

RESIDENTIAL FENCING (2019) Information Sheet



IMPORTANT LINKS: <https://www.dplh.wa.gov.au/rcodes>

WHAT IS CONSIDERED A FRONT FENCE?

A “front fence” includes a wall, screen or barrier that abuts a street boundary or is located within the primary street setback area and this includes fencing on the side boundaries within the street setback area. The zoning of your property determines the type of front fence you can build, along with any relevant Local Planning Policies or Heritage Design Guidelines.

In residential areas, front fences are required to satisfy the provisions of the Residential Design Codes Clause 5.2.4 Street Walls and Fences, which in summary permits the following:-

- A front fence in a residential zone can be 1.8m overall in height from natural ground level, however it must be visually permeable above 1.2m. This includes a fence constructed anywhere in front of the building line.
- Where a fence exceeds 0.75m in height, it must incorporate a 1.5m x 1.5m visual truncation each side of any driveway.
- On a corner lot without the standard street corner truncation, a front fence that exceeds 0.75m in height is not permitted within the 6m x 6m corner truncation area.

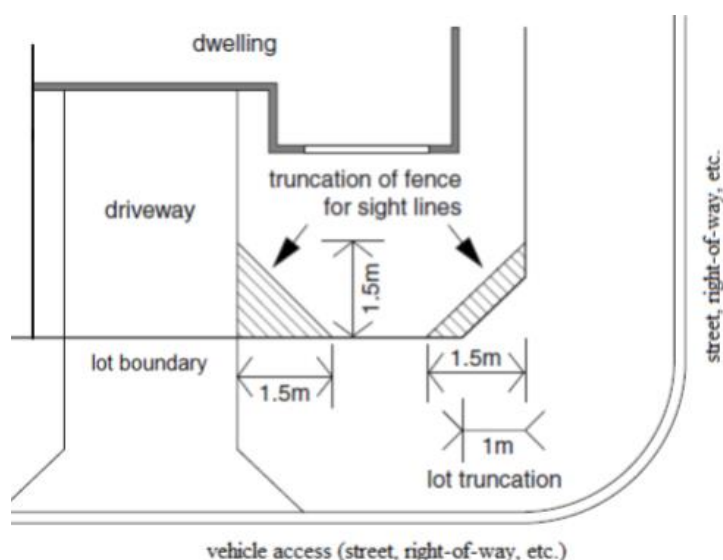


Figure 1: Diagram of visual and corner truncation

DO I NEED DEVELOPMENT APPROVAL OR BUILDING PERMIT FOR A FRONT FENCE?

A building permit and/or development approval may be required for the construction, erection or placement of a front fence. The table below outlines where planning approval and/or a building permit are required.

FRONT FENCE APPROVAL REQUIREMENTS				
Location	Height	Type	Planning	Building
Within the front setback (refer Figure 2 below and Table 1 of R-Codes)	<750mm	Visually permeable fencing (material other than masonry)	No	No
		Solid fencing (non-permeable material)	No	No
	<1200mm	Visually permeable fencing (material other than masonry)	No	No
		Solid fencing (non-permeable material)	No	Yes
	>1200mm	Visually permeable fencing (material other than masonry)	No	No
		Solid fencing (non-permeable material)	Yes	Yes

The lodgement of a Development Application is also required for a proposed front fence which does not satisfy any specific development controls of the property (eg Special Control Area, Heritage Area, Development Guide Plan etc...).

If you wish to construct a front fence that does not comply with the Shire of Northampton Fencing Local Law 2017, Residential Design Codes of Western Australia 2019 and/or other specific development controls you can lodge an application to the Shire of Northampton.

Application forms for fencing can be downloaded via the following links:

Development Application Form

https://www.northampton.wa.gov.au/Profiles/northampton/Assets/ClientData/Documents/Application_for_Development_Approval_2019-20.pdf

A building permit is required for a fence that is masonry and more than 750mm in height and/or if any part of the fence is more than 0.5m in height and will be used as a retaining wall. A building permit is also required if the fence is constructed of masonry and more than 750mm in height, and if material other than masonry is used and exceeds 1.8 metres in height.

Application for a Building Permit – Uncertified

<https://www.northampton.wa.gov.au/documents/142/building-application-for-a-building-permit-uncertified>

Guide to lodging an uncertified building permit application

https://www.northampton.wa.gov.au/Assets/Documents/GUIDE_TO_LODGING_AN_UNCERTIFIED_BUILDING_PERMIT_APPLICATION_15.10.2012.pdf

WHAT DOES VISUALLY PERMEABLE MEAN?

Visually permeable is defined within the Residential Design Codes as:

In reference to a wall, gate, door or fence that the vertical surface has:

- continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;

- continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
- a surface offering equal or lesser obstruction to view; as viewed directly from the street.

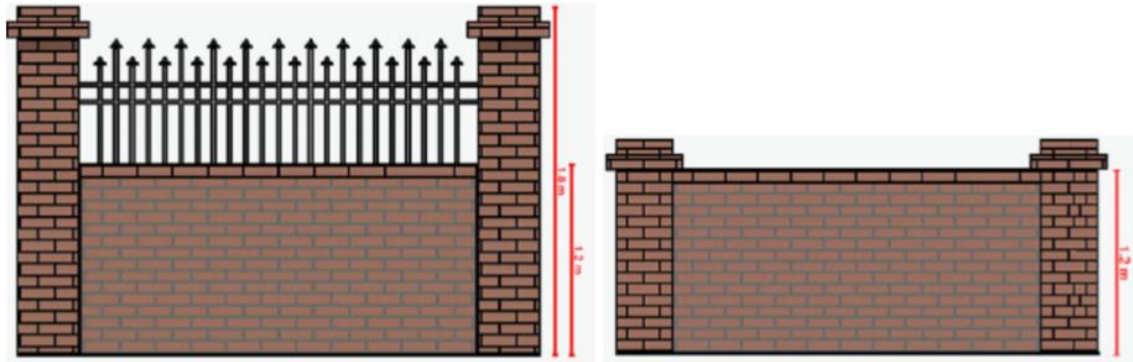


Figure 2: Front fencing illustration

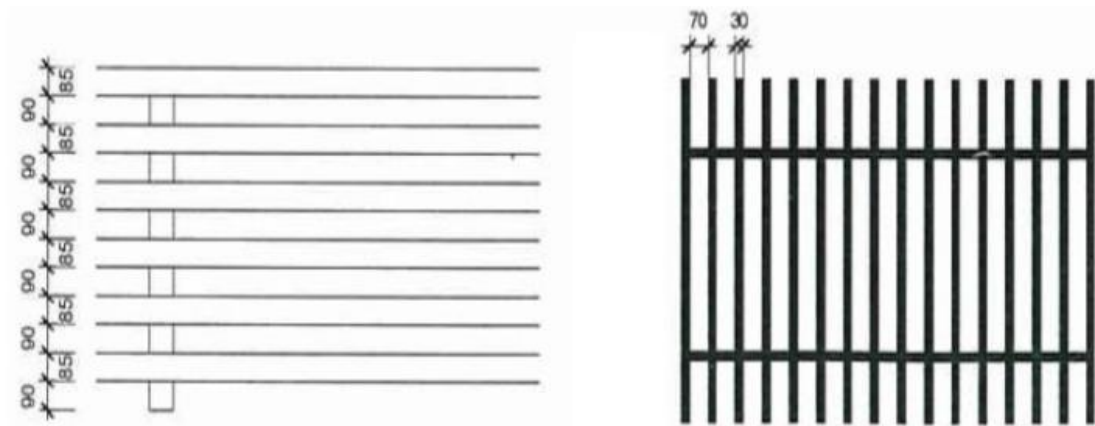


Figure 3: Examples of Acceptable Visually Permeable Style Fencing

WHAT ARE THE DEVELOPMENT APPROVAL REQUIREMENTS?

One set of the following plans must be provided with the Development Application:

- Site plan showing the location of the proposed fence on the property to a minimum scale of 1:200
- Elevations of the proposed fence indicating height, materials, connections, ground anchorage details, pier spacing, foundations sizes and ground levels (min scale 1:100).

WHAT SHOULD I CONSIDER WHEN APPLYING TO VARY THE DEVELOPMENT REQUIREMENTS?

When submitting a Development Application for a front fence that does not satisfy requirements of the R-Codes (eg solid front fence to 1.8m high), justification comments should accompany the application for consideration – the Shire will assess the following criteria:

- whether the objectives of the zone are compromised;
- preservation of the visual amenity and streetscape character of the area;
- established development context;
- impact to street surveillance from the dwelling;
- potential traffic impacts to the lot (eg the street is designated a primary or district distributor road);
- noise and/or privacy between outdoor living areas and the primary street.

DIVIDING FENCES

Any fence behind the street setback line (as defined by the R-Codes) is considered a 'dividing fence' and must comply with the requirements of the *Dividing Fences Act 1961*.

The *Dividing Fences Act 1961*, sets out the allowances and requirements when constructing or repairing a dividing fence. The Act sets out requirements for payment of costs, notifications to affected neighbours, and dispute resolutions. It is important to note that the *Dividing Fences Act 1961* is a civil act and does not grant the local government any powers. The local government therefore cannot assist in dividing fence matters, other than issuing the required building permits.

A dividing fence is under the Act defined as a fence that separates the land of different owners whether the fence is on the common boundary of adjoining lands or in a line other than the common boundary. A dividing fence does not include a retaining wall.

Further information is available from:

http://www.commerce.wa.gov.au/sites/default/files/atoms/files/dividing_fences_act_6th_edition_july_2017_updated_29sep18.pdf

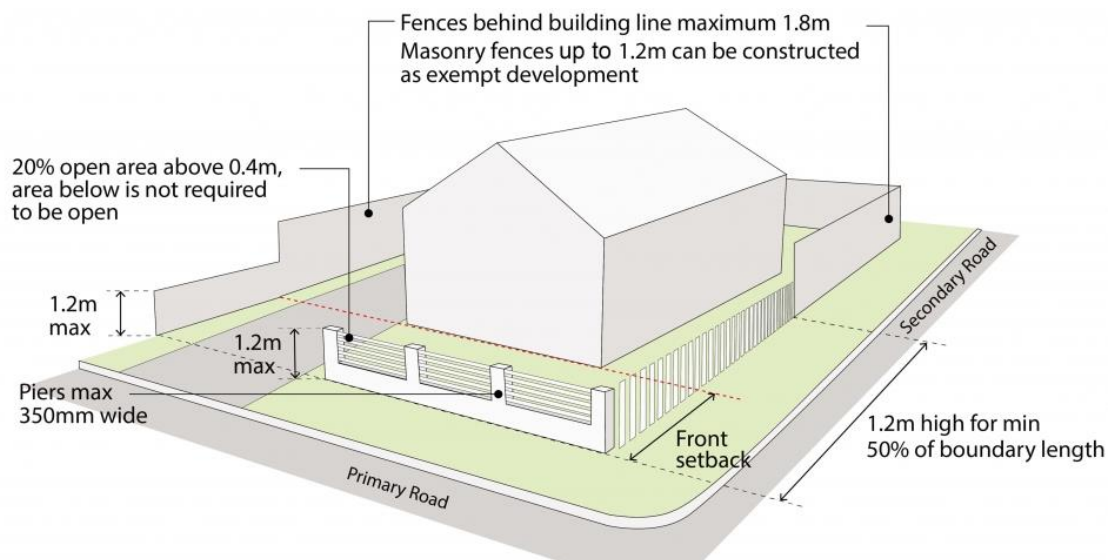


Figure 4: Fencing terms explained

ENQUIRIES

Enquiries may be directed to the Shire of Northampton Planning Officer on 93341202, via email at planner@northampton.wa.gov.au, or in person at the Shire Offices during office hours, Monday – Friday.

****Disclaimer**** - this information sheet is a guide only. Verification with original Local Laws, Acts, the Shire's Local Planning Scheme and other relevant documents is recommended for detailed references. The Shire of Northampton accepts no responsibility for errors or omissions.