

## 7. BUILDING POLICIES

### TABLE OF CONTENTS

#### **7.1 BUILDING STATUTORY**

7.1.1	Electoral Advertising.....	1-1
7.1.2	Building Applications – Approvals .....	1-2
7.1.3	Building Licence Extensions.....	1-3
7.1.4	Illuminated Signs.....	1-4
7.1.5	Issuing Of Notices Under Local Government (Miscellaneous Provisions) Act 1960 Sections 401 And 401a. ....	1-5
7.1.6	Sub Standard Dwellings – Rural .....	1-6
7.1.7	Certificates Of Title.....	1-7
7.1.8	Sandwich Board Signs .....	1-8
7.1.9	Temporary Signs.....	1-9
7.1.10	Advertising Signs On Private Property .....	1-11

#### **7.2 OTHER BUILDING**

7.2.1	Building Applications – Land Without Legal Access.....	2-1
7.2.2	Building Licence Fees – Refunds.....	2-2
7.2.3	Building Licence Fees – Waiver.....	2-3
7.2.4	Footings To Dwellings – Minimum Standard.....	2-4
7.2.5	Private Outbuildings – On Residential Land.....	2-5
7.2.6	Private Outbuildings Materials - Townsites .....	2-6
7.2.7	Relocated Dwellings – Approvals.....	2-7
7.2.8	Relocated Dwellings – Conditional Purchase Lots.....	2-8
7.2.9	Shade Cloth Covering - Pergolas.....	2-9
7.2.10	Solid Stone Walls – Dwellings.....	2-10
7.2.11	Temporary Accommodation .....	2-11
7.2.12	Retaining Walls .....	2-13
7.2.13	Fencing .....	2-14

7.2.14 Transportable Private Residences At Boronia Ridge Residential  
Estate, Walpole.....2-20

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.1 Electoral Advertising**

Persons wishing to advertise a Political Party or Candidate running for a particular Federal, State or Local Government election may do so on private property subject to the following conditions:

1. That the placement of the signs only be allowed between the day of the official announcement of the date of the Election and not later than two days after the actual Election Day.
2. The signs shall be no more than 1 sq m in area and shall be erected in a manner that shall leave them no more than 1.5 m above the ground.
3. The signs shall be set back at least 1m from the front boundary of the property and set back at least 2 m from the side boundaries of the property.
4. The signs shall face directly onto road or public reserves and shall not face onto private property.
5. The signs shall carry advertising or detail of approved Political Parties and or their Candidates all of which are running in the specified Election.
6. Notwithstanding the above, the advertising sign must at all times conform with the Shire of Manjimup Signs Local Law 2000.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief  
Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.2 Building Applications – Approvals**

That in the case of building applications for all classes of buildings, where the Chief Executive Officer is satisfied that a building application:

1. Meets all relevant Health, Building and Town Planning requirements of Council, or can with the agreement of the proponent be amended to comply with those requirements; and
2. Complies with any policy of Council which is currently in force and is relevant to the proposal; and
3. Is to be situated on land, which is zoned appropriately to the proposed use.

That the Chief Executive Officer be authorised to issue a building licence in respect of the proposal on behalf of Council.

In cases where building applications are submitted, which;

1. Do not comply with all relevant requirements of Council, and special consideration is required by staff or requested by the applicant; or
2. Staff have reason to believe that the application as submitted should be refused by Council.

Then that building application is submitted to Council for further consideration.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

<p><b>The following has been delegated by the Chief Executive Officer to: Manager Building Services</b></p>
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**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.3 Building Licence Extensions**

That holders of building licence expiring prior to the completion of the building be required to:

1. Pay the minimum Building Licence fee prevailing at the time, on an annual basis until completion of the building.
2. Where changes to the relevant building requirements have made changes to plans necessary, that new or amended plans be submitted and approved prior to renewal of approval.

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**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.4 Illuminated Signs**

1. That approval for illuminated signs be granted, subject to compliance with all pertinent Local Laws.
2. That authority to approve standard illuminated signs and those, which clearly conform to Local Laws, be delegated to the Chief Executive Officer.
3. That applications for illuminated signs on the roofs of buildings, or signs which staff feel for any reason are incompatible with their surroundings, be referred to Council for further consideration.

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Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.5 Issuing of Notices Under Local Government (Miscellaneous Provisions) Act 1960 Sections 401 and 401A.**

1. That in accordance with 5.42 of the Local Government Act 1995 (as amended) authority to issue notices under Section 401(1)(a)(b) of the Local Government (Miscellaneous Provisions) Act 1960 be delegated to the Chief Executive Officer.
2. That in accordance with Section 5.42 of the Local Government Act 1995 (as amended) authority to issue notices under Section 401A of the Local Government (Miscellaneous Provisions) Act 1960 (Stop Work Orders) be delegated to the Chief Executive Officer.
3. That in accordance with 5.42 of the Local Government 1995 authority to issue notice under section 401(c) of the Local Government (Miscellaneous Provision) Act 1960 be delegated to the Chief Executive Officer providing that:
  - (i) The building subject to the notice was erected prior to 1990.
  - (ii) The Principal Building Surveyor is of the opinion that the building subject to the notice is structurally sound.
  - (iii) It is the opinion of the Principal Building Surveyor that Council should support on appeal.

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**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.6 Sub Standard Dwellings – Rural**

That as the existence of sub standard dwellings on any rural location throughout the Shire becomes known to Council officers either through the normal course of events or as the basis of a complaint, that appropriate orders, subject to the provisions of the Health and/or Local Government Acts be issued by the Chief Executive Officer and served on the owners of the properties concerned.

In the case of there being more than two dwellings on any location, the matter to be referred to Council for consideration.

The times allowed for compliance with notice mentioned above to be as follows:

1. Where only minor building additions or alterations are required, and the majority of required works are the provision of toilet and ablution facilities, works to be completed within one year.
2. Where substantial building alterations, or complete re-building together with the provision of toilet and ablution facilities is required, the following to apply:
  - a. Satisfactory plans and specifications are to be submitted to Council, and a building licence obtained within three months.
  - b. Works are to be substantially commenced within one year.
  - c. All works to be completed within a period of two years of issue of the original notice.
3. That as a matter of policy, Ward Councillors be encouraged to advise the Chief Executive Officer of any circumstances where buildings (in particular more than one building on the one lot) are being constructed without the prior approval of Council.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

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**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.7 Certificates of Title**

1. All building licences shall be issued in accordance with the requirements of the Building Regulations and the Building Code of Australia.
2. Where a proposed application does not comply with those regulations due to the infringement of a title boundary, a building licence shall not be issued until such time as a new certificate of title is provided to Council, which demonstrates that the building complies with the Building Code of Australia.
3. The Principal Building Surveyor is entitled to request as further information an actual copy of the certificate of title in those cases where the land ownership is uncertain.

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**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.8 Sandwich Board Signs**

**INTERPRETATION**

1. A Sandwich Board Sign is a portable sign, hinged or unhinged.

**SIGNS**

2. Sandwich Board Sign shall:
  - a) Not exceed one metre in height;
  - b) Not exceed one metre square in size on either side;
  - c) Not indicate or display any matter other than the name of the owner or occupier of the premises to which it relates, and the products or services relevant to the nature of the business carried on therein;
  - d) Contain the word 'open' with lettering at least 120mm in size;
  - e) Be placed so as not to cause interference, or be a hazard to vehicular traffic, or cause any interference or hazard, or impede pedestrians;
  - f) Be of sound construction and maintained in a good condition, neatly sign written and located in a position to the satisfaction of the Building Surveyor; and
  - g) Be located wholly within the boundaries of the land owned and/or occupied by the person who erected the sign and has maintained the sign.
3. A person shall not erect a Sandwich Board Sign in a position other than adjacent to the building to which the sign relates.
4. A person shall not erect more than 1 (one) Sandwich Board Sign in relation to the one shop or business unit or premises.
5. A person who erects a Sandwich Board Sign shall remove the same at the close of business each day and shall not erect the same sign again until the commencement of business on the following, or subsequent, trading day.

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**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.9 Temporary Signs**

1. Policy

This policy only relates to temporary signs not exempt under Clause 10(k) of the Shire of Manjimup Signs Local Law 2000.

2. Definition

A temporary sign is a sign which is an advertising device (as defined within the Shire of Manjimup Signs Local Law 2000) for the purpose of advertising a notice or event of a limited duration, but excludes sale signs and sandwich board signs.

3. Signs over 1m<sup>2</sup>

Signs over 1m<sup>2</sup> located on private property.

1. If advertising a public notice, the sign shall:

- a) Be restricted to no more than 25% of the property frontage.
- b) Be reviewed regularly and removed when no longer applicable.

2. If advertising an event the signs shall:

- a) Be no greater than 25% of the property frontage.
- b) Not be displayed for a period longer than 30 days prior to the event.
- c) Be removed within two (2) day's (48) hours of the event being held.

4. Temporary Signs

Temporary signs not on private property shall:

- a) Be restricted to a maximum size of 1m<sup>2</sup>.
- b) Be made of non-metallic pliable material, which will not cause injury on impact.
- c) Be anchored so as not to be movable by wind or other natural forces.
- d) Be removed within one (1) day, (24 hours) of the expiry of the permit.

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.9 Continued**

**5. Real Estate**

Real Estate home open signs shall:

- a) Be made of a non-metallic pliable material, which will not cause injury on impact.
- b) Anchored in such a way as not to be movable by wind or other natural forces.
- c) Be limited to no more than 4 signs per home open.
- d) Be removed within 1 day (24 hours) of home being open.

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**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.10 Advertising Signs on Private Property**

**1. PREAMBLE**

This policy relates to the placement of advertising signs located on private property outside of the designated town site boundaries.

The Shire of Manjimup Sign Local Law 2000 generally prohibits the erection, maintenance or display of a sign “**on land or a roof of a building or veranda other than that on which is conducted a business or profession and to which the sign relates**”. (Clause 11 (1) (f)). Notwithstanding this, the local law allows signs contrary to the local law to be approved if they are in the “interest of the community” (clause 11(3)).

In the interest of the community, the Council is prepared to approve advertising signage under clause 11 (3) of the local law to be erected on property other than that on which the business or profession being advertised is conducted.

The Chief Executive Officer has delegated authority under this policy to approve signage in accordance with this policy and guidelines and Appendix A. Signage applications, which fall outside this policy, are to be determined by the Council.

**2. DEFINITIONS**

- a. **Advertising Device:** Has the same meaning as in the Shire of Manjimup Sign Local Law 2000.
- b. **Brand:** Means a label, icon, franchise name or trademark of products.
- c. **Business:** Means a business operating within the Shire of Manjimup and may be a sole trader, partnership or company.
- d. **Land Owner:** Means the person who is registered on the Certificate of Title as the owner of the land.
- e. **Private Property:** Means freehold land in Fee Simple.
- f. **Product:** Means items sold or promoted by a business or other parties.
- g. **Pylon sign:** Has the same meaning as in the Shire of Manjimup Sign Local Law 2000.
- h. **Service:** Means a service provided by a business.
- i. **Sign Owner:** Means the owner of the business or service being advertised.
- j. **Sign/ s:** Means an advertising device.

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.10 continued**

**3. GENERAL**

- a) All advertising devices approved under this policy are deemed to be Pylon Signs and while this policy may permit more than one sign on a property and a reduced height from the ground to the under side of the sign, all other criteria for a Pylon Sign apply.
- b) All signs approved, which can be seen from a Main Road located within the Shire, require Main Roads approval.

**4. POLICY GUIDELINES**

- a) Signs are to be located within a 10km radius of the business being advertised and are not to be located within designated town boundaries.
- b) Signs are to be placed on the same side of the road as the approaching traffic they are facing.
- c) Signs are to advertise businesses, services or brand names but not products or prices.
- d) Signs are to have a maximum area of 4.5m<sup>2</sup>.
- e) The minimum height of the display area (sign) is to be 0.9m.
- f) Signs should have a minimum ground clearance of 1.5m.
- g) Signs are to be located wholly within private property and be located within 5m of the property boundary.
- h) Applicants must obtain landowners permission to erect an advertising sign.
- i) The sign owner shall indemnify and keep indemnified the Shire of Manjimup and its officers against any claim or proceeding (and any cost and expenses incurred as a result) that may be made or brought by any person or corporation against the Shire of Manjimup and its officers arising out of the erection, existence or operation of the advertisement.
- j) The sign owner shall, in respect of that sign, effect and maintain a public liability insurance policy, to the value of \$1,000,000 with a reputable insurer. The policy must include a Cross-Liabilities Clause, and be in the joint names of the sign owner and the Shire of Manjimup. The owner of the advertising sign shall provide the Shire of Manjimup with evidence of such insurance as required.
- k) Signs will only be considered within the road reserve if for safety reasons there are no other alternatives and will be located in accordance with category 3 signs as described within the MRWA Guide.

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.10 continued**

- l) Minimum distances between any signs located along a road are as follows:

Speed Environment (km/hr)	Minimum Distances Between Signs (m)
60	80
80	100
100	120
>100	140

[These distances are the absolute minimum requirements for straight, flat roads and each site will need to be individually assessed to ensure safety requirements are met. Existing traffic signs are to be included in determining minimum distances between signs].

- m) Lettering size and layout of signs should conform to AS 1743-1992 (see attachments). As legibility of signs relates to the speed environment and the number of words on a sign, the attached sheet shows minimum allowable lettering heights.

**5. FEES AND CHARGES**

- a) An application fee of \$150 will apply to all signs to be erected on Private property (Category 4 Signs under MRWA Guidelines).
- b) An application fee of \$150 will apply for all signs to be erected within the road reserve (Category 3 Signs under MRWA Guidelines).
- c) An annual licence fee of \$20 will apply to each sign.

All fees are to be reviewed on an annual basis as part of the Annual Budget adoption process.

**Explanation of Policy Criteria**

In developing this policy Council officers reviewed all relevant documentation including the following:

- Main Roads WA Guide to the Management of Roadside Advertising (MRWA Guide)
- Australian Standard 1743-1992 Road Signs Specification (AS1743)
- Australian Standard 1742.1-1991 General Introduction and Index of Signs (AS1742.1)

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.10 continued**

- Australian Standard 1742.2-1991 Traffic Control Devices for General Use (AS1742.2)
- Austroads Guide to Traffic Engineering Practice part 8 – Traffic Control Devices (Austroads)

All documents use safety as their determining factor for the guidelines to roadside signage, be it advertising or statutory signs. The basis of this policy is the same as the MRWA Guide category 4 signage that includes all signs adjacent to highways or main roads located outside of the road reserve.

Following is an explanation of the associated criteria of this policy:

**Clause 4 a)**

The MRWA Guide refers to two types of locations, one being within 5km of a townsite and the other within 10km of a business located on a side road. Due to the nature of the land tenure surrounding the townsites within the Shire we have combined the two clauses and allowed for a 10km radius surrounding the business that is advertising, whether it be located within a townsite or not. Also all signs must be located outside of the town boundaries thus limiting advertising signs to the approaches of towns with out being located within the townsite.

**Clause 4 b)**

Signs are to be located on the same side of the road as the approaching traffic that they are facing. This means that drivers are not distracted by looking across a lane of traffic at a sign on the opposite side of the road (MRWA Guide Appendix G)

**Clause 4 c)**

The MRWA Guide refers to signs advertising the business rather than products. This then allows any business, service or brand name to be advertised rather than signs advertising products along with prices, such as fuel signs with prices and restaurants advertising meals and prices. Products should be advertised within the business premise.

**Clause 4 d)**

Councils existing local law allows for a maximum sign area of 4m<sup>2</sup>, while the MRWA Guide allows a sign have a maximum of 4.5m<sup>2</sup>.

**Clause 4 e)**

The minimum height of 0.9m for the sign is the minimum height required by the formula provided in the AS1743 to allow two lines of text to be read legibly at 110km/hr.

**Clause 4 f)**

Both AS1743 and the Austroad standards have a minimum ground clearance of 1.5m

**Clause 4 g)**

Signs are to be located within private property. The conditions required for signs to be located within the road reserve are more stringent and require a great deal of site investigation as per category 3 signs within the MRWA Guide. As Council is responsible for the care, control and management of

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.10 continued**

road reserves Council would also have to install the signs and this would involve an additional cost to the applicant. By locating within private property this allows more flexibility for advertisers.

The requirement of being located within 5m of the boundary is based on allowing a maximum distance of 11m from the travelling lane to the centre of the sign. This distance is required in the formula for calculating letter sizes (AS1743). To not limit this distance would mean an individual calculation of letter size for each sign and a reduced number of words for any signs placed outside this limit. This also allows signs to be standardised and for applicants to be able to use the attached tables to pre determine the letter size and thus determine the number of words that can be placed on their sign regardless of the position of the sign within the limit.

**Clause 4 h)**

As the signs will be located on private property, before officers could consider approving a sign the landowners approval would need to be obtained by the applicant.

**Clause 4 i) and 4 j)**

Self-explanatory in that this would protect Council from any claims that may arise as a result of the sign. MRWA Guide has this clause and suggests that local governments include this along with the relevant insurance clause.

**Clause 4 k)**

Signs within the road reserve will only be considered after all other avenues have been exhausted. There is a very strict set of guidelines to follow for locating a sign within the road reserve. Signs would have to meet MRWA Guide general criteria and Category 3 specific criteria. An assessment by officers for this type of sign could involve a 4 – 5 hour time frame as many criteria need to be assessed on site, such as road grades, verge heights, road curvature, road speed environment, travel distances, sight lines etc. as per the MRWA Guide.

**Clause 4 l)**

Minimum distances between signs is as per the MRWA Guide, Austroads and AS 1743 & AS1742.1. These are the minimum distances required between signs if the road is a straight flat section of road. Each sign location would need to be assessed individually to take into account road curvature and sight lines and this sight inspection would actually determine the exact distance if there is any other signs in the vicinity, (statutory signs such as speed signs, advance warning signs etc).

**Clause 4 m)**

As per AS1743 there is a very strict criterion that must be met for the “legibility” of signs that front onto roads, particularly in higher speed environments such as rural areas. The letter size relates to the distance the sign is from the road edge, the speed environment and the number of words on a sign. All literature states that a motorists usually only has time to absorb 6-8 words when travelling and reading signs, therefore ideally the number of

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.10 continued**

words on a sign should be between 6 and 8 for maximum effect. According to the MRWA Guide any more actually disadvantages the sign advertiser, in that the message in most cases is not delivered.

**Clause 5**

To ensure that all criteria are met and that signs submitted for approval meet safety standards as set out in the MRWA Guide and relevant Australian Standards, several hours of on-site assessment may be involved.

For signs to be located within road reserves (category 3 signs) more detailed MRWA criteria must be met and assessed.

Also to ensure that insurance and indemnity is maintained, an annual renewal will need to be issued. A nominal fee would be required and the sign owner will need to provide copies of current insurance. If not provided the sign would need to be removed as Council would no longer be indemnified and insured.

**7. BUILDING POLICIES**  
**7.1 BUILDING STATUTORY**

**7.1.10 continued**

APPENDIX A (1)

H	N	V	S
218	6	110	11
233	7	110	11
249	8	110	11
264	9	110	11
279	10	110	11
295	11	110	11
310	12	110	11

H	N	V	S
193	6	80	11
204	7	80	11
215	8	80	11
226	9	80	11
237	10	80	11
249	11	80	11
260	12	80	11

H	N	V	S
209	6	100	11
223	7	100	11
237	8	100	11
251	9	100	11
265	10	100	11
279	11	100	11
293	12	100	11

H	N	V	S
184	6	70	11
194	7	70	11
204	8	70	11
214	9	70	11
223	10	70	11
233	11	70	11
243	12	70	11

H	N	V	S
201	6	90	11
214	7	90	11
226	8	90	11
239	9	90	11
251	10	90	11
264	11	90	11
277	12	90	11

H	N	V	S
176	6	60	11
184	7	60	11
193	8	60	11
201	9	60	11
209	10	60	11
218	11	60	11
226	12	60	11

H = Height of lettering (mm)  
 N = Number of words on the sign  
 V = Speed (km/hr)  
 S = Distance from centre of lane to centre of sign (m)

$$H = 0.14NV + 11.4S$$

As per AS 1743 1992

Studies show that motorist will only comprehend 6-8 words on an advertising sign.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.1 Building Applications – Land without Legal Access**

When a building application or enquiry has been lodged with the Shire of Manjimup for a building on land that appears to have no legal access, the following will apply:

1. The applicant be advised that as far as Council is aware, no legal access to the land exists.
2. The applicant to be advised to seek legal opinion on his position regarding continued access to the land, prior to commencement of building operations.
3. It is to be pointed out to the applicant that Council has no intention of providing legal access to the land at present or any time in the future.
4. Where the Chief Executive Officer is authorised to process building applications they are also empowered to impose the condition of satisfactory road access being required prior to the commencement of development.

That the above be attached to the building licence as conditions of issue of the licence.

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**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.2 Building Licence Fees – Refunds**

That in all cases where a building project is abandoned and refund of building licence fees is sought by the holder of the building licence:

1. 50% of fees paid be reimbursed if the claim is made within 12 months of issue of the building licence; and
2. **no refund is payable after expiration of 12 months from date of issue of the licence, as the licence is then void.**

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**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.3 Building Licence Fees – Waiver**

That the payment of building licence fees by sporting, charitable and other community groups be waived at the discretion of the Chief Executive Officer where he is satisfied that a reasonable case for exemption exists.

***REVIEWED AND ADOPTED 26 SEPTEMBER 2002***

**The Administration of this Policy has been delegated by the Chief Executive Officer to:**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.4 Footings to Dwellings – Minimum Standard**

Strip Footings: Stable Soils

Concrete strip footings shall have a width and depth according to the following, if constructed on stable soil foundations such as sand or gravel.

**CROSS SECTIONAL DIMENSIONS OF CONCRETE STRIP FOOTINGS**

Construction of Wall

	Nominal thickness of wall to be supported (including cavity) not more than (mm)	Size of concrete (width and depth in mm)
In a single storey building, a masonry wall of height (according to sub-by-law (2)) not exceeding 4,200	270	450 x 250
In a single storey building, veneer wall of height (according to sub-by-laws (2)) not exceeding 4,200	110	300 x 250
In a single storey building of timber frame construction, a masonry foundation wall of height not exceeding	110	300 x 250

**FOOTINGS FOR FREESTANDING PIERS**

Brick or concrete block piers shall have brick, concrete block or concrete footings:

- a. Not less than 150mm thick; and
- b. Projecting not less than 50 mm beyond each face of the piers.

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**The Administration of this Policy has been delegated by the Chief Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.5 Private Outbuildings – on Residential Land**

That approval for the erection of outbuildings on residential land be granted only when: -

1. (a) A dwelling is in existence on the lot; or  
(b) Plans of the overall development of the lot including a dwelling are submitted to Council in conjunction with the plans for the outbuilding.
2. That in all cases where Council considers an application for approval to construct an outbuilding on residential land where no dwelling exists, and approval for the application is granted, the building approval to be issued in the form of a Special Licence.
3. The Special Licence shall be issued in accordance with Schedule 1, Form 5 of the Building Regulations 1989 and under the provisions of Section 399(4)(a) of the Local Government (Miscellaneous Provisions) Act 1960.
3. The licence is renewable annually, and Council may refuse to renew the licence and require removal of the outbuilding at any time should this become necessary. The requirement for annual renewal of the licence will cease on construction of a dwelling on the lot.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.6 Private Outbuildings Materials - Townsites**

That bush poles of minimum 150mm diameter be approved for use in domestic sheds which are situated behind the rear alignment of the dwelling to which they are appurtenant, provided that all relevant requirements of the Building Code of Australia 1990 are met, and the Chief Executive Officer is satisfied that the building will be acceptable appearance.

Further that outbuildings incorporating bush poles which are to be situated closer to the building line than the rear of the dwelling be subject to Council approval.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief  
Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.7 Relocated Dwellings – Approvals**

**Relocated Dwellings – Approvals**

1. That the Chief Executive Officer, wherever he is satisfied that the particular application meets all statutory requirements, and is appropriate to the area proposed, be authorised to approve applications for the relocation of dwellings within the Shire, including townsite areas.
2. That the Chief Executive Officer be authorised to impose a bond of a minimum of \$7000.00 to ensure that any conditions imposed are observed.
3. That the Chief Executive Officer be authorised to make progressive refunds of the bond to complete the required works.
4. That the Chief Executive Officer be authorised to make progressive refund to a maximum of \$5500.00 and the remaining \$1500.00 be retained by Council until satisfactory completion of the works.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.8 Relocated Dwellings – Conditional Purchase Lots**

In all cases where Council receives applications for approval to relocate dwellings on Conditional Purchase Land, the applicant be advised that Council will not issue any statement pertinent to the issue of title to the land to the Department of Lands and Surveys prior to the relocation of the dwelling being completed to the satisfaction of Council.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief  
Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.9 Shade Cloth Covering - Pergolas**

Approval to enclose the space between the roof of a patio/ pergola/ carport and the adjoining fence, for the purpose of providing privacy or excluding the weather, shall be granted only under the following conditions.

Such covering shall be of shade cloth only and is to be supported on a lightweight framework of timber or metal, angled down from the top of the structure to the fence. Details of the proposal are to be submitted to Council and approval gained, prior to carrying out the works.

The above approval is subject in all cases to there being no valid objections from affected owners and occupiers of adjoining premises within fourteen (14) days of those owners/occupiers having been notified of the proposal by the Chief Executive Officer.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.10 Solid Stone Walls – Dwellings**

That the use of solid stone construction in class 1 dwellings be approved with this Shire, under the following conditions:

- a. Footings to be certified by a practising Structural Engineer.
- b. External walls to be a minimum 300 mm in thickness, internal walls to be a minimum of 200 mm in thickness.
- c. All walls that are load bearing, and all walls of 2.4m in height, are to be certified as structurally sound by a practising Structural Engineer.
- d. Unless otherwise stated by a practising Structural Engineer all external solid stone walls, are to be protected against penetration of dampness by at least 2 coats of an approved sealing agent, or are to be protected by a veranda projecting at least 1.8m out from the wall.
- e. Unless certified by a practising Structural Engineer, the method of construction is to be to the satisfaction of the Chief Executive Officer.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.11 Temporary Accommodation**

That the Chief Executive Officer be authorised to approve applications for the use of an outbuilding or caravan as temporary accommodation on rural or special rural zoned land during construction of a dwelling on that land and in compliance with the following conditions:

1. If approval is required to use a caravan as temporary accommodation, approval must be obtained by the proponent from the Minister for Local Government in compliance with the requirements of the Caravan Parks and Camping Grounds Act 1995 prior to consideration of approval by the Chief Executive Officer.
2. That a satisfactory application and building plans meeting Building, Health and Planning requirements are submitted for the temporary accommodation and proposed dwelling. These are to be approved prior to the temporary accommodation approval being granted.
3. That adequate living arrangements and sanitary provisions are provided in accordance with the Health Act 1911 (as amended) and the Building Code of Australia 1996 Volume 2.
4. That the temporary accommodation is to be inspected and approved by Council's Environmental Health Officer prior to occupation and that such accommodation is to be used only by approved persons directly engaged in the building of the dwelling.
5. That the temporary accommodation approval is valid for a period of 12 months. At the expiry of the 12-month period a further 12-month approval for temporary accommodation may be granted by the Chief Executive Officer subject to:
  - a) The condition of the temporary accommodation or its surrounds has not given rise to complaints to Council.
  - b) Satisfactory progress has been made toward completion of the dwelling.
6. If the temporary accommodation approval expires after the initial two approvals (2 years) the temporary accommodation approval is not to be renewed.
7. Any facilities installed in association with temporary accommodation must be removed at the expiry of the temporary accommodation approval unless otherwise approved by the Chief Executive Officer.

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.11 Continued**

8. A copy of Council's Policy relating to temporary accommodation is to be forwarded to the applicant with the relevant correspondence once the approval has been granted."

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief  
Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.12 Retaining Walls**

1. That all retaining on a lot boundary which are above 600 mm in height will require a building licence.
2. That all retaining walls to boundaries must be constructed of stone or masonry or concrete.
3. That an application for structural or boundary retaining walls above 600 mm in height shall be designed and / or approved by a structural engineer.
4. The maximum height of boundary retaining walls, which will be permitted without comments from adjoining owners, is 1 metre.
5. That dividing fences are to be erected on the higher retained levels to reduce loss of privacy.
6. That the Chief Executive Officer shall be given delegated authority to approve retaining walls between 1 metre and 1.5 metres in height providing there is no objections from the adjoining owners.

Applications for retaining walls in excess of 1.5 metres in height are to be referred to Council for determination.

**REVIEWED AND ADOPTED 26 SEPTEMBER 2002**

**The Administration of this Policy has been delegated by the Chief Executive Officer to: Principal Building Surveyor**

7. **BUILDING POLICIES**  
7.2 **OTHER BUILDING**

7.2.13 **Fencing**

**Citation**

1. This Policy applies to all zones as defined under the Town Planning Scheme.

**Interpretation**

2. In this Policy unless the context otherwise requires:

**“Council”** means the Council of the Shire of Manjimup.

**“District”** means the municipal district of the Shire of Manjimup.

**“Dangerous Fence”** means a Fence declared by a Building Surveyor to be in a dangerous condition by reason of any one or more of the following namely, faulty design, location, construction, deterioration of materials, damage by termites, decay, damage by collision, changes in ground level, or any other cause or causes.

**“Fence”** means a Fence abutting a roadway or street or a Fence on or near the boundary line of a lot and includes any free standing wall and any retaining wall.

**“Industrial, Commercial Residential, Special Residential Special Rural Zone and Rural Zone”** means any portion of the District that is pursuant to the Town Planning Scheme.

**“Building Surveyor”** means a building surveyor appointed by the Shire of Manjimup.

**“Dividing Fence”** means a Fence that separates the land of different owners whether the Fence is on the common boundary of the adjoining land or on a line other than the common boundary.

**“Town Planning Scheme”** means the Town Planning Scheme of the Shire of Manjimup for the time being in force under the provisions of the Town Planning and Development Act, 1928 (as amended).

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.13 continued**  
**Sufficient Fence**

3. Subject to Clauses 4 and 5:
- (a) A Fence within Residential Zone constructed in accordance with the specifications set out in the second schedule hereto is hereby prescribed as a “sufficient Fence” for the purposes of the Dividing Fences Act, 1961 (as amended).
  - (b) A Fence within an Industrial and Commercial Zone constructed in accordance with the specifications set out in the second schedule hereto is hereby prescribed as a “sufficient Fence” for the purposes of the Dividing Fences Act, 1961 (as amended).
  - (c) A Fence within a Special Residential, Rural or Special Rural Zone constructed in accordance with the specifications set out in the third schedule hereto is hereby prescribed as a “sufficient Fence” for the purposes of the Dividing Fences Act, 1961 (as amended).

**Fences on Boundaries**

4. Where a Fence is erected on the boundary between land in a Residential Zone and land in some other zone then a “sufficient Fence” for the purposes of the Dividing Fence Act, 1961 (as amended) shall be that prescribed as a “sufficient fence” for the other zone.
5. Where a Fence is erected on a boundary line between land in differing zones neither of which is a Residential Zone the Council shall determine which schedule shall apply for the purposes of prescribing a “sufficient fence” for the purposes of the Dividing Fence Act, 1961 (as amended).

**Fencing Material**

6. No person shall construct a fence of second hand material within the district under any circumstances, and in any other case without the written consent of the Council in its absolute discretion may refuse to grant or may grant upon such terms and conditions as it deems fit.
7. No fence shall be constructed of sheet metal unless the fence to be erected is adequately capped.

**Fence Height**

8. Within a Residential Zone, subject to clause 13 a front boundary fence not exceeding 1200 mm in height may be constructed along the full width of the frontage of a lot.

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.13 continued**

9. A fence within a Residential Zone in excess of 1200 mm and not exceeding 1800 mm in height may be constructed along the front boundary of a lot subject to:
  - a) Approval by Council; and
  - b) Clause 13 being complied with.
  - c) The length of that Fence on the boundary line does not exceed 75% of the total length of that boundary and the remaining 25% of the Fence is setback a minimum of 450 mm from the boundary;
  - d) The Fence is on both sides of every driveway angled into the lot for a distance of not less than 1,500 mm along the frontage to a distance of not less than 2,000 mm from the frontage to provide splayed lines of sight.
10. A fence within a Residential Zone shall not, within 7.5 metres of the front boundary of the lot, exceed 750 mm in height, without the express approval of Council.
11. The Council at its discretion may upon written application approve a fence other than those permitted by this policy.
12. No person shall erect any structure in front of the building line in an Industrial, Commercial or Residential Zone other than a fence permitted by this policy without having first made written application to and obtained the written approval of the Council.
13. No person shall erect or permit to be erected on any land owned or occupied by that person, any wall, fence, hedge, tree, shrub or other obstruction of a greater height than 750 mm measured from the level of the footpath, road or right-of-way immediately adjoining the same within the area enclosed by the boundaries of the streets, roads, or right-of-way boundary from the point of intersection of the streets, roads or right-of-way or from the point of intersection of a prolongation of the said boundaries except that this policy shall not apply to intersections or junctions having the standard truncation of 8.0 metres or more.
14. No person shall erect a dividing fence greater than 1800 mm in height in a Residential Zone without having first made application to and obtained the written approval of the Council.

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.13 continued**  
**Council Approval**

15. No person shall:
- (a) Commence to erect or proceed with the erection of a retaining wall which is on a boundary line unless and until he has lodged with the Council two (2) copies of a plan and specifications thereof and in the case of a retaining wall exceeding 1000 mm in height when required by the Council, engineering calculations in respect thereof and the Council has approved a copy of the plan and specifications and (where applicable) the calculations.
  - (b) No person shall erect or permit a dividing fence to act as a retaining wall without first having obtained Council permission.
  - (c) Erect a fence of a type not otherwise specified, unless approval is obtained from Council.

**Fence Condition and Dangerous Fences**

16. A fence wholly or partly of barbed wire complying with this Policy may only be erected:
- (a) In any Rural or Special Rural area.
  - (b) In an Industrial and Commercial Zone if no barbed wire is used below a height of 1800 mm from the ground; or
  - (c) In any other part of the Shire of Manjimup with the written approval of the Council.
  - (d) Any Electric Fence shall be in accordance with Australian Standard AS 3129/1981 and shall only be used for the purpose of stock control.
17. No person shall:
- (a) Erect or maintain a dangerous fence in the District without the written approval of Council.
  - (b) No person shall erect an electric fence in Residential and Special Residential Zones without the written approval of Council.
18. The use of metal spikes, broken glass or any other potentially dangerous material in or on any fence in the district is prohibited.

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.13 continued**

19. The owner or the occupier of land on which a fence is erected shall maintain the fence in good condition and in such manner as to prevent it from being dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood.
20. The Council may give notice in writing to the owner or occupier of any land upon which there is a dangerous fence or fence which is in the opinion of the Building Surveyor in bad condition or repair, dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood or is contrary to the provisions of these Local Laws requiring such owner or occupier to repair, paint, or maintain such fence within the time stipulated in the notice or in that time in which to comply.
21. A gate in a fence shall not open outwards onto a street or right of way unless the gate opens within the property boundary, unless otherwise approved by Council.

**FIRST SCHEDULE**  
**Residential Zone**

A sufficient fence shall be a freestanding type of construction, which should be timber, fibro cement, or non-reflective metal fence having specifications as follows:

- (a) A height of 1500 mm;
- (b) An in-ground depth of 25% of the total length of the sheet with a minimum in-ground length of 600 mm;
- (c) The combined height and depth of the fence shall consist of a single continuous fibre reinforced cement or metal sheet:
- (d) Fibre reinforced cement or metal sheets are to be lapped and capped with extruded "snapfit" type capping in accordance with the manufacturer's specifications.

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**SECOND SCHEDULE**  
**Industrial and Commercial Zone**

A sufficient fence shall consist of rail-less link or chain mesh of a height of 1800 mm on top of which are three strands of barbed wire carrying the fence to a height of 2100 mm supported by galvanised iron posts of a diameter of 50 mm spaced at three (3) metre centres and sunk in the ground 600 mm and encased in a concrete footing having a dimension of 160 mm x 160 mm.

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**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.13 continued**

**THIRD SCHEDULE**

**Special Residential, Special Rural and Rural Zone**

The fence, if required, shall be of suitable construction to retain animals and may consist of but not limited to standard pickets, sawn, split or round wooden posts. Where required strainer posts shall be set at corners, gateways and fence line angles.

The fence posts may be covered with a proprietary link type fence or similar or horizontal rails as required. An Electric fence may be used in Special Rural and Rural areas without express permission from Council.

Where steel strainer posts are used they shall be driven into the ground and secured as required.

**REVIEWED AND ADOPTED 27 MARCH 2003**

**The Administration of this Policy has been delegated by the Chief  
Executive Officer to: Principal Building Surveyor**

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

**7.2.14 Transportable Private Residences at Boronia Ridge Residential Estate, Walpole**

1. This policy relates to the placement of transportable dwellings within Stages 1, 2A and 2B of Boronia Ridge Residential Estate, Walpole.
2. Part (ii) of “Appendix 6 – Policy Precinct Walpole 1 (Special Design)” of Town Planning Scheme 2 states that:

“Not more than one permanent, non-transportable, private residence shall be constructed, erected or installed or permitted on an individual lot”.

Following recent consideration by Council, however, it has been determined that, providing the following guidelines are met “quality” transportable private residences will be permitted within the Estate.

- 3.1 No residence shall be constructed of materials, or be of a colour, considered by Councils Development Control Unit to be detrimental to the character of the natural and built landscape of the locality. The residence shall be in keeping with the general appearance of other residences within the development and shall have appearance of a permanent residence, meaning a residence placed on concrete footings at ground level, or placed on timber or metal stumps where the lay of the land precludes the use of concrete footings
- 3.2 Residences are to be certified as being structurally sound. Structural information is to be included with the application of a building licence. External photographs of the residence or a residence of a similar nature must be included with the application. Any building that has the appearance of a “single man’s quarters, holiday shack, shanty or donger” will not be permitted.
- 3.3 Roof materials shall be of material other than zincalume or any other reflective material. Zincalume roofing may be permitted if painted/treated accordingly.
- 3.4 In the case of a second hand residence certification must be obtained from a practicing structural engineer that the dwelling is suitable for transportation and that the footings are applicable to the final location. External photographs of the residence must be included in the building licence application.
- 3.5 The residence shall comply with all relevant sections of the Building Code of Australia 1996 and the Health Act 1911.

**7. BUILDING POLICIES**  
**7.2 OTHER BUILDING**

- 3.6 Residences shall be required to include either a single or double carport or garage. Carports or garages not under the main roof of the residence shall be constructed of materials, which match or complement the residence in respect of pitch of roof, materials used, the design, colour and external appearance.
- 3.7 All ground areas plainly visible from the street or to any neighbouring owner shall be properly landscaped within four (4) months of installation of the residence. "Properly landscaped" means that all plainly visible areas must be kept neat and tidy, paved or grassed and /or planted with trees and/or shrubs.
- 3.8 All other provision and requirements of "Appendix 6 - Policy Precinct Walpole 1 (Special Design)" of Town Planning Scheme 2 will also be required to be met.

**ADOPTED 22 JANUARY 2004**

**The Administration of this Policy has been delegated by the Chief  
Executive Officer to:  
Principal Building Surveyor**