

Amenity

This document outlines the assessment of amenity impacts for proposed development in the City of Melville. This policy is applicable to residential, commercial and mixed use developments within the City of Melville.

If you are searching for general information in relation to planning requirements, please refer to the Planning Services page of our website <https://www.melvillecity.com.au/> or alternatively you can speak to one of our planning officers either on the phone, 9364 066 or in person at 10 Almondbury Road, Booragoon during business hours, 8.30am – 5:00pm Monday to Friday

Policy Type: Local Planning Policy Policy Owner: Director Urban Planning	Policy No. LPP1.10 Last Review Date: 17 March 2026
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Citation

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) and the City of Melville Local Planning Scheme No. 6 (LPS No.6). This Local Planning Policy may be cited as Local Planning Policy No. 1.10 – Amenity (LPP1.10).

Policy Objectives

The objectives of this policy are:

- To ensure that when new development is proposed, due consideration is given to the preservation of reasonable amenity for occupiers of adjoining properties and the surrounding area;
- To provide guidance on discretionary land uses within the residential zone where there is greater likelihood of amenity impact;
- To provide guidance in the consideration of amenity impacts arising from proposals seeking a performance assessment under the R-Codes; and
- To provide assistance in the consideration of all planning applications against the amenity provisions contained within the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

Policy Scope

When dealing with Development Applications, the assessment undertaken must have regard to the potential amenity impacts that may result from the development proposed.

In this context, and in respect of residential developments, the Design Principles and the Element Objectives cited throughout the R-Codes promote the need to consider amenity in relation to the impacts that may result from development.

The Regulations also includes general consideration of amenity which all development applications must be assessed against prior to any approval being issued.

Definitions / Abbreviations Used In Policy

Amenity for the purposes of this policy is defined as follows:

Means all those factors which combine to form the character of an area and include the present and likely future amenity.

LPS6	City of Melville Local Planning Scheme No. 6
R-Codes	Residential Design Codes Volume 1 and Volume 2
Regulations	Planning and Development (Local Planning Schemes) Regulations 2015
Amenity	As per the Planning and Development (Local Planning Schemes) Regulations 2015 which states as follows:

means all those factors which combine to form the character of an area and include the present and likely future amenity;

Policy Statement

1 Amenity Impact Statements

1.1 Where a proposal does not satisfy the provisions of LPS6, Local Planning Policies, the Deemed-to-Comply provisions or Acceptable Outcomes of the R-Codes, the decision maker is required to exercise judgement in undertaking a performance assessment to determine whether the proposal is acceptable taking into account the objectives and provisions of LPS6, the objectives and provisions of R-Codes, the objectives and provisions of Council policies and orderly and proper planning.

1.2 In relation to Single Houses and Grouped Dwellings, the R-Codes requires that a written justification be submitted where assessment against one or more of the R-Code Design Principles is required or sought. In addition, where a development proposal includes variations to the provisions contained in LPS6 and Local Planning Policies, a similar written justification may be required. This written justification would be in the form of an Amenity Impact Statement.

In relation to apartment development, a design statement of how the proposal meets the objectives of the R-Codes would be necessary.

1.3 In addition to the above, where a proposal satisfies the relevant provisions contained within LPS6, the R-Codes and Local Planning Policy, the City may still require the submission of an Amenity Impact Statement where it is considered that the proposal has the potential to result in significant impacts upon the amenity of an adjoining property or the surrounding locality. Applicants will be advised of their obligations in respect of the latter on a case by case basis, taking into consideration the individual merits of development being proposed.

1.4 Amenity Impact Statements must:

- (a) Incorporate a context analysis for the locality prepared by a suitably qualified and/or experienced planning, architectural or urban design professional.

- (i) For residential development, this is to be undertaken in accordance with the requirements of the R-Codes.
 - (ii) For non-residential and other residential development (such as aged care or student accommodation), the context analysis is to be based upon the adopted local planning framework for the locality.
 - (iii) For non-residential and other residential development (such as aged care or student accommodation) within the residential zone, the context analysis is to be based on the residential character of the area including (but not limited to) the expected noise and traffic levels which could be expected within a residential area – not just compliance with the Environmental Protection (Noise) Regulations 1997 and capacity of the local road network;
- (b) Demonstrate how the proposed development satisfies the performance criteria of the R-Codes or objectives of LPS6, Local Planning Strategy and relevant local planning policies;
 - (c) Demonstrate that consideration has been given in the design of the development to the impact on the amenity of adjacent properties and/or the locality; and
 - (d) Outline the measures that are proposed to be employed to remove or mitigate any adverse impacts that might result from the development. Consideration must be given to both residential and visual amenity impacts.

1.5 An Amenity Impact Statement may be supported by illustrative information including photographs, photo montages, sketches and models.

2 Assessment of Amenity

2.1 In considering what is amenity to understand the impact of a proposal, it is important to capture the existing development and land use context of an area to determine likely impact of a change. Whilst noting that the legal definition of amenity is broad, there is significant case law which may be of assistance in the assessment of the proposal in addition to the below.

2.2 In considering the impact of a proposed development on the amenity of an adjoining property and/or the surrounding locality, the City may have regard to any factor relevant to the amenity of the adjoining property and/or the surrounding locality and the impact of the proposed development upon that amenity including but not limited to:

- Access to daylight and ventilation to major openings;
- Access to direct sunlight and ventilation to outdoor living areas;
- The sense of confinement resulting from cumulative building bulk;
- The location of existing trees and vegetation;
- Access to views of significance;
- The difference in ground levels between the sites;
- Articulation of the elevations in terms of varied setbacks, design features, building materials and treatments;
- Impact upon the existing streetscape;
- Degree to which the development reflects the scale of the existing built form within the streetscape;
- The amount of open space around buildings;

- The design and external appearance, including exterior cladding of any new building or addition and its effect on the amenity of existing buildings and the area generally;
- Any other site specific characteristics on the adjoining properties or within the surrounding area;
- The future likely land uses and development that the planning frameworks applicable permit and/or encourage; and
- Any other relevant aspects of the character of the adjoining property and/or the surrounding area (as the case may be) that may be affected by the proposed development.

3 Design Review Group

- 3.1 Where a proposal is considered to have the potential to result in a significant adverse impact upon the adjoining properties or locality, the City may refer the application and amenity impact statement to the City's Design Review Panel for consideration.
- 3.2 The consideration of the application by the City's Design Review Group will be undertaken in accordance with the City's Design Review policy

References that may be applicable to this Policy

Legislative Requirements:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Procedure, Process Maps, Work Instructions:	Planning Application Directorate Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	Local Planning Scheme No.6 Residential Design Codes Volume 1 and Residential Design Codes Volume 2 - Apartments
Delegated Authority No:	DA-020: Planning and Related Matters

ORIGIN/AUTHORITY		Item No.
Ordinary Meeting of Council	20/09/11	P11/3246
REVIEWS		
Ordinary Meeting of Council	18/03/14	P14/3471
Ordinary Meeting of Council	20/05/14	P14/3497
Ordinary Meeting of Council	20/09/16	P16/3718
Administrative Review (Council Resolution 18/6/2019)	6/08/2019	
Ordinary Meeting of Council	17/03/2026	UP25/96

