

VISUAL PRIVACY - CONE OF VISION R-CODES PERFORMANCE CRITERIA POLICY



Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning Services
Responsible Officer	Planning Manager
Affected Business Unit/s	Planning Services

PURPOSE:

To provide direction and clarity to Developers and the Community on the application of the Performance Criteria with regard to Clause 3.8.1 – Visual Privacy of the Residential Design Codes (R-Codes) 2002.

POLICY STATEMENT:

In accordance with the provisions of the R-Codes (Clause 3.8.1 – Visual Privacy), where the Cone of Vision encroaches into an adjoining property, Council approval should be sought in accordance with the performance criteria.

The relevant Residential Design Codes 2002 Performance Criteria states:

“Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- *The positioning of windows to habitable rooms on the development site and the adjoining property;*
- *The provision of effective screening; and*
- *The lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.”*

1. This policy is made pursuant to Clause 2.6.2 of the Residential Design Codes 2002 and shall have effect for applications made for residential development as defined by the City of Bayswater Town Planning Schemes (as amended). This policy does not alter or change in any way the acceptable development criteria of the codes.
2. Where the cone of vision encroaches wholly on to an existing non habitable outbuilding or a communal driveway on the adjoining property the performance criteria of the R-Codes is considered to be met.
3. Where the cone of vision encroaches into all other areas of a lot, excluding the front setback area, visible from the street it will be necessary for the developer to seek comments from the affected adjoining landowner.
 - (a) Where the affected adjoining landowner(s) has signed a letter of non-objection, including a full set of the plans indicating the relevant cone of vision encroachment relating to the proposed development, the proposal is considered to meet the performance criteria of the R-codes.
 - (b) Notwithstanding clause 3(a) of this policy, where the affected adjoining landowner(s) supports a development where direct overlooking within the cone of vision encroaches into a private open space area, Council consideration may be required.
4. In the event an objection is received to the proposed development, it will be necessary for the proposal to be referred to Council for determination.

DEFINITIONS:

Nil

RELATED LEGISLATION:

Clause 2.6.2 of Residential Design Codes (2002).

RELATED DOCUMENTATION:

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	27 January 2004
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	