

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, the City can approve a dividing fence behind the front setback up to a maximum of 2.1m in height, 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.

A free fence application must be submitted and approved prior to a fence being installed up to a maximum of 2.1m in height.

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

The City's Local Law does not permit a fence greater than 0.75m in height to be installed within the front setback area unless it is of open construction that does not obscure the lines of vision of a motorist using a driveway for access to a road or street.

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.

The City can approve variations to the Local Law providing that the all of the following apply:

- The fence is not colorbonded material;
- The fence is not fibre cement sheet material;
- The fence is not corrugated fibre reinforced cement sheeting;
- The solid portion of fence is not more than 1.2m in height, when measured from the street level; and
- Adequate vehicle sightlines are provided as per the City's fence information sheet

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.

Dividing fences constructed of timber, corrugated fibre cement sheeting or colorbonded materials do not require a Building Permit providing they are no more than 2.1m high and have approval from the City.

Front fences in a residential area constructed of wrought iron, tubular steel, link mesh, timber, plastic coated or galvanised link mesh do not require a Building Permit, where **all** of the following apply:

- The fence is no more than 0.75m in height;
- The fence is not subject to any specific estate guidelines or restrictions;
- The fence is not subject to any specific character protection guidelines or restrictions;
- The fence is not subject to any specific heritage guidelines or restrictions

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 brick piers 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.

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.