

PART IX - BUILDINGS

Division 1 - Preliminary

9.1 DEFINITIONS

9.1.1 In this Part, unless the context otherwise requires -

"commercial and industrial area", "residential area" and "rural area" mean any areas which are zoned or set apart for those uses in the Zoning Scheme;

"dangerous", relating to any fence, means a fence or part of a fence which is likely to collapse or fall by reason of its faulty design, location or construction, deterioration of materials, damage by termites, decay, changes in ground levels or any other cause whatsoever;

"dividing fence" means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary;

"Dividing Fences Act" means the Dividing Fences Act, 1961;

"fence" means any fence or wall and includes a retaining wall;

"fill" when used as a verb means to place material on land for the purpose of raising the surface level of the land or to displace surface water or to replace excavated material; when used as a noun the term means the material used to fill land in the preceding sense and the derivatives have a corresponding meaning;

"fines" means sand or similar fine material capable of being compacted by mechanical means to a practically irreducible mass;

"sufficient fence" means a sufficient fence relating to dividing fences on boundaries between lots or other holdings and may be more particularly prescribed by the Council from time to time.

9.1.2 Terms and expressions used in this Part:

- (a) shall have the meanings given to them in the Dividing Fences Act; and
- (b) subject to paragraph (a) shall have the meanings given to them in subsection 9.1.1 which shall prevail over any conflicting definition in subsection 2.1.1; and
- (c) subject to paragraphs (a) and (b) shall be interpreted in accordance with section 2.1.

Division 2 - Construction of Fences - repealed Government Gazette No. 107 14 July 2015**Division 3 - Maintenance of Fences - repealed Government Gazette No. 107 14 July 2015****Division 4 - Filling**

- 9.15 A person shall not fill any land or cause any land to be filled except in accordance with these Local Laws.
- 9.16 Material used as fill shall be non-organic, and capable of freely passing through a 100 millimetre sieve opening, and shall contain sufficient fines to fill all voids greater than those occurring in undisturbed sand.
- 9.17 The top 600 millimetres of fill in any case shall be of clean sharp sand or loam which is free of clay or light plastic soil.
- 9.18 Fill shall be consolidated at 300 millimetre layers to the satisfaction of the surveyor or other Authorised Officer.
- 9.19 Before commencing to fill any land the owner of the land or a person on the owner's behalf shall make application to the Council for the final levels of the filled land and of the adjoining street to be fixed, and filling shall not commence until the final levels have been fixed to the satisfaction of the Council.
- 9.20 The fill placed on any land shall not be higher than a level nominated by the Council, and the levels shall be fixed so as to provide adequate surface run-off of all storm and other waters without detriment to adjoining properties.

Division 5 - Applications to Build - repealed Government Gazette No. 107 14 July 2015