

Aged Care Facilities and Aged and Dependent Persons Dwellings (Land Use Explanation)

Background:

Council previously adopted the proposed Scheme Amendment No. 97 (Special Use Zone – Aged and Dependent Persons Dwellings) on 19 December 2017 for the purposes of advertising. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* the City commenced advertising to the wider community after first notifying and receiving approval to advertise from the Environmental Protection Authority on the 30th of March 2018.

Advertising is due to conclude on the 11th of May 2018.

It has been noted that there has been some confusion in the community about the differences between an aged care facility and that of an aged and dependent persons dwelling.

The purpose of this notice is to explain the difference and provide examples of an Aged Care Facility vs. an Aged and Dependent Persons Dwelling.

Definitions / Explanations / Examples:

Aged and Dependent Persons Dwellings

Definition:

The definition for the above is drawn from the Residential Design Codes, where it is split into two sections.

Aged Person is a person who is aged 55 years or over.

Dependant Person is a person with a recognised form of disability requiring special accommodation for independent living or special care.

Explanation:

Such a dwelling would be required to comply with the Clause 5.5.2 of the Residential Design Codes, which outlines specific development requirements, states that a maximum number of 5 dwellings is permitted per development (amongst other things) and specifies that at least one occupant of the dwelling meets one of the above definitions.

It is required that the certificate of title for the dwelling has a section 70A notification placed upon it stating that the above definitions apply and such an occupancy requirement must be maintained. This would generally come into play at such a time as the property was to be sold, and all parties would be aware of the requirements.

City of Kalamunda

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Persons in such a dwelling are likely to be generally independent and are most likely to be retirees who are looking to downsize whilst maintaining some autonomy within their lives.

Example:

Sanderson Road Aged and Dependent Persons Development (31, 33, 35 Rosemount Terrace and 31, 33 Sanderson Road)



Aged Care Facilities

Definition:

Aged residential care has the same meaning as defined within the Aged Care Act 1997, as follows:

Meaning of residential care

- (1) **Residential care** is personal care or nursing care, or both personal care and nursing care, that:
 - (a) is provided to a person in a residential facility in which the person is also provided with accommodation that includes:
 - (i) appropriate staffing to meet the nursing and personal care needs of the person; and
 - (ii) meals and cleaning services; and
 - (iii) furnishings, furniture and equipment for the provision of that care and accommodation; and
 - (b) meets any other requirements specified in the Subsidy Principles.
- (2) However, residential care does not include any of the following:
 - (a) care provided to a person in the person's private home;
 - (b) care provided in a hospital or in a psychiatric facility;
 - (c) care provided in a facility that primarily provides care to people who are not frail and aged;
 - (d) care that is specified in the Subsidy Principles not to be residential care.

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Explanation:

Aged residential care implies that a stand-alone facility will be constructed in which nursing and aged care staff are employed on a full time basis. This would also include an area for meals, the inclusion of cleaning services and all furnishings and furniture. Please note that it does not include care given within a person's private home.

Example:

24 Valencia Road – Valencia Nursing Home

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