



Residential Aged Care Facilities Reform

Mornington Peninsula Shire Council

Submission

February 2018

The Mornington Peninsula Shire Council (MPSC) welcomes the opportunity to make a submission to *the Residential Aged Care Facilities Reform* that was released for comment by the Department of Environment, Land, Water and Planning (DELWP) in December 2017.

The MPSC supports many of the suggested changes to the structure and operation of the Victoria Planning Provisions (VPP) as proposed by the Reform on the basis that they seek to address a social need for more residential aged care facilities, and facilitate their provision in a more effective manner.

The MPSC is well placed to comment on this reform given that it contains a number of existing residential aged care facilities and has recently dealt with an influx of new residential aged care facility applications. In addition, the 2016 Census found 31.4% of the peninsula's population to be aged 60 years or over compared with the Greater Melbourne percentage of 19%. Social policy generally supports people ageing in place and personal choice with nursing and personal care practices including home-based delivery options. This evidenced by the Federal Government funding model for aged care being based on a per person subsidy.

The industry has generally responded with residential care proposals that, to maintain their feasibility, have around 150 beds or more. However, it is possible that smaller proposals may develop in the future. To give perspective, Specialist Disability Accommodation (SDA) funding for housing is now associated with rules for small dwellings. To that end, the MPSC maintains that a more comprehensive reform of all definitions and provisions pertaining to uses within the Accommodation nest of uses is advocated to better respond to the new models of accommodation that are emerging. There is a spectrum of accommodation types in the market that do not neatly fit the current uses in the accommodation definition.

Despite the above advocacy for a more comprehensive reform of accommodation, the following issues and areas of concern outlined by the MPSC with regard to the Reform and the proposed new particular provision should be addressed or reviewed as part of the process:

- The definition of Residential Aged Care Facility should be amended to create more certainty that it just covers large facilities (e.g. 30 persons or more).

The current definition does not provide an appropriate interface with legislation that prescribes various types of accommodation. For example, the definition could reasonably be interpreted to include Supported Residential Services and these accommodation types often have a lower level of staffing. The definition is also so wide that it could capture smaller proposals that may be better regulated by the provisions of Section 55.

- The scope of the proposed particular provision should apply to the construction of a building or the construction or carrying out of works associated with a Residential aged care facility in all residential zones including the Low Density Residential Zone. Of the numerous residential aged care facilities on the Mornington Peninsula, the majority are located within the Low Density Residential Zone. Moreover, the MPSC advocates a unified approach to the consideration and assessment of residential aged care facilities regardless of the zone. This will ensure consistency and a best practice approach to the design and development of such facilities across the Shire and indeed the State.
- The particular provision should require all applications to respond to the Universal Design Principles regardless of the ability to respond to and adhere to ResCode provisions and other objectives.
- A new standard is needed to replace standard B27 'Daylight to new windows'. The people living in a residential aged care facility would normally spend large amounts of their time in their own room often having less mobility than people who are capable of living in their own dwellings. Their immediate environment and access to daylight is therefore heightened in their sense of wellbeing. Often accordance with this objective has led to a compromise in the outlook achieved from such windows, (i.e. solid brick wall outlook). On this ground it is considered that a higher standard of access to daylight is justified to provide for improved consideration of such windows including daylight, outlook and amenity.
- It is acknowledged that the design of residential aged care facilities must have consideration of sensitive matters including the 24/7 accessibility for ambulance and other service vehicles. Independent separate access ways and parking including adequate turning circles for visitors and services to the facility will facilitate improved amenity for residents and visitors alike.

- A review of the car parking ratio and requirement to sufficiently increase the car parking requirements to better reflect the amount of parking necessary for RACFs. The provision of 0.3 car parking spaces per lodging room is inadequate and Council is often faced with the need to restrict parking in surrounding residential streets to meet the demand and shortfall from RACFs in residential areas.
- In order to achieve the purpose of the proposed new particular provision, to not adversely impact on the amenity of adjoining neighbours and to facilitate the development of residential aged care facilities it is necessary to extend the scope of the permit requirements beyond the design of the buildings to include the consideration of waste storage and collection and their design. Significant amenity impacts both to adjoining properties and internally are often observed in the design of such facilities that have not considered the design of waste storage and collection that require such 'back of house' services to be accommodated on an already over designed facility.
- A new specific standard for access to outdoor unshaded areas is required to enable residents to enjoy access to sunlight in winter months and have the ability to enjoy gardening of flowers and vegetables in planter boxes.
- A new specific standard for the provision of substantial landscaped garden areas to enable sensitive residential interfaces with adjoining properties to be better managed. The MPSC contends that provision of cursory landscaping along site boundaries for such intense and substantial facilities is inappropriate. As a minimum 5m along site boundaries should be provided as landscaped garden areas to improve the amenity of residential aged care facilities, to improve the outlook from within the site and to improve the sensitive interface with adjoining properties.
- The draft provision proposes to exempt notice of an application being given if all the requirements listed in the draft provision are met. Where a requirement is to be varied, the responsible authority will have the discretion to consider the appropriateness of the variation and determine whether notice of an application is required to be given. Experience shows that a one size fits all approach is not necessarily the best approach and whilst it has benefits of streamlining consideration of such applications, there are often nuances that require consideration which applicants may not be prepared to consider as this may require notice to be given and review rights to be activated. Moreover, just because an application meets the requirements of the provision it does not mean that the development does not have an impact and should not be advertised to adjoining and nearby properties for scrutiny.

The notice and review provisions of the Planning and Environment Act 1987 should be provided for and the responsible authority should be given the ability to decide whether to give notice of a permit application particularly for such large facilities that provide for a considerably higher building height and more intense form of residential living.

- The “Requirements to be met” should include the following additional matters:
 - An undercover recharge point for motor scooters.
 - Undercover parking space for motor scooters
 - An outdoor pathway circuit.
 - Provision of wayfinding design.
 - Provision of internal spaces that are suitable for both small and large gatherings of residents.
 - Basic kitchen facilities for access and direct use by residents, as permitted by workers compensation and public indemnity requirements.
 - Independent separate access ways and parking, including turning circles, for visitors and services to the facility.
 - Well designed adequate on-site waste storage and collection
 - 5m landscaped garden beds along site boundaries.
 - One way access and egress for all service and utility vehicles and visitors to the site to ensure no conflict with pedestrians
 - Colour coded internal rails for residents and visitors alike to navigate such facilities.
 - Well designed and landscaped courtyards at relevant and appropriate locations scattered throughout the RACF

- The information requirements should include the following additional matters:
 - A report from a suitably qualified access consultant concerning the all abilities accessibility of all buildings and any external paths.
 - Proposed outdoor pathways and courtyards.
 - Provision for the recharging and parking of motor scooters