

14 December 2021

2210731

Mr Ray Brownlee
Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Dear Mr Brownlee,

STATEMENT OF ENVIRONMENTAL EFFECTS – CHANGE OF USE DA FOR OVERNIGHT RESPITE CARE 13 NAMBUCCA ROAD, TERREY HILLS

This Statement of Environmental Effects (SEE) is submitted to Northern Beaches Council in support of a Development Application (DA) for a change of use of the existing detached residential dwelling located at 13 Nambucca Road, Terrey Hills. The DA seeks approval to change the use of the dwelling to an overnight respite centre (group home) as part of the HammondCare at home service.

This SEE has been prepared by Ethos Urban on behalf of HammondCare. This report describes the site, its environs and the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

It should be read in conjunction with the following supporting documentation appended to the report:

- Existing Architectural Plans prepared by HammondCare (**Attachment A**);
- Plan of Management prepared by HammondCare (**Attachment B**);
- BCA Statement prepared by Custom Development Certifications (**Attachment C**)
- Access Statement prepared by Custom Development Certifications (**Attachment D**); and
- Fire Engineering Report prepared by Mobius Fire Safety (**Attachment E**).

1.0 Background

HammondCare is an independent Christian Charity, assisting people in need. HammondCare at Home specifically assists older people to remain living in their own homes for as long as possible. HammondCare supports people to do this by providing direct in-home care, centre based day care and overnight respite cottages. Currently HammondCare at Home operates within various parts of QLD, NSW, ACT and Melbourne.

HammondCare has been operating 'cottage respite' services for over 15 years, meeting local need and contributing to the quality of life of older Australians. HammondCare's cottage respite is a highly valued service in the communities it operates in because of its unique, small-scale that promotes a domestic environment which is more akin to a home than an institution. The high staff to guest staffing ratio allows the development of personal relationships and flexible routines that provide the best quality care and helps guests feel safe.

2.0 Site Analysis

2.1 Site Context

The site is located at 13 Nambucca Road, Terrey Hills, within the Northern Beaches Local Government Area. The site is located approximately 900m north west of Terry Hills local shops and within a low-density residential area. The site and its surrounding context are illustrated in **Figure 1**.

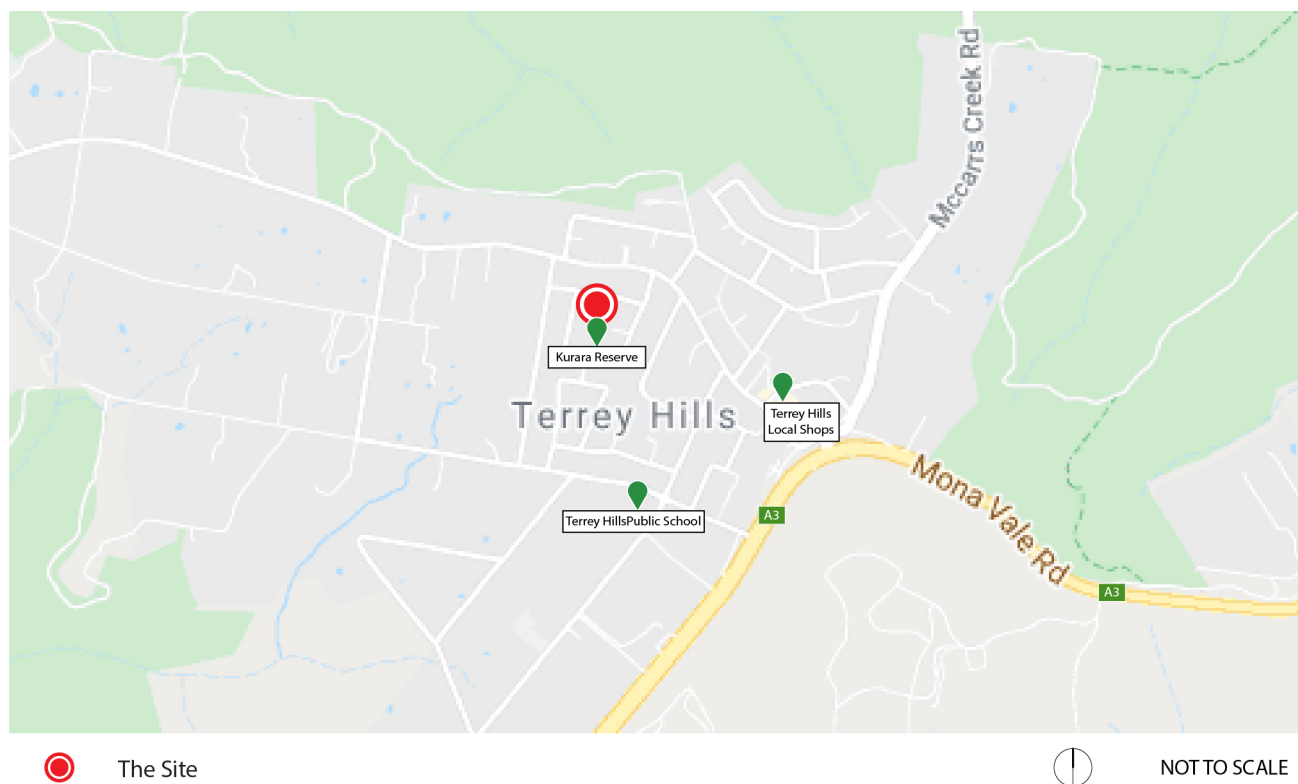


Figure 1 Locational context of site

Source: Nearmap edited by Ethos Urban

2.2 Site Description

The site has a primary frontage to Nambucca Road which forms its northern boundary. It is adjoined by single storey residential dwellings to the south, east and west, as well as a public reserve (Kurara Reserve) to the immediate south, as identified in the aerial context photograph in **Figure 2**. The site is legally described as Lot 9 of DP238404 and has a total approximate area of 700m².



Figure 2 Aerial photograph

Source: Nearmaps edited by Ethos Urban

2.3 Existing Development

The site currently comprises a single storey detached dwelling, comprising 3-bedrooms, two bathrooms (one ensuite), kitchen, two living areas, study and laundry. The dwelling is equipped with a single car garage and long driveway with space for additional off-street parking. A swimming pool is provided to the rear of the dwelling.

A copy of the Architectural Plans for the existing dwelling is provided at **Attachment A** and an extract of the floor plan is shown in **Figure 3**.

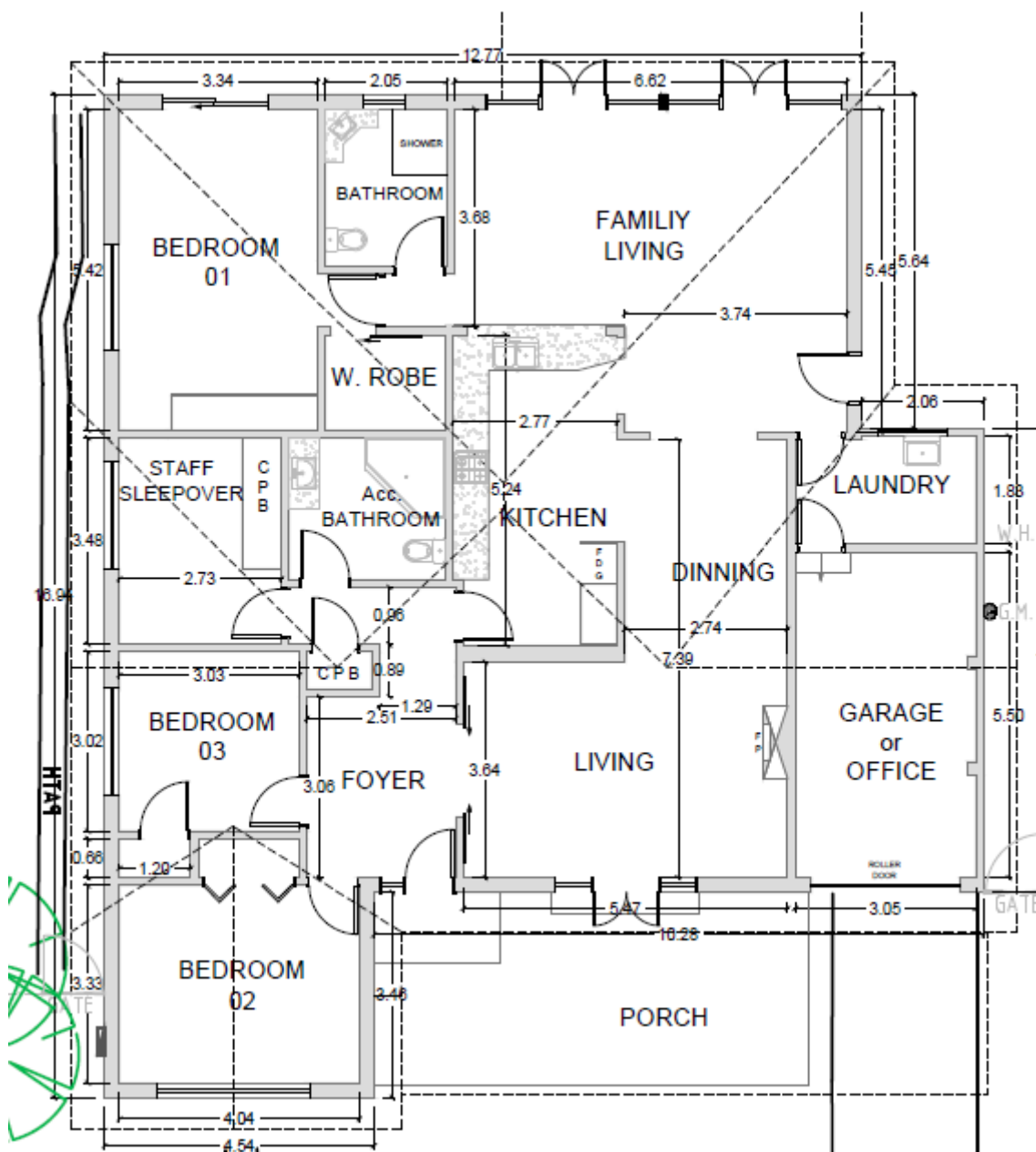


Figure 3 Extract of floor plan for existing dwelling

Source: HammondCare

2.4 Surrounding Development

The following development surrounds the site:

- **North:** to the immediate north of the site is 16 Nambucca Road, which is a single storey detached dwelling.
- **East:** to the immediate east of the site is 11 Nambucca Road, which is a single storey detached dwelling.
- **South:** adjoining immediately south of the site is 15 Nambucca Road which comprises a single storey detached dwelling and Kurara Reserve a public reserve that provides local green space.
- **West:** to the immediate west of the site is 17 Nambucca Road which comprises a single storey detached dwelling.

3.0 Description of the proposed development

This application seeks approval for a change of use of the existing residential dwelling to facilitate an overnight respite centre use (group home). The service will provide short-term overnight respite services for older people whose primary carer needs a break from their caring role. The service will provide respite care for between one to ten consecutive nights, depending on the needs of the patient.

The respite service will operate like a normal home with a maximum of three guests in the facility which allows for a high degree of care to be provided within a domestic setting. The facility will have no street signage and visitors to the house are restricted, respecting that the service operates in a homelike environment, not a normal work/institution environment.

No physical works are proposed as part of the development, with the exception of minor upgrades to ensure compliance with BCA and fire safety standards which will be sought via a development consent as "Prior to the Issue of Occupation Certificate" conditions.

Hours of operation

The facility will operate 24 hours a day, 7 days a week.

Occupants

There will be a maximum of three guests (service users) within the facility at the one time.

Staff

Up to two care staff will work at the facility, 24 hours a day across three different shift cycles (morning, afternoon, evening). A Cottage Manager who oversees the running of the cottage will also be onsite as required.

Daily operations

The care staff working within the facility report to an overnight respite Cottage Manager. All staff are trained in dementia care, including the practical aspects of the role (such as medication management, personal care, clinical care and manual handling).

The cottage carers are responsible for internal cleaning and meal provision. Groceries are sourced online using supermarket delivery services and meals are prepared in accordance with HammondCare's food safety program. Laundry and household cleaning are also undertaken by the care staff on site, utilising normal domestic appliances.

Parking

Guests and their carers would utilise the existing driveway area for pick-up and drop-offs. All check-ins and departures are managed by the facility in a staggered manner, and guests do not check in over the weekend. Staff parking can be accommodated within the existing garage and driveway.

Given the nature of the facility providing short-term overnight respite for the carers of guests, it is unlikely that the guests (service users) staying at the facility, will have any visitors during their stay. This is because the relatives have sought the temporary care and service provided by HammondCare so that they themselves can take a break from their normal caring role. On the limited occasions where a visitor may attend the site to see a guest of the facility this would be arranged with staff so that this occurs outside of check in and check out times.

4.0 Assessment of planning issues

Under Section 4.15(1) of the EP&A Act, in determining a development application the consent authority must take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts of the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

The assessment includes only those matters under Section 4.15(1) that are relevant to the proposal. The planning issues associated with the proposed development are assessed below.

4.1 Environmental Planning Instruments

4.1.1 Warringah Local Environmental Plan 2011

The site is zoned R2 Low Density Residential under the *Warringah Local Environmental Plan 2011 (WLEP)*. It is noted that the LEP includes a definition for a 'respite centre', however, this is restricted to day visits and therefore would not accommodate overnight stays in accordance with the following definition:

Respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

As the proposed use seeks to provide temporary overnight care, the most appropriate land use under the LEP is a 'Group Home (Transitional)' which is defined as:

Group home (transitional) or transitional group home 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 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 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

A group home is permissible with consent in the R2 zone. It is also permissible in accordance with Clauses 61 and 43 of *State Environmental Planning Policy (Housing) 2021*, which permits group homes in any prescribed zone (including R2). It is noted that Clause 62 of the SEPP stipulates that a consent authority must not:

- 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
- 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.

The LEP states the following objectives for the R2 Zone;

- 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 proposed change of use will allow HammondCare to provide important respite services to the community within a low-density residential environment. No substantive external alterations to the existing dwelling are required to support the facility which will operate in a domestic manner to be compatible with the current residential use. Therefore, the development will not detract from the residential character of the immediate locality and is consistent with the objectives of the R2 Zone.

4.2 Warringah Development Control Plan 2011

The proposed change of use is consistent with the objectives of the Warringah Development Control Plan 2011 (WDCP 2011) and the relevant controls. There are no direct provisions in the DCP relevant to a group home development, however, a merit assessment of the proposal's environmental impacts is provided below.

4.3 Impact on the Environment

4.3.1 Built Form

No external changes to the built form are proposed as part of the application and therefore the development will not adversely affect the streetscape or cause any undue environmental impacts on neighbours in terms of shadowing or privacy.

4.3.2 Traffic and Parking

While there is no specific parking rate recommended in the DCP for the proposed use, the development provides sufficient parking, consistent with the rate provided in 'Schedule 2 Complying Development – group homes' in the *State Environmental Planning Policy (Housing) 2021*. It is noted that the requirements stipulated in the SEPP are not a control for this development application (DA), rather the rate has been used as a guide to inform a merit assessment of parking for the use.

The DA is consistent with Clause 17 of Schedule 2 Complying Development – group homes, which requires two off-street carparking spaces be provided for group homes accommodating up to ten residents, whether that be an open hard stand space or a garage that is attached or detached from the group home. The DA provides parking by using the existing single garage that has space for one vehicle and the long driveway can accommodate parking for two other vehicles, as well as a drop off and pickup area for guests to the facility. The proposal will accommodate up to three residents only (compared to ten under the CDC provisions), and therefore ample parking is provided for the use.

The development is for a low traffic generating facility, with only three guests at any one time, and the parking demand can be accommodated by the existing garage and hardstand area, with the hardstand area also being used for pick and drop offs. The location of the driveway and garage are adjacent to the front entrance to the respite facility which provides easy access for guests.

To ensure safety and efficiency regarding parking, as outlined in the Plan of Management (**Attachment B**), all check-ins and departures will be managed in a staggered manner and visitors are limited. Therefore, the facility will operate similar to the existing residential use and any potential access and parking impacts can be appropriately managed through the implementation of the Plan of Management.

4.3.3 Impact on Surrounding Residential Amenity

HammondCare is a registered charity and has robust processes and procedures in place to ensure their services are run safely and to the highest standard of care. HammondCare has a Quality, Safety and Risk team who support in managing risks in an intelligent and measured way. The team also provide onsite internal audits to ensure their services are operating in line with the current Aged Care Quality Standards.

A Plan of Management has been prepared by HammondCare (**Attachment B**) which provides an overview of how the facility will operate. As evident by this PoM, the facility operates in a domestic manner, not dissimilar from its current residential use. This will ensure no adverse impacts on the surrounding residential neighbourhood.

Accordingly, the proposed development represents a low-impact facility which is compatible with the R2 Low Density Residential zone.

4.4 BCA

A BCA Assessment has been prepared by Custom Development Certifications (CDC) and provided at **Attachment C**. The report assesses the proposed development against the provisions of the Building Code of Australia 2019 Amendment 1 (BCA) Class of Buildings and Structures and concludes that the proposed development is capable of compliance and that there are no matters which would prohibit the change of use to a Class 3 Building. CDC have outlined several recommendations and items to be incorporated within development consent as “Prior to the Issue of Occupation Certificate” conditions. These recommendations and further discussions are provided in **Attachment C**.

4.4.1 Access

An Access Report has been prepared by Custom Development Certifications (CDC) and provided at **Attachment D**. The report assesses the proposed development against the provisions outlined in the Disability Discrimination Act (DDA) 1992, Building Code of Australia 2019 (Amendment 1) and the Disability Access to Premises (Buildings) Standard 2010. Proposed modifications are outlined within the **Attachment D** and outlined below:

- Provision of an accessible ramp, handrails, kerb rails and tactiles to be provided from lot boundary to front doorway, ramp and associated facilities.
- Upgrades of doors and doorways to a 920mm door set to be compliant with AS 1428.1 – 2009.
- Bathroom adjacent to bedroom three (3) to be the dedicated Unisex Accessible Facility, this area is to be upgraded to a facility complying with AS 1428.1 – 2009.
- Removal of sliding doors, cupboards and kitchen bench in order to adequately cater for turning spaces.

The proposed modifications listed above can be carried out as exempt development under the relevant subdivisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. In addition, the above upgrades are to be incorporated within development consent as “Prior to the Issue of Occupation Certificate” conditions.

4.5 Fire Safety

A Fire Engineering Report has been prepared by Mobius Fire Safety and provided at **Attachment E**. The report has undertaken preliminary assessments of the deviations to the Deemed-to-Satisfy (DtS) Provisions identified by the BCA Consultant. To ensure that adequate fire safety for the proposed respite care use, it was concluded the proposed Performance Solutions are achievable and feasible to address the DtS provisions detailed in **Attachment D & E**. Further, a Fire Safety Schedule has been prepared and will be implemented within the development consent as “Prior to the Issue of Occupation Certificate” conditions. The following Category 1 fire safety provisions will be implemented:

- E1.5 – Automatic Fire Suppression System (sprinklers);
- E2.2a – Automatic Fire Detection and Alarm System – Automatic Shutdown;
- E4.2 & E4.4 – Emergency lighting;
- E4.5, E4.6 & E4.8 – Exit Signs; and
- E1.6 – Portable Fire Extinguishers.

4.6 Site Suitability and The Public Interest

The site is suitable for the development and the proposed respite use of the site in the public interest given that:

- No significant building works are required to accommodate the proposed use therefore allowing the built form to be commensurate with the surround context;

- The facility will operate in a domestic manner and not cause environmental impacts to surrounding residences or the public domain;
- Appropriate access and parking arrangements are proposed; and
- The facility will provide a much needed and valued service in the community, providing respite care for those in need and allowing their carers to take a break from their carer role.

5.0 Conclusion

This application seeks approval for a change of use of the existing detached residential dwelling located at 13 Nambucca Road, Terrey Hills for the purpose of an overnight respite centre (group home).

The facility will help meet local demand for respite services and will contribute to the quality of life of older Australians. HammondCare's cottage respite services are highly valued within the communities they operate in, providing respite care for those in need and allowing their carers to take a break from their caring role. The facility is of a small-scale and operates in a domestic environment which allows a high quality of care to be delivered within a residential environment.

In light of the merits of the proposal and in the absence of any significant adverse environmental, social or economic impacts, we recommend that the application be approved subject to standard conditions of consent.

We trust that this information is sufficient to enable a prompt assessment of the proposed development. Should you have any queries about this matter, please do not hesitate to contact us on 9956 6962 or cforrester@ethosurban.com.au and atse@ethosurban.com.au.

Yours sincerely,



Alysha Tse
Junior Urbanist
02 9956 6962
atse@ethosurban.com



Chris Forrester
Principal
02 9409 4927
cforrester@ethosurban.com