



LOCAL PLANNING POLICY 2.4: RESIDENTIAL AGED CARE FACILITIES

1.0 PURPOSE

- 1.1 The purpose of this Policy is to provide guidance and development requirements relevant to applications for Residential Aged Care Facilities (RAC Facilities) within the City of Nedlands

2.0 APPLICATION OF POLICY

- 2.1 This Policy applies to all applications for RAC Facilities in Residential and Mixed-Use zones. A RAC Facility is defined in Local Planning Scheme No 3 (LPS3) as:

“a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.”

- 2.2 Where this Policy is inconsistent with a Local Development Plan, Local Planning Policy or Precinct Plan that applies to a specific site or area, the provisions of that specific Local Development Plan, Local Planning Policy or Precinct Plan shall prevail.

3.0 OBJECTIVES

- 3.1 To ensure the appearance and design of RAC Facilities are of a high quality and do not have an undue impact on the residential or mixed use amenity of the area by way of building bulk and scale, noise, traffic, or parking.
- 3.2 To ensure the building design and appearance of RAC Facilities responds to and enhances the distinctive elements of the existing streetscape character.
- 3.3 To establish a clear framework for the assessment and determination of applications for RAC Facilities.

4.0 POLICY MEASURES

- 4.1 A RAC Facility is listed as an ‘A’ use within the Residential and Mixed-Use zones in LPS 3. An ‘A’ use is defined in LPS 3 as:



'a use which is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions'.

An 'A' use will be advertised in accordance with the City's Local Planning Policy – Consultation of Planning Proposals and may be considered where the following requirements of this Policy are met.

4.2 Location Requirements

4.2.1 RAC Facilities are preferred to be located:

- on a lot which has no more than two boundaries to an adjacent residential lot; and
- within proximity to an area of public open space, hospitals, medical centres, shopping precincts and high frequency bus routes.

4.3 Design Requirements

4.3.1 In accordance with clause 32.4(5) of LPS 3, where applied for in the Mixed-Use zone, RAC Facilities shall comply with relevant development standards of the R-AC density coding applicable to the subject site.

4.3.2 In relation to an application for a RAC Facility on land coded R10, R12.5, R15, R20, R30 and R35, subject to Western Australian Planning Commission (**WAPC**) approval, a Local Development Plan (**LDP**) may be required (as provided for in Part 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)*). The purpose of an LDP is to provide specific guidance for RAC Facilities to ensure the achievement of orderly and proper planning outcomes. The LDP must be consistent with the requirements of the following provisions of this Policy.

- 1) Where there is no approved Structure Plan, LDP, Precinct Plan and/or Activity Centre Plan, or specific local planning policy to the site, RAC Facility applications are to comply with the R-Codes except where varied by the following provisions of this clause:
- 2) In relation to land coded R10 to R35:
 - a) A maximum building height of two storeys with a maximum external wall height of 8.5m and maximum overall height of 10m as measured from Natural Ground Level (**NGL**) apply. (A 'storey' is as defined in the R-Codes); and
 - b) The following setbacks shall apply:
 - (i) 9m minimum street setback for land coded R10 – R15; 6m minimum street setback for land coded R20; 4m minimum street setback for land coded R30 to R35; 6m side and rear boundary setbacks and
 - c) Maximum plot ratio of 1.0 applies.
 - d) A minimum 50 percent of site area provided as open space is required.



3) An boundary wall shall be minimised by the building design and shall not exceed the acceptable outcome standard under the R-Codes.

4.3.4 In relation to land zoned Residential, with no R coding shown on the Scheme Map, RAC Facilities are to comply with the following provisions of this clause:

- 1) Where the requirement of an LDP is indicated in LPS 3, subject to the approval of the City and the WAPC pursuant to deemed clause 47(d), a LDP is to be prepared. The purpose of the LDP is to provide specific guidance for future development on the land affected by A9 and to ensure the achievement of orderly and proper planning outcomes. The LDP must be consistent with the requirements of the following provisions of this Policy.
- 2) Where there is no approved LDP, structure plan, and/or activity centre plan, the following development standards apply:
 - a) An R-Code of R12.5 applies in respect of residential land use and development (i.e. non RAC Facility applications).
 - b) The following provisions apply in respect of RAC Facility land use and development:
 - (i) A minimum 9m street setback applies; and
 - (ii) Minimum 6m side and rear boundary setbacks apply; and
 - (iii) A maximum building height of two storeys with an external wall height of 8.5m and maximum overall height of 10m applies, as measured from NGL. (A 'storey' is as defined in accordance with the R Codes);
 - (iv) A maximum plot ratio of 1.0 applies; and
 - (v) A minimum 50% of site area provided as open space is required.
 - c) Any boundary wall shall be minimised by the building design and shall not exceed the acceptable outcome standard under the R-Codes.

4.4 Streetscape Character

4.4.1 The scale, design and siting of RAC Facilities shall have regard to the existing neighbourhood character and amenity and be designed to reflect a residential building from the street(s), particularly regarding the elements in the following clause 4.5:

4.5 Building and roof form

4.5.1 Building height and setback, with height situated on the site to minimise amenity impacts to neighbouring properties and the streetscape; and

4.5.2 Design detail, including façade articulation, verandas, window and door style and placement, are intended to be sympathetic to the amenity of the locality; and

4.5.3 Building materials, colours and finishes should not detrimentally affect the development's interface with the public domain.



4.6 Visual Privacy

- 4.6.1 Where located adjacent to residential properties, RAC Facilities are to be designed so that windows to habitable rooms are as defined by the National Construction Code - Building Code of Australia.

Windows to habitable rooms and unenclosed outdoor active habitable space (balconies, decks, verandas and the like) which have a finished floor level more than 0.5 metres above (NGL) and overlook any part of any other residential property behind its street setback line, are to provide permanent screening or obscured glazing to a minimum height of 1.6 metres above finished floor level to restrict views within the cone of vision from any habitable room window or unenclosed outdoor active habitable space.

4.7 Landscaping

- 4.7.1 A high quality of landscaping shall be provided to soften the appearance of the development, screen car parking areas and provide an attractive aspect that is compatible with the streetscape and amenity of surrounding residential properties.

- 4.7.2 A minimum of twenty-five per cent (25%) of the site area is to be landscaped, and a minimum of fifty per cent (50%) of the front setback area is to be soft landscaping.

- 4.7.3 The development is to be designed to maximise the retention of existing mature trees on the site as well as existing Council verge trees.

- 4.7.4 Where a vehicle access way or car parking area is located adjacent to any residential property and is unable to be located elsewhere, it shall be setback behind a planted perimeter strip of at least 1.0 metre in width between the car park/vehicular access way and any adjoining residential property.

- 4.7.5 Where an open-air car parking facility or area is provided at ground level a landscaping plan shall be provided demonstrating appropriate planting of 1 mature tree for every 6-car parking bays; and.

- 4.7.6 Mature trees are encouraged on site to provide buffering between the facility and any adjacent residential properties.

4.8 Location of Building Services and Bin Storage Area

- 4.8.1 Delivery, loading and building service areas are to be located so that they are not visible from the street or adjacent to adjoining residential properties.

- 4.8.2 Bin storage areas are to be appropriately screened and located so that they do not negatively impact the amenity of surrounding residential properties by way of visual nuisance, odours or other impacts.



4.8.3 A waste management plan, detailing the management and removal of waste from the site, is required to be submitted as part of a development application in accordance with the City's Local Planning Policy Waste Management and Guidelines.

4.9 Traffic Impact

4.9.1 A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant is required to be submitted as part of a development application, which assesses the likely traffic impact associated with the proposed RAC Facility development in accordance with WAPC Guidelines.

4.10 Pedestrian Access

4.10.1 Pedestrian entrances into buildings shall be clearly identified to provide a well-designed and welcoming public domain interface for all users.

4.10.2 Levels shall allow dignified and equitable accessibility and unobstructed activity to flow between the development and the public domain at ground floor.

4.10.3 Pedestrian pathways on the site shall be clearly identifiable, linked with public pedestrian pathways and clearly separated from vehicle access roads, to provide a functional and safe passage to the development.

4.11 Location of Vehicular Access and Car Parking

4.11.1 Vehicle parking shall be contained on-site to avoid street and verge parking associated with the use.

4.11.2 Vehicle parking areas and structures shall be provided at basement level and/or integrated into the design of the building and screened from view of the neighbouring residential properties. The design and location of vehicle parking should minimise negative visual and environmental impacts on amenity and the streetscape.

4.11.3 Visitor parking in the front setback of the lot may be considered by the City, where satisfactory landscaping is provided.

4.11.4 Visitor car parking areas located within the front setback area shall be setback from the front property boundary behind a soft landscaping strip a minimum of 1.0 metre in width.

4.11.5 Staff parking bays shall be located on site

4.11.7 Parking ratios shall be in accordance with the City's Local Planning Policy Parking.

4.12 Signage



4.12.1 All signage associated with a RAC Facility shall be in accordance with the requirements of the City’s Local Planning Policy - Signs and shall be provided as part of the development application. Where final specifications are unknown, a Signage Details Form identifying the location, size and type of external signage to be installed on the building/site is to be submitted to Council as part of the development application.

5.0 PRIMARY CONTROLS TABLE

5.1 The below table outlines the primary controls required for Residential Aged Care Facilities on sites with a density code of R40 to R160.

	R40	R50	R60	R80	R100	R160
Building height (storeys)	2	3	3	4	4	5
Boundary wall height (storeys) ^{1, 2}	1 ³	1 ³	1 ³	2 ³	2 ³	2 ³
Minimum primary and secondary street setback	4m ⁴	2m	2m	2m	2m	2m
Minimum side setback	2m	3m	3m	3m	3m	3m
Minimum rear setback	3m	3m	3m	3m	6m	6m
Minimum average side/rear setback where building length exceeds 16m	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m
Plot Ratio ⁵	1.0	1.0	1.0	1.0	1.3	2.0
Open Space ⁶	50%	40%	40%	30%	25%	25%



Notes	<p>¹ Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions.</p> <p>² Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code.</p> <p>³ Boundary wall only permitted on one boundary, and shall not exceed 2/3 length</p> <p>⁴ Minimum secondary street setback 1.5m.</p> <p>⁵ Refer to definitions for calculation of plot ratio.</p> <p>⁶ Open space percentage is the percentage of site area to be retained as open space.</p>
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6.0 CONSULTATION

- 6.1 Consultation with affected landowners will be undertaken in accordance with the City’s Local Planning Policy - Consultation of Planning Proposals.
- 6.2 All Residential Aged Care Facilities are to be advertised in accordance with the requirements of the Local Planning Policy – Consultation of Planning Proposals.

7.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 7.1 In addition to the general requirements for an application for Development Approval, a Traffic Impact Statement of Assessment is required in accordance with Clause 4.9.1 of this policy.
- 7.2 The following matters are to be addressed in the applicant’s supporting report:
 - Hours of operation of the Residential Aged Care Facility;
 - Hours of visitation and number of visitors permitted at any time;
 - Staff numbers;
 - Resident numbers;
 - Parking management plan;
 - Landscaping plan;
 - Acoustic report;
 - BAL Assessment and Bushfire Management Plan where a subject site is designated as within a Bushfire Prone Area; and
 - Any supplementary or incidental uses, and supporting evidence that those uses are appurtenant to the predominant use of “Residential Aged Care”

8.0 OTHER CONSIDERATIONS – ENGINEERING AND TECHNICAL SERVICES, HEALTH AND BUILDING APPROVAL

- 8.1 The applicant is advised to consult the City’s Building Services & Environmental Health Services to determine if a Building Permit, Food Business Registration or Aquatic facilities approval is required for a residential aged care facility.

9.0 VARIATIONS TO POLICY



- 9.1 Where a variation to this policy is sought, consideration shall be given to the objectives of the policy.

10.0 BUSHFIRE MANAGEMENT

- 10.1 Where a property is within a designated Bushfire Prone Area, applications for development approval will be required to comply with State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7), and any building requirements as required by the Building Code of Australia.
- 10.2 RAC Facilities are a vulnerable land use under SPP3.7 and may require a Bushfire Management Plan (BMP) submitted by a certified Level 2 or 3 Bushfire Management Consultant to the satisfaction of the City. Where a property is within a Bushfire Prone Area the application may require a referral to the Department of Fire and Emergency Services (DFES). The City will take into consideration comments from DFES in making their determination.

11.0 LEGISLATION

- 11.1 This Policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the LPS Regulations.
- 11.2 The process for preparing a LDP is set out in Schedule 2 Part 6 of the LPS Regulations.
- 11.3 This Policy should be read in conjunction with the following additional planning instruments, and its requirements apply unless otherwise specifically stipulated elsewhere in this Policy:
- Planning and Development (Local Planning Schemes) Regulations 2015
 - Local Planning Scheme No. 3
 - State Planning Policy 7.3 – Residential Design Codes
 - State Planning Policy 3.7 – Planning in Bushfire Prone Areas
 - Local Planning Policy - Parking
 - Local Planning Policy - Consultation of Planning Proposals
 - Local Planning Policy - Signs

12.0 DEFINITIONS

- 12.1 Words or expressions in the following table, when used in this Policy, have the meanings assigned to them in the table:



Definition	Meaning
Residential Aged Care Facility	As per LPS 3, being, a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.
Incidental Use	Incidental and ancillary amenities and land-uses associated with and supporting residential aged care facilities and retirement villages (for example medical consulting room, pharmacy, café and the like) that are accessible for residents only should be considered and determined under the above new land-use definitions ¹ .
Vulnerable Land Use	As per SPP 3.7 - Planning in Bushfire Prone Areas, being, a use where persons may be less able to respond in a bushfire emergency, including: Land uses and associated infrastructure that are designed to accommodate groups of people with reduced physical or mental ability such as the elderly, children (under 18 years of age), and the sick or injured in dedicated facilities such as aged or assisted care, nursing homes, education centres, family day care centres, child care centres, hospitals and rehabilitation centres.
Major Opening	A window or similar opening to residential or care rooms, operational rooms or amenities (including common areas, dining rooms and recreation areas) frequented by staff and/or residents of the development, that have a finished floor level raised 0.5 metres or more above NGL which overlooks any part of an adjoining residential property behind its street setback area, and has a sill level of less than 1.6m.
Plot Ratio	As per the definition in LPS3.

Footnote:

¹ Amenities and land uses associated with and supporting residential aged care facilities and retirement villages that are accessible to both residents and the general public should be considered as separate use classes and determined in accordance with the land use classification table under the local planning scheme.

12.2 A word or expression that is not defined in this Policy –

- Has the same meaning it has in Local Planning Scheme No. 3; or
- If it not defined in the Local Planning Scheme No. 3 it has the same meaning it has in the R-Codes.

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