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FENCES

DIVIDING FENCES IN A RESIDENTIAL AREA

Dividing fences separate the land between two properties. The City's Fencing and Floodlighting Local Law (Local Law) sets out the materials and heights of dividing fences permitted within the City.

The City's Local Law does not take precedence over the *Dividing Fences Act 1961* and the City recommends that prior to any alteration, repair or replacement of a dividing fence, the owner of the land consult the affected adjoining neighbour, as once installed a dividing fence becomes joint property.

Generally, dividing fences in a residential area should be a maximum of 1.8m in height behind the front setback. However, a dividing fence can be installed up to a maximum height of 2.1m providing both adjoining landowners agree to the fence height.

The front setback area is determined by the zoning of the property. To find out the zoning of a property, please visit the City's online mapping system.

For information on fences within a commercial or industrial area, please refer to the City's Local Law.

Advice relating to disputes with dividing fences can also be obtained from the Building Commission WA on 1300 489 099.

FRONT FENCES IN A RESIDENTIAL AREA

Front fences are fences located within the front setback area and are subject to the requirements of the Residential Design Codes (R-Codes).

The front setback area is determined by the zoning of the property. To find out the zoning of a property, please visit the City's online mapping system.

Generally front fences are permitted to be solid up to a maximum height of 1.2m when measured from the street level and then approximately 50% visually permeable up to a maximum height of 1.8m when measured from the street level.

Adequate vehicle sightlines must be provided in accordance with the R-Codes and the City's Fence Information Sheet.

Fences constructed of corrugated fibre reinforced cement sheeting and colour bonded metal are not permitted adjacent to a primary street boundary of a residential dwelling.



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WHEN IS A BUILDING PERMIT REQUIRED TO INSTALL A FENCE?

A Building Permit is required prior to the construction of any brick stone or concrete fence which is greater than 0.75m in height.

Front fences in a residential area constructed in accordance with the City's Local Law, except where the material is brick stone or concrete do not require a building permit where the materials are those listed within the City's Local Law.

It should however be noted that where a property exists within locations such as Heritage, Character Protection areas and properties with estate guideline restrictions may require a planning approval. Please contact the City's Development Approvals for further information.

More information on what, if any approvals are required can be found on the City's Fence Information Sheet.

Dividing fences constructed of timber, corrugated fibre cement sheeting or colour bonded materials do not require a building permit providing they are constructed in accordance with the manufacturers specifications and are not greater than 1.8m in height.

A maximum height of 2.1m would be considered acceptable where both adjoining landowners agree to the fence height and the fence meets the parameters set out within the manufacturers specifications.

For information on fences within a commercial or industrial area, please refer to the City's Local Law.

WHEN IS PLANNING APPROVAL REQUIRED TO INSTALL A FENCE?

Planning Approval is required where any fence within the front setback is proposing a variation to the Residential Design Codes (R-Codes) or any specific estate, character protection or heritage restrictions.

Generally, variations to the R-Codes include solid portions of walls more than 1.2m in height when located within the front setback and any fence more than 1.8m in height, when measured from the street level.

A planning approval is also required where a dividing fence is proposed to be installed over 2.1m in height.



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FENCES FORMING PART OF A SWIMMING POOL BARRIER

Fences forming part of a swimming pool barrier are to be maintained at all times to prevent young children from entering the swimming pool area.

Depending on when the swimming pool was installed, there are different requirements for fences and the "Rules for pools and spas" guide has been produced by the Building Commission WA to assist swimming pool owners.

Fences which are located within the front setback area and form part of a swimming pool barrier must comply with both Australian Standard 1926.1 – 2012 (Safety Barriers for Swimming Pools) and the R-Codes.

In order to comply with both sets of requirements, careful consideration to the design of the fence must be given.



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RETAINING WALLS

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Retaining walls are required to be provided where the natural ground level (**NGL**) is altered at the boundary between properties.

It is the responsibility of the person altering the NGL to install an adequate retaining wall such as limestone, brick, concrete or similar.

WHEN IS A BUILDING PERMIT REQUIRED TO CONSTRUCT A RETAINING WALL?

A Building Permit is required to construct a retaining wall where the retaining wall is retaining soil more than 0.5m e.g. a fill of the land.

A Building Permit is also required to construct a retaining wall which supports the adjoining properties soil e.g. a cut to the land.

WHEN IS PLANNING APPROVAL REQUIRED TO CONSTRUCT A RETAINING WALL?

A Planning Approval is generally required where a proposed retaining wall is more than 0.5m in height above the natural ground level.