



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 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 residential development other than 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 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 – Front 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 for variation to these controls, guide consultation and assessment processes, and advise on the preparation of supporting documents such as heritage reports and construction management plans. Notwithstanding that local planning policies are not a law or a statute and must not be applied inflexibly, the Shire and community expectations are such that the policy objectives and provisions will be satisfied.

Assessment Process

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

Unless on the Shire’s Heritage List, compliant proposals are exempt from development approval. Development approval is required for works associated with a heritage property.

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.

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

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 area buildings and shall not exceed two 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 storey.

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.

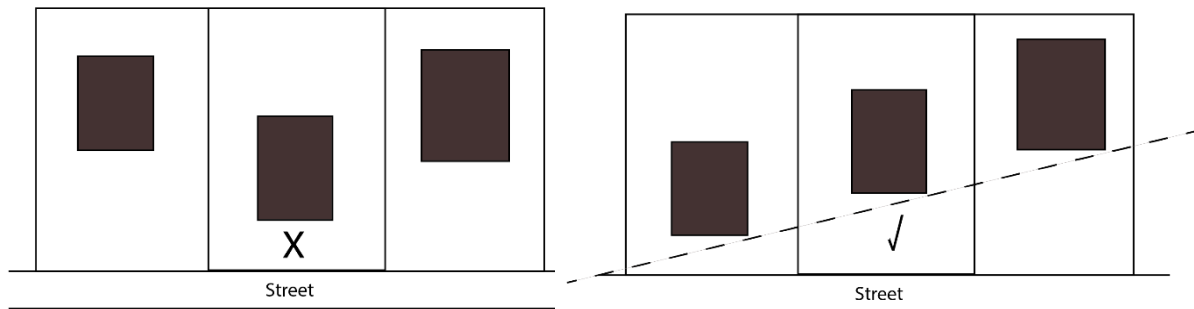
Variations between the *mean natural ground level* and the finished ground floor level greater than 500mm are discouraged and require Council discretion.

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 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*.

Where setbacks are greater or lesser than 9-metres for immediately adjacent houses, the proposed development setback should 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 design principles.

For Council to be satisfied that the design principles have been met, the following criteria should be satisfied:

- For side boundaries the incursion into the setback should be located at least 3m behind the 9m 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.

Plot Ratio

Plot ratio, which has been a feature of the Shire's town planning scheme for over 60 years, 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 unless otherwise determined by the Shire.

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 plans and/or 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.

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 50m² 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 50m² 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 10m² can be granted for HVAC plant rooms and the like.

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 all of the following design criteria:

- Gate houses, lychgates or similar structures are not to exceed 4m² in area.
- No structure is to exceed 2.4m in total height.
- The minor structures do not detract from the visual amenity of the streetscape and views to the street.
- The 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.

Carports 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 open on at least three sides.
- Have been sensitively designed and located with regard to the house and preserving its street outlook.
- 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 Shire's Tree Management Strategy 2022.

Vehicular Crossovers

Peppermint Grove has many larger sized residential *lots* 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.

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

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

- One crossover per site.
- Removal of Street trees for the placement of new crossovers will only be considered where all other design options have been sought. Crossovers should be located a minimum of 2m from a street tree with a trunk diameter less than 400mm, and 3m for a street tree with a trunk diameter greater than 400mm.
- Single vehicle-width crossovers are encouraged to retain and protect green street verges and street trees.
- Any additional width of crossover must be justified by demonstrating a low impact on the provision of an adequate portion of green verge and street tree planting.

- Any additional width to a single-vehicle crossover shall comply with the Shire's crossover construction policy.

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

Redundant crossovers must be removed, and the verge reinstated.

Front 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 *street*, the front setback area and the front of the house. The following design criteria shall apply to front fencing:

- For all walls along the front boundary, where the lower portion of the *wall* is solid, the height shall not exceed 900mm.
- Columns, piers or posts forming the structural support shall:
 - not exceed 2.1m in height above the *natural ground level* on the *street* side of the fence; and
 - not exceed 600mm in either depth or width; and
 - not be less than 1.8m clear of any other column.
- 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.
- Blade fencing, where the depth of the infill picket is proportionally more than the profile section facing the street, shall be 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.

A lesser distance than 1.8m between columns and/or piers, may be considered on merit given the particulars of a site. Council may also consider permitting a section solid to 1.8m for part of a front wall for the provision of utility meters.

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 bushfire risk.

Should your *lot* be located within the road and rail corridor and your proposal introduce *habitable rooms/spaces* the design, the internal layout of rooms and construction standards will need to respond to the quiet house design requirements contained within the Road and Rail Noise Guidelines 2019. Proposals will also need to evidence the use of specified materials for glazing and wall and roof insulation.

Should your property be greater than 1,100m² in area and mapped as being within a bushfire prone area, a Bushfire Attack Level (BAL) Assessment will need to be submitted . Your BAL rating will inform the design and construction requirements necessary to achieve compliance with AS3959:2018 Construction of Buildings in Bushfire Prone Areas.

Additional Information

R-Codes Volume 1 [State Planning Policy 7.3 Residential Design Codes Volume 1 \(www.wa.gov.au\)](http://www.wa.gov.au)

R-Codes Explanatory Guidelines [R Codes Vol 1 Explanatory Guidelines 2021 \(www.wa.gov.au\)](http://www.wa.gov.au)

R-Codes Practice Notes [State Planning Policy 7.3 Residential Design Codes – practice notes \(www.wa.gov.au\)](http://www.wa.gov.au)

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

Shire of Peppermint Grove Local Planning Policies [Local Planning Polices » Shire of Peppermint Grove](#)

Tree Management Strategy 2022 [street-tree-strategy-2022 \(peppermintgrove.wa.gov.au\)](http://peppermintgrove.wa.gov.au)

Plan WA Map Viewer <https://espatial.dplh.wa.gov.au/planwa/Index.html?viewer=planwa>

Deemed-to-Comply Check Single Houses [PD Form-Clause-61A Application-Advice \(dplh.wa.gov.au\)](http://dplh.wa.gov.au)

Deemed Provisions [Explanatory Guidelines Deemed Provisions Clause 61A \(dplh.wa.gov.au\)](http://dplh.wa.gov.au)
<https://maps.slip.wa.gov.au/landgate/bushfireprone/>

Policy Reference	Formal Description	Service Line
Information Sheet	Residential Development	Development Services
Implementation:		Planning and Building
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