

CD0010		PROPERTY FENCES	
POLICY OWNER:	Shire of Carnarvon		
DEPARTMENT:	Executive		
CREATION DATE:	22/02/2022	REVIEW SCHEDULE:	Annually - December
RELATED PROCEDURES:			
RELATED FORMS:			
RELATED DELEGATIONS:	5016		
RELATED POLICIES:			
LEGISLATION:	Local Government Act 1995, s.2.7(2)(b) – Council’s function in determining policies The Dividing Fences Act 1961 Local Government (Miscellaneous Provisions) Act 1960 Planning and Development (Local Planning Schemes) Regulations 2015 Planning and Development Act 2015 State Planning Policy 7.3		
DOCUMENT CONTROL			
DATE REVIEWED:	REVIEWED BY:	CHANGES (IF ANY):	ENDORSED BY COUNCIL:
22/02/2022	Council	Endorsed	FC4/9/22
13/12/2022	Council	Nil	FC 4/12/22
28/05/2024	Council	Minor Changes: Refer to Council Minutes	OCM 12/05/24

CD0010 Property Fences

OBJECTIVE

The objectives of the policy are:

- 1) To prescribe what is a ‘sufficient fence’ for the purposes of the Dividing Fences Act.
- 2) To provide guidance on the style, height and location of fencing;
- 3) Minimise adverse impacts that undesirable fences can have on the streetscape and neighbourhood amenity.

SCOPE

In accordance with Section 10 of the *Building Act 2011*, a Building Permit is required for the construction of all fences within the Carnarvon and Coral Bay townsites. As the townsites are located within Wind Region D, structural plans are required detailing the footings and connections for the proposed fence and must be signed off by a practicing structural engineer to confirm they are of sufficient strength for the towns Wind Region.

The design of front residential fences is controlled through State Planning Policy 7.3. The Policy relates to the “R Codes” - the Residential Design Codes of Western Australia (2015) which were prepared under section 26 of the *Planning and Development Act 2005* by the Western Australian Planning Commission.

The *Dividing Fences Act (1961)* provides a process for neighbours to agree on the fence that divides their properties, and to share the cost of construction and maintenance. The Act also provides for the courts the ability to deal with disputes that may arise over dividing fences.

DEFINITIONS

Commercial Lot means a lot where a commercial use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

Dangerous (in relation to any fence) means:

- an electrified fence other than a fence in respect of that which has been given approval by the local government;
- a fence containing barbed wire other than a fence erected and maintained in accordance with this policy;
- a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material;
- a fence (or part of a fence) which is likely to collapse or fall for any reason whatsoever.

Dividing Fence means a fence that separates the land of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary.

Fence is any barrier, railing, wall or other upright structure intended to enclose an area of land, irrespective of material content, located on or near a common boundary of adjoining land or on a line other than the common boundary, and includes a front fence to a property but does not include any privacy screen, trellis or the like.

Height (in relation to the fence) means the vertical distance between the top of the fence at any point and the ground level immediately below. If the ground levels are not the same on each side of the fence, the height is measured from the higher ground level.

Industrial Lot means a lot where an industrial use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

Primary Street means unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling or building.

Residential Lot means a lot where a residential use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

Rural Lot means a lot where a rural use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

Rural Residential Lot means a lot where a rural residential use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

Street setback means the horizontal distance between the street boundary and a building, measured at right angles (90 degrees) to the street boundary.

Sufficient Fence means a fence prescribed by the local government or a fence of any standard agreed upon by adjoining owners provided that it does not fall below the standard prescribed by the local government.

Visually Permeable has the meaning given in the R-Codes.

POLICY STATEMENTS

1) Front Fences

a) Under State Planning Policy 7.3 a fence (including gate) within the front setback of a property (including front boundaries) can be constructed to no more than 1200mm if solid and must be visually permeable between 1200m and 1800mm.

b) However, within 1.5m of where the driveway intersects with the property boundary, the maximum height for a solid fence or gate is 750mm. This maintains sight lines for and of vehicles entering and exiting the property. If the gate is to be constructed entirely out of a visually permeable design such as a pool or garrison fencing, then the full height of 1800mm is permitted.

c) Although the above requirements can be varied in some instances, they must be justifiable and may be subject to additional approvals.

2) Sufficient Fences

Residential properties

A sufficient dividing fence for a Residential Lot:

I. may be constructed of timber pickets, corrugated fibre reinforced pressed cement, metal sheeting, brick, stone or concrete.

II. should be a maximum height of 1.8m or 2.1m where it is visually permeable above 1.8m.

Commercial and industrial properties

A sufficient dividing fence for a Commercial or an Industrial Lot:

I. may be constructed of galvanized or PVC coated rail-less link mesh, chain mesh, steel mesh, fibre reinforced cement sheet, metal sheeting, timber, brick, stone or concrete.

II. should be a maximum height of 2m on top of which there may be 3 strands of barbed wire to a maximum height of 2.4m.

Rural properties

I. A sufficient dividing fence for a Rural Lot is a fence of post and wire construction to prevent stock from passing through and may be electrified.

II. A sufficient dividing fence for a Rural Residential Lot is a fence constructed in accordance with either clause 2) a) or 2) c).

Dividing fence between residential and non-residential properties

Where a fence is erected on or near the boundary between:

- I. a residential lot and either a commercial, industrial, rural or rural residential lot a sufficient fence is a dividing fence constructed in accordance with the specifications for a residential lot.
- II. a commercial lot or an industrial lot and a rural or rural residential lot, a sufficient fence is a dividing fence constructed in accordance with the specifications for a commercial or an industrial lot.

3) Barbed Wire Fences

- a) An owner or occupier of a residential lot shall not erect or affix, to any fence on such a lot, any barbed wire or any other material with spiked or jagged projections, unless the prior written approval of the local government has been obtained.
- b) An owner or occupier of a commercial lot or an industrial lot shall not erect or affix, on any fence bounding that lot, any barbed wire or other materials with spiked or jagged projections unless the wire or materials are a minimum of 2m above ground level.
- c) If the posts which carry the barbed wire or other material are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach over the boundary.

4) Electrified Fence a) Other than on a rural or rural residential lot, an owner or occupier shall not erect an electrified fence without first obtaining the approval of the local government.

5) Razor Wire Fence a) An owner or occupier shall not erect a fence constructed wholly or partly of razor wire fence without first obtaining the approval of the local government.

b) A razor wire fence should not be located within 3m of the boundary of the lot and should be at least 2m above ground level.

6) Fencing in the Primary Street Setback

a) Dividing fences that are located in the primary street setback area should be a maximum solid height of 1.2m for a length of at least 1.5m (refer to Figure 1).

b) Where a dividing fence, that is located in the primary street setback area, is within 1.5m of a vehicle access point then the fence should be no higher than 0.75m in accordance with clause 5.2.5, C5 of the R-Codes (refer to Figure 2).

- Where this cannot be achieved an application for development approval is required and will be assessed against the performance criteria of the R-Codes.

c) Where a dividing fence, that is located in the primary street setback area, adjoins a dividing fence that is not located in the primary street setback area (e.g. a side fence adjoins a rear fence), then the fence may be constructed in accordance with clause 1) a) provided there is no vehicle access point within 1.5m (refer to Figure 3).

d) Unobstructed sight lines are to be provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths in accordance with clause 5.2.5, P5 of the R-Codes (refer to Figure 4).



Figure 1.

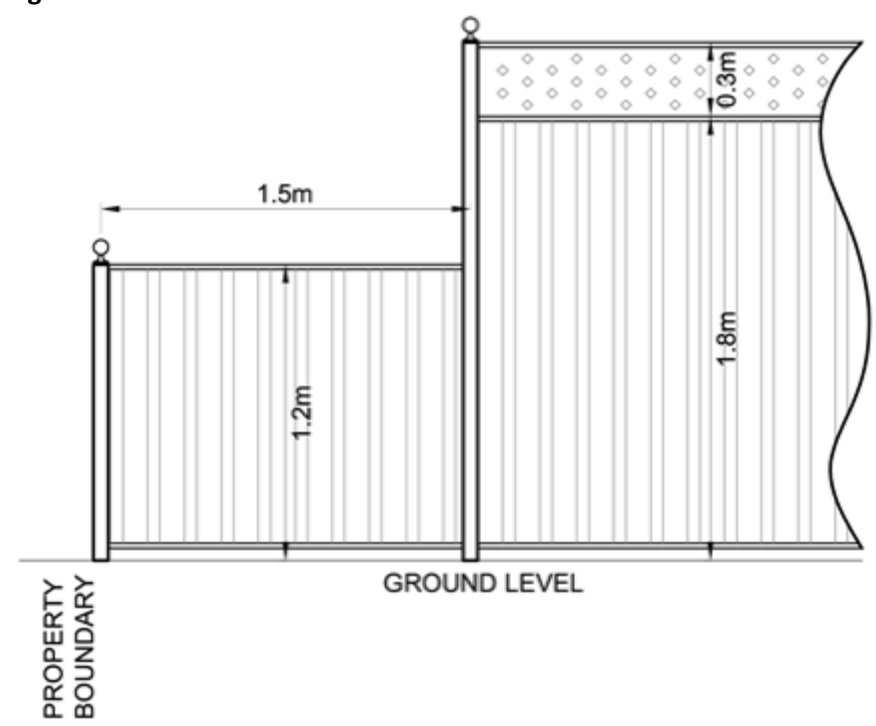


Figure 2.

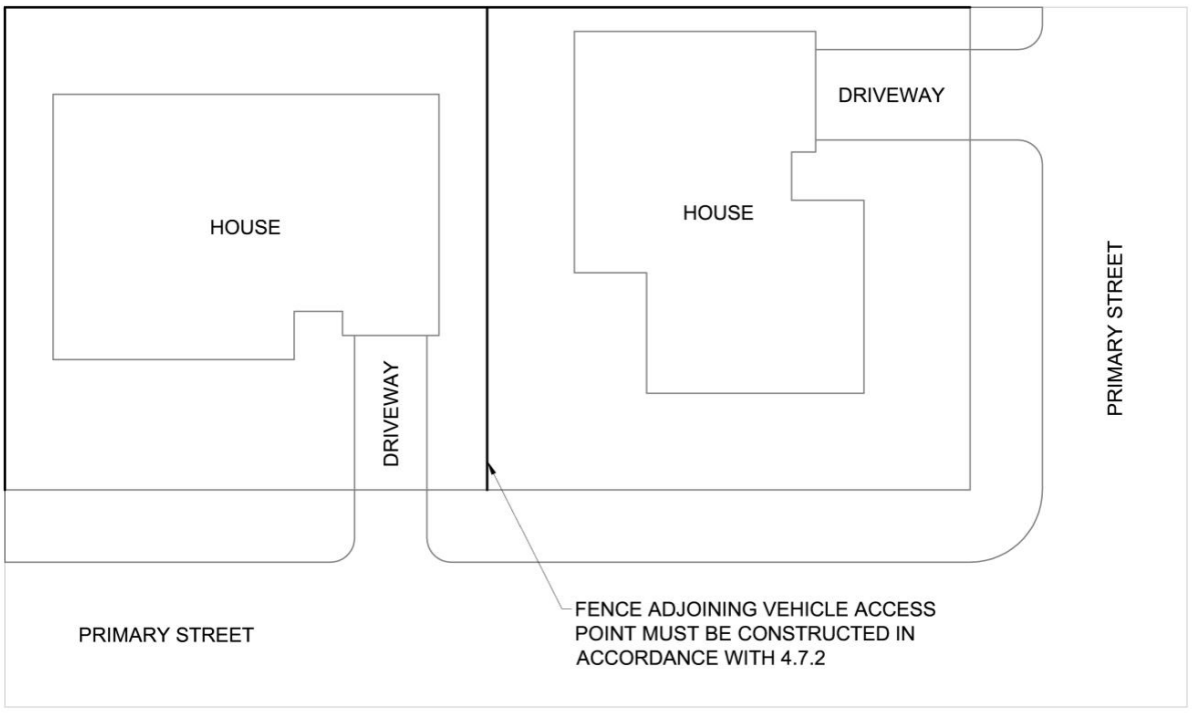


Figure 3.

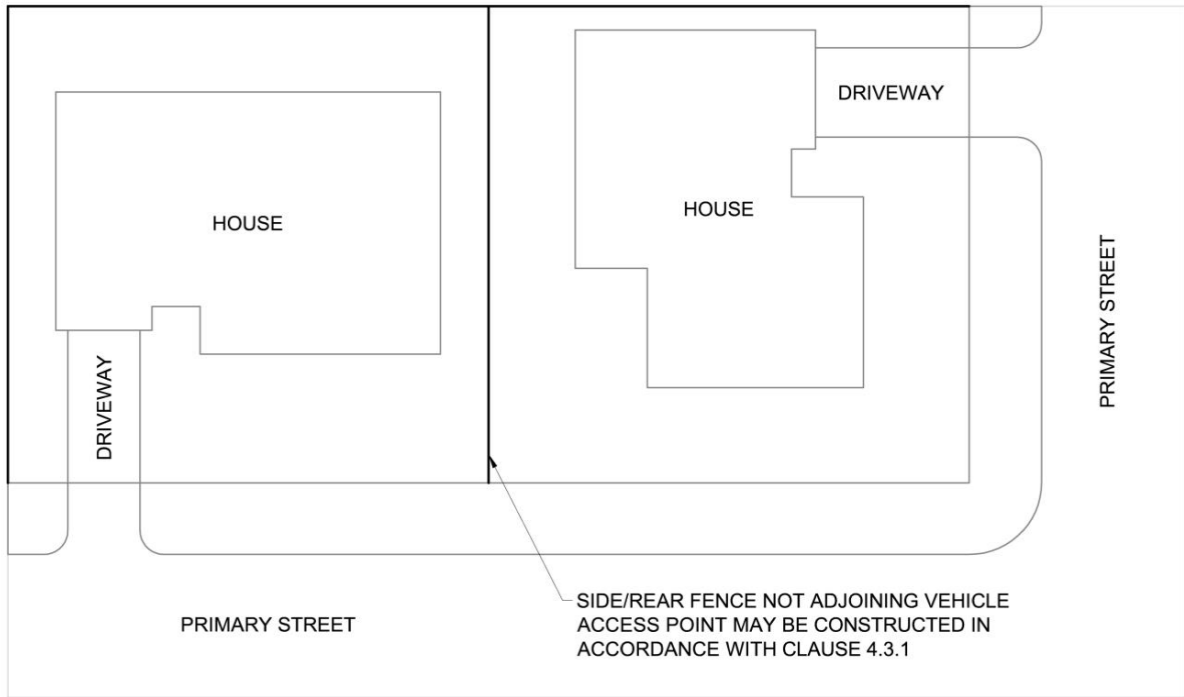
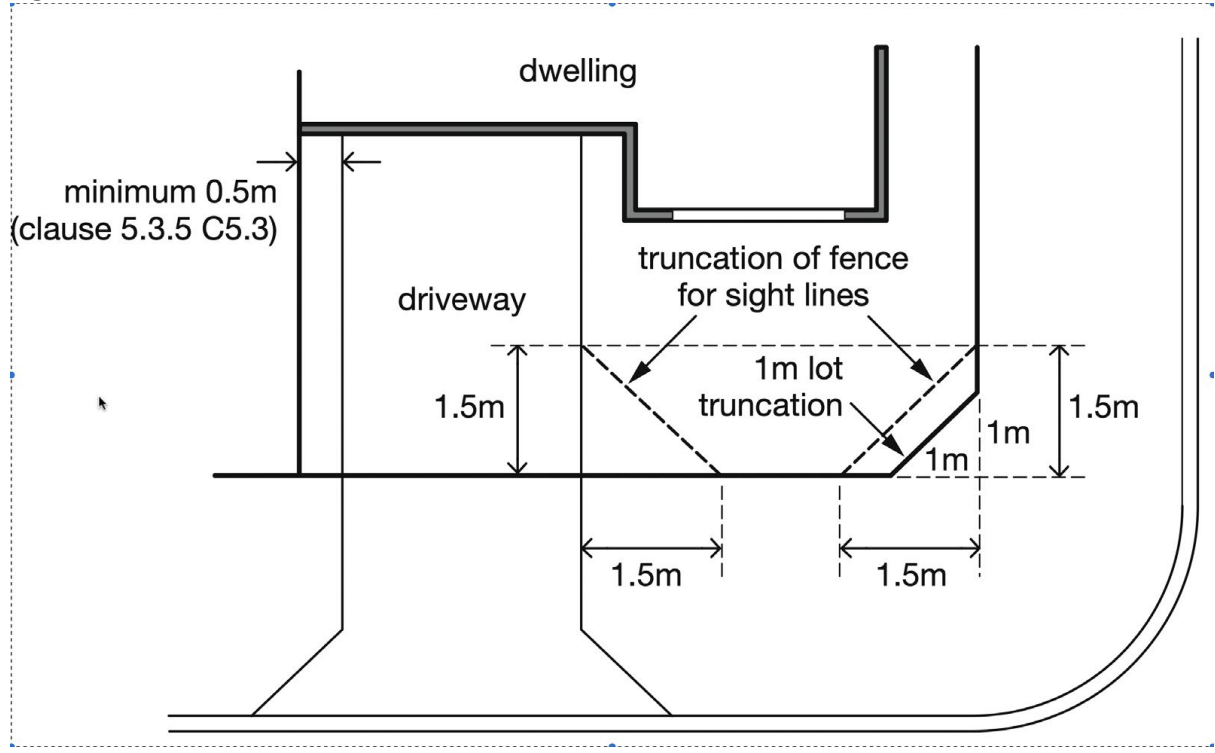


Figure 4.





EXPLANATORY NOTES

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015*. It may be cited as the *Property Fences local planning policy*.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

- Local Government Act 1995, s.2.7(2)(b) – Council’s function in determining policies
- The Dividing Fences Act 1961
- Local Government (Miscellaneous Provisions) Act 1960
- Planning and Development (Local Planning Schemes) Regulations 2015
- State Planning Policy 7.3 - Residential Design Codes.