



Department of Planning,
Lands and Heritage



Position Statement:

Residential accommodation for ageing persons

December 2020

Disclaimer

This document has been produced by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the Government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

© State of Western Australia

Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

Published December 2020

website: www.dplh.wa.gov.au

email: info@dplh.wa.gov.au

tel: 08 6551 8002
fax: 08 6551 9001
National Relay Service: 13 36 77

This document is available in alternative
formats on application to the
Communications Branch.

1. Policy intent

This position statement outlines the Western Australian Planning Commission's (WAPC) requirements to support the provision of residential accommodation for ageing persons within Western Australia's local government planning framework.

It seeks to remove planning process barriers and encourage the provision of an appropriate supply and diversity of options for residential accommodation by establishing consistent, simplified and streamlined approval pathways, within a strategically-led planning framework. It is proposed to complement existing government policies and services for older Western Australians.

2. Residential accommodation for ageing persons in Western Australia

The Australian population is ageing at a faster rate than ever before. The number of older Australians will more than double in the next 40 years. At a State level, *WA Tomorrow* (Population Report No. 11) forecasts an 86 per cent increase in people aged over 85 by 2031. The challenges arising from this trend are recognised as a megatrend affecting global society.

An ageing population impacts all aspects of community life, including the economy, and options to address these impacts are complex and multi-faceted. The implications of inadequate planning to support the needs of our ageing population are significant and include, but are not limited to, increased demand on both the Australian and State Governments' infrastructure, housing and health care services and associated funding, and increased costs to retrofit existing developments to accommodate ageing persons' needs.

State Planning Policy 7.3 Residential Design Codes (R-Codes) Volume 1 provides density bonuses to encourage greater provision of housing developed for aged or dependent persons. However, these provisions alone are not expected to be able to meet the growing demand and changing needs

of older people, driven in part by an increased consumer desire for choice and flexibility to 'age in place' and expectations in relation to lifestyle, entertainment options and affordability.

The rate at which our population is ageing, coupled with more complex needs due to increased life expectancy and changing patterns of disease, will result in greater demand for accommodation options that support a flexible transition from independent living to residential aged care.

Residential aged care facilities provide a range of care options and accommodation for older people who are unable to continue living independently in their own homes. The type of care provided ranges from personal care, to assisting with activities of daily living, through to 24-hour nursing care.

The provision of personal and/or nursing care within residential aged care facilities is what distinguishes this type of land use from other types of accommodation for older people, such as independent living complexes where residents live independently. Independent living complexes are developments comprising residential units or a number of separate complexes of residential units on common land with access to communal facilities that assist with ageing in place. They may be privately owned or owned by not-for-profit organisations.

The residential accommodation needs of older people should be identified early in the strategic planning process at the local level and appropriate incentives used to encourage investment in the development of quality residential accommodation for ageing persons. This will facilitate streamlined approvals processes and consistent decision-making.

3. Application of this position statement

This position statement applies to the preparation and assessment of strategic and statutory planning proposals, including local planning strategies, local planning schemes and amendments, structure plans and subdivision and development applications, throughout Western Australia.

4. Policy objectives

This position statement seeks to achieve:

- consistent strategic planning consideration of residential accommodation needs for ageing persons in local planning strategies
- consistent statutory planning guidance to standardise land-use definitions and zoning permissibility for residential accommodation for ageing persons in local planning schemes.

All other interrelated issues that impact on seniors' housing, affordable housing, retirement village reform and changes to the R-Codes, are outside the scope of this position statement. This position statement does not alter any provisions relating to residential dwellings under the R-Codes.

5. Policy measures

5.1 Strategic planning considerations

Local planning strategies

All local planning strategies should consider, evaluate and provide for future residential accommodation needs for ageing persons by incorporating a dedicated section within the strategy that details:

- existing and projected demographic profiles (applying WAPC's *WA Tomorrow* data and other appropriate supplementary data)
- existing and projected demand for aged persons' housing and residential aged care needs across the municipality
- medium to long-term aged persons' housing and residential aged care (beds) provision targets aligned to projected future demand
- an analysis of the gaps in the existing provision of aged persons' housing and residential aged care, and the opportunities and constraints for the delivery of different land use options, to facilitate future provision of residential accommodation for ageing persons within the local government area.

The level of subsequent detail required in a local planning strategy should be commensurate with the extent of opportunities and constraints identified, including consideration of:

- the identification of specific sites and/or locations where appropriate
- incentives intended to be outlined in local planning schemes or other local government planning instruments (such as a Council-endorsed position) to facilitate increased supply, where required, including:
 - development-based incentives such as density, height and plot ratio bonuses
 - other mechanisms such as surplus land sales/lease/joint venture programs
- consideration of acceptable development standards, including built form outcomes, design criteria, streetscape requirements, permissible height, density and development setbacks intended to be outlined in local planning schemes or other local government planning instruments.

It is a priority to consider the residential accommodation needs of ageing persons and provide strategic planning guidance at the earliest possible stage of the planning process. Where the strategic planning framework and/or local planning strategy is yet to be updated in

accordance with the above, or it can be demonstrated that opportunities for the provision of residential accommodation for ageing persons are surplus to needs, it may be appropriate to include the detailed identification of specific sites or locations and any associated development standards at the local planning scheme and/or structure planning stage.

Residential accommodation developments for ageing persons should be located so that they are well integrated within the community, serviced by adequate transport networks and close to health, community services and facilities that will service the everyday needs of future residents. Sites should be in a good walkable catchment with suitable surrounding infrastructure such as wide, shaded, well-lit pathways separated from cyclists. Environmental and amenity considerations and the provision of electricity, water, sewerage disposal and telecommunication infrastructure should be adequately addressed.

In line with a strategically-led, locally-tailored approach, the future needs for residential accommodation for ageing persons as identified in a local planning strategy should translate into more detailed requirements, including potential locations, sites, densities and development standards in statutory planning instruments, such as local planning schemes, structure plans and activity

centre structure plans in accordance with the statutory planning requirements (see section 5.2).

Interim or targeted strategic approaches

It is preferable for a local government's position on residential accommodation for ageing persons to be formalised within a local planning strategy. Where a targeted approach is warranted, for example as an interim measure, the local government should formalise its position by preparing a report for Council endorsement.

A local planning policy may be prepared to guide the exercising of discretion, where provided for in a local planning scheme.

5.2 STATUTORY PLANNING REQUIREMENTS

Local planning schemes

Local planning schemes should align with the local strategic planning framework to facilitate the streamlined delivery of the identified residential accommodation needs of ageing persons. As such, the scheme should specify locations, sites, densities and development standards for such accommodation, where appropriate.

Where applicable, local planning schemes should contain the following land use definitions:

Residential aged care facility:

a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- a) appropriate staffing to meet the nursing and personal care needs of residents*
- b) meals and cleaning services*
- c) furnishings, furniture and equipment.*

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

Independent living complex:

a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility

Residential dwellings for aged or dependent persons, as defined under the R-Codes, are not considered an 'independent living complex' if the development contains a common driveway and/or gardens, but no other shared facilities.

Note – the term 'independent living complex' should not be considered a retirement village as defined under the *Retirement Village Act 1992 (WA)* and vice versa.

Importantly, both of the above definitions may constitute a residential accommodation development for ageing persons. It is the provision of care that distinguishes a 'residential aged care facility' from an 'independent living complex'.

Where applicable, the land uses 'residential aged care facility' and 'independent living complex' should be classified as permitted ('P') land uses in residential zones and mixed use/centre type zones in the Zoning Table, unless sufficient justification on proper and orderly planning and locational grounds is provided by the local government to otherwise allocate a discretionary ('D' or 'A') land-use permissibility. A permitted land-use permissibility is considered appropriate where the scheme is supported by appropriate guidance and development standards to manage the associated impacts, as required under section 5.1.

In industrial or similar zones where sensitive land use conflict exists, residential aged care facilities and independent living complexes should be prohibited ('X') land uses. In all other zones the permissibility of a 'residential aged care facility' and 'independent living complex' should be considered at a strategic level by the local government with consideration given to locational elements such as proximity to relevant facilities and services and the analysis of opportunities and constraints as required under section 5.1. In some instances, it may be appropriate to allocate a prohibited land-use permissibility for a 'residential aged care facility' and 'independent living complex'.

Incidental and ancillary amenities and land uses associated with and supporting residential aged care facilities and independent living complexes (for example medical consulting room, pharmacy, café and the like) that are accessible for residents and staff only (including visitors) should be considered and determined under the above new land-use definitions.

Amenities and land uses associated with and supporting residential aged care facilities and independent living complexes that are accessible to both residents and the general public should be considered as separate land-use classes and determined in accordance with the land-use classification table under the local planning scheme. If an incidental and

ancillary land-use changes over time to include the broader community, the local government should determine if a change of use application is required based on the individual permissibility of the ancillary land use in the Zoning Table.

Structure plans

All future structure plans should be consistent with the residential accommodation needs of ageing persons as identified in the local planning strategy and/or local planning scheme. In the absence of this guidance, the structure plan should respond to the information requirements outlined in section 5.1.

Development applications for residential aged care facilities and independent living complexes

Residential aged care facilities and independent living complexes are encouraged within residential zones, mixed use and centre type zones, in line with the local strategic planning framework (section 5.1). In accordance with clause 67 of the deemed provisions, the assessment of these developments should take the following into consideration:

- any local planning strategy, local planning policy and/or Council resolution/s specifically regarding the provision of residential aged care, as provided for in this position statement

- relevant provisions of the local planning scheme, including any development standards developed specifically for these land uses/sites
- the relevant provisions of the R-Codes
- the principles for good design under *State Planning Policy 7.0 Design of the Built Environment*
- relevant provisions of other State Planning Policies.

Where a proposed 'residential aged care facility' or 'independent living complex' aligns with the above, development approval should be supported.

A local development plan should only be prepared in circumstances where development standards do not yet exist, or if the application for development approval proposes to vary existing development standards or any of the above considerations.

A local development plan should ensure the development is compatible and integrated with streetscape(s) and existing or future desired built form of the locality. Local development plans must outline built form requirements, including, but not limited to, building height, bulk and scale, open space, setback, access, parking, landscaping, servicing and drainage, visual privacy, solar access and other relevant development requirements.

Development applications for proposals that include aged or dependent persons' dwellings assessed under the R-Codes

Deemed-to-comply requirement 5.1.1 C1.4i of the R-Codes – Volume 1 provides a density bonus for residential dwellings for aged or dependent persons in grouped and multiple dwelling developments with a residential density of less than R40. If desired, this requirement may be applied to an 'independent living complex' proposal or the independent living complex component of a 'residential aged care facility' proposal. In these cases, the calculation to determine the number of permissible dwellings should be limited to the eligible portion(s) of the development only, consisting of self-contained, independent aged or dependent persons dwellings.

In areas with a residential density of R40 and above, the residential dwelling components of a multi storey 'independent living complex' or 'residential aged care facility' proposal should be assessed under the R-Codes Volume 2 – Apartments.

All development proposals related to residential accommodation for ageing persons that fall outside the above new land-use definitions should be considered and determined under the R-Codes and appropriate zoning and land-use classification table in the local planning scheme.

6. Definitions

Aged person

has the same meaning as in *State Planning Policy 7.3 – Residential Design Codes Volume 1*.

Dependent person

has the same meaning as in *State Planning Policy 7.3 – Residential Design Codes Volume 1*.

Residential aged care facility

a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- a) appropriate staffing to meet the nursing and personal care needs of residents
- b) meals and cleaning services
- c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

Independent living complex

a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.