

38 ECO-INFO - RESIDENTIAL AGED CARE

Edited: 1/08/2002

BACKGROUND

Suitable housing for older people and individuals with a disability is important to Wyong Shire Council. The Shire has a significant portion of older residents and has experienced a very high net gain of population in the 55 year plus age group from in-migration between 1991 and 1996.

The Commonwealth Department Health Aging offers funding for high care (nursing home) and low care (hostel) beds. The allocation of beds for aged care is coordinated through the Federal System.

Council recognises that at present there is shortage of spaces for aged and disabled given the Council's social profile. The Central Coast is also a target for care providers to relocate facilities and beds from more expensive and congested Sydney locations. Wyong Council therefore seeks to assist in providing quality facilities for the aged and disabled, however, residential aged care must be appropriately designed, located and serviced.

This fact sheets seeks to provide developers and organizations involved with provision of accommodation for the aged with general guidance as to the standards and controls that applies to such housing. Much as the same information relates to the housing for people with disabilities.

APPLICATION

It is always recommended that prior to lodgement of a developed application that any potential applicant discuss this proposal and alternative sites with Council staff. This should then be followed by a concept plan for the development lodged as "preliminary assessment." A small fee (\$138.00 at present) applies to a preliminary

assessment. This results in a written response as to the suitability of the site for the of development and a detailed list of the specific information required to be supplied with the development application.

Housing for the aged requires a consent from Council. This involves the submission of a development application accompanied at least by a Statement of Environmental Effects as outlined under the Environmental Planning and Assessment Act 1979. Depending on the nature of the application and the site selected for the development, additional information may have to be submitted at the time of application or subsequently provided to Council as part of the assessment process.

The Statement of Environmental Effects requires as a minimum:

- * **site analysis** showing clearly issues such as slope and aspect, all existing vegetation and trees, surrounding development and details of how they relate to the development proposal. Any natural constraints such as rocky outcrops, sprayings etc and distance to all services including; bus transport, and shops should also be shown.
- * **detailed flora and fauna survey** relevant to the vegetation on site (referred to as an 8 part test).
- * **social impact statement** including a discussion of the effects of the proposal on the social environment and information relating the availability of support services and facilities both on and off site.
- * **landscape plan** (in most cases Category 3).

- * **outlines of the buildings requirements** basic compliance Building Code of Australia.
- * **relevant engineering studies** including traffic, availability of water and sewer and in most cases, geotechnical information particularly as it relates to Mines Subsidence.



It should be noted that the more comprehensive and thorough information the applicant provides, at time of application the more readily that Council staff can undertake a thorough assessment of the development proposal without further delay.

The application submitted to Council is then notified to all adjacent land owners. If the impacts are likely to be wider then more extensive notification process can be undertaken. The application is also advertised in local newspapers and the add provided to local precinct committees. It is therefore recommended that an applicant establish contact with neighbouring landowners prior to lodgement of application to determine any concerns or issues that they may have regarding such a development and where practical take measures to address any concerns that may be raised.

For major applications it is desirable that the applicant provide more than simple elevations and floor layouts. This can take the form of detailed perspectives and simulations of future streetscapes in order to clearly show the likely impact of the development on the neighbourhood.

The application is assessed by Council staff with consideration of issues raised in s79C of the Environmental Planning and

Assessment Act 1979. This identifies the matters of the consent authority must take into consideration in determining a development application. In particular, consideration must be given to relevant codes and standards, planning instruments and environmental and social effects of the development proposal.

The development application is then either approved under delegation by Council staff or one of two assessment panels. Alternatively, it may be referred to a full Council for their determination. Applicants can request that they address the panels or Council and should maintain regular contact with the Assessment Officer throughout the assessment procedure.

The determination may consist of either refusal or consent. The consent is subject to a number of specific conditions. All conditions must be met during the course of the development and operation of the facility. Special care should be taken to ensure that all conditions are fully met.

Because most housing for the aged seeks relatively high levels of density, this form of development has raised significant problems in the Shire in the past. Applicants are encouraged to provide quality, detailed information of the development proposal.

STANDARDS

Housing for the aged is subject to a large number of requirements and guidelines that seek to ensure minimal standards for such facilities. It can be very confusing for applicants seeking to meet all of the many standards that apply. Failure to comply may be grounds for refusal of a costly application. It is therefore recommended that there is early liaison with Council Staff to ensure that all issues are addressed professional assistance is obtained in the complying of a quality application..

The following are brief outlines of some of the more significant standards that apply to such housing:

- 1 Wyong Local Environmental Plan, 1991 - The Wyong Local Environmental Plan allows for the construction of "Housing for Aged or Disabled Persons". Under this Planning Instrument, such housing is permissible in all of the residential ("2" zones) Many forms of housing for the aged can be developed in accordance with this Local Environmental Plan including the provision of dual occupancies and "granny flat" type developments. Most housing for the aged involving more than two units seeks special consideration under the next planning instrument.



State Environmental Planning Policy No 5 - Housing for Older People or People with a Disability". (SEPP 5)

SEPP 5 aims to encourage provision of housing that meets the needs of older people or people with disabilities and make efficient use of existing infrastructure and services while being of good design.

SEPP 5 under certain circumstances can set aside some planning controls that would otherwise prevent the development of housing for older people providing it meets the standards specified in the policy. It therefore allows consideration of a SEPP 5 development except on environmentally sensitive land. If SEPP5 pays particular attention to location close to facilities and support services and generally must be

sited within 400 metres of significant services. Of particular concern is the need to provide water and sewerage services.

SEPP 5 lists standards for access, adaptability, security, carpark and standards for many facilities within a residence. It also lists design requirements for the application which in most cases are more liberal than applies to standard unit and multi storey developments.

While providing significant guidelines for development, SEPP 5 cannot be relied on to provide all the standards relevant to such a development.

Building Code of Australia - This codes provides details regarding access for people with disabilities including access to buildings, parts of buildings that must be accessible, concessions and carparking. In general, all development is subject to a condition of consent requiring compliance with the Building Code of Australia.

Disability Discrimination Act 1992 (Commonwealth) - Seeks to eliminate discrimination against people with disability in areas of work, it covers provisions of facilities, accommodation; access to premises and provision of good facilities, services and land.

Australian Standard AS 1428 Part 1 - 1998 - Design for access and mobility; general requirements for access-to new building work. It provides specific standards for access and mobility requirements in housing for the disabled and general public facilities.

Australian Standard AS 42299 - 1995 Adaptable Housing - Provides standards appropriate to adaptable housing that can be modified and allowed for aging in place in facilities for the aged and disabled.

Safer By Design Protocol - Wyong Shire Council has a protocol with NSW Police for the referral of major applications to the Police Force for their evaluation. Any significant SEPP 5 developments requires an analysis of the development in accordance with Safer By Design Principles.

Rural Fires Act 1997- The NSW Government has stringent guidelines regarding the development of facilities for aged people in areas that we consider that are subject to bushfire threat. The publication "Planning for Bushfire Protection" (planningNSW 2001) should 2003) - This NSW be consulted in considering suitable locations for such facilities.

Healthy Ageing Policy Framework (1988-2003) -This New South Wales Government Policy formulated by the Aging and Disability Department identifies the principles that the Government is promoting for attitudes to aging in older people, participation in community life and encouraging the ability for the aged to make their own decisions. Designers of such facilities are well advised to incorporate these principles at an early conceptual stage to ensure that a quality facility results.

Development Control Plans - There are a number of such plans formulated by Wyong Council that may impact on facilities for the aged. These often contain standards that cover areas not mentioned in SEPP 5 and therefore must be considered in designing such facilities. These include Development Control Plan No 64 (Guidelines for Medium and High Density Residential Development)

Contribution Plans - Development contributions are not applied as extensively to facilities for the aged and disabled as they are to standard unit development. Contributions nevertheless apply for water, sewer, roads and other services that are required for the residents in such facilities. Care should be taken in costing any such developments that appropriate allocation is made for contributions.

A WORD OF CAUTION

While Wyong Council seeks to assist the development of facilities for the aged, it is stressed that these must be well designed, well located, adequately serviced and blend with the community. The Council is committed to assisting individuals with aging in place while at the same time recognising that affordability is a key consideration for the aged.

In recent times, this has led to some attempts to locate areas for aged care facilities on sites that are clearly not suitable due to lacking appropriate services, isolated or located on land which is clearly marginal due to hazard or native vegetation cover. Developers seeking to leap-frog urban development in an attempt to obtain cheaper land are regularly disappointed at the high cost for the provision of services and find that they are unable to meet SEPP 5 requirements with respect to location and services. In addition, Council is concerned at the potential for multiple large SEPP 5 developments to creating entire suburbs largely populated by a single age group.

The New South Wales State Government has raised similar concerns and undertaken reviews of policies for aged and disabled which will undoubtedly lead to further controls. It is therefore essential that any potential developer maintain regular contact with governing authorities regarding the current policies that may impact development.

FURTHER INFORMATION -Anyone seeking further information, copies of controls and guidelines or feedback on specific proposals should contact Council's Customer Service Staff on 4350 5555.



