

# 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 except where the proposed fence is also required to form part of a private swimming pool barrier. See "What are the general planning requirements" below.

Should a proposed front fence or dividing fence not meet the criteria below, you will need to obtain a Development Approval and in some instances 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 City's Town Planning Scheme, Residential Design Codes (R Codes) of Western Australia, Fencing Local Laws and Local Planning Policies. You need to confirm the zoning of your property which 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 for a front fence or dividing fence are generally as follows:

### Front Fence

- No part of the front fence (including footings or a swinging gate swing) is allowed to encroach into the road verge.
- 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 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 350 x 350), may be incorporated in the fence up to a maximum height of 2.1m.
- Timber and steel post and rail fencing is suitable on properties zoned Residential R5 or lower density, including Rural-Residential properties.

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. Zinalume/ 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 section 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**

(Refer also to the "Dividing fences" brochure produced by the Department of Building and Energy).

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).

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 and Residential Properties 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.
- 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 Building Permit application is submitted that proposes any variation to the City's Town Planning Scheme, Residential Design Codes, Fencing Local Law or Local Planning Policy, an application for Development Approval will also be required to be submitted and approval obtained before the Building Permit application is able to be determined. Submission of an application does not guarantee that it will be approved. Different and Additional fees apply to these Development Approval applications.
- It is the responsibility of the owner to check for any caveats or covenants that may apply to the property in respect to fencing prior to any building work being commenced. 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 for an injunction 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 zoning table of the Residential Design Codes or 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 of adjoining lands or on a line other than the common boundary.

**Fence:** A wall, screen, barrier or the like placed on or adjacent to boundaries of an allotment to define that boundary or an enclosure of open areas to maintain privacy and or security, or to define that boundary.

**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 the local government, or on a retaining wall that is exempt from needing approval by the local government, from the top of the retaining wall

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

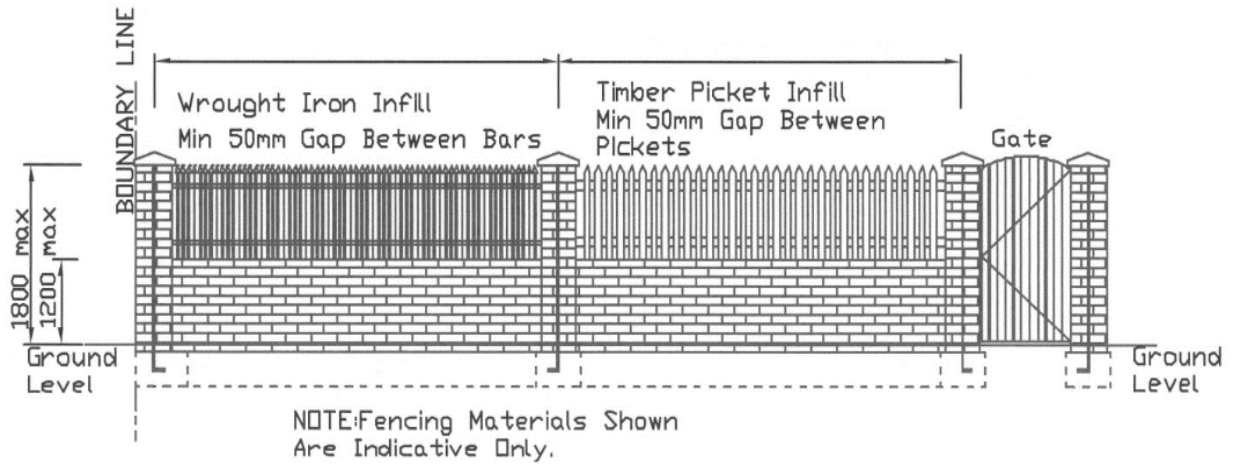


Front setback: The primary street setback as specified in the R-Codes.

Visually Permeable: Where the vertical surface 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

