

# Front and Dividing Boundary Fences

## 1.0 Definitions:

<b>Fence:</b>	A restricting structure placed on or adjacent to boundaries of an allotment or an enclosure of open areas to maintain privacy and or security, or to define that boundary.
<b>Front Fences:</b>	A fence within the front setback of a property;
<b>Front setback:</b>	The primary street setback specified in the R-Codes;
<b>Dividing Fence:</b>	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;
<b>Fence Height:</b>	The vertical distance at any point from natural ground level to the uppermost part of the fence. Where a fence is erected on top of a retaining wall between two properties the height of the fence may be measured from the high or upper level of the retaining wall.
<b>Visually Permeable:</b>	The vertical surface has: <ul style="list-style-type: none"><li>➤ Continuous vertical gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least one half of the face in aggregate; or</li><li>➤ A surface offering equal or lesser obstruction to view.</li></ul>

## 2.0 When is an Approval required from the City for a boundary fence:

The City's approval is only required if the proposed fence departs from the requirements mentioned below under "Standards for residential fences".

To obtain an approval for a fence that does not comply with the City's standards, applicants must submit a completed Building Licence Application form and Application for Planning Approval form (available at the City's Administration Office), a fee consisting of a \$85 Building Licence application fee, a \$39 Builder's Registration Board levy and a \$123 Planning Approval application fee, and two sets of the following plans to both the City's Building and Planning Services Section (ie a total of four sets of plans will be required):

- Site plan showing the location of the proposed fence on the property.
- Elevations and/or illustrations of the proposed fence indicating the height, design, materials, connection details and the method of construction including methods of connection and footing and any reinforcement details.

## 3.0 Location of fences and gates

- Fences abutting the street front boundary must be constructed such that no part of the fence (including footings) encroaches into the road verge.
- A fence that divides privately owned properties may straddle the common boundary.
- A gate must not swing so that it encroaches into a road reserve or other public space.

## 4.0 Standards for residential fences:

### 4.1 Front Fence

- A front fence that exceeds 750mm in height is not permitted within a 1.5m x 1.5m visual truncation on each side of any driveway where it meets a front boundary. This truncation will not be required provided the driveway and crossover is wider than 6 metres and a footpath is not located within 1.5 metres of the front fence.
- On corner lots, where in the rare instance a "standard" street corner truncation has not been provided, a front fence that exceeds 750mm in height is not permitted within a 1.5m x 1.5m corner truncation area.
- Any portion of a front fence that is higher than 1.2m must be visually permeable.

Note: with the written approval of the City, a *front fence* greater than 1.2m in height and that is not *visually permeable* may be approved where a property fronts onto a major arterial road, or to screen an outdoor living area is required.

- The maximum acceptable height of a *front fence* is 1.8m and may incorporate attached piers/posts up to a maximum height of 2.1m.
- Where there is a retaining wall facing a street boundary in excess of 300mm in height, the maximum height of a *front fence* above the natural ground level is permitted to be 2.0m. However where a retaining wall is 1.0m or more in height a fence/balustrade no less or more than 1.0m in height must be provided on top of the retaining wall.
- A *front fence* may be constructed of masonry, stone, decorative timber or steel railing, thatched brushwood or any other quality finish at the discretion of the City.
- Timber and steel post and rail fencing is suitable on properties zoned Residential R5 or lower density, including Rural-Residential properties.
- The use of corrugated fibre-cement or solid metal panel (Trimdeck or the like) is generally not considered acceptable.

#### 4.2 Fences Facing Secondary Streets

- Materials listed for *front fences* are acceptable, as well as suitably capped fibre-cement and colorbond finish, purpose built fencing. Zincalume finish is not considered acceptable.
- The maximum acceptable height of a *fence* facing a secondary street is 1.8m with attached piers/posts up to 2.1m in height.

#### 4.3 Residential Fences Adjoining Foreshore Reserves

- A *fence* adjoining a Foreshore Reserve is to be *visually permeable* above 1.2m.
- The maximum acceptable height of a fence adjoining a Foreshore Reserve is 1.8m with attached piers/posts up to 2.1m in height.

#### 4.4 Dividing Fences

The minimum acceptable design and height for dividing fences is as follows:

- Residential (R10 or higher): Suitably capped fibre cement to a maximum height of 1.8m.
- Residential (R2 to R5): Timber post and rail fencing to a maximum height of 1.2m. Post and rail includes a timber top rail and at least 2 equally spaced wire mid rails below.
- Residential (R1 or lower) and Rural Residential/Rural: Timber and/or metal post and three equally spaced rails.

#### 5.0 Fences on Non-Residential/Rural Residential/Rural Zones

Proposed *fences* on non-residential (e.g. industrial and commercial zones), rural residential or rural zones may require a Planning Approval. Contact the City's Planning Services Section for further information.

#### 6.0 Dividing Fences Act

A *dividing fence* between two properties should only be erected after consultation and agreement with the adjoining property owners in accordance with the Dividing Fences Act. This includes issues such as location, height, *visual permeability* and materials of the proposed *dividing fence* and the proportion that each neighbour will pay towards the cost of installing the *dividing fence*. (Refer to the Dividing Fences brochure distributed by the Department of Housing and Works).

- Generally, neighbours are liable to evenly share the costs of having a *dividing fence* installed. However, government bodies (including the Council) are exempt under the Dividing Fences Act from contributing to the cost of installing a *dividing fence*.
- Comments from adjoining property owners may be required for applications to erect dividing *fences* between two properties that exceed standard height or type of material standards.
- An approval from the City should not be construed as overriding the provisions contained in the Dividing Fences Act.
- Property owners are responsible for maintaining their *fences* so as to prevent them from becoming unsightly or prejudicial to the amenity of the neighbourhood. Suitable methods should be undertaken by owners to prevent/lessen the likelihood of graffiti attack on their *fences* (eg painting the outer surface of the fence or coating it with an anti-graffiti finish).