

FENCES

Definitions

A “boundary fence” is a fence that is installed along a street or public open space or reserve.

A “dividing Fence” is usually a fence that separates two privately owned properties. It does not include a fence running along the boundary of a road and it does not include a retaining wall.

A “Class 10b Structure” includes a fence or a free standing wall (Building Codes of Australia).

General

Dividing fences are covered by the Dividing Fences Act 1961.

If you have any questions about a dividing fence we recommend that you contact the Department of Housing and Works.

Department of Housing and Works

99 Plain Street, East Perth 6004
Telephone: (08) 9222 4666
Toll Free: 1800 093 325
Fax: (08) 9221 1388
Email: askdhw@dhw.wa.gov.au

A booklet “Dividing Fences: Rights and Responsibilities” is available from the Department of Housing and Works and may also be downloaded from their website: http://www.housing.wa.gov.au/193_359.asp

We suggest that you refer to the Department’s website www.housing.wa.gov.au where you can gain access to a very comprehensive list of Frequently Asked Questions.

The City may require a person to repair or remove any fence that it considers dangerous or an obstruction or an encroachment outside of the lot.

Fencing disputes between adjoining neighbours which cannot be resolved should be referred to a solicitor. The City does not provide a service to assist with fencing disputes.

All gates in fences must open into a property and not out into the street, footpath, verge etc.


Planning approval

The City of Swan Local Planning Scheme No. 17 (Schedule 5 – Exempted Development) stipulates which fences are exempt from Planning approval.

If your property is in a Conservation area such as Guildford or Woodbridge or on the Heritage List, Planning approval is required and the City of Swan has guidelines that you are required to follow if you plan to construct or alter a fence.

In a **residential zone** planning approval (and possibly a Building Licence) is required to construct any fence:

- Within 4.5 metres of a primary street boundary which is not visually permeable above 1.2 metres above natural ground level.
- Higher than 1.8 metres on a street boundary.
- Higher than 2.4 metres on a boundary other than a street boundary.
- Which is also used as a retaining wall.
- Adjoining a Local Reserve more than 1.8 metres in height and located within 6 metres of a street boundary.
- Front fences must be truncated or be no higher than 0.75m within 1.5m of where fences and walls adjoin vehicle access points, where a driveway meets a public street or where two streets intersect (i.e. corner lots).



In a **rural zone** planning approval (and possibly a Building Licence) is required to construct any fence:

- Higher than 1.8 metres.
- In materials other than post and wire or post and rail.
- Within a 14 metre visual truncation of a corner lot.
- Greater than 1.2 metres in height within a 3 metre truncation of a vehicle access way.
- Adjoining a Local Reserve more than 1.8 metres in height and located less than 6 metres from a street boundary.

Barbed wire, electric and other dangerous fencing materials are not permitted without approval. Some exemptions may apply in rural, commercial and industrial zones.

If you have any questions, please contact the City of Swan on 9267 9267

Building licence for a fence

Generally, the City of Swan does not require you to obtain a building licence to construct a dividing or boundary fence using materials such as a fibro-cement sheets, Colorbond or timber.

However, brick and masonry fences any part of which exceeds 1.2 metres in height will require a Building Licence and the design should meet the requirements of a Practising Structural Engineer for this type of structure. The primary criterion for requiring a Building Licence is to ensure the structural integrity of the fence and that the fence will be safe.

If any part of a 'fence' will be used as a retaining wall, then a Building Licence is required.

If in doubt, please contact the City of Swan on 9267 9267 to determine whether Planning approval and/or a Building Licence is necessary.