

MINOR AND INCIDENTAL STRUCTURES



Objective

This Information Sheet formally identifies structures which do not require a formal Building Permit Approval. These are structures which:

1. Are considered minor or incidental in nature;
2. Will not have an impact on the amenity of the locality;
3. Should not need to be assessed for structural integrity; and
4. Meet the criteria listed in the following pages.

General Requirements

In respect of all minor and incidental structures, the following will apply:

- a) Minor or incidental structures and their use must comply with the requirements of the Building Code of Australia, the relevant Australian Standard, the Shire of Pingelly's Local Planning Scheme, the Shire of Pingelly's Local Laws and any other relevant legislation that has jurisdiction over the proposed works.
- b) Minor and incidental structures may only be constructed within the lot boundaries. They are not to be constructed on verges or thoroughfares.
- c) It is the Owner's responsibility to seek approvals from any other Authority that has jurisdiction over the proposed works or locality.
- d) It is the Owner's responsibility to check with the Shire's Planning and Health Departments to confirm if there are any other provisions or approvals required for any structures listed here prior to erection or use of the structures.
- e) It is the Owner's responsibility to check their Titles for and restrictions that may have been imposed such as, but not limited to, covenants, caveats and section 70A's.
- f) All materials to be new and fit for the purpose. Shire approval is required for the use of any used or second-hand materials.
- g) For the purposes of this information an incidental use is defined as being the following, as stipulated under the Shire's Local Planning Scheme:

"A use of premises which is ancillary and subordinate to the predominant or primary use."

Associated Information

This policy should be read in conjunction with the Shire's Building Information Sheets which may have a bearing on the structures listed here:

- Information Sheet - Building Applications
- Information Sheet - Retaining Walls
- Information Sheet – Setbacks
- Information Sheet – Outbuildings
- Information Sheet – Fencing
- Information Sheet – Unauthorised Building approval
- Information Sheet – Signs

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Structures Exempt from a Formal Building Permit Approval

1. Retaining Wall

A retaining wall is exempt from a formal Building Permit Approval if:

- It is not greater in height than 500mm, including the height of any existing retaining wall upon which it is placed;
 - It does not provide an increase in the change of the natural ground level by more than 500mm;
 - It is not closer than its height from any structure, such as, but not limited to buildings, sheds, driveways, etc. and with swimming pools, it is no closer than the depth of the pool away from the proposed retaining wall;
 - The proposed retaining wall does not carry any surcharge loads other than the soil immediately behind it;
 - It is constructed in accordance with either the requirements of the relevant Australian Standard for the material used or in accordance with the product manufacturer's specification;
 - It does not cause any reflective nuisance to neighbours.
- *For additional details that may affect this item refer to Building's Information Sheet 3 relating to retaining walls.*
- *Should a retaining wall be setback closer than that stipulated in Table 2 of Local Planning Scheme No. 3, then planning approval will be required.*

2. Non-Masonry Fence

A non-masonry fence is exempt from a formal Building Permit Approval if:

- It does not exceed a height of 1.8 metres above natural ground level behind the building setback line;
- It does not exceed a height of 1.2 metres above natural ground level forward of the building setback line;
- It does not support any change in ground levels;
- It is constructed/erected in accordance with the product manufacturer's specification;

- Where the fence is a dividing fence, it is constructed with the agreement of the adjoining neighbour in accordance with the Dividing Fences Act 1961;
 - It does not cause any reflective nuisance to neighbours.
- *For additional details that may affect this item refer to Building's Information Sheet 7 relating to fencing*

3. Masonry Fence

A masonry fence is exempt from a formal Building Permit Approval if:

- It does not exceed a height of 1.8 metres above natural ground level behind the building setback line;
 - It does not exceed a height of 1.2 metres above natural ground level forward of the building setback line;
 - It does not support any change in ground levels;
 - It is constructed in accordance with the Australian Standard 3700 Masonry Structures;
 - Where the fence is a dividing fence, it is constructed with the agreement of the adjoining neighbour in accordance with the Dividing Fences Act 1961.
- *For additional details that may affect this item refer to Building's Information Sheet 7 relating to fencing.*

4. Water Feature (Ornamental and Fish Pond)

An ornamental water feature or a fish pond is exempt from a formal Building Permit Approval if:

- It is not integrated with an existing swimming pool or spa;
- No part of the pond or water feature is more than 500mm above natural ground level;
- It is not used for swimming, wading or like activities;
- Noise levels of any equipment used does not exceed

- noise levels assigned under the Environmental Protection (Noise) Regulations 1997;
- That any pump or filter equipment, or the like, is not operated between the hours of 9pm and 7am.
- *It is recommended that a form of barrier (such as small-holed mesh) is placed just below the surface to provide some protection to people falling into the pond.*

5. Bird Bath

A bird bath is exempt from a formal Building Permit Approval if:

- It does not exceed a height of 1.5 metres above ground level;
- It does not exceed one square metre (1m²) in area.

6. Barbeque (including Gas and Wood-Fired BBQs and Ovens)

A barbeque, including gas and wood-fired barbeques and ovens, but excluding portable units, are exempt from a formal Building Permit Approval if:

- They do not exceed more than one point eight metres (1.8m) in height above natural ground level, and the height of any flue or chimney does not exceed a height of 2.00 metres;
- They are located such that emissions from the barbeque or oven do not create or cause a nuisance to properties in the locality;
- They are not to be constructed any closer than one metre (1m) to any boundary of the lot unless adjacent to a parapet wall on the adjacent lot.

7. Letterbox

A letterbox is exempt from a formal Building Permit Approval if:

- It does not exceed one point five square metres (1.5m²) in area;
- It does not exceed a height of 1.2 metres above ground level;
- It does not obscure any site lines to roadways and crossovers.

8. Clothes Line

A clothes line is exempt from a formal Building Permit Approval if:

- No part of the clothes line is 3.0 metres above the ground level;
- It is located so that it is not visible from any street or public way;
- No part of the clothes line is to be attached to a boundary fence or wall without the prior written approval of the adjoining owner.

9. Garden Shed

A garden shed is exempt from a formal Building Permit Approval if:

- It does not exceed ten square metres (10m²) in area;
- It does not exceed 2.1 metres in height above the ground level;
- It is located so that it is not visible from any street or public way;
- It is not located within any setback areas;
- It is securely "tied down" against wind uplift;
- Its structural integrity complies with the Building Code of Australia and relevant Australian Standards;
- Does not cause any reflective nuisance to neighbours.
- *For additional details that may affect this item please refer to Building's Information Sheets 5 & 6 relating to Setbacks and Outbuildings*
- *Should a shed (outbuilding) be in excess of 10m² and setback closer than that stipulated in Table of Local Planning Scheme No. 3, then planning approval will be required.*

10. Gazebo

A gazebo is exempt from a formal Building Permit Approval if:

- It does not exceed ten square metres (10m²) in area;
- It does not exceed 2.4 metres in height above the ground level;
- It is located so that it is not visible from any street or public way;

- It is not located within any setback areas;
 - It is securely “tied down” against wind uplift;
 - Its structural integrity complies with the Building Code of Australia and relevant Australian Standards;
 - Does not cause any reflective nuisance to neighbours.
- *Should a gazebo be in excess of 10 m² and setback closer than that stipulated in Table 2 of Local Planning Scheme No. 3, then planning approval will be required.*

11. Pergola

A pergola located at ground level is exempt from a formal Building Permit Approval if:

- It does not have any roof covering, other than permeable shade cloth;
- Each side is open, except for the sides adjacent and or attached to the existing residence;
- It does not exceed twenty square metres (20m²) in area;
- It does not exceed 2.4 metres in height;
- It is not located within any setback areas;
- It is securely “tied down” against wind uplift;
- Its structural integrity complies with the Building Code of Australia and relevant Australian Standards.
- It complies with Council’s Policy No. 8.3 – Building Permit – No requirement to submit.

12. Cubbyhouse or Tree House

Cubbyhouse or tree house is exempt from a formal Building Permit Approval if:

- It does not exceed ten square metres (10m²) in area;
- It is not higher than 2.1 metres above the surrounding ground level;
- It is located so that it is not visible from any street or public way;
- Is placed a minimum 1.5 metres from any side or rear boundary;
- The sides facing neighbours are to be screened to provide for privacy;

- Does not cause any reflective nuisance to neighbours.
- *In all cases a cubby house is exempted from requiring planning approval as stipulated in the 2008 Residential Design Codes.*

13. Rain Water Tank on Residential Zoned Lots

A rain water tank is exempt from a formal Building Permit Approval on Residential Zoned lots if:

- It does not exceed ten square metres (10m²) in area;
 - It is not located within the front setback or within 1000mm from a side or rear boundary;
 - No part of the tank to be higher than 3.0 metres above natural ground;
 - Any retaining wall supporting the tank requires Council approval;
 - The rainwater tank is constructed to comply with the relevant Australian Standards;
 - The overflow from the rainwater tank is directed away from all buildings and leach drains and must be retained on site;
 - Does not cause any reflective nuisance to neighbours;
 - Does not obscure any sight lines to roadways and crossovers.
- *Should a rainwater tank be in excess of 10m² and setback closer than that stipulated in Table 2 of Local Planning Scheme No. 3, then planning approval will be required.*

14. Domestic Air Conditioner – Wall, Ground & Roof Mounted

Domestic air conditioner units, either wall, ground or roof mounted are exempt from a formal Building Permit Approval if:

- There is no structural work required to install the equipment, other than mounting brackets or openings through walls for the reticulation of electricity and refrigerant;
- Noise levels associated with the use of any air conditioner does not exceed noise

levels assigned under the Environmental Protection (Noise) Regulations 1997.

15. Kennel or Doghouse

A kennel or doghouse is exempt from a formal Building Permit Approval if:

- They are not located within the front setback;
 - It is placed so that it is not visible from any street or public way;
 - It does not exceed a height of 1.8 metres;
 - It does not exceed a floor area greater than four square metres (4m²);
 - The number of dogs housed does not exceed two (2);
 - The kennel is not used as a breeding kennel;
 - Does not cause any reflective nuisance to neighbours.
 - The keeping of dogs shall also comply with the Shire's Health local Laws 2010 Part 5 Division 2 Keeping of Animals and all dogs shall be registered with the Shire.
- *Should a kennel structure be in excess of 10m² and setback closer than that stipulated in Table 2 of Local Planning Scheme No. 3, then planning approval will be required.*

16. Bird Aviary

A Bird aviary is exempt from a formal Building Permit Approval if:

- It is not located within the front setback;
- It is placed so that it is not visible from any street or public way;
- Is setback from side or rear boundaries a minimum of 1.5 metres;
- Does not exceed a height of 2.1 metres above natural ground level;
- It is located no closer than nine metres (9m) in straight line distance from any adjacent dwelling, other than that of the dwelling on the property, which the aviary is constructed;
- It does not exceed ten square metres (10m²) in area;
- Does not cause any reflective nuisance to neighbours;

- The keeping of birds shall also comply with the Shire's Health local Laws 2010 Part 5 Division 4 Keeping of Poultry and Pigeons;
- *Should an aviary in excess of 10m² and setback closer than that stipulated in Table 2 of Local Planning Scheme No. 3, then planning approval will be required.*

17. Satellite & Microwave Dishes, Aerials, Antennae & Flagpoles

Satellite and microwave dishes, aerials and antennae and flagpoles are exempt from a formal Building Permit Approval if:

a) Dishes -

- Only one satellite or microwave dish is permitted on the property;
- The maximum diameter of the satellite or microwave dish is 1.0m;
- The satellite or microwave dish is not to be located on the façade or roof of a building that fronts a street or public way;
- The dish is not located within any setback areas
- No part of the dish is to be higher than 3.0 metres above the natural ground level;
- Does not obscure any sight lines to roadways and crossovers.

b) Aerials, Antennae and Flagpoles –

- Free standing aerials, antennae and flagpoles are not to exceed 6.0 metres above the natural ground level and must be free of any guy wires;
- Aerials, antennae and flagpoles are not to exceed 2.0 metres above the attachment point on a building and must be free of any guy wires;
- Attachment supports and connection methods are to be structurally sound;
- Aerial and antennae are not to be located within any setback areas; Flagpoles are exempt.
- Does not obscure any sight lines to roadways and crossovers.

➤ *Should telecommunication infrastructure not be classified as being low impact under the Telecommunication (Low*

Impact Facilities) Determination 1997, planning approval will be required.

18. Incinerator

An Incinerator is exempt from a formal Building Permit Approval if:

- It is located no closer than 1.0 metre from a side or rear boundary;
- It is located behind any street setbacks and is obscured from any street or public way;
- It is no higher than 1.5 metres above the ground level, other than the flue;
- The flue is no higher than 2.0 metres above the top of the incinerator;
- The incinerator is no greater than one square metre (1.0m²) in area;
- An area of at least 1.5 metres from the edge of the incinerator is to be kept clear of any flammable materials;
- The flue must be fitted with a properly functioning spark arrester.

19. Sculpture

A sculpture is exempt from a formal Building Permit Approval if it:

- Is located no closer than 3.0 metres to a street or public way;
- Is no higher than 1.5 metres from natural ground;
- Is in keeping with the amenities of the locality;
- Does not obscure any sight lines to roadways and crossovers;
- Is considered by the Principal Building Surveyor not to be offensive to others.

20. Pool Equipment Housing

Pool equipment housing is exempt from a formal Building Permit Approval if:

- The housing is no higher than 1.0 metre above the natural or finished ground level;
- The housing is no greater than two square metres (2.0m²) in area;
- It is securely “tied down” against wind uplift;
- Is obscured from any street or public way;

- Noise levels associated with the use of any pool equipment being housed does not exceed noise levels assigned under the Environmental Protection (Noise) Regulations 1997;
- Does not cause any reflective nuisance to neighbours.

21. Landscaping – Terracing and Retaining

Landscaping – terracing and retaining is exempt from a formal Building Permit Approval if:

- The terracing and or retaining is no higher than 500mm above the natural ground,
- The terracing is retained/stabilised at boundaries;
- The retaining walls do not carry any surcharge loads;
- No storm water is permitted to erode any embankments or discharge onto adjoining properties or road reserves and public ways;
- Stormwater is not allowed to pond;
- Does not obscure any sight lines to roadways and crossovers.

22. Screening

Screening ((visual) may be exempt from a formal Building Permit Approval if:

- It is used for maintaining privacy Is no higher than 1.8 metres from the finished ground level;
- Is aesthetically in keeping with the amenity of the locality;
- Does not cause any reflective nuisance to neighbours;
- Does not obscure any sight lines to roadways and crossovers.

23. Temporary Structures

a) **A Marquee** for private use is exempt from a Building Permit Approval if:

- The marquee is placed so that it does not obscure any sight lines to roadways and crossovers;
- It is only on location a maximum of 48 hours, including erection and dismantling time.
- Approval is granted from Council's Health Services.

- If the structure is required for more than 48 hours then approval in the form of a special building Permit shall be obtained prior to erection.

b) A Sun/ Shade Shelter is exempt from a formal Building Permit Approval if:

- The roof covering is permeable;
- It does not exceed twenty square metres (20m²) in area;
- It does not exceed 2.4 metres in height
- It is securely “tied down” against wind uplift;
- It is designed to last only for a limited period of time and is periodically taken down so as not to appear permanent.

24. External Hot Water Heater Unit

An external hot water heater unit is exempt from a formal Building Permit Approval if:

a) Roof Mounted -

- It is placed so that no part of the system, other than relief valves, is higher than the roof ridge or on “flat roof” structures, no higher than 500mm above the roof line immediately adjacent to the unit; and
- Does not cause any reflective nuisance to neighbours.

c) Wall Mounted and Ground Sitting Unit

- It is located no closer than 750mm from a side or rear boundary;
- Is placed so that it is not visible from any street or public way; and
- Is placed so that no part, other than relief valves, is higher than the eaves level.

25. Solar Panels & Wind Turbines for Electricity Generation

Solar panels and wind turbines for electricity generation are exempt from a formal Building Permit Approval if:

a) Solar Panels

- The top of solar panels are located parallel with the roof cladding and not more than 150mm above the roof cladding;

- They do not cause any reflective nuisance to neighbours.

b) Wind Turbines

- No part of the wind turbine is higher than 3.0 metres above natural ground;
- The blades’ diameter is no greater than 1.0 metre;
- Noise levels do not exceed noise levels assigned under the Environmental Protection (Noise) Regulations 1997;
- They are not located within the front setback area.

26. Shade Sails

Shade sails are exempt from a formal Building Permit Approval if:

- The sail is of permeable material;
- The area of the sail does not exceed twenty square metres (20m²) in area;
- No part of the sail or supports are more than 3.0 metres above natural ground level;
- The sail and its supports and/or posts shall be designed by a practising structural engineer to withstand all applied loads;
- The sails must not be attached to any existing structure without obtaining advice from a structural engineer;
- Supports and sails are no closer than 750mm from any side or rear boundary;
- Are not located in the front setback area;
- Do not obscure any sight lines to roadways and crossovers.

27. Portable Paddling or Portable Wading Pool

A portable paddling or wading pool is exempt from a formal Building Permit Approval if:

- They cannot be filled to a depth greater than 300mm;
- They have a volume no greater than 2000 litres;
- Can be readily emptied and dismantled; and

- They do not have a filtration system.

28. Other Minor or Incidental Structures

Other structures that the Principal Building Surveyor may determine are minor or incidental because:

- They are essentially minor in nature;
- Their placement generally complies with relevant requirements; and
- In the opinion of the Principal Building Surveyor are unlikely to have an adverse impact on the amenity of the locality or adjoining residents.

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