

Home Modifications – Elderly & Injured Residents – Medical Requirements

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1. Purpose

To provide guidance to Council Officers when assessing and determining development applications for residential modifications to permit elderly people and those who are injured to return to their homes.

2. Issue

Dwellings that are constructed over two or more levels pose manoeuvring difficulties for the elderly or injured residents. This can result in owners seeking alternative accommodation or prematurely transferring to a full-time care facility.

Wherever possible, it is an advantage to keep people within their existing homes. There are obvious social rewards as well as economic benefits by reducing the tension on already stretched nursing care resources.

Simple changes to the configuration may include the provision of access ramps, grab rails, minor internal alterations and additions of bathrooms, laundries, and kitchens. It may also result in the provision of additional facilities on the lower level of multi-storey buildings.

Having two kitchens or laundries in a dwelling for instance is not a prohibited arrangement under the National Construction Code provided the building is still used as a single dwelling. It can present problems with a change of classification if they are separately tenanted, and this is not the purpose of this policy.

3. Legislation

Certain residential home modifications can be completed without the need of a development application, and these include the following:

- a) **Exempt Development** which does not require approval from a consent authority; and
- b) **Complying Development** which does require prior approval from Council or a private certifier.

For more details on the requirements of what can be constructed under Exempt or Complying Development provisions, reference should be made to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Examples of exempt development that may apply in these circumstances are as follows:

- Subdivision 1 - Access ramps.
- Subdivision 5 - Awnings, blinds, and canopies.
- Subdivision 6 - Balconies, decks, patios, pergolas, terraces, and verandahs.
- Subdivision 10 – Carports.
- Subdivision 14 – Driveways and hard stand spaces.
- Subdivision 26 - Minor building alterations (internal). This includes replacement of a bathroom or kitchen, built in fixtures such as a vanity, cupboard or a wardrobe, shelving, and the like.
- Subdivision 27 – Minor building alterations (external). This includes the installation of a door and repair or replacement of a balustrade.
- Subdivision 28 – Pathways and paving.
- Subdivision 35 – Screen enclosures (of balconies, decks, patios, pergolas, terraces, and verandahs).

If additional plumbing and drainage services are required, then Council will need to be involved in the inspection of these extended services. This would trigger a separate

section 68 approval under the Local Government Act. Applications for a section 68 approval can be obtained by completing an application form and submitting it to Council together with a floor plan showing the fixtures.

If the exempt and complying development codes cannot be utilised, then a development application will need to be submitted to Council for consideration.

4. Development Application

If a development application is submitted for consideration, Council has an obligation under the Environmental Planning & Assessment Act and Regulations to assess if the proposed change would result in the creation of two or more dwellings. This will not be permitted under this policy.

The applicant will need to demonstrate in the statement of environmental effects that the proposed works will not result in a change of building classification or the creation of a new dwelling. The application will also need to be supported by documentation from an Occupational Therapists and/or Doctors recommendation specifying why the building needs to be altered to accommodate the occupants. In some instances, the application will also be supported by a report from an accredited access consultant detailing the works required to be completed.

Where development applications are approved, Council will include a condition to the effect that the building shall remain as a single dwelling and must not be used as dual occupancy or for separate residential tenancy.

5. Implementation

This policy will be implemented by City Development in the assessment and determination of Development Applications for residential modifications in response to Occupational Therapists and Doctors instructions to allow elderly people and those who are injured to return to their homes.

6. Review

This Policy shall be reviewed within 12 months of the election of the new Council.