



**SHIRE OF PEPPERMINT GROVE**

# **ATTACHMENTS**

**Ordinary Council Meeting**

26<sup>th</sup> March 2024

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## **Ordinary Council Meeting**

### **8.1.1 Review of Local Planning Policy 6 and Local Planning Policy 8**

Local Planning Policy 6 – Neighbour Consultation on Development

Local Planning Policy 8 – Construction Management Plans



## Local Planning Policy 6 - Consultation on Development

### Statutory Authority

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended).

### Purpose

This local policy intends to provide clear direction and explanation as to the basis for the Shire's community consultation requirements. It intends to influence the design and quality of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

To ensure this policy remains relevant and effective, it will be regularly reviewed and updated. The Shire will apply this local planning policy to each case on its merits in order to achieve a balance between consistency and appropriate site related building and construction works.

### Planning Objective

- To ensure courtesy notifications are provided to owner/occupiers in the immediate vicinity of proposed demolition work or building work that is exempt from development approval.
- To ensure natural justice and procedural fairness is afforded to affected parties and to improve the transparency of delegated decision-making s as part of the development application process.
- To provide guidance as to when a courtesy notification or an advertising letter is to be provided to owner/occupiers in the immediate vicinity of proposed demolition work or building work that is subject to development approval.
- To clarify what information will be made available for public viewing.
- To provide guidance as to when a development application may be subject broader community consultation, and the obligations of proponents in such cases.

### Statutory Basis

This policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

This policy should be read in conjunction with the Shire's Local Planning Scheme, Local Planning Policy Framework and Local Laws.

### Policy Provisions

Not all demolition work or building work is subject to a building permit or development approval. This local policy applies to demolition work, building work and development for which the Shire is the Permit Authority or the Determining Authority.

It is best practice that builders notify neighbouring properties prior to commencing work, however

this is not always the case. It is Council policy that a courtesy notification process is undertaken by staff when receiving an application for demolition work or building work not subject to development approval. Demolition and building applications must be determined within a statutory time frame and cannot be withheld unless the documentation is incomplete.

Community consultation is embedded into the development application process and allows for submissions to inform the decision-making process. The means and extent of notification is informed by the nature of the proposed development and the site context.

#### Courtesy Notification Requirements

Courtesy notifications are to be provided to owner/occupiers or strata managers for properties in the immediate vicinity of proposed demolition work or building work that is exempt from development approval for which the Shire is the Determining Authority.

Courtesy notifications shall be provided in circumstances where there is no ability to view the application or to make a formal submission.

The immediate vicinity shall include any property with a shared boundary or directly opposite a street or right-of-way fronting the site.

#### Advertising Letter Requirements

Advertising letters are to be provided to owner/occupiers and strata managers for properties in the immediate vicinity of proposed demolition work or building work that is subject to development approval for which the Shire is the Determining Authority.

Advertising letters shall invite affected parties to view the application and allow a minimum of fourteen (14) days in addition to a further three (3) working days when sent by post to make a written submission. The period between the Christmas and New Year public holidays shall not count towards the advertising period.

Should the development application rely on a variation to a local planning scheme requirement, or the design principles contained in the R-Codes, variation(s) are to be acknowledged.

Should the development application be determined at an Ordinary Council Meeting, or by a Development Assessment Panel, any party who makes a submission will be subsequently notified of the meeting dates.

The immediate vicinity shall include any property with a shared boundary or directly opposite a street or right-of-way fronting the site.

#### Proponent Obligations for Development Applications

The Shire will make available for public viewing a copy of all relevant development application materials. Should a proponent not wish the location of panic rooms, inbuilt safes, or other sensitive information to be viewed by the public a redacted plan set must be provided for advertising purposes.

The proponent must erect at their own cost and maintain for the duration of the advertising period an A1 dimensioned sign on each public street fronting the site. In the case of strata complexes the signage must be erected on each public street fronting the parent lot. The sign must be fabricated or laminated to provide weather protection. The Shire will provide a template for the sign and confirm the required location(s).

The proponent may be directed to publish at their own cost a public notice in a locally circulated newspaper and provide proof of posting. The Shire will provide a template for the public notice.

In accordance with the Shire's Schedule of Fees and Charges the distribution of more than ten (10) advertising letters attracts an administrative fee payable prior to determination of the application.

Where a Construction Environmental Management Plan is a requirement for demolition work or building work, the proponent must notify owner/occupiers prior to the commencement of works. Local Planning Policy 8 – Construction Environmental Management Plans further details notification and complaints resolution obligations.

**Consultation for Complex or Community Sensitive Development Applications**

Complex development applications include proposals determined by a Development Assessment Panel, proposals seeking to significantly alter the original heritage fabric of a Category 1 heritage-listed place, or an ‘A’ use in the local planning scheme that requires advertising in accordance with clause 64 of the Deemed Provisions.

Community sensitive development applications are those likely to be of broader community interest such as restricted or child care premises, due to their proximity to sensitive land uses such as places of worship or education facilities, or due to their potential to impact locally or regionally significant views.

In addition to the erection of signage, complex and community sensitive development applications require a public notice to be published, advertising letters to be more-widely distributed, and advertising on the Shire’s website.

**Variations to this Policy**

The Shire may apply discretion as to the means in which community consultation is undertaken and, in the case of development applications, the time frame to receive written submissions.

**Local Planning Policy 6**

<b>Policy Reference</b>	<b>Formal Description</b>	<b>Service Line</b>
LPP 6	Consultation on Development	Development Services
<b>Implementation:</b>		
Adoption and Modification	2020	Development Services
Review Date	March, 2024	Development Services



## **Local Planning Policy 8: Construction Environmental Management Plans**

### **Statutory Authority**

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Building Act (WA) 2011 and Building Regulations 2012.

Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended).

### **Purpose**

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise on site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The local policy intends to provide clear direction and explanation as to the basis for the Shire's Construction Environmental Management Plan (CEMP) requirements. It intends to influence the supporting documentation provided to support proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

To ensure this policy remains relevant and effective, it will be regularly reviewed and updated. The Shire will apply this local planning policy to each case on its merits in order to achieve a balance between consistency and appropriate site related building and construction works.

### **Context**

The Shire's Local Planning Strategy recognises the importance of maintaining and enhancing the Shire's streetscapes.

In the case of Peppermint Grove, the scale of residential construction places significant pressure on the availability of on street parking and has the potential to disrupt traffic and pedestrian movement for extended periods. Dry summers and strong prevailing winds from both the southwest and east further contribute to the potential for dust impacts. It is in this context that the Shire requires proponents and their contractors to ensure effective controls and contingencies are in place to manage development.

A CEMP shall be 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.

## **Planning Objective**

- *To ensure the effective management of demolition, construction and siteworks within the Shire of Peppermint Grove.*
- *To ensure that development is undertaken in a responsible manner that minimises impacts on surface and groundwater quality, verge infrastructure, rights-of-way, vegetation, traffic and pedestrian movement.*
- *To maintain the local amenity in the vicinity of all works.*

## **Statutory Basis**

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

The terms development, building work and demolition work used in this local policy, have the same meaning as that defined in the *Planning and Development Act, 2005* and the *Building Act, 2011*.

Pursuant to Section 18(1) of the Building Act (WA) 2011 the Shire may require the applicant to submit a Construction Environmental Management Plan (CEMP) with a building application, or pursuant to section 20(1)(n) and (o) evidence compliance with a development application that has force or effect.

This policy should be read in conjunction with the local planning policy framework and local laws.

If there is a conflict between the local policy and the Shire's Activities in Thoroughfares, Public Places and Trading Local Law 2021 or the Shire's Fencing Local Law 2021, then this local policy shall prevail.

## **Policy Provisions**

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. The Site Risk Assessment Matrix attached to this local policy will determine the risk classification and inform baseline dust and sediment control measures.

Every CEMP must address the following matters and include a scaled and legible site plan suitable for formal endorsement.

1. Provide an outline of the proposed building or demolition work, the vehicles and machinery required, timeframe for completion, staging and construction hours.
2. Nomination of a Site Superintendent and the contact details of key site personnel.
3. Completion of the Site Risk Assessment Matrix contained in this local policy.
4. Management of stormwater and wastewater including sediment and erosion control.
5. That noise emissions will be contained within the limits established by the Environmental Protection (Noise) Regulations 1997 and any applicable practices that will be implemented as set out in AS 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
6. Traffic management including site access and safety controls (such as signage and devices), how streets (including communal streets and rights-of-way) and footpaths will remain unobstructed, and contractor parking arrangements including adherence with parking restrictions.
7. The loading and unloading of materials including maneuvering and minimising impacts on rights-of-way.



8. The means to protect vegetation and verge trees, kerbs, footpaths, and other Shire infrastructure.
9. The location and purpose of temporary site buildings and the location of laydown areas.
10. The management of waste materials and the location of bulk bins.
11. Site security (such as temporary fencing and monitoring).
12. How pool safety barriers will be maintained (if applicable).
13. Stakeholder consultation and complaints management practices, a copy of any notification letter and the extent of distribution, and emergency arrangements.

### Site Plan

The accompanying site plan must show the existing and proposed building footprint and identify the location of laydown areas, waste receptacles, sediment control, temporary buildings and toilets for construction purposes, tree protection zones, temporary fencing and contractor parking.

### Site Risk Assessment

The Site Risk Assessment Matrix contained in this local policy and the corresponding provisions, contingency arrangements and monitoring requirements have been sourced from the *Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* (Guidelines) produced by the Department of Biodiversity, Conservation and Attractions and adapted to respond to the local context.

The risk classification determined by the Site Risk Assessment Matrix will determine the baseline provisions and contingency arrangements pertaining to dust and sediment control and the monitoring requirements outlined in the CEMP. The risk classification is informed by the type and scale of the activity, the proximity to other land uses, and climatic factors. Proponents may propose alternative arrangements provided it can be demonstrated that they will exceed the baseline requirements listed below.

All CEMP's must include monitoring measures a complaints management process that provides complainants an opportunity to be heard and to seek a resolution without the need to escalate the matter to the Shire. A written record of complaints must be made available to the Shire upon request.

Activities classified as low or medium risk undertaken in whole or in part during the dry period (1 October – 31 March) will automatically be classified as medium or high risk (respectfully).

Site Classification	Provisions	Contingency Arrangements	Monitoring Requirements
Site Classification 1 – under 199 (Negligible Risk) typically internal alterations, minor structures, and fencing. CEMP not required.	Nil	Nil	Nil

Site Classification	Provisions	Contingency Arrangements	Monitoring Requirements
<p><b>Site Classification 2</b> – 200 to 399 (Low Risk) typically small outbuildings, patios, minor additions, and retaining walls.</p>	<ul style="list-style-type: none"> <li>▪ A contingency should dust impacts occur such as use of a water cart and/or wind fencing.</li> <li>▪ Wash down areas located away from stormwater drains.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Include an allowance for water-cart operation, wind fencing and surface stabilisation (geofabric or chemical suppressants) during the construction period for the purposes of dust suppression.</li> <li>▪ The means to stabilise areas of disturbed land to ensure that exposed areas are kept to a practical minimum.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complaints management system in place (complaints recorded and acted on promptly).</li> <li>▪ Notice to be erected at the site, providing contact details of the person to be contacted and works.</li> </ul>
<p><b>Site Classification 3</b> – 400 to 799 (Medium Risk) typically large outbuildings, more significant additions, new houses and siteworks requiring the removal of topsoil.</p>	<ul style="list-style-type: none"> <li>▪ Appropriate wind fencing to be stored on site or available within one hour of being required by the Shire or site supervisor.</li> <li>▪ The means to stabilise stockpiles, areas of disturbed land and trenching to ensure that exposed areas are kept to a practical minimum.</li> <li>▪ Wash down areas located away from stormwater drains.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A water cart of not less than 1000 litres capacity or other suitable alternatives (geofabric or chemical suppressants) to be available within 18 hours of being requested by the Shire or site supervisor.</li> <li>▪ If directed by the Shire or site supervisor the cessation of dust generating activities until such time as wind fencing, geofabric or chemical stabilisation is implemented.</li> <li>▪ Sediment control fencing and temporary drainage to reduce runoff.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complaints management system in place (complaints recorded and acted on promptly) and register to be made available to the Shire upon request.</li> <li>▪ Notice to be erected at the site, providing contact details of the person to be contacted and works.</li> </ul>

Site Classification	Provisions	Contingency Arrangements	Monitoring Requirements
<p><b>Site Classification 4</b> – over 900 (High Risk) typically significant demolition and siteworks, new houses with basements and substantive commercial development.</p>	<ul style="list-style-type: none"> <li>▪ Notification letters to neighbours and the Shire to be distributed to an agreed radius no less than 48 hours prior to the commencement of works.</li> <li>▪ Wind fencing and sediment control to the extent and in locations agreed by the Shire to be installed on site prior to the commencement of works and to remain in position until the disturbed soil is stabilised.</li> <li>▪ The means to stabilise and minimise stockpile height, areas of disturbed land and trenching to ensure that exposed areas are kept to a practical minimum.</li> <li>▪ Wash down areas located away from stormwater drains.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A water cart of not less than 1,000 litres capacity or other suitable alternatives (geofabric or chemical suppressants) to commence immediate watering.</li> <li>▪ If directed by the Shire or site supervisor the cessation of dust generating activities until such time as wind fencing, geofabric or chemical suppressants are implemented.</li> <li>▪ Sediment control fencing and temporary drainage to reduce runoff.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complaints management system in place (complaints recorded and acted on promptly) and register to be made available to the Shire upon request.</li> <li>▪ Notice to be erected at the site, providing contact details of the person to be contacted and works.</li> <li>▪ Dust monitoring at boundaries or at sensitive sites such as Presbyterian Ladies College and Cottesloe Primary School is encouraged and may be required.</li> </ul>

### Noise and Vibration Management

Construction work shall be conducted in accordance with the *Environmental Protection (Noise) Regulations 1997* and section 6 of Australian Standard: *AS2436:2010 – Guide to Noise and Vibration Control on Construction, Demolition, and Maintenance Sites*.

The Shire does not support construction outside of the hours of 7am to 7pm or on Sundays or public holidays. Should construction work be required outside these hours a Nightworks Permit is required to be submitted for the prior approval of the Shire. Please contact the Shire for further information on the application requirements for Nightworks Permits.

Significant works such as large-scale demolition projects and deep excavation in the immediate vicinity of heritage listed places and noise sensitive sites such as Presbyterian Ladies College and Cottesloe Primary School may require off-site noise monitoring and dilapidation reporting. Dilapidation reports help protect proponents and landowners in the face of possible damage claims because they create a record of the condition of surrounding infrastructure and properties, including trees, shrubs, fences, paving and driveways. They are prepared by an impartial third party, like a building consultant or a professional structural engineer.

### Traffic Management Plans

The CEMP for activities likely to cause significant disruption to motorists or pedestrians including through street or footpath closures, requiring a significant workforce, or the closure of a public car park during trading periods, should be supported by a standalone Traffic Management Plan prepared by a suitably qualified traffic engineer having additional regard to impacts on the broader road network including the avoidance of heavy vehicle movements through school zones.

### Enforcement and Penalties

Should the CEMP not be complied with, the Shire is able to issue a written direction to stop development under Section 214(2) of the *Planning and Development Act, 2005*. Section 214(7) of the *Planning and Development Act, 2005*, prescribes that a person who fails to comply commits an offence, and is liable to prosecution in the Magistrates Court.

The general penalty for such an offence is a fine of up to \$200,000 (for an individual), and in the case of a continuing offence, a further maximum fine of up to \$25,000 (for an individual) for each day during which the offence continues, under Section 223 of the *Planning and Development Act, 2005*. For a corporation, the maximum penalties are multiplied by five.

Alternatively, the Shire may issue a Planning Infringement Notice (PINs) under Part 13 of the *Planning and Development Act, 2005*. PINs are a modified penalty of up to \$500 and can be issued for any offence against a Local Planning Scheme. In the case of a continuing offence, a further maximum fine of up to \$500 for each day during which the offence continues may be issued.

### Variations to this Policy

Shire discretion may be granted to the CEMP content having regard to the proponent clearly demonstrating the ability to achieve the local policy objectives.

### Local Planning Policy – 8

Policy Reference	Formal Description	Service Line
LPP 8	Construction Environmental Management Plans	Development Services
<b>Implementation:</b>		
Adoption and Modification	2020	Development Services
Review Date	March, 2024	Development Services

# Local Planning Policy 8 Construction Environmental Management Plans

## Site Risk Assessment Matrix

To determine the potential dust and stormwater/wastewater risk associated with the demolition work and/or building work, the following matrix must be completed and submitted with your CEMP.

Please note: **Demolition or building works undertaken in whole or in part during the dry period (1 October – 31 March) sites assessed as Class 3 will automatically become Class 4, and sites assessed as Class 2 will automatically become Class 3.**

### Part A Nature of the Site

Item	Score Options (please circle)				Allocated Score
1. Nuisance potential of soil when disturbed	No soil disturbance.....0		Medium.....4	High.....6	
2. Topography and protection provided by undisturbed vegetation	Sheltered and screened.....1	Medium screening.....6	Little screening.....12	Exposed and wind prone.....18	
3. Total area of the site disturbed by the works inclusive of laydown and trafficable areas.	Less than 5,000m <sup>2</sup> .....1	Between 5,000m <sup>2</sup> and 1 hectare.....3	Greater than 1 hectare..6		
4. Type of work being done	Internal works/no change to building footprint.....1	Fencing and minor changes to building footprint(s) no earthworks.....3	Major changes to building footprint(s) and earthworks.....6	Significant construction and bulk earthworks.....9	
<b>Total Score for Part A</b>					

### Part B Site Context

Item	Score Options (please circle)				Allocated Score
1. Distance of other sensitive landuses from the site (schools and homes)		Over 100m.....6	50m to 100m.....9	Less than 50m.....12	
2. Effect of prevailing wind directions (at time of construction) on other landuses	No soil disturbance.....0		Dense/sensitive land uses affected by one prevailing (easterly or westerly) wind direction.....9	Dense/sensitive land uses affected by prevailing (easterly and westerly) winds.....12	
<b>Total Score for Part B</b>					

**Site Classification Score (A x B) =**

DRAFT



## **Ordinary Council Meeting**

**8.1.2 - List of Accounts Paid February 2024**  
(To be presented at OCM 26<sup>th</sup> March 2024).



## **Ordinary Council Meeting**

**8.1.3 – Financial Statements for the period ending  
29<sup>th</sup> February 2024**  
(To be presented at OCM 26th March 2024)





## **Ordinary Council Meeting**

### 8.4.1 – Matters for Information and Noting

- Planning Approvals
- Infringements
- Library Statistics
- Recycling

## Matters for Information and Noting

### Building Permits Issued February 2024

Application Number	Location	Description	Decision
BA2020/00029	144 Forrest Street	BA22 – Application to Extend Time	Approved
BA2022/00002	12 Keane Street	BA22 – Application to Extend Time	Approved
BA2023/00038	32 Leake Street	Fencing, Swimming Pool, Outbuilding	Withdrawn
BA2024/00003	12 Bungalow Court	Dividing Fence (Masonry Wall)	Approved
BA2024/00004	28A Keane Street	Internal Alterations	Approved

### Development Applications Determined February 2024

Application Number	Location	Description	Discretion Sought	Decision
DA2022/00034	62 Leake Street	Cabana (Patio), Toilet and Ancillary Works	Lot Boundary Setback	Delegated Approval
DA2023/00014	28 Johnston Street	Single House and Ancillary Works	Plot Ratio, Open Space	Council Refusal
DA2023/00035	24 Johnston Street	Two Grouped Dwellings and Ancillary Works	Site Area, Lot Boundary Setbacks, External Fixtures (storerooms), sightlines	Council Approval
DA2024/00005	12 The Esplanade	Works ancillary to a Single House (Main Entry Steps Landing) and Partial Reinstatement and Alterations to a Street Wall	N/A	Delegated Approval
DA2024/00006	460 Stirling Highway	Signage	Signage Size	Delegated Approval

### Infringements February 2024

Breach	Amount
Four (4) Stopping Contrary To A 'No Stopping' Sign	\$100.00
Driving Or Parking On Reserve	\$150.00

### Library Statistics February 2024

Library Statistics	February 2024	February 2023	February 2022
Loans	20,001	19,234	17,424
New Borrowers	276	262	225

# Recycling Recovery



January 2024

PRODUCT	Product - Percentage	Product - Tonnes
AL CANS	0.66	0.09
MIXED PAPER	18.67	2.52
ONP	0.00	0.00
OCC - CARDBOARD	25.66	3.46
STEEL	2.25	0.30
GLASS	22.55	3.04
MIXED PLASTICS	0.00	0.00
PET	1.71	0.23
HDPE	1.49	0.20
<b>TOTAL RECOVERED</b>	<b>72.99</b>	<b>9.85</b>
WASTE / CONTAMINATION	27.01	3.65
<b>MONTHLY TOTAL</b>	<b>100.00</b>	<b>13.50</b>

