



AGED OR DEPENDENT PERSONS' DWELLINGS

What is an aged or dependent persons' dwelling?

The Residential Design Codes (R-Codes) provides the following definitions:

Aged person

A person aged 55 years or over.

Dependent person

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

Dwelling

A building or portion of a building being used, adapted, or designed, or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

An aged or dependent person's dwelling is a special purpose dwelling that is available to developments assessed under the R Codes Volume 1 – Part B. They are often known as 'Over 55s' housing. Other dwelling types are available under the R Codes Volume 1 Part C.

Do I require development approval?

Development approval is not required for aged or dependent persons' dwellings if they satisfy all of the deemed-to-comply requirements of the City of Vincent's Built Form Policy, and the provisions contained within the R-Codes. The land use must also be deemed a permissible use for the property's zoning, as per the Local Planning Scheme No. 2.

If your aged or dependent persons' dwelling design does not satisfy all these requirements, you will need to submit an application for development approval to the City for consideration.

A copy of the R-Codes can be found [on the Department of Planning Lands and Heritage website](#). The Built Form Policy can be found [here](#). Further information on planning applications can be found on the City's [website](#).

Who can live in an aged or dependent persons' dwelling?

The R-Codes require that at least one occupant meets one of the above definitions of an aged or dependent person or is a surviving spouse of such a person.

What are the general requirements for aged or dependent persons' dwellings?

There are additional requirements specific to aged or dependent persons' dwellings contained within the R-Codes. The table below outlines the R-Codes deemed-to-comply requirements relating to aged or dependent persons' dwellings, including an explanation of how each requirement should be interpreted, and how this can be satisfied.

Deemed-to-Comply Requirement	How this can be achieved
<u>Site Area</u> Developments must comply with the dwelling type and site area requirements applicable to the site's density code, as indicated in Table D of the R-Codes Volume 1.	Details of your property's site area and density code or zoning can be found on the City's online mapping tool Intramaps .



<p><u>Variations to Site Area</u> Site area requirements may be reduced by up to one-third of those set out in Table B of the R-Codes subject to the compliance with clauses 5.1.1, 5.5.2 and 5.5.3.</p>	<p>Information on the minimum site area requirements for residential developments can be found in Table B of the Residential Design Codes Volume 1.</p>
<p><u>Floor Area</u> Single houses or grouped dwellings are to have a maximum internal floor area of 100m². Multiple dwellings are to have a maximum internal floor area of 80m².</p>	<p>Internal Floor Area means: “...the internal area measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting but excludes any garages.”</p>
<p><u>Number of Dwellings</u></p>	<p>Any single development must have a minimum of 5 dwellings.</p>
<p><u>Car Parking:</u> Car parking is provided in accordance with the R-Codes clause 5.5.2 C2.1 (iii) and (iv).</p>	<p>1 car bay is to be provided per Aged or Dependent Person's dwelling. 1 visitor bay is required per 4 dwellings, and a minimum of 1 bay is required. The bay must be wheelchair accessible.</p>
<p><u>Outdoor Living Areas</u> Outdoor living area must be provided in accordance with the requirements of R-Codes Volume 1 Clause 5.3.1 but the area may be reduced by one-third of the value in Table B.</p>	<p>Outdoor living areas shall be:</p> <ul style="list-style-type: none"> • behind the street setback area; • directly accessible from the primary living space of the dwelling; • a minimum length and width dimension of 4m; • at least two-thirds of the required area without permanent roof cover. <p>Each multiple dwelling must provide at least one balcony or the equivalent, opening directly from the primary living space and with a minimum area of 10m² and a minimum dimension of 2.4m.</p>
<p><u>Ground Floor Unit Requirements</u> All ground floor units, with a preference for all dwellings, must meet the minimum requirements of R-Codes Volume 1 Clause 5.5.2, C2.2.</p>	<p>As a minimum, all ground floor units shall incorporate:</p> <ol style="list-style-type: none"> 1. an accessible path of travel from the street frontage, car parking area or drop-off point must be provided in accordance with the requirements of AS4299, clause 3.3.2 (as amended); and 2. level entry to the front entry door. Preferably all external doors shall have level entries.
<p><u>Requirements for All Dwellings</u> All dwellings are to comply with the minimum requirements of R-Codes Volume 1 Clause 5.5.2, C2.3.</p>	<p>As a minimum, all dwellings shall incorporate:</p> <ol style="list-style-type: none"> 1. a minimum of 820mm clear opening provided in all external and internal doors; 2. a minimum width of 1000mm for internal corridors, increasing to a width of 1200mm in corridors with openings on side walls; 3. a visitable toilet, preferably located within a bathroom (AS4299, clause 1.4.12 [as amended]);



	<p>4. 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 (as amended).</p>
<p><u>Occupancy Requirements</u> The R-Codes requires that at least one occupant is a disabled or physically dependent person or aged person, or is the surviving spouse of such a person, and a section 70A notification on the Certificate of Title is lodged.</p>	<p>A section 70A notification on the Certificate of Title must be lodged as a condition of development approval. This notification requires the owner and prospective proprietors be made aware of the occupancy restrictions requiring to be maintained.</p> <p>Further information on the lodgement of a section 70A form can be found here.</p>
<p><u>Other Requirements</u> All single house(s), all grouped dwellings, and multiple dwellings subject to assessment under Part B of the R Codes Volume 1 Part B are required to comply with all other provisions as applicable.</p>	<p>The general site requirements can be found in the R Codes Volume 1 Part B. Refer to the City's Information Sheet for more information about which part of the R Codes applies.</p>

What if I do not meet the requirements specified above?

Where a proposal does not satisfy any of the above requirements, development approval is required. You can discuss the information required to lodge an application with the City's Urban Planners. Urban Planners can provide general advice to applicants to confirm how these requirements can be satisfied in line with the R-Codes.

Can a development contain dwelling types other than aged or dependent person' dwellings?

Yes – developments can be comprised of a mixture of dwelling types to cater for different ageing-in-place needs.

Do I require building approval?

Applying for development approval and a Building Permit are two separate processes, both controlled under different legislation. A Building Permit ensures that the building is structurally safe and complies with the relevant building legislation and is required for all aged or dependent persons' dwellings.

If you would like further information on the Building Permit process and requirements for this, please contact the City on [9273 6000](tel:92736000).

What information is required for a Development Application?

Please refer to the Development Application [Checklists and Application Forms](#) available on the City's website.

How long does the planning approval process take?

The City has 60 days in which to determine the application or 90 days if the application requires community consultation. Clause 75(c) of the Planning and Development (Local Planning Schemes) Regulation 2015 states that applications may take longer than 90 days where it is agreed to in writing between the local government and the applicant.

Do I need to pay any fees?



Applicable fees are provided within [Fees and Charges Schedule](#) available on the City's website.

Useful Links

- [Residential Design Codes Volume 1](#)
- [Local Planning Scheme No. 2](#)
- [Local Planning Policy No. 7.1.1 - Built Form](#)
- [Livable Housing Australia](#)

Do you have any more questions?

Applicants can discuss planning proposals and preliminary plans with the City's Urban Planners. Urban Planners can provide general advice to applicants on a proposed development or land use and the information required to lodge a complete application.

A Duty Planner is available to talk to at the City's Administration Building Monday to Friday, 8.30am to 5pm, in person or on the phone.

Phone: 9273 6000

Email: mail@vincent.wa.gov.au

Address: City of Vincent Administration Building, 244 Vincent Street, Leederville 6007, WA

Disclaimer: *This information is produced by the City of Vincent in good faith and the City accepts no responsibility for any ramifications or repercussions for providing this information. Verification with the original planning schemes, relevant development approvals and other relevant documents is recommended for detailed references.*