



Peppermint Grove

The Garden Shire

Information Sheet – Planning Applications

Shire of Peppermint Grove

Purpose

This Information Sheet is regularly updated to assist proponents to navigate the planning approvals process and understand the different pathways available to proponents.

The Information Sheet additionally identifies the mandatory information required to accompany individual applications for them to be accepted and the obligations of proponents. It is the responsibility of a proponent to undertake their own due diligence.

This Information Sheet should be read in conjunction with the Information Sheet for Residential Development

Defined terms in Local Planning Scheme no. 4 (LPS4), the Residential Design Codes of Western Australia (R-Codes) or local planning policies are in italics.

When a Development Application is Required

A development application is required where required under a local planning scheme or the metropolitan region scheme. Depending upon the approvals pathway the determining authority can be the Shire of Peppermint Grove (Shire), the Metro Inner Development Assessment Panel (DAP), the Western Australian Planning Commission (WAPC), or the Department of Biodiversity Conservation and Attractions (DBCA). Applicants are encouraged to confirm the approvals pathway prior to preparing application materials.

The term of *development* means the development or use of any land including demolition, erection, construction, alteration of or addition to any building or structure on the land, excavation or other works. As a rule of thumb all *development* requires development approval unless specifically exempted.

Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations exempts certain works from requiring development approval (refer cl. 61 part 7 of Schedule 2 - the Deemed Provisions). Schedule 2 of the LPS4 exempts certain advertisements. If deemed too insignificant to warrant administrative attention the Shire may exempt certain *development* under the de minimis principle. The prior written advice of the Shire should be sought whether *development* is exempt from development approval or a building permit.

Amending a Shire Determined Development Approval

Amendments can be sought to condition(s) of development approval such as extending the time to commence or complete development, or for minor amendments to the endorsed plans that do not significantly alter the nature, scale, or impact of the approved development.

Due to costs associated with preparing detailed design drawings and the uncertainty of planning approval being granted, developers for larger proposals often submit plans which are conceptual in

nature. Once planning approval has been granted, detailed design is undertaken where in some instances minor modifications are required to address site constraints and Building Code of Australia (BCA) requirements, or in response to a change of mind.

Minor amendments are generally limited to changes that do not increase the overall footprint, bulk or scale, or intensity of the development, add significant cost to the development, or those which require Shire discretion or readvertising. Amendment applications can only be considered if lodged prior to the approval expiry date.

Examples of minor amendments include:

- Adjustments to building setbacks or minor changes to floor plans.
- Adjustments to finished floor and finished design levels.
- Adjustments to rooflines and minor projections such as eaves, chimneys or awnings.
- Modifications to landscaping or external finishes and materials.
- Modifications to parking and manoeuvring areas, or to vehicular crossovers.
- Alterations external fixtures, signage, or fencing.

Minor amendments are lodged using the MRS Form 1 and should be accompanied by a covering letter explaining the nature of changes and/or impact on the conditions of approval. Supporting plans must clearly identify the scope of changes by way of annotations and/or clouding.

Amendments other than a minor amendment will require a new application. The Shire at its absolute discretion may accept a lower cost of development to inform the application fee based on the cost of making the changes should they have been built, or which reflects the time and costs to determine the application.

DAP Approval Pathway Process

When the cost of development for selected development exceeds \$10M, a third-party State Government assigned Development Assessment Panel (DAP) becomes the mandatory determining authority. Where the cost of development for selected development is between \$2M and \$10M an applicant may elect determination by a DAP. A single house and any associated carport, patio, outbuilding and incidental development cannot be referred to the DAP for determination.

DAPs are only decision-making bodies and therefore applications are lodged to the Shire and the Shire town planner prepares a Responsible Authority Report (RAR) which provides a recommendation to the DAP on how the application should be determined.

The DAP has three (3) state appointed and two (2) Shire Elected Members who determines development applications as if it were the responsible planning authority. The DAP must refer to the applicable local planning framework. DAP meetings are open to the public.

To elect to have a development application determined by a DAP, the proponent must provide the information required by the local government including the standard MRS Form 1 and related local government fees, as well as the relevant DAP form and associated DAP fee.

More information about DAPs can be found on the [Department of Planning, Lands and Heritage website](#).

Metropolitan Region Scheme (MRS) Applications

Development that occurs on land reserved for Primary and Regional Roads under the MRS is determined under delegation by the Shire or by the WAPC. The Department of Biodiversity Conservation and Attractions (DBCA) determines applications for land reserved Parks and Recreation under the MRS along the foreshore.

State Development Assessment Unit (SDAU) Approval Pathway Process

Part 17 of the Planning and Development Act 2005 is intended to provide a streamlined assessment pathway for selected significant developments with a cost that exceeds \$20M. Due to the complex nature of most significant developments, there are no statutory timeframes, however applications must be determined as soon as is practicable. Therefore, not all projects will be suited to the pathway. Proponents are invited to discuss their proposal and the Part 17 process with the SDAU to determine whether they should proceed with the option.

The Western Australian Planning Commission (WAPC) remains the owner of the approval across all stages of the life of the development, including any proposed amendments to the approval.

Design Development Process

For Shire determined applications and DAP applications there are no mandatory prerequisites prior to lodgement to the Shire. It is recommended that proponents undertake a design development process to progress the best and most appropriate design response for the *site*. A thorough design development process should entail the following:

- Context and Site Analysis early in the design process to understand the existing and intended character of the locality and the opportunities and constraints presented by the *site*. The Plan WA map viewer on the Department of Planning Lands and Heritage (DPLH) website www.planning.wa.gov.au/mapping-and-data/planwa can identify the planning controls affecting the site. Dial Before You Dig Australia plans should be obtained and a current copy of title sourced to ascertain title encumbrances (e.g. easements, restrictive covenants).
- Concept Design consisting of preliminary designs and sketches that address development opportunities and constraints and explore different development options for the *site* in accordance with the planning policy framework.
- Pre-lodgement Engagement with the Shire to resolve design issues and use feedback to improve and advance the proposal.

Larger scale, complex and innovative design proposals including residential development proposing a design principles pathway or should additionally entail:

- Design Review to obtain independent, expert advice on the design quality of the proposed *development*. A Deemed-to-Comply Check can be lodged for residential development and will confirm whether a proposal is exempt from development approval, which design elements rely on Shire discretion, or whether design modifications are required for the proposal to be supported. Further information regarding obtaining this advice can be found on the DPLH website www.wa.gov.au/system/files/2021-07/PD-Clause-61A-Guidelines-.pdf

Development Controls

R-Codes

The majority of development applications lodged to the Shire of Peppermint Grove (Shire) are for residential work. The R-Codes provides a comprehensive basis for the control of residential development throughout Western Australia. Information on the R-Codes and the codes themselves can be found on the state government's website www.wa.gov.au/government/document-collections/residential-design-codes

Parts of the Shire are within a road and rail noise policy area or are designated a bushfire prone area.

State Planning Policy 5.4 Road and Rail Noise

Stirling Highway is defined as a strategic freight/major traffic route. Residential development that increase or reconfigure habitable floor area within the policy area should ensure the internal layout of *habitable rooms/spaces* and construction standards comply with Road and Rail Noise Guidelines 2019 (Guidelines).

Please refer to the DPLH website [PlanWA](#) to confirm whether your property is within the policy area. Please refer to the Information Sheet - Residential Development for further information.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

A small number of Residential zoned properties are designated as bushfire prone on the Map of Bushfire Prone Areas <https://maps.slip.wa.gov.au/landgate/bushfireprone/> Please refer to the Information Sheet - Residential Development for further information.

Local Planning Policy Framework

All local governments have a nuanced local planning policy framework which impose site and development requirements, or amend, replace and/or augment provisions of the R-Codes. The Shire's suite of local planning policies are predominantly focused on residential development.

In Residential Zoned areas coded R20 or lower proposals that that increase or reconfigure floor area must include *plot ratio* calculations and/or working drawings.

Please refer to the Information Sheet - Residential Development for further information.

Unless deemed by the Shire to be a negligible risk a Construction Environmental Management Plan (CEMP) is a standard requirement for all demolition permits, development applications, and works exempt from development approval that require a building permit.

Determining Value of Work

The value of building works normally reflects the contract value excluding the GST component. Where further validation is required the Shire may require a cost estimate report, or an independent quantity surveyor detailed cost report prepared by a chartered quantity surveyor from the Australian Institute of Quantity Surveyors (AIQS) or the Royal Institution of Chartered Surveyors (RICS) that follows the AIQS Practice Standard.

Lodgement and Assessment Process (other than SDAU Applications)

The Shire accepts planning applications via email admin@peppermintgrove.wa.gov.au by mail, or over the counter.

Shire administration staff will check that all mandatory documentation has been provided, and the MRS Form 1 has been correctly filled and signed before accepting an application. Incomplete applications may not be accepted and returned.

Where the Shire is the determining authority accepted applications are assigned a reference number and payment of the fee either processed over the counter or requested via email.

Where the DAP is the determining authority accepted applications are forwarded by the Shire to and payment of the fee either processed over the counter or requested via email. determined applications Shire technical staff will then undertake a formal assessment against the planning policy framework.

The Shire has sixty (60) days to determine an application which is not advertised, or ninety (90) days to determine an application which is advertised. The assessment clock stops should further

information be requested and restarts upon receipt of the information. Determination is typically well within these statutory periods. Should further information be required to complete the assessment, or to refer the application for comment, or to commence advertising to affected parties this will be requested in writing.

The Shire will undertake a formal advertising process when development applications seek multiple or significant variations to the deemed-to-comply provisions of the R-Codes or local planning policy provisions. Where the proposed or existing land use is denoted as 'A' in the LPS4 Zoning Table advertising is mandatory. The Shire's Local Planning Policy 6 – Consultation on Development provides direction and explanation as to the basis for community consultation requirements. The advertising period is fourteen (14) days unless otherwise extended.

Upon prior agreement development and building applications can be concurrently processed for minor works not impacting a neighbour, or residential works associated with a heritage listed property that is otherwise compliant with the planning policy framework and not impacting the original fabric of the place.

Retrospective Compliance with the Planning Policy Framework

Proposals may warrant existing development be brought closer to conformity or to fully comply with current development standards. Retrospective provision of car and bicycle parking facilities, vehicle sightlines and directional signage to improve pedestrian and motorist safety and visibility, bin compounds and wash down area, or to remove unauthorised works can be a conditional requirement.

Bushfire Prone Areas

Within the Shire all bushfire prone areas are located within the

Class 1 and 10a structures associated with a Class 1 vulnerable use building located within a bushfire prone area, will generally require a Bushfire Attack Level (BAL) Assessment to be submitted. Incidental Class 10a structures located greater than six (6) metres from a habitable building are exempt from a BAL Assessment. The BAL rating should inform the design and construction requirements necessary to achieve compliance with AS3959:2018: Construction of Buildings in Bushfire Prone Areas. The Bush Forever reservation along the foreshore is classified as Class A Forest and portions of which has an effective slope exceeding 20 percent. Where building work is within 100 metres of mapped vegetation and the effective slope of exceeds 20 percent a Method 2 BAL Assessment must be prepared by a level 3 BPAD qualified practitioner. The Map of Bushfire Prone Areas can be found on the Landgate website <https://maps.slip.wa.gov.au/landgate/bushfireprone/>

Construction Environmental Management Plans (CEMP)

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

The content of a CEMP must have a nexus between what is being proposed and 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 justified and 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, and 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.

It is the builder's responsibility to ensure that the CEMP is adhered to and 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 may be subject to parking restrictions. The ability to deliver and remove waste materials is often further compromised by narrow streets or streets without compliant cul-de-sacs, obligations to not obstruct *streets*, *rights-of-ways* or footpaths, competing construction activities, and congestion associated with school drop off and collection.

Unless evidenced to be impractical, building materials must be delivered and waste collected from within the site. Heavy rigid vehicles (12.5m or greater in length) or articulated vehicles are to egress a site in forward gear which may require separate entry and exit points. Turning templates should be provided for all heavy rigid or articulated vehicle movements.

The CEMP should identify the largest Class of service vehicles and the frequency and hours for deliveries. Where heavy rigid vehicles are to be restricted, or deliveries were to occur outside of peak school periods, the practical means to manage these arrangements must be demonstrated. Where temporary obstruction of streets, rights-of-way or footpaths are unavoidable, traffic control measures including directional signage, the use of qualified spotters and the means to notify affected neighbours and the Shire must be stipulated.

On-street parking spaces cannot be reserved or quarantined, nor can the Shire issue parking permits to vehicles not registered to a resident. Parallel parking bays along The Esplanade must always remain available for the public. On-site parking is encouraged. On street parking constraints should be acknowledged.

Development Bonds

Local Planning Policy 9 – Development Bonds has been adopted to ensure that funds are available in the event of damage to street trees and infrastructure resulting from the development of land and buildings and to ensure that conditions of planning approval are met.

At the discretion of the CEO a bond may need to be lodged for significant construction projects, to ensure the completion of ancillary and retrospective compliance works not otherwise linked to occupancy, or where management measures can mitigate but not eliminate foreseeable risk(s) to public or Shire assets.

Aboriginal Cultural Heritage

An amended Aboriginal Heritage Act 1972 (AHA) came into effect on 15 November 2023 and 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 heritage laws and approvals can be found on the Department of Planning Lands and Heritage's website www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/aboriginal-heritage-act-western-australia

Additional Information

Shire of Peppermint Grove Local Planning Scheme No. 4 [Shire of Peppermint Grove planning information](#)

Deemed-to-Comply Check Form for Single Houses www.wa.gov.au/system/files/2025-04/form-clause-61a_application-advice_march_2025.pdf

Road and Rail Noise Guidelines [State Planning Policy 5.4 Road and Rail Noise Implementation Guidelines](#)

www.wa.gov.au/government/publications/state-planning-policy-54-road-and-rail-noise

Policy Reference	Formal Description	Service Line
Information Sheet	Building Applications	Development Services
Implementation:		Planning and Building
Last Modification	20 May 2026	
Review Date	N/A	