

Amenity

<p>Policy Type: Local Planning Policy Policy Owner: Director Urban Planning</p>	<p>Policy No. LPP1.10 Last Review Date: 6 August 2019</p>
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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 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	State Planning Policy 7.3 Residential Design Codes Volume 1 and Residential Design Codes Volume 2 – Apartments
Regulations	Planning and Development (Local Planning Schemes) Regulations 2015

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, Part 3 of 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.

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 Council 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 development, the context analysis is to be based upon the adopted local planning framework for the locality.
- (b) Demonstrate how the proposed development satisfies the performance criteria of the R-Codes or objectives of LPS6, or a relevant local planning policy;
- (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.

Scheme



- 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 the impact of a proposed development on the amenity of an adjoining property and/or the surrounding locality, the Council 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;
- 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 Panel

- 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 Council 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 Panel will be undertaken in accordance with the City's Design Review Panel 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 State Planning Policy 7.3 Residential Design Codes Volume 1 and Residential Design Codes Volume 2 - Apartments
Delegated Authority No:	DA-020: Planning and Related Matters

ORIGIN/AUTHORITY

Ordinary Meeting of Council

20/09/11

Item No.

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

6/8/2019

(Council Resolution 18/6/2019)