Way which comprises a single storey dwelling house constructed of brick with a tile roof (*Figure 6*).

Located to the south (i.e. on the opposite side of Wirrilda Way) is 54 Starkey Street, which contains a single storey, split-level dwelling house constructed rendered brick with a tile roof. To the east of the site (i.e. on the opposite side of Starkey Street) are 41A and 41B Starkey Street, each of which accommodates a two-storey semi-detached dwelling constructed of brick with a pitched tile roof. Surrounding development consists of low-density residential development (i.e. dwellings houses, dual occupancies, etc.).



Figure 7: 2 Wirrilda Way, Forestville

Source: Google, August 2019

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 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 former dwelling (which included additional onsite parking and an access ramp within the rear setback) were approved as part of Development Consent No. DA2012/0227, therefore no building works are required to facilitate the proposed change of use.

Consent is therefore being sought for use only, and 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 five (5) 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) - Matters for consideration

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.

4.2 Environmental Planning Instruments – Section 4.15(1)(a)(i)

4.2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

Compliance with the applicable provisions of Part 2, Division 7 (Group homes) of the ARH SEPP are is demonstrated within the following table:

Part 2 New affordable rental housing - Division 7 Group homes		
Clause	Comment	Complies
42 Definitions		
(1) In this Division— group home means a permanent group home or a transitional group home. permanent group home means a dwelling—	As indicated within Section 3 of this SEE, the proposal is for a permanent group home.	Yes

(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. prescribed zone 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. transitional group home 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 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, 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 that is the subject of this DA was previously constructed and utilised as a dwelling house (noting that the structure was both defined and described as such within Development Consent No. DA2012/0227). The building continues to contains a garage, single main point of entry, no self-contained rooms, living areas and shared outdoor areas. The building is be permanently occupied by persons with intellectual disabilities and who will be provided with paid supervision and care. The proposal is also not consistent with development to which <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> ('Seniors SEPP') applies. Further, the subject site is located within an R2 Low Density Residential zone under <i>Warringah Local Environmental Plan 2011</i>, and is therefore within a prescribed zone as defined by the SEPP.	
(2) In this clause— (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	Noted.	-

(b) a reference to people who are socially disadvantaged is a reference to— (i) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or (ii) people who require protection because of domestic violence or upheaval.		
43 Development in prescribed zones		
(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— (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 (b) with consent in any other case.	As indicated above, the site is located within a prescribed zone. While the building contains five (5) bedrooms, it is not being undertaken on the behalf of a public authority. Consent is therefore sought for the proposed change of use.	Yes
(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.	Noted.	-
44 Exempt development existing group homes		
(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 home, by or on behalf of a public authority, is exempt development if— (a) it meets the development standards for the development specified in that Schedule (as modified by subclause (2)), and (b) it complies with the requirements of clause 20 (2) of that Policy.	Noted.	-
(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— (a) the maximum surface area for such a carport is taken to be 30 square metres, (b) the maximum height for such a carport is taken to be 3 metres above ground level (existing), (c) any such carport may be located up to 1 metre forward of a front building setback.	Noted.	-

45 Complying development—group homes

(1) Development for the purposes of a group home is complying development if— (a) the development does not result in more than 10 bedrooms being within one or more group homes on a site, and (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). Note— 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>.	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 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.	Noted.	-

46 Determination of development applications

(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. From the applicant's perspective, the community need for the development is demonstrated	-
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	through the current occupation of the building by five (5) persons with intellectual disabilities requiring care by Sunnyfield.	
	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. Further, Council considered all relevant SEPPs as part of its assessment of Development Application No. DA2012/0227 and did not raise any issues with regard to contamination. As such, there is no information to suggest that the subject site has become contaminated.

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 (Infrastructure) 2007

Divisions 15 (Railways) and 17 (Roads and traffic) do not apply to this proposal. The provisions of Part 2 (General) of the SEPP also do not apply as it is not being undertaken on the behalf of a public authority. While transmission easements have not been on/immediately adjacent to the site, under Subdivision 2 of Division 5 (Electricity transmission or distribution networks), Council may wish to refer the application to the relevant electricity supply authority and take into consideration any matters raised.

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 8**). 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.

The proposal will also satisfy the objectives of the R2 zone, which for reference 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.



Figure 8: An extract of the WLEP 2011 zone map extract.

Source: legislation.nsw.gov.au

The proposed use will cater 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 are therefore consistent with development found within a low-density residential environment. The proposal will have no impact on the ability of surrounding sites to provide facilities and/or services to meet the day to day needs of residents. Further, the former dwelling (which has previously been the subject of assessment under WLEP 2011) will not be physically altered by the proposal and no tree removal is proposed; the building and subject site will therefore continue to be in harmony with the surrounding natural and built environments.

Applicable development standards

As indicated within Section 3 of this SEE, the proposal is for a change of use with no works being proposed.

Aside from the permissibility considerations addressed above, a review of WLEP 2011 has not identified any applicable provisions or development standards that apply to the site.

As such, there are no additional provisions within the LEP that are required to be addressed.

4.3 Draft Environmental Planning Instruments - Section 4.15(1)(a)(ii)

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

4.4 Development Control Plans - Section 4.15(1)(a)(iii)

4.4.1 Warringah Development Control Plan 2011

An assessment of the proposal against WDCP 2011 is contained within the table below. As the proposal is for a change of use with no building works, there are limited provisions within the DCP that apply. As such, the following table only considers provisions that relate to boarding houses and/or dwelling houses where applicable.

Warringah Development Control Plan 2011 Part C Siting Factors		
Provisions	Proposed	Complies
C3 Parking Facilities		
2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account: - the land use; - the hours of operation; - the availability of public transport; - the availability of alternative car parking; and - the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.	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 : - Avoid the use of mechanical car stacking spaces; - Not be readily apparent from public spaces; - Provide safe and convenient pedestrian and traffic movement; - Include adequate provision for manoeuvring and convenient access to individual spaces; - Enable vehicles to enter and leave the site in a forward direction; - Incorporate unobstructed access to visitor parking spaces; - Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places; - Provide on site detention of stormwater, where appropriate; and	The existing car parking facilities will not be altered; there will subsequently be no change to the appearance of such facilities. As the change of use affects a dwelling house, the onsite parking facilities are unable to provide forward entry/egress. The onsite parking facilities are capable of meeting all Australian Standards, noting that the 3.8m width and adjacent ramp already provides accessible onsite parking facilities.	Yes

Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.		
4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. 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.	Under Appendix 1 of the DCP, parking rates for group homes are not specified; comparisons are to therefore be made with a similar purpose. Given that the proposed group home is of a similar purpose to a dwelling house, in terms of residential functionality and build form, the proposal has drawn upon dwelling house car parking requirements. Car parking rates for dwelling houses require a minimum of two (2) spaces. At present, four (4) off-street car parking spaces are provided as follows: - One (1) space is located within the open space in the rear setback, - Two (2) spaces are provided within the lower ground flood garage, and - One (1) space is provided within the primary road setback (noting that this space has a fall of 1% as approved by Development Consent No. DA2012/0227). It should also be noted that as Sunnyfield group home residents typically do not drive, the only traffic generation associated with these sites are Sunnyfield carers/employees; a van/people mover is otherwise used by Sunnyfield staff to transport residents to/from the site. The four (4) car parking spaces are therefore capable of meeting the parking demand generated by this proposed use.	Yes
5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.	As indicated above, there are sufficient space onsite parking facilities for staff. The site is also in close proximity to public transport services, with the nearest bus stop (served by the 273 and 278 bus routes, which provide direct services to the Sydney CBD and Chatswood respectively) being located approximately 100 metres walking distance from the site.	Yes
7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.	The existing 6.5x3.8 metre parking space and disabled access ramp within the site's rear setback provides facilities for disabled access if required.	Yes

Part D Design**D2 Private Open space**

1. Residential development is to include private open space for each dwelling.	The existing Private Open Space ('POS') area within the rear 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: Dwellings with 3 or more bedrooms: A total 60m² with minimum dimensions of 5 metres	The existing 72.3m ² primary POS (inclusive of minimum five metre dimensions and as approved by Development Consent No. DA2012/0227) 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 height of the POS area does not adversely affect the visual privacy of adjoining sites, which are located at higher ground levels.	Yes
5. Private open space shall not be located in the primary front building setback.	The POS area will continue to be located within the rear setback.	Yes
6. Private open space is to be located to maximise solar access.	The POS area is located on the northwest side of the dwelling, and is optimally located for plentiful solar access.	Yes

D3 Noise

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 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.	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
D18 Accessibility and Adaptability		
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 existing layout of the site (as approved by Development Consent No. DA2012/0227) provides a barrier-free layout through the provision of ramped access and a single-level floor layout.	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.	The previously-approved wheelchair ramp provides sufficient width and slope for disabled access.	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 - Section 4.15(1)(a)(iia)

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

4.6 The Regulations - Section 4.15(1)(a)(iv)

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 – Section 4.15(1)(b)

4.7.1 Impact on the Natural Environment

The proposed development will utilise an existing dwelling that has already been appropriately modified to accommodate the proposed use. No impacts on trees, vegetation and/or landscaped areas are proposed. As no works are proposed, there will be no soil or water impacts.

As the building is not proposed to be modified as a result of the use, the proposal would not change streetscape character and/or the amenity of surrounding residences. Given the location and orientation of the site on a corner allotment, good access to natural sunlight living and private open space areas is provided; the development will also have no impacts on surrounding allotments or the public domain in terms of solar access, visual privacy and views.

The proposed use of the site will continue to remain consistent with that of the existing dwelling, in that it will be used to accommodate members of the community in a manner that is consistent with surrounding development. The group home does not accommodate persons requiring a high level of care, and as such its operation will minimise staff movements and associated noise-generating activities. The group home is therefore not a noise-generating activity that would adversely affect the amenity of the surrounding residential area.

As such, the proposal will not have any significant impact on the natural environment.

4.7.2 Impact on the Built Environment

The change of use would utilise an existing dwelling house; no changes are proposed to the dwelling as was modified under Development Consent No. DA2012/0227. The facilities that are already provided are also sufficient for the occupation of the group home by people with disabilities. As the building is not proposed to be modified, the proposed use of the site as a group home will have no impact on the site's presentation to surrounding sites and the public domain. The streetscape and both the existing and desired future character of the area will therefore remain unchanged.

As such, the proposal will not have any significant impacts on the built environment.

4.7.3 Social Impacts

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. The proposal will therefore provide specialised and suitable housing for members of the community with disabilities. The location of the group home within the locality enables its residents to have access to local facilities and associated community participation opportunities. Further, the group home and associated care activities will provide tailored and supportive accommodation with higher levels of privacy, flexibility and amenity.

No adverse social impacts are anticipated as a result of the proposed development. The development provides and contributes to diversity in housing choice.

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,
- Provide additional employment opportunities for carers and other relevant medical staff, and
- Not adversely affect the surrounding area or locality more broadly.

Accordingly, it is not considered there would be any adverse impacts on the social significance of the locality for present or future generations. In this regard, the proposal will have a positive social impact on the surrounding locality.

4.7.4 Economic Impacts

No adverse economic impacts are likely to result from the proposed group home development. The proposed development will beneficially 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 designed for the proposed use,
- Additional employment opportunities through the hiring of specially qualified carer and support staff to facilitate the group home's operation, and
- Enhanced consumption of local goods and services as a result of accommodating residents and the attendance of staff at the site.

4.8 Suitability of the site for the development – Section 4.15(1)(c)

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

The existing dwelling is well suited to the proposed use as a group home, as all habitable areas are located on a single level and access for persons with disabilities is provided. Further, the site contains an oversized private open space area that is both well located and oriented to maximise amenity and encourage use by residents. Further, the location of the site is close to local services including public transport, shops and supporting social and community infrastructure for use by residents.

Accordingly, it is considered 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 – Section 4.15(1)(e)

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 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 would provide a service to the broader community, as it would:

- 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.

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 WDCP 2011.
- 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.