

BUILDING POLICY

Policy Number:	3.2.3
Approved by:	Council
Date Approved:	December 2025
Date of Next Review:	December 2026
Applicable to:	Planning and Building Business Unit
Responsible Officer:	Municipal Building Surveyor
Related Policies:	Nil
Related Documents:	Building Control Intervention Filter Criteria Guideline
Statutory Reference:	<i>Building Act 1993</i> <i>Building Regulations 2020</i>

OVERVIEW

To establish building policy to manage:

- building over easements;
- the construction of fences on street alignments; and
- the procedure for building complaints where a private building surveyor has been appointed.

THE POLICY

1. Building over easements

Overview

The building of over easements policy is designed to ensure the protection of Council's existing and future assets situated within easements. In special circumstances, Wellington Shire Council may conditionally approve an application to build over such easements under the *Building Regulations 2018*, regulation 130, however the application requires the following:

- (1) *The consent and report of a council, drainage authority, electricity supply authority, sewerage authority or gas supply authority must be obtained to an application for a building permit to construct a building over an easement vested in the council or authority.*
- (2) *This regulation does not apply to implied easements under the Subdivision Act 1988.*

The Policy

The Municipal Building Surveyor is authorised to approve applications for building work over an easement, in accordance with regulation 130 of the *Building Interim Regulations 2018*, where:

- Consent to the proposed development has been received from Council's Built Environment Business Unit; and
- The owner indemnifies Council by agreeing to standard conditions:

A section 173 agreement may be requested by the Municipal Building Surveyor for the construction of a building over the easement.

2. Fences on street alignments Overview

The Fences on Street Alignments policy is to ensure the appropriate construction of fences on corner allotments and to ensure appropriate vehicular and pedestrian safety is maintained.

Building Regulations 2018, regulation 92 requires that:

- (1) *The consent and report of the relevant council must be obtained to an application for a building permit to construct a fence within 9m of a point of intersection of street alignments and exceeding a height of 1m above the footpath.*

The Policy

The Municipal Building Surveyor be authorised to approve applications to construct fences within 9m of the point of intersection of street alignments and exceeding a height of 1m above the footpath where:

- The proposed fence height and location has been approved by, or has complied with, any requirement of Council's Built Environment Unit with respect to ensuring the fence does not interfere with or have a detrimental effect on vehicular traffic or pedestrian movement; and
- The fence will be more appropriate taking into account the prevailing heights, setbacks and design of existing front fences on nearby allotments; and
- The fence height will not result in a disruption of the streetscape; and
- The fence design respects the existing character of the street.

3. The procedure for building complaints where a private building surveyor has been appointed

Overview

The procedure for building complaints where a private building surveyor has been appointed to establish a policy to administer and implement Council's responsibilities under the *Building Act 1993* in circumstances where a private building surveyor has been appointed by the owner of a property to issue a building permit or carry out other functions in respect of building work being carried out or proposed to be carried out at the property.

The Policy

That the *Building Control Intervention Filter Criteria* ('the Filter Criteria'), which is a risk assessment matrix, is used to identify standardised responses to complaints from the public where a private building surveyor has been appointed. The Filter Criteria recognises that Council has obligations to the public with regard to dangerous situations which it can remedy or cause to be remedied.

REVISION HISTORY

VERSION	DATE	SUMMARY OF CHANGES
1.0	December 2022	<i>“Non habitable buildings on Vacant Land”</i> section has been removed due to legislative update.
1.1	December 2023	Removal of text line ‘ <i>sheds on vacant land;</i> ’. Date of Next Review updated to: December 2024 Minor formatting changes.
1.2	December 2024	Date of next review updated to December 2025.
1.3	December 2025	Date of next review updated to December 2026.