

**9.4 ADVERTISING OF PROPOSED REVOCATION - LOCAL PLANNING POLICY NO. 7.4.2 - AGED OR DEPENDENT PERSONS' DWELLINGS**

- Attachments:**
1. **Local Planning Policy No. 7.4.2 - Aged or Dependent Persons' Dwellings**
  2. **Local Planning Policy No. 7.4.2 - Aged or Dependent Persons' Dwellings Comparison with the R-Codes**

**RECOMMENDATION****That Council:**

1. **PREPARES** a notice of revocation of Local Planning Policy No. 7.4.2 – Aged or Dependent Persons' Dwellings, included in Attachment 1, for the purpose of community consultation, pursuant to Schedule 2, Part 3, Clause 6(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **AUTHORISES** the Chief Executive Officer to carry out community consultation on the proposed revocation in accordance with Schedule 2, Part 3, Clause 6(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
3. **PUBLISHES** the notice of revocation in accordance with Schedule 2, Part 3, Clause 6(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if no submissions are received during the community consultation period; and
4. **NOTES** that if any submissions are received during the community consultation period, that these would be presented to Council for consideration.

**PURPOSE OF REPORT:**

For Council to consider revoking Local Planning Policy No. 7.4.2 – Aged or Dependent Persons' Dwellings, included in **Attachment 1**, for the purpose of undertaking community consultation on the proposed revocation.

**BACKGROUND:**

At its March 2001 Ordinary Meeting, Council adopted Local Planning Policy No. 7.4.2 – Aged or Dependent Persons' Dwellings (Policy). The Policy was subsequently amended 12 February 2013.

The Policy was developed in response to the identified need for housing diversity, adaptability, affordability, and choice to cater for smaller households and people with special needs. The City's Local Planning Strategy projected an increase in people aged 55 years and over living within the City, many of whom would be living alone. This mirrored trends in the Western Australian Planning Commission's Directions 2031, concerning the State's ageing population, longer life expectancies and smaller households.

**DETAILS:**

Since the Policy was amended in 2013, the state planning framework has evolved to control the development of aged or dependent persons' dwellings within the R-Codes. **Attachment 2** provides a review of the provisions contained within the Policy against the R-Codes and the impact of the removal of the Policy from the planning framework.

The Policy currently adds an unnecessary layer of complexity to the approvals process. Rather than facilitating development of aged or dependent persons' dwellings within the City, it creates another legislative barrier, which provides nothing further than existing state policy. To facilitate a greater diversity of high quality, appropriate housing for aged or dependent persons, Administration recommends the Policy is revoked and a planning information sheet is prepared to present the information in a clear, more effective manner.

**CONSULTATION/ADVERTISING:**

It is proposed that community engagement of the revocation of this Policy meets the minimum requirements of the City's Community and Stakeholder Engagement Policy.

Public notice of the revocation of a local planning policy must be published in local newspapers and published on the local government's website. It is proposed that notice of revocation is provided in the following ways, notice:

- published on the City's website;
- posted to the City's social media;
- published in the local newspapers; and
- exhibited on the notice board at the City's Administration and Library and Local History Centre.

**LEGAL/POLICY:**

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

Schedule 2, Part 3, Clause 6(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the provisions for the revocation of a local planning policy.

The City's Policy Development and Review Policy sets out the process for the development and review of the City's policy documents.

**RISK MANAGEMENT IMPLICATIONS**

Low: It is low risk for Council to undertake community consultation of the proposed revocation of the Policy.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Sensitive Design

*Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.*

Connected and Healthy Community

*We are an inclusive, accessible and equitable City for all.*

Innovative and Accountable

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*. However, encouraging the development of aged or dependent persons' dwellings within our town centres and activity precincts provides greater accessibility to health services and shopping for our aged and dependent persons' community, contributing to a more sustainable environment.

**PUBLIC HEALTH IMPLICATIONS:**

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

*Increased mental health and wellbeing*

**FINANCIAL/BUDGET IMPLICATIONS:**

The advertising of the revocation of the Policy will be met through the City's operating budget.

**COMMENTS:**

Administration recommends revoking the Policy to remove any perceived barriers to the development of aged or dependent persons' dwellings within the City.

If revoked, the future development of dwellings that are suited to aged or dependent persons, would be guided by the robust existing local and state planning framework. To present this information in a clear and effective manner, an information sheet would be prepared following the Policy's revocation.

CITY OF VINCENT PLANNING AND BUILDING POLICY MANUAL  
RESIDENTIAL DEVELOPMENT  
POLICY NO: 7.4.2  
AGED OR DEPENDENT PERSONS' DWELLINGS

**POLICY NO: 7.4.2**

**AGED OR DEPENDENT PERSONS' DWELLINGS**

**INTRODUCTION**

Provisions for the development of Aged or Dependent Persons' Dwellings are contained for the most part in Clause 6.11.2 of the Residential Design Codes (R Codes). This Policy builds on the provisions of the R Codes in order to encourage the development of this specialised form of housing within the City's community.

**OBJECTIVES**

To:

1. encourage the provision of suitably developed specialised accommodation for aged or dependant persons';
2. ensure that Aged or Dependent Persons' Dwellings are designed in a manner to meet the special needs of aged or dependent persons;
3. ensure that Aged or Dependent Persons' Dwellings are conveniently located to public transport, convenient shopping and community services;
4. provide opportunities for aged or dependent persons to have social interaction with one another and the community.

**POLICY STATEMENT**

**1. DEFINITIONS**

**Aged person** as defined in the Residential Design Codes.

**Dependent Person** as defined in the Residential Design Codes.

**2. OCCUPANCY**

The City of Vincent requires as conditions of approval that:

- a) each dwelling is occupied by at least one aged or dependent person or the surviving spouse of that person; and
- b) a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors of the existence of the above occupancy requirement.

**3. VARIATIONS TO DENSITY AND MINIMUM SITE AREA**

- 3.1 In accordance with Clause 6.1.3 A3(i) of the R Codes a reduction in the site area per dwelling may be considered, subject to one of the following criteria being satisfied:
  - a) the development accommodates specialised facilities on site, such as medical consulting rooms, specialised nursing and personal care services or social and recreational facilities; or

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- b) the development is located within an 800 metre radius of a District or Local Centre zoned area; or
  - c) the development is within 400 metres of a Primary or District Distributor (A) or (B) road.
- 3.2 The provisions of Clause 20 (2) of the City of Vincent's Town Planning Scheme No. 1, cannot be used in addition to Clause 3.1 above.

#### 4. COMPOSITION OF DEVELOPMENT

- 4.1 The Council will consider applications for Aged or Dependent Persons' Dwellings where a minimum of two such dwellings within any single development are proposed.
- 4.2 Aged or Dependent Persons' Dwellings may be in the form of Single, Grouped or Multiple Dwellings comprising the whole of a proposed development; or part of a proposed development (in combination with other dwellings which have no occupancy restrictions).

#### 5. REQUIREMENTS

##### 5.1 Design and Streetscape

Whilst conventional housing does not fall within the category of Aged or Dependent Persons' Dwellings, it is expected that the design be responsive to an existing established or desired future streetscape. It is not intended that the developments look like institutional dwellings.

##### 5.2 Carparking

Car parking for Aged or Dependant Persons' Dwellings, including visitor car parking, are to be provided and designed in accordance with the requirements of the Residential Design Codes.

##### 5.3 Building Codes and Australian Standards

Aged or Dependent Persons' Dwellings are subject to National Construction Code Series 2012 Building Code of Australia (Volume One), and Australian Standards 1428.1 requirements over and above those normally required for a dwelling.

Applicants should familiarise themselves with these requirements and ensure they have been factored into the design of the proposal, prior to submitting an application for Planning and Building approval.

<b>Date Initially Adopted:</b>	27 March 2001
<b>Date Amended:</b>	12 February 2013
<b>Date of Next Review:</b>	December 2015

Attachment 2

Local Planning Policy 7.4.2: Aged or Dependent Persons’ Dwellings and R-Codes Comparison

**Ability to vary the R-Codes**

Pursuant to Part 7, Clause 7.3 of the Residential Design Codes Volume 1 (R-Codes Volume 1) the City may only vary clause 5.5.2 C2.1(ii):

*‘C2.1 Aged or dependent persons’ dwellings for the housing of aged or dependent persons shall comply with the following:  
 ...ii. a minimum number of five dwellings within any single development;’*

The City may amend the above clause without the permission of the State Government to define the minimum number of dwellings required within any single development.

The current Policy does not modify this clause and instead reflects standards from the R-Codes and superseded Building Codes.

The following table outlines that the revoking of the Policy will have no impact on the assessment and determination of aged or dependent persons’ dwellings.

Local Planning Policy 7.4.2: Aged or Dependent Persons’ Dwellings Provision	Provisions within the R-Codes	Impact of removal
<p><u>Definitions</u></p> <p><b>Aged Person</b> as defined in the Residential Design Codes</p> <p><b>Dependent Person</b> as defined in the Residential Design Codes</p>	<p><u>R-Codes Volume 1</u></p> <p><b>Aged Person</b> is a person who is aged 55-years or over</p> <p><b>Dependent Person</b> is a person with a recognised form of disability requiring special accommodation for independent living or special care.</p> <p><u>R-Codes Volume 2</u> Nil.</p>	<p><u>R-Codes Volume 1</u></p> <p>No impact.</p> <p><u>R-Codes Volume 2</u> No impact. The Policy does not match the exact definitions of Volume 2, instead focusing on universal design requirements.</p>

Local Planning Policy 7.4.2: Aged or Dependent Persons’ Dwellings and R-Codes Comparison

Local Planning Policy 7.4.2: Aged or Dependent Persons’ Dwellings Provision	Provisions within the R-Codes	Impact of removal
<p><u>Occupancy</u></p> <p>i. <b>Each dwelling is occupied by at least one aged or dependent person or the surviving spouse of that person.</b></p> <p>ii. <b>A section 70A Transfer of Land Act 1893 Notification shall be registered against the certificate of Title for the land advising the proprietors of the existence of the above occupancy requirement.</b></p>	<p><u>R-Codes Volume 1</u></p> <p><b>C2.4</b> At least one occupant is a disabled or physically dependent person or aged person, or is the surviving spouse of such a person, and the owner of the land, as a condition of development approval, lodging a section 70A notification on the certificate of title binding the owner, their heirs and successors in title requiring that this occupancy restriction be maintained.</p> <p><u>R-Codes Volume 2</u></p> <p>Nil.</p>	<p><u>R-Codes Volume 1</u></p> <p>No impact.</p> <p><u>R-Codes Volume 2</u></p> <p>No impact. Universal design is required to be incorporated into each multiple dwelling project. While there is no requirement to ensure specific dwellings are occupied for aged or dependent people, Volume 2 focuses more on a blanket approach for each apartment building.</p>
<p><u>Variations to density and Minimum Site Area</u></p> <p>In accordance with the R-Codes, a reduction in site area per dwelling may be considered subject to one of the following criteria being satisfied:</p> <p><b>a) The development accommodates specialised</b></p>	<p><u>R-Codes Volume 1</u></p> <p><b>C1.1.6</b> In areas coded R30 to R40; for an accessible dwelling designed to gold level universal design (in accordance with Part C, C2.7.2), or a small dwelling (in accordance with Part C, C2.9.1) that is the subject of a development proposal, the minimum and average site area of Table D may be</p>	<p><u>R-Codes Volume 1</u></p> <p>No impact, the provisions within the Policy cannot supersede the provisions within the R-Codes. These provisions add a confusing layer that is unnecessary.</p>

Local Planning Policy 7.4.2: Aged or Dependent Persons' Dwellings and R-Codes Comparison

Local Planning Policy 7.4.2: Aged or Dependent Persons' Dwellings Provision	Provisions within the R-Codes	Impact of removal
<p><b>facilities on site, such as medical consulting rooms, specialised nursing and personal care services or social and recreational facilities; or</b></p> <p><b>b) the development is located within an 800 metre radius of a District or Local Centre zoned area; or</b></p> <p><b>c) the development is within 400 metres of a Primary or District Distributor (A) or (B) road.</b></p> <p>The provisions of Clause 20 (2) of the City of Vincent's Town Planning Scheme No. 1, cannot be used in addition to the above.</p>	<p>reduced by up to 35 per cent, provided that:</p> <ul style="list-style-type: none"> <li>i. for single houses and grouped dwellings, no site is less than 100m<sup>2</sup>; and</li> <li>ii. for development or subdivision of 4 or more dwellings or sites, the site area reduction is limited to a maximum 50 per cent of the total number of dwellings or sites.</li> </ul> <p><b>C1.1.7</b> In areas coded R50 and above; for an accessible dwelling designed to gold level universal design (in accordance with Part C, C2.7.2), or a small dwelling (in accordance with Part C, C2.9.1) that is the subject of a development proposal, the minimum and average site area of Table D may be reduced by up to 35 per cent, provided that:</p> <ul style="list-style-type: none"> <li>i. for single houses and grouped dwellings, no site is less than 100m<sup>2</sup>; and</li> <li>ii. the site area reduction is limited for small dwellings to a maximum 50 per cent of the total number of dwellings or sites.</li> </ul> <p><u>R-Codes Volume 2</u> Nil.</p>	<p><u>R-Codes Volume 2</u> No impact.</p>



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Local Planning Policy 7.4.2: Aged or Dependent Persons’ Dwellings Provision	Provisions within the R-Codes	Impact of removal
<p><u>Composition of Development</u></p> <p>i. <b>The Council will consider applications for Aged or Dependent Persons’ Dwellings where a minimum of two such dwellings within any single development are proposed.</b></p> <p>ii. <b>Aged or Dependent Persons’ Dwellings may be in the form of Single, Grouped or Multiple Dwellings comprising the whole of a proposed development; or part of a proposed development (in combination with other dwellings which have no occupancy restrictions).</b></p>	<p><u>R-Codes Volume 1</u></p> <p><b>C2.1ii</b> A minimum number of five dwellings within any single development.</p> <p><u>R-Codes Volume 2</u></p> <p>Nil.</p>	<p><u>R-Codes Volume 1</u></p> <p>No impact, the number of dwellings remains the same.</p> <p><u>R-Codes Volume 2</u></p> <p>No impact. The application of provisions relating to aged or dependent persons dwellings only applies where a minimum of five are proposed. However, the R-Codes focus more on a blanket approach to achieving universal design for all developments.</p>
<p><u>Design and Streetscape</u></p> <p>Whilst conventional housing does not fall within the category of Aged or Dependent Persons’ Dwellings, it is expected that the design be responsive to an existing established or desired future streetscape. It is not</p>	<p><u>R-Codes Volume 1</u></p> <p><b>P2.1</b> Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> <li>• contribute to, and are consistent with, an established streetscape;</li> </ul>	<p><u>R-Codes Volume 1</u></p> <p>No impact. There is suitable guidance provided within the relevant Design Principle.</p>

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Local Planning Policy 7.4.2: Aged or Dependent Persons’ Dwellings Provision	Provisions within the R-Codes	Impact of removal
<p>intended that the developments look like institutional dwellings.</p>	<ul style="list-style-type: none"> <li>• provide adequate privacy and open space for dwellings;</li> <li>• accommodate site planning requirements such as parking, landscape and utilities; and</li> <li>• allow safety clearances for easements for essential service corridors.</li> </ul> <p><b>P3.3.1</b> Buildings are set back from street boundaries an appropriate distance to ensure they:</p> <ol style="list-style-type: none"> <li>i. are consistent with the existing or future streetscape and local character;</li> <li>ii. provide sufficient space for tree planting and other landscaping, as well as community interaction;</li> <li>iii. provide adequate privacy to the dwellings; iv. accommodate site planning requirements such as parking and utilities; and</li> <li>iv. allow safety clearances for easements for essential service corridors and sightlines.</li> </ol> <p><u>R-Codes Volume 2</u></p> <p><b>O 2.3.1</b> The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.</p>	<p><u>R-Codes Volume 2</u></p> <p>No impact. There is suitable guidance provided within the relevant Element Objective.</p>

Local Planning Policy 7.4.2: Aged or Dependent Persons' Dwellings and R-Codes Comparison

Local Planning Policy 7.4.2: Aged or Dependent Persons' Dwellings Provision	Provisions within the R-Codes	Impact of removal
	<p><b>O 2.3.2</b> The street setback provides a clear transition between the public and private realm.</p> <p><b>O 2.3.3</b> The street setback assists in achieving visual privacy to apartments from the street.</p> <p><b>O 2.3.4</b> The setback of the development enables passive surveillance and outlook to the street.</p>	
<p><u>Carparking</u></p> <p>Carparking for Aged or Dependent Persons' Dwellings, including visitor carparking, are to be provided and designed in accordance with the requirements of the Residential Design Codes.</p>	<p><u>R-Codes Volume 1</u></p> <p>Part B: Refer to extract Figure 1.</p> <p>Part C: Refer to extract Figure 2.</p> <p><u>R-Codes Volume 2</u></p> <p>Refer to extract Figure 3.</p>	<p><u>R-Codes Volume 1</u></p> <p>No impact.</p> <p><u>R-Codes Volume 2</u></p> <p>No impact.</p>
<p><u>Building Codes and Australian Standards</u></p> <p>Aged or Dependent Persons' Dwellings are subject to National Construction Code Series 2012 Building Code of Australia (Volume One), and Australian Standards 1428.1 requirements over and above</p>	<p><u>R-Codes Volume 1</u></p> <p><b>C2.2</b> All ground floor units, with a preference for all dwellings, to incorporate, as a minimum, the following:</p> <ul style="list-style-type: none"> <li>i. a continuous path of travel from the street frontage, car parking area or</li> </ul>	<p><u>R-Codes Volume 1</u></p> <p>The existing framework provides explicit, and the most up-to-date standards associated with the National Construction Code.</p>

Local Planning Policy 7.4.2: Aged or Dependent Persons' Dwellings and R-Codes Comparison

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<p>those normally required for a dwelling.</p> <p>Applicants should familiarise themselves with these requirements and ensure they have been factored into the design of the proposal, prior to submitting an application for Planning and Building approval.</p>	<p>drop-off point in accordance with the requirements of AS4299</p> <ul style="list-style-type: none"> <li>ii. clause 3.3.2; and</li> <li>iii. level entry to the front entry door with preferably all external doors having level entries (diagrams, Figure C1 of AS4299).</li> </ul> <p><b>C2.3</b> All dwellings to incorporate, as a minimum, the following:</p> <ul style="list-style-type: none"> <li>i. all external and internal doors to provide a minimum 820mm clear opening. (AS4299 clause 4.3.3);</li> <li>ii. internal corridors to be a minimum 1,000mm wide, width to be increased to a minimum of 1,200mm in corridors with openings on side walls;</li> <li>iii. a visitable toilet (AS4299, clause 1.4.12), preferably located within a bathroom; and</li> <li>iv. toilet and toilet approach doors shall have a minimum 250mm nib wall on the door handle side of the door and provision for the installation of grab rails in accordance with AS4299, clause 4.4.4 (h).</li> </ul>	

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Local Planning Policy 7.4.2: Aged or Dependent Persons' Dwellings Provision	Provisions within the R-Codes	Impact of removal
	<p><b>C2.7.1</b> Where 10 or more grouped or multiple dwellings are proposed, a minimum 20 per cent<sup>1</sup> of all dwellings are:</p> <ul style="list-style-type: none"> <li>i. designed and constructed to a minimum silver level universal design in accordance with A4 Universal design requirements, or</li> <li>ii. certified Liveable Housing Australia to a minimum silver level of performance.</li> </ul> <p>Note: No universal design requirements apply for single houses or grouped and multiple dwellings development with less than 10 dwellings.</p> <p><b>C2.7.2</b> Accessible dwellings that seek to apply the gold level universal design site area variation as per Part D, C1.1.6 or C1.1.7 shall;</p> <ul style="list-style-type: none"> <li>i. be designed and constructed in accordance with the gold level universal design requirements of A4 Universal design requirements, or are certified Liveable Housing Australia to a minimum gold level of performance; and</li> <li>ii. have a maximum internal floor area of:</li> </ul>	

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Local Planning Policy 7.4.2: Aged or Dependent Persons' Dwellings Provision	Provisions within the R-Codes	Impact of removal
	<p>a) in the case of single houses and grouped dwellings – 110m<sup>2</sup>; or                      b) in the case of multiple dwellings – 90m<sup>2</sup>.</p> <p><u>R-Codes Volume 2</u></p> <p><b>A 4.9.1 (a)</b> 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) OR</p> <p><b>(b)</b> 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).</p>	<p><u>R-Codes Volume 2</u></p> <p>The existing framework provides explicit and the most up to date standards associated with the National Construction Code.</p>