



Shire of  
Peppermint Grove

## Information Sheet – Residential Development

Shire of Peppermint Grove

### Purpose

This Information Sheet has been prepared to assist proponents in the identification of modifications to the Residential Design Codes of Western Australia (R-Codes) and the planning controls and methodologies for determining compliance established by the local planning policy framework.

The Information Sheet additionally seeks to streamline the Shire's assessment process and expedite determination of development applications by improving the standard of submissions and ensuring proposals align with the local planning framework.

This Information Sheet should be read in conjunction with the broader planning policy framework.

Defined terms in Shire's Local Planning Scheme no. 4 (LPS4), the R-Codes or local planning policies are in italics.

### Development Controls

The R-Codes provides a comprehensive basis for the control of residential development throughout Western Australia. Volume 1 of the R-Codes provides the requirements for the majority of residential development State Planning Policy 7.3 Residential Design Codes Volume 1 ([www.wa.gov.au](http://www.wa.gov.au)). Volume 2 of the R-Codes provides the requirements for multiple dwellings in areas coded R40 and above. Density codes and other planning controls including whether your site is heritage-listed or located in a bushfire prone area can be ascertained from Plan WA the Department of Planning Land and Heritage's map viewer. The R-Codes is a performance-based document that contains deemed-to-comply provisions and performance principles. Development that does not satisfy a deemed-to-comply provision requires development approval and the accompanying written submission must address and demonstrate how the corresponding performance principles have been met.

Development is required to adhere to both the R-Codes and the local policy planning framework. The local planning policy framework includes the Shire's Local Planning Strategy, LPS4 and local planning policies. The Local Planning Strategy informs the preparation of planning schemes and establishes broad planning objectives.

Clauses 26 and 32 of LPS4 modify the deemed-to-comply provisions of the R-Codes pertaining to *building height*, *street setbacks* and subdivision, and additionally prescribe a maximum *plot ratio* for areas coded R-20 and lower. Clause 37 of LPS4 also contains terms not defined in the R-Codes necessary for determining *building height* and *street setback*. The deemed-to-comply provisions of the R-Codes are also modified by Local Planning Policy 1 – Design and Streetscape and Local Planning Policy 12 – Residential Fences. Local Planning Policy 11 – Building on Side and Rear Boundaries also provides a set of criteria where Council may consider *boundary walls* in areas zoned R10 and R12.5.

The suite of local planning policies additionally control development and establish the criteria to vary those controls, guide consultation and assessment processes, and advise on the preparation of supporting documents such as heritage reports and construction management plans. Although local planning policies do not have the full force of law and must not be applied inflexibly, the Shire and community expectations are such that the policy objectives and provisions will be satisfied. The suite of local planning policies can be found here [Local Planning Policies » Shire of Peppermint Grove](#).

Proponents should confirm the planning controls and environmental constraints affecting their land and obtain a current copy of title to identify the location of easements. A land enquiry should be undertaken to identify planning controls using the Plan WA map viewer found here <https://espatial.dplh.wa.gov.au/planwa/Index.html?viewer=planwa>

### **Assessment Process**

Proponents are encouraged to take a collaborative approach and have a pre-lodgement meeting with the Shire's Development Services staff to confirm the information required to support the proposal and to identify opportunities to further align the proposal with the planning policy framework.

Development approval is required for works, including internal alterations and fencing, associated with a heritage property on the Shire's Heritage List. Otherwise, proposals that are fully compliant with the R-Codes deemed-to-comply provisions and the Shire's local planning framework are exempt from development approval.

A Deemed-to-Comply Check can be lodged to confirm whether a proposal is compliant with the deemed-to-comply provisions of the R-Codes and the local planning policy framework. Further information regarding obtaining this advice can be found here [Explanatory Guidelines deemed provisions clause 61A \(www.wa.gov.au\)](#)

The Shire typically advertises development applications that seek multiple or significant variations to the deemed-to-comply provisions of the R-Codes or local planning policy provisions to affected parties and requires Council to exercise their discretion at a Council Meeting. Development proposals that are substantially compliant or seek trivial variations may not require formal advertising and may be approved under delegated authority.

### **Battleaxe Subdivision**

LPS4 prescribes that battleaxe subdivision shall not be supported within the Residential zone. A battleaxe lot includes a single house lot, or a grouped housing lot forming part of a vacant or survey strata scheme, that has a frontage for the purpose of access to a public road only through a strip of connecting land containing pedestrian and/or vehicular access.

### **Building Height**

The maximum height of houses in areas coded R10, R12.5, R15 and R20 shall be determined in accordance with the R-Codes for a Category B building and shall not exceed two (2) storeys excluding any *basement*.

The maximum height of an *ancillary dwelling* shall be determined in accordance with the R-Codes for a Category A area buildings and shall not exceed one (1) storey.

The Shire's Local Planning Policy 4 – Residential Building Heights provides the methodology for calculating *building height* and the criteria for the Shire to consider a variation.

*Building height* is measured from the *mean natural ground level* which means the average natural ground level calculated by dividing the sum of the ground level measured at each corner of a lot

divided by the number of corners. The ground level at each corner shall be informed by abutting *streets or access legs*. Where a corner is truncated, a single measurement shall be taken at the mid-point of that truncation. Measurements taken from within the lot are to disregard retaining walls or raised features such as a planter box.

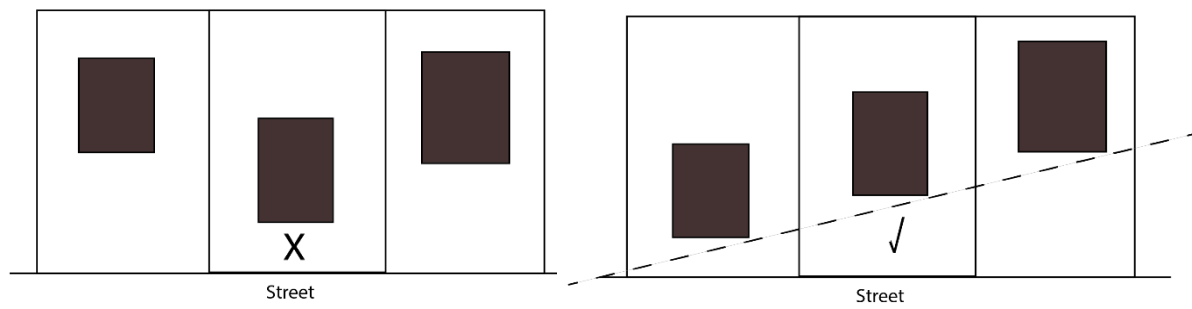
Variations between the *mean natural ground level* and the finished ground floor level greater than 500mm are discouraged and require Council discretion.

A *basement* is defined as a non-habitable portion of a *building* contained entirely underground, and below the ground floor of a *dwelling*. The underside of the slab above or roof of the *basement* must be below the *mean natural ground level* for the *basement* to be deemed entirely underground.

### Street Setbacks

For areas coded R10, R12.5 and R15 the setback from the front *street boundary* to any *building*, including a *carport* or *garage*, shall be a minimum nine (9) metres from the *primary street* and 4.5 metres from the *secondary street*. The measurement is taken from any part of a *building* including *minor projections*. Adherence with these setback distances shall be deemed-to-comply.

Where immediately adjacent houses are set back greater than nine (9) metres, the proposed development is encouraged to be stepped to the extent necessary to ensure it does not obscure views to adjoining houses or prevent their contribution to the streetscape.



### Building on Side or Rear Boundaries in Areas Coded R10 or R12.5

In the low-density residential areas of the Shire there are no applicable deemed-to-comply provisions in the R-Codes for *boundary walls*. Therefore, any application for a *boundary wall* can only be considered under the corresponding R-Codes design principles.

To demonstrate that the design principles have been met, the following criteria should be satisfied and illustrated on scaled plans:

- For side boundaries the incursion into the setback should be located at least three (3) metres behind the nine (9) metre building line to satisfy the prevailing development context and streetscape outlined in the R-Codes.
- For side boundaries the incursion into the setback should not be located forward of an adjoining house so as to block views to and from that place.
- For all side and rear boundaries, the incursion into the setback should not visually impose on an adjoining property that is on the Shire's Heritage List.
- For boundaries abutting a *right-of-way*, *buildings* should be set back sufficiently to allow for future widening where this has been identified.

## Lot Boundary Setback

The methodology for determining the deemed-to-comply lot boundary setback for articulated walls is established by Figure Series 4 contained in the R-Codes. Where additions are proposed, the deemed-to-comply setback shall be determined by assessing retained and proposed portions of the elevation.

For complex walls with multiple articulations the application of more than one figure in the series may be necessary to capture the full extent of the elevation.

Where more than one figure could be applied to any portion of wall, and in combination capture the full extent of the elevation, Figure 4c shall prevail.

## Plot Ratio

*Plot ratio*, which has been a feature of the Shire's town planning schemes since at least 1976 and applied to single houses since 1988, has contributed to the amenity of the area and defined the character of the streetscapes by controlling bulk and scale of development. For areas coded R10, R12.5, R15 and R20 the maximum *plot ratio* shall be 0.5.

*Plot ratio* means the ratio of a floor area of a *building* to an area of land within the boundaries of the lot or lots on which the *building* is located.

The calculation methodology detailed in Local Planning Policy 5 – Plot Ratio, varies from that in the R-Codes such that there is often confusion as to which elements of a *building* can be deducted or excluded. The policy does not differentiate between habitable and non-habitable areas such that habitable portions of a *basement* and those portion without a building above can also be excluded from *plot ratio* calculations. Any area meeting the exclusion threshold, or a structure not defined as a *building* in the R-Codes such as a *pergola* or a *swimming pool*, will not contribute to *plot ratio*.

Development applications must evidence how *plot ratio* has been determined through the use of scaled plans and calculation tables. The *gross floor area*, deductions and exclusions for each *building* level and any *outbuilding(s)*, whether or not habitable, should be clearly identified and preferably colour coded.

### Plot Ratio Calculation Methodology

- Gross floor area is to be calculated to include external and internal walls which make the footprint of the *building(s)* on the site at each level above *mean natural ground level* at any point.
- Structures not defined as a *building* in the R-Codes such as boundary fences, *pergolas* and *swimming pools* can be excluded from the *plot ratio* calculation.
- *Basements* defined as a non-habitable portion of a *building* contained entirely underground, and below the ground floor of a house can be excluded from the *plot ratio* calculation. For a habitable or non-habitable portion of a *basement* to be excluded the *basement* floor level must be below the *mean natural ground level*, and the underside of the slab above be below the *natural ground level* as defined in the R-Codes.
- Stairwells, lifts and voids are to be solely calculated at the lowest (other than a *basement*) level.
- A deduction of up to 50m<sup>2</sup> or 5% of the *lot* area (whichever is the lesser) can be granted for *garages* and *carports*. *Garages* deduction can be applied in addition to any *basement* exclusion.
- A deduction of up to 50m<sup>2</sup> or 5% of the *lot* area (whichever is the lesser) can be granted for roofed structures unenclosed on at least two sides including *verandas*, *balconies*, *patios* and *porches* as defined by the R-Codes.

- A deduction of up to 10m<sup>2</sup> can be granted for dedicated storerooms with a minimum floor area of 4m<sup>2</sup> and minimum 1.5m dimensions. Built-in furniture and internal storage located in areas such as kitchens, laundries, bathrooms and bedrooms cannot be deducted.

### Minor Structures

Considering the design objective to establish and preserve street outlook from residential properties, minor structures such as lychgates, porticos and gate houses may only be constructed in front of the building *street setback* line subject to the following design criteria:

- Gate houses, lychgates or similar structures are not to exceed 4m<sup>2</sup> in area.
- No structure is to exceed 2.4m in total height.
- The minor structures does not detract from the visual amenity of the streetscape and views to the street.
- The minor structure complements the residence through the application of the same design, materials finishes and construction methods.
- The minor structure does not affect sightlines adjacent to vehicle crossovers.

### Carpports and Garages

The street elevation, particularly for heritage-listed places, should not be obscured or dominated by *carports* or *garages*. To this end Council does not support more than one double *carport* or *garage* to a *primary* or *secondary street frontage*, or solid doors with a width exceeding 4.5m.

Council acknowledges that portions of streetscapes within the Shire may vary where houses or structures are already built closer to the *street* than the LPS4 *street setbacks*. In these cases, a reduction in the applicable setback for a *carport* may be considered provided they:

- Are *unenclosed* on at least three sides.
- Have been sensitively designed and located to preserve a strong visual relationship between the *street* and the house and maintains *street surveillance*.
- Pose no detrimental impact to that portion of streetscape.

*Garages* within the *primary street* setback area by virtue of their enclosed design are not consistent with the objectives of the local planning policy framework and will not be supported.

### Landscaping and Tree Retention

Soft landscaping (garden planting), particularly in the *primary street* setback area is an essential element that contributes to the neighbourhood character of the Shire and is about creating sufficient quality of non-built spaces, to provide for stormwater infiltration, tree canopy and shade to reduce urban heat radiation and to provide habitat. The Shire encourages the retention and/or planting of habitat trees whilst ensuring views between the house and street are maintained.

Landscaping plans are to be provided as part of any development application submission that have regard to the following:

- 50% deep soil planting areas within the *primary street* setback area.
- 20% deep soil planting areas within the *site*.
- Timber or other decks, synthetic turfing over concrete *basements*, or trafficable *driveway* paving are not deemed soft planting areas.
- Notwithstanding a driveway connecting the crossover to a *garage/carport*, there is to be no additional vehicle hard standing in the in the *primary street* setback area unless the 50% deep soil planting areas requirement is met.

- The relevant requirements of the Shire's Tree Management Strategy 2022.

### **Vehicular Crossovers**

Peppermint Grove has residential *lots* many of which have *right-of-way* and street access. Council favours vehicular access from the *right-of-way* rather than the *street* so as to locate *carport* and *garage* structures to the rear or side, rather than in the primary setback.

For a *right-of-way* access arrangement, Council will support the provision of one uncovered hardstand car parking bay within the *primary street* setback area subject to there being one (1) single width verge crossover to the site, and 50% of the remaining *street setback* area available for soft landscaping.

Where vehicular access is from a street the crossover should conform to the following principles:

- One (1) crossover per site.
- Single vehicle-width crossovers are encouraged to retain and protect green street verges and street trees.
- Any additional width to a single-vehicle crossover must be justified by demonstrating a low impact on the provision of an adequate portion of green verge and street tree planting.
- Crossovers should be located a minimum of two (2) metres from a street tree with a trunk diameter less than 400mm, and three (3) meters for a street tree with a trunk diameter greater than 400mm.
- Removal of Street trees for the placement of new crossovers will only be considered where all other design options have been sought and evidenced.
- Crossovers to be constructed in accordance with the Shire's Vehicular Crossover General Requirements and Specifications [Vehicle Crossovers » Shire of Peppermint Grove](#)

Where an existing crossover is to be retained as part of a new build or significant redevelopment vehicular sightlines as per the R-Codes must be demonstrated and illustrated on scaled plans.

Redundant crossovers must be removed, and the verge reinstated at no cost to the Shire.

### **Fences and Walls**

Peppermint Grove is principally a neighbourhood of houses with large front gardens and predominantly open views between houses and with the *street*. A front boundary fence is to be of an appropriate height and open aspect design and construction in order that there is strong visual relationship between the *primary street* or a *communal street* and the house.

A dividing fence or a fence or wall to a *secondary street* or a *right-of-way* is to be of an appropriate height and construction in order to provide adequate privacy and noise mitigation, whilst not without causing detriment to the *streetscape* of the character of the neighbourhood or to neighbours, or the loss of visibility of valued properties from the public realm.

#### Applicable Standards for All Residential Fences

- Unless otherwise altered by this policy fencing materials shall comply with Schedule 1 of the Shire's Fencing Local Law 2021 (timber, corrugated fibre reinforced pressed cement or steel sheeting, or brick, stone or concrete).
- Compliance with the deemed-to-comply requirements for sightlines contained in the R-Codes.
- Where a site boundary slopes fences can be 'stepped' and fence height averaged provided it does not exceed 200mm above the specified maximum height at any point.
- The requirement for pool barrier fencing to comply with AS 1926.1-2012 and associated privacy considerations does not set any policy requirement for open aspect fencing.

### Primary and Communal Street Fences (within the Primary or Communal Street Setback Area)

- Where the lower portion of the wall is solid, the height shall not exceed 900mm.
- Columns, piers or posts forming the structural support shall:
  - a. Not exceed 2.1 metres in height above the natural ground level measured from the street side of the fence;
  - b. Not exceed 600mm in either depth or width; and
  - c. Not be less than 1.8 metres clear of any other column, pier or post.
- Infill panels (where necessary above the lower wall and between any columns, piers or posts) shall be designed for permeability of at least 50% open view with a minimum gap of 50mm between pickets and shall not exceed the column height.
- Blade fencing where the depth of the infill picket is proportionally more than the profile section facing the street shall be of a sufficient width so that views to the house are not obscured. This can be achieved where the gap between blades is a minimum of twice the depth. For instance, 25mm deep blades shall be spaced 50mm apart.
- Breeze block walls shall be designed for permeability of at least 50% open view.

### Secondary Street and Right-of-Way Fences

- Fencing shall not exceed 2.1metres in height measured from the street or right-of-way side of the fence.

### Dividing Fences

- Subject to the written consent of the abutting landowner, a dividing fence is permissible to a height of 2.1 metres measured from the higher side of the fence.

### Game Court Fences

- Court fencing shall not exceed 3.6m in height and shall be visually permeable above 2.1 metres.
- Where also a dividing fence and subject to the written consent of the abutting landowner, court fencing is permissible to a height of 3.8 metres measured from the higher side of the fence.
- Where abutting a right-of-way, court fencing is permissible to a height of 3.8 metres measured from the right-of-way side of the fence.
- Chain mesh sections are permissible and are encouraged to be PVC coated to reduce reflectivity.
- Where courts are located in the front setback area the policy provisions for primary and communal street fences shall prevail.

The Building Regulations 2012 requires all private swimming and spa pools that contain water that is more than 300mm deep to have a compliant safety barrier. Where barriers are to be incorporated into front fencing, they must meet the above criteria or otherwise be *visually permeable*. For this reason, it may not be appropriate to locate swimming pools in the *street setback area*.

With the exception of places on the Shire's Heritage List, fences that meet the above criteria are exempt from requiring planning approval.

For heritage-listed places compatible front fencing is an important design element. Where there is no evidence of any original fencing with the Local History Collection, designs typical of the era in which the house was built and complementary in terms of materials, will be supported.

### **Colours Materials and Finishes**

With few exceptions, the predominant building materials in Peppermint Grove are brick and/or

rendered stone, with tile or coloured zincalume® roofs, and the colour palette is neutral.

Alternative external construction and cladding materials as well as colour schemes can be considered subject to approval. A schedule of colours and materials are to be provided as part of any development application submission.

### **Environmental Constraints**

Portions of the Shire are impacted by the Stirling Highway road and rail corridor and are at risk of bushfire.

Development within the road and rail corridor should ensure the internal layout of *habitable rooms/spaces* and construction standards comply with the Road and Rail Noise Guidelines 2019. Proposals will need to evidence the use of specified materials for glazing and wall and roof insulation.

Development on properties greater than 1,100m<sup>2</sup> in area and located within a bushfire prone area, will require a Bushfire Attack Level (BAL) Assessment to be submitted. This BAL rating should inform the design and construction requirements necessary to achieve compliance with AS3959:2018: Construction of Buildings in Bushfire Prone Areas. The Map of Bushfire Prone Areas can be found here <https://maps.slip.wa.gov.au/landgate/bushfireprone/>

### **Construction Environmental Management Plans**

It is best practice that a Construction Environmental Management Plan (CEMP) be prepared to ensure demolition and building works are effectively managed in a way that maintains the high residential amenity of the locality. A CEMP is a standard requirement for all demolition permits, development applications, and works exempt from development approval that require a building permit unless the works are deemed by the Shire to be a negligible risk.

The content of a CEMP must have a nexus between what is being proposed (the potential risk the activity presents to the amenity of the area) the control measures to be employed. A CEMP must articulate adequate management measures to mitigate noise, dust, traffic and other risks commensurate to the scale of the development. A site plan should also be provided that identifies the location of loading and unloading areas, parking and laydown areas, bulk bins and temporary buildings. Unless otherwise approved by the Shire, construction materials, laydown areas, bulk bins and temporary buildings must be wholly contained within the *site*.

Depending upon the scale of the development and *site* context noise management plans, traffic management plans, asbestos management plans, or dilapidation reporting may be required to be prepared and implemented by suitably qualified organisations or personnel.

Local Planning Policy 8 – Construction Environmental Management Plans provides further guidance on the objectives and contents of a CEMP and includes a Site Risk Assessment Matrix to determine the risk classification. The risk classification informs baseline dust and sediment control measures.

Upon endorsement, it is the proponent's responsibility to ensure that the CEMP is adhered to at all times or that the prior written consent of the Shire is obtained for any variations.

### **Noise Management**

Work shall be conducted in accordance with the Environmental Protection (Noise) Regulations 1997, and section 6 of AS 2436:2010 - Guide to Noise and Vibration Control on Construction, Demolition, and Maintenance Sites. Activities likely to generate significant noise will, wherever practical, be scheduled between the hours of 0700 and 1800 and not on Sundays or Public Holidays.



## Dust Management

The Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and Other Related Activities (Guidelines) identify best practice provisions, contingency arrangements and monitoring requirements for negligible risk, low risk, medium risk and high-risk activities. The Guidelines can be found here <https://www.wa.gov.au/government/publications/guideline-managing-the-impacts-of-dust-and-associated-contaminants-land-development-sites-contaminated-sites-remediation-and-other-related-activities>

A notice erected on site providing the contact details for the site supervisor and a complaints management system is adequate to satisfy the monitoring requirements for most activities. Dust monitoring systems need only be implemented for high-risk activities in the immediate vicinity of sensitive land uses.

When construction is likely to occur during the dry period 1 October – 31 March low risk activities are deemed medium risk and medium risk activities are deemed high risk.

## Traffic Management

On street parking is often limited and subject to parking restrictions within the Shire. The ability to freely deliver and unload materials is often further compromised by narrow streets, the requirement to not obstruct *streets, rights-of-ways* or footpaths, competing construction activities, and high traffic volumes at peak times near schools. The onsite delivery of materials and parking of construction vehicles is encouraged.

The traffic management section of a CEMP should identify the types and number of construction vehicles, frequency of heavy vehicle movements and, where necessary, provide turning paths demonstrating the ability for heavy vehicles to access a *site*, identify on street parking constraints, and implement practical solutions to manage vehicle movements. Where temporary obstruction of streets, rights-of-way or footpaths are unavoidable, traffic control measures including signage, the use of spotters and the means of notifying neighbours and the Shire must be stipulated.

## **Aboriginal Cultural Heritage**

The Aboriginal Heritage Act 1972 (AHA) is administered and enforced by the Department of Planning, Lands and Heritage. It is the proponent's responsibility to undertake due diligence assessment and adhere with the AHA. The legislation and information regarding recent amendments can be found here <https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/aboriginal-heritage-laws>

## **Additional Information**

R-Codes Compliance Checklist [State Planning Policy 7.3 Residential Design Codes Volume 1 – Residential Development Compliance Checklist \(www.wa.gov.au\)](#)

Shire of Peppermint Grove Local Planning Scheme No. 4 <https://www.wa.gov.au/government/document-collections/shire-of-peppermint-grove-planning-information#local-planning-scheme>

Deemed-to-Comply Check Form for Single Houses <https://www.wa.gov.au/system/files/2021-07/PD-Clause-61A-Application-for-Advice-Form.pdf>

<b>Policy Reference</b>	<b>Formal Description</b>	<b>Service Line</b>
Information Sheet	Residential Development	Development Services
<b>Implementation:</b>		Planning and Building
Last Modification	April 2024	
Review Date	N/A	