

# Front/ Dividing Fences

## What is a front fence?

A wall, screen, barrier or the like abutting a street boundary or located within the front setback area.

## What is a dividing fence?

A wall, screen, barrier or the like 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.

## Is an approval required for a front or dividing fence?

A front fence or dividing fence which complies with the City's fencing requirements generally does NOT require a Development Approval or Building Permit. See "What are the general planning requirements" below.

Should a proposed fence not meet the criteria below, you will need to obtain a Development Approval, and you may also need to obtain a Building Permit.

## What are the general planning requirements?

The requirements for a front fence or dividing fence are determined by the Residential Design Codes (R Codes) of Western Australia, and the City's Fencing Local Law and Local Planning Policies. You will need to confirm the zoning of your property. This can be found on the City's Online Mapping facility, located under the "Find It" tab on the City's website.

For most urban residential properties zoned R10 or higher, the requirements are generally as follows:

### Front Fence

- ☐ No part of the front fence (including footings, gate, or other attachments) is allowed to encroach into the road/ verge. Swinging gates must not open over the road/ verge.
- ☐ A front fence that exceeds 750mm high 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 a "standard" street corner truncation has not been provided, a front fence that exceeds 750mm in height is not permitted within 1.5m of the street corner of the property boundary.
- ☐ 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. The use of corrugated fibre-cement or solid metal panel (Trim-deck or the like) is generally not considered acceptable.
- ☐ Any portion of a front fence that is higher than 1.2m must be visually permeable as defined by the R-Codes.
- ☐ The maximum acceptable height of a front fence is 1.8m. Piers/posts (with a maximum dimension of 400mm x 400mm), may be incorporated in the fence up to a maximum height of 2.1m.

- Properties zoned Residential R5 or lower, including Rural-Residential properties are permitted to have post and rail or post and wire fencing up to 1.4m high.
- Properties zoned R-MD – 25 or greater density may only have a front fence of up to a total height of 900mm.

Note: Refer to the City's Fencing Local Law for what is considered to be suitable fencing materials and what applies to other property zones.

### **Fences Facing Secondary Streets**

- Materials listed for front fences are acceptable, as well as purpose-built fibre-cement and coloured sheet metal finish fencing. Zincalume/ galvanised sheet metal finish is not considered to be acceptable.
- The maximum acceptable height of a fence facing a secondary street forward of the front setback is the same as described for a front fence above. The remainder of the fence facing the secondary street may be as per a Dividing fence (see below).

### **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.

### **Dividing Fences**

It is important to note that the City does not require fencing between properties as this is a civil matter under the Dividing Fences Act. Neighbours may agree to have no fence. The fence standards listed in the City's Fencing Local Law can be used for determining what fence is appropriate in a particular area. Where a dispute arises between neighbours over fencing you are encouraged to seek suitable legal advice (eg Citizens Advice Bureau, solicitor, etc).

(Refer also to the "Dividing fence matters" page on the Department of Building and Energy's website: <https://www.commerce.wa.gov.au/building-and-energy/dividing-fence-matters-overview>).

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

- Residential properties zoned R10 and higher: Suitably capped fibre cement, coloured sheet metal, timber panel or masonry with a face brick or rendered and coloured finish, with a minimum height of 1.6m and a maximum height of 2.0m.
- Rural and Rural-Residential zoned properties: Timber post and wire or post and rail fencing with a minimum height of 1.0m and maximum of 1.4m.
- Fencing on properties that have a boundary that abuts a canal also have specific requirements in respect to height and location – see below.
- A fence that divides privately owned properties may straddle the common boundary.
- Where a dividing fence is erected on top of a retaining wall between two properties, the height of the fence may be measured from the higher side (i.e. the top of a retaining wall).



## **Fences between a Canal Wall and the Building Line**

On any Residential property that abuts a canal, a fence that is to be located between the canal wall and the building line (including a dividing fence between residential properties) shall:

- not exceed a height of 1.2 metres;
- be setback behind the developer installed footpath behind the canal wall or 1.2 metres where there is no footpath;
- be constructed of face finished brick or stone or powder coated or stainless tubular metal or stainless-steel wire with appropriate corrosion protection, glass or a combination of the aforementioned materials, or similar, that complement the dwelling and do not detract from the amenity of the canal waterway. Fibre cement sheet, sheet metal, treated timber and brushwood are not considered suitable;
- be 80% visually permeable;
- not compromise the structural integrity of the canal wall.

### **Important Note:**

- Where a fence proposes any variation to the R-Codes, City's Fencing Local Law or Local Planning Policy, an application for Development Approval is required to be submitted and approval obtained. Submission of an application does not guarantee that it will be approved. Fees apply to Development Approval applications.
- It is the responsibility of the owner to check for any caveats or covenants that may apply to the property. The City will not undertake the enforcement of restrictive covenants unless the restrictive covenants have been noted on the title by and for the benefit of the City. The owners of land who claim a benefit of a covenant have the right to enforce it. It may be open to them to take further action if they think they are sufficiently affected.

### **Definitions:**

**Building line:** The parallel line to the canal wall that is the minimum setback specified in the Town Planning Scheme.

**Dividing fence:** A wall, screen, barrier or the like that separates the lands of different owners whether the fence is on the common boundary or on a line other than the common boundary.

**Front Fence:** A wall, screen, barrier or the like abutting a street boundary or located in the front setback area.

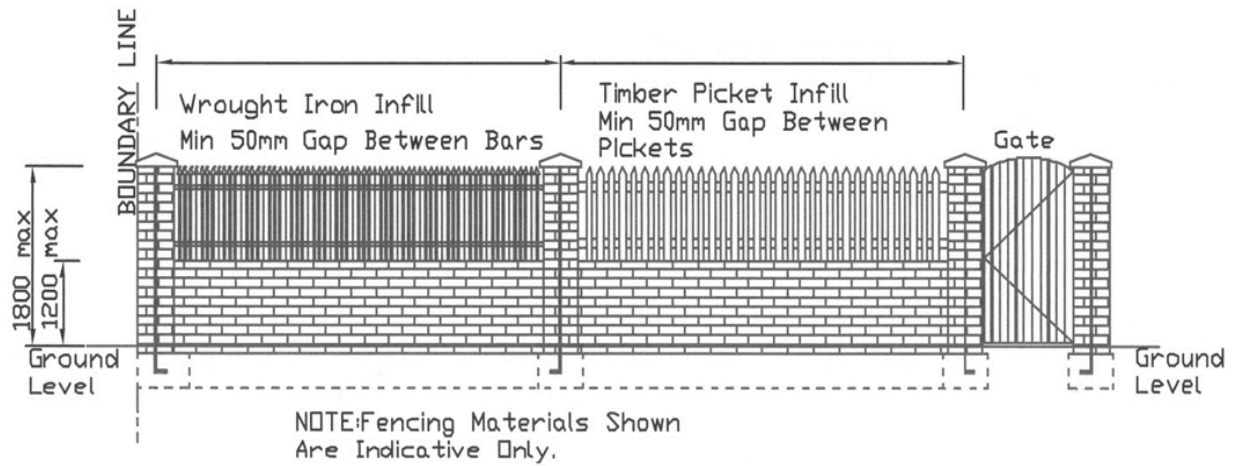
**Fence height:** The vertical distance at any point from natural ground level to the uppermost part of the fence, and;  
where the fence is erected on a retaining wall approved by or is exempt from needing approval the City, from the top of the retaining wall

**Front setback:** The primary street setback distance as specified in the R-Codes.

**Visually Permeable:** A vertical surface that has continuous vertical or horizontal gaps of at least 50mm width occupying not less than one third of the entire surface area; or where the vertical surface has continuous vertical or horizontal gaps narrower than 50mm width occupying at least one half of the entire surface area; or a surface offering equal or lesser obstruction to view.

**For further information, please contact Building Services on 9550 3777**





A Fence or Other Obstruction Greater Than 750 mm In Height is Not Permitted Within the Shaded Areas

