

## Shire of Mundaring

# POLICY

### STRUCTURES WHICH DO NOT REQUIRE A BUILDING LICENCE

<b>Policy Ref:</b>	<b>BS-01</b>
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<b>Procedure Ref:</b>		<b>Delegation Ref:</b>	
<b>Statute Ref:</b>	<i>Local Government (Miscellaneous Provisions) Act 1960</i>		
<b>Local Law Ref:</b>	N/A		

#### PURPOSE

The purpose of this Policy is to guide Shire Officers as to the exemption of certain structures deemed to be minor from requiring a Building Licence.

#### OBJECTIVES

The objectives of this policy are to:

- (a) exempt certain minor structures from the need to obtain a building licence; and to
- (b) to give guidance to owners of land as to which structures this policy applies and to ensure that such structures are still constructed in accordance with relevant Codes and Standards and to provide a further guide to the appropriate code and standard.

#### DEFINITIONS AND INTERPRETATIONS

**“Aerials, Masts and Satellite Dishes”** - As per the definition of “communications installation – private”.

**“Aviary”** - A cage or enclosure to keep birds.

**“Building Code of Australia (“BCA”)**” - A national document containing technical provisions for the design and construction of buildings and other structures.

**“This is not a Planning Approval”** - It is Shire approval for the construction of a building, and may be issued subject to conditions.

**“Class 10a Building”** - As defined by the Building Code of Australia as “a non habitable building being a private garage, carport, shed, or the like.”

**”Communications installation – private”** - Means masts, aerals and associated equipment or other equipment of a like kind considered by the Shire to be visually unobtrusive, used for the transmission and reception of communication and electronic signals for hobby purposes only by residents in the District and does not include similar equipment used for business purposes.

**“Cubby House”** - A small enclosed non-habitable structure, which is used for children’s recreation, and is detached from any dwelling and has its floor upon the ground.

**“Dog Kennel”** - A small enclosed non-habitable structure, which is used for the housing of canines, and is detached from any dwelling.

**“Fencing”** - An enclosure or barrier and includes a wall.

**“Garage”** - Any enclosed roofed structure designed to accommodate one or more motor vehicles.

**“Garden Shed”** - A small enclosed Class 10a structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.

**“Gazebo”** - A free standing roofed structure, supported by posts or columns.

**“Letterbox”** - A structure used as a receptacle for incoming mail.

**“Minor Structure”** - Means any building or structure defined by the scope of this Policy in Appendix 1.

**“Natural Ground Level”** - The levels on a site which precede the proposed development, excluding any site works unless approved by the Shire.

**“Pergola”** - An unroofed open-framed structure.

**“Planning Approval”** -This is not a Building Licence. It is approval granted by the Shire for a submitted design and its location only. It does not permit building works to proceed.

**“Retaining Wall”** - A wall built to retain a mass of earth.

**“Shade Sail”** -A flexible material used to provide shade to an outdoor area.

**“Water Tank”** - A structure used for the storage of water.

## POLICY

1. Nothing in this Policy prevents an Owner from making an application for a Building Licence.
2. Owners are to be advised that notwithstanding the contents of this Policy Planning Approval may be required in certain instances.

3. This Policy only applies to Single Dwellings on land zoned Residential, Rural Landscape Living and General Rural under the Shire of Mundaring Town Planning Scheme No.3.
4. The buildings described in Column A of Appendix 1 are deemed to be minor structures for which the Shire of Mundaring does not require a Building Licence application when the building complies with the Exemption Criteria specified in Column B of Appendix 1.
5. The design and construction requirements specified in Column C of Appendix 1 serve as a basic guide only to the construction requirements for that structure. It is the owner's responsibility to ensure that the structure/ building is designed and constructed in accordance with the relevant Codes and legislation, principally:
  - (i) The BCA;
  - (ii) Any relevant Australia Standards; and
  - (iii) Where appropriate with certified Engineering Specifications and design.
6. Any buildings / structures which do not comply with any of the relevant criteria outlined in Columns 1 and 2 of Appendix 1 of the Policy are not exempt, and therefore require a Building Licence application to be submitted to and approved by the Shire's Building Services prior to being constructed.
7. All developments that are exempt are to be set back from property boundaries in accordance with Appendix 2 of the Policy.

8. **Structural Adequacy**

It is the owner's responsibility to ensure that the design and construction of the building is structurally adequate for the site conditions. The footings for the structure are not to be subject to surcharge loading or undermining from all/any existing structures on the property or any adjoining structures on the lot boundaries. Reference should also be made to the Building regulations 1989 Part 7 clause 27 "Protection of Adjacent Property" and the *Local Government (Miscellaneous Provisions) Act 1960* (as amended) Section 391 "Building Owner to Underpin Adjoining Owner's Building".

9. **Vacant Land**

Minor Structures on vacant land are not exempt.

10. **Protection of Excavation**

Every excavation for a building shall be guarded and protected to provide an adequate safety barrier to prevent a person from falling into the excavation and shall, where necessary, be sheet piled so as to prevent caving in of the adjoining earth or pavement and in any case required by the Building Surveyor sheet piling of an approved type shall be utilised to protect the subsoil from damage by scour of subsoil or surface waters.

11. **Septic Systems**

No structure shall be built within 1.2m of a septic tank and 1.8m of a leach drain.

12. **Easements**

No structures are to be built over any public or private easements on the property.

13. **Notices**

This Policy does not prevent the Shire from issuing Notices under *the Local Government (Miscellaneous Provisions) Act 1960* for works that are deemed to be unsafe, dangerous or detrimental to the existing streetscape or have a significant effect on the adjoining owners in the opinion of the Manager Building Services.

14. **Before and After this Policy**

Buildings or structures complying with this policy built within the Shire prior to the implementation of this policy shall be considered as exempt structures in accordance with the requirements of this policy. Equally any building or structure that has been erected under the guidance of this policy shall remain in force should this Policy be amended or rescinded in the future.

15. **Disclosure from Liability Statement**

Any representation, statement, opinion or advice expressed or implied in this Policy is made in good faith and on the basis that the Shire and its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken (as the case may be) in respect of any representation, statement, opinion or advice referred to here in. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

**APPENDIX 1 – BUILDINGS / STRUCTURES FOR WHICH THE SHIRE WILL NOT REQUIRE A BUILDING LICENCE  
APPLICATION TO PROPERTIES WITH SINGLE DWELLINGS**

Column A TYPE OF MINOR BUILDING	Column B EXEMPTION CRITERIA	Column C DESIGN & CONSTRUCTION REQUIREMENTS AND GUIDELINES
Garden Sheds, Sheds, Cubby Houses, Dog Kennels and other Class 10a Outbuildings.	<ul style="list-style-type: none"> <li>• The maximum floor area of any one outbuilding under this policy must not exceed 12m<sup>2</sup>.</li> <li>• The total aggregate floor area of all outbuildings on the lot must not exceed 65m<sup>2</sup>.</li> <li>• Wall height of not more than 2.1m.</li> <li>• Maximum ridge height of 2.5m, measured above the natural ground level.</li> </ul>	<ul style="list-style-type: none"> <li>• Must have footings and connections that are sufficient to resist wind loads.</li> <li>• Must not block natural lighting or ventilation to windows and openings of the main residence.</li> <li>• Must not be used for human habitation. (Eg. Must not be used as a bedroom, living room or for any other activity that requires the room to be occupied frequently and for extended periods.)</li> <li>• All stormwater run off from the building must be contained and dispersed on site and must not run off into adjacent properties in a concentrated flow.</li> </ul>
Pergolas and Gazebos covered with battens and / or with a permeable shade cloth.	<ul style="list-style-type: none"> <li>• Total floor area of not more than 12m<sup>2</sup>.</li> <li>• Maximum height of 3.0m, measured above the natural ground level.</li> </ul>	<ul style="list-style-type: none"> <li>• Must have footings and connections that are sufficient to resist wind loads.</li> <li>• If the patio / gazebo is fixed to a building, it must not adversely affect the structural integrity of that building.</li> <li>• Must meet the minimum boundary set backs as required by the Residential Design Codes of Western Australia.</li> <li>• Must not have a solid roof covering or shade cloth that is more than 90% solid, as specified by the manufacturer.</li> <li>• Provide adequate permanent bracing to resist racking forces.</li> </ul>

Column A TYPE OF MINOR BUILDING	Column B EXEMPTION CRITERIA	Column C DESIGN & CONSTRUCTION REQUIREMENTS AND GUIDELINES
Shade Sails	<ul style="list-style-type: none"> <li>• Total sail area of not more than 12m<sup>2</sup>.</li> <li>• Maximum height of 3.0m, measured above the natural ground level.</li> </ul>	<ul style="list-style-type: none"> <li>• Must have footings and connections that are sufficient to resist wind loads (must comply with the manufacturer's engineered details).</li> <li>• If the shade sail is fixed to a building, it must not adversely affect the structural integrity of that building.</li> <li>• The sail cloth must be pervious and not more than 90% solid.</li> <li>• Must be fixed in accordance with the manufacturer's engineering details.</li> </ul>
Patios and Gazebos (Roofed)	<ul style="list-style-type: none"> <li>• Total roofed area of not more than 12m<sup>2</sup>,</li> <li>• Maximum height of 3.0m, measured above the natural ground level;</li> </ul>	<ul style="list-style-type: none"> <li>• Must have footings and connections that are sufficient to resist wind loads.</li> <li>• If the patio / gazebo is fixed to a building, it must not adversely affect the structural integrity of that building.</li> <li>• Provide adequate permanent bracing to resist racking forces</li> <li>• All stormwater run off from the building must be contained and dispersed on site and must not run off into adjacent properties in a concentrated flow.</li> </ul>
Aviaries	<ul style="list-style-type: none"> <li>• Total roofed area of not more than 12m<sup>2</sup>.</li> <li>• Maximum height of 2.5m, measured above the natural ground level.</li> </ul>	<ul style="list-style-type: none"> <li>• Must have footings and connections that are sufficient to resist wind loads.</li> <li>• Must not be located within 9 metres of any dwelling house.</li> <li>• Must comply with the requirements of the Shire of Mundaring Local Laws relating to the keeping</li> </ul>

Column A TYPE OF MINOR BUILDING	Column B EXEMPTION CRITERIA	Column C DESIGN & CONSTRUCTION REQUIREMENTS AND GUIDELINES
		of poultry and pigeons, including a floor construction which is readily washable and drained.
Fencing	<ul style="list-style-type: none"> <li>• Dividing Fences as defined in the Dividing Fences Act; and</li> <li>• Fences that comply with the Shire of Mundaring Local Law relating to fencing applicable to the relevant zone (eg Residential Zone).</li> </ul>	<ul style="list-style-type: none"> <li>• Fences are to comply with the requirements of the Shire of Mundaring Local Law relating to fencing and</li> <li>• Built to manufacturer's details and specifications.</li> </ul>
Retaining Walls Residential Zones R5 and higher.	<p>In a Residential zone where the wall is:</p> <ul style="list-style-type: none"> <li>• Not greater than 500mm in overall height from natural ground level; and</li> <li>• Not subject to surcharge loads (this includes vehicle surcharge).</li> </ul>	<ul style="list-style-type: none"> <li>• The wall must be constructed out of durable material such as concrete or masonry (not timber)</li> <li>• The retained ground must not slope upwards from the wall (ie. – it must be level)</li> <li>• A Practising Structural Engineer must approve the design of the retaining walls.</li> </ul>
Retaining Walls Residential Zones R2.5 and lower and RLL and General Rural zones	<p>In these zones where the wall is:</p> <ul style="list-style-type: none"> <li>• Not greater than 1000mm in overall height; and</li> <li>• Not subject to surcharge loads (this includes vehicle surcharge).</li> </ul>	<ul style="list-style-type: none"> <li>• Constructed out of durable material such as concrete or masonry (not timber).</li> <li>• The retained ground must not slope upwards from the wall (ie – it must be level)</li> <li>• A Practising Structural Engineer must approve the design of the retaining walls;</li> <li>• Planning Approval must be obtained to change</li> </ul>

Column A TYPE OF MINOR BUILDING	Column B EXEMPTION CRITERIA	Column C DESIGN & CONSTRUCTION REQUIREMENTS AND GUIDELINES
		<p>the ground level of a property where that change was not approved as part of another Building Licence;</p> <ul style="list-style-type: none"> <li>• Planning Approval must be obtained to construct a retaining wall outside an approved Building Envelope.</li> </ul>
Water Tanks	<ul style="list-style-type: none"> <li>• Total storage capacity of not more than 24,000 litres (nominal).</li> <li>• Maximum dimensions 3.7m diameter x 2.2m high.</li> <li>• Must be located on natural ground.</li> </ul>	<ul style="list-style-type: none"> <li>• The tank and its roof must be designed and approved by a Practising Structural Engineer.</li> <li>• Installed and constructed to the manufacturer's design details and comply with Australian Standards.</li> <li>• Located within the approved building envelope where applicable.</li> </ul>
Aerials, Masts, Satellite Dishes, Flagpoles and the like	<ul style="list-style-type: none"> <li>• Must not exceed 5m in height or 1.5m in diameter, as the case may be.</li> </ul>	<ul style="list-style-type: none"> <li>• All aerials, masts, satellite dishes, flagpoles and the like must be structurally adequate including all footings, connections and supporting framework and where attached to a building must not adversely affect its structural integrity.</li> </ul>
Letterboxes	<ul style="list-style-type: none"> <li>• Maximum height of 1.2 metres.</li> </ul>	<ul style="list-style-type: none"> <li>• Compliance with the requirements of Council's Local Law regarding fences, if incorporated within a fence.</li> </ul>
Renovations	<ul style="list-style-type: none"> <li>• The renovations comprise only of patching / painting and / or floor and wall tiling and / or replacement of floor finishes or general maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>• The work being carried out is in accordance with the requirements of the Building Code of Australia.</li> <li>• Note: The removal or installation of any wall or</li> </ul>

<b>Column A</b> <b>TYPE OF MINOR BUILDING</b>	<b>Column B</b> <b>EXEMPTION CRITERIA</b>	<b>Column C</b> <b>DESIGN &amp; CONSTRUCTION REQUIREMENTS AND GUIDELINES</b>
	<ul style="list-style-type: none"> <li>• Replacing roof cladding with same type of material.</li> <li>• Installation of kitchen cupboards, bathroom fit-out and the like.</li> </ul>	structural member requires a Building Licence.

**APPENDIX 2 – SETBACK REQUIREMENTS FOR STRUCTURES FOR WHICH THE SHIRE WILL NOT REQUIRE A BUILDING LICENCE APPLICATION**

TYPE OF MINOR BUILDING	ZONE	SETBACK REQUIREMENT
Garden Sheds, Sheds, Garages and Outbuildings	Residential Lots less than 5000m <sup>2</sup> (excluding R.2.5)	<ul style="list-style-type: none"> <li>• Be built no closer to the street alignment than the rear of the existing dwelling; and</li> <li>• Must not be built closer than 1.2m from the side and rear lot boundaries.</li> </ul>
	Residential Lots greater than 5000m <sup>2</sup> (excluding R.2.5)	<ul style="list-style-type: none"> <li>• Be built no closer to the street alignment than the rear of the existing dwelling; and</li> <li>• Must not be built closer than 20m from any lot boundary.</li> </ul>
	Residential Lots R2.5 and Rural Landscape Living	<ul style="list-style-type: none"> <li>• Be built no closer to the street alignment than the rear of the existing dwelling; and</li> <li>• Built entirely within the approved Building Envelope.</li> </ul>
	General Rural Lots	<ul style="list-style-type: none"> <li>• Be built no closer to the street alignment than the rear of the existing dwelling; and</li> <li>• Must not be built closer than 20m from any lot boundary.</li> </ul>
Pergolas, Gazebos, Shade Sails, Patios, Retaining walls, Water Tanks, Aerials, Masts and Satellite Dishes	Residential Lots (excluding R 2.5)	Setback in accordance with the Residential Design Codes.
	Residential Lots R2.5 and Rural Landscape Living	Contained entirely within the Building Envelope.
	General Rural Lots	Setback a minimum of 20m from all boundaries.