

UNDERSTANDING RESIDENTIAL FENCING – INFORMATION SHEET

This information sheet provides a summary of the various local laws, planning schemes and planning policies that control front and dividing fences in the Town of Mosman Park.

These provisions are set out to promote casual surveillance of the private and public realm, through appropriate design, in order to increase on-site and neighbourhood safety and security. These provisions also exist to regulate the height of obstructions adjacent driveways, street corners and right-of-way's in the interest of pedestrian and vehicular safety, whilst enhancing the streetscape.

THE DIFFERENCE BETWEEN TYPES OF FENCE.

The Residential Design Codes designate a front setback line for properties based on their zoning. All fencing forward of this line, whether at the front or sides of the property is considered a front fence. All other fencing is a dividing fence.

DIVIDING FENCES

The Dividing Fences Act 1961 combined with local government by-laws regulate the construction and maintenance of dividing fences in Western Australia. The Act provides a process for sharing costs between neighbours, the determination of boundaries and a mechanism for courts to deal with disputes over dividing fences

You can read the legislation and bylaws relating to fencing at:

- <https://www.commerce.wa.gov.au/building-commission/dividing-fences-0>
- https://www.mosmanpark.wa.gov.au/library/file/Local_laws/fencing_local_law.pdf

Although the Town does not administer the Dividing Fences Act, it can provide access to a mediation service for disputes regarding dividing fences. Please contact the Town on 9384 1633 for further information.

What designs are allowed?

The *Standard Requirements* for Dividing Fences are:

- The maximum overall height of a dividing fence is 1.8m from natural ground level, unless otherwise approved by the Town.
- Fence height is measured from the natural ground level at the lot boundary. Where the ground level differs between adjoining properties, the fence height is measured from the finished ground level on the higher side.
- Fences can be constructed of brick, stone, concrete, wrought iron, timber, colour bonded metal or corrugated fibre reinforced cement sheeting. Any other materials require the approval of the Town.

UNDERSTANDING RESIDENTIAL FENCING – INFORMATION SHEET

Areas described as a triangle with dimensions of 1500mm abutting either:

- the driveway and the front boundary;
- the two frontage boundaries for corner lots; or
- the driveway of an existing driveway on a neighbouring property.

are designated as the Truncation Area as per the Residential Design Codes. These Truncation Areas ensure safety by providing unobstructed sight lines at vehicle access points.

Truncation areas shall not have within them:

- more than one pier equal to or greater than 350mm by 350mm and
- portions of wall higher than 750mm meet the *Visual Permeability* requirements

See Figure 3 for acceptable configurations.

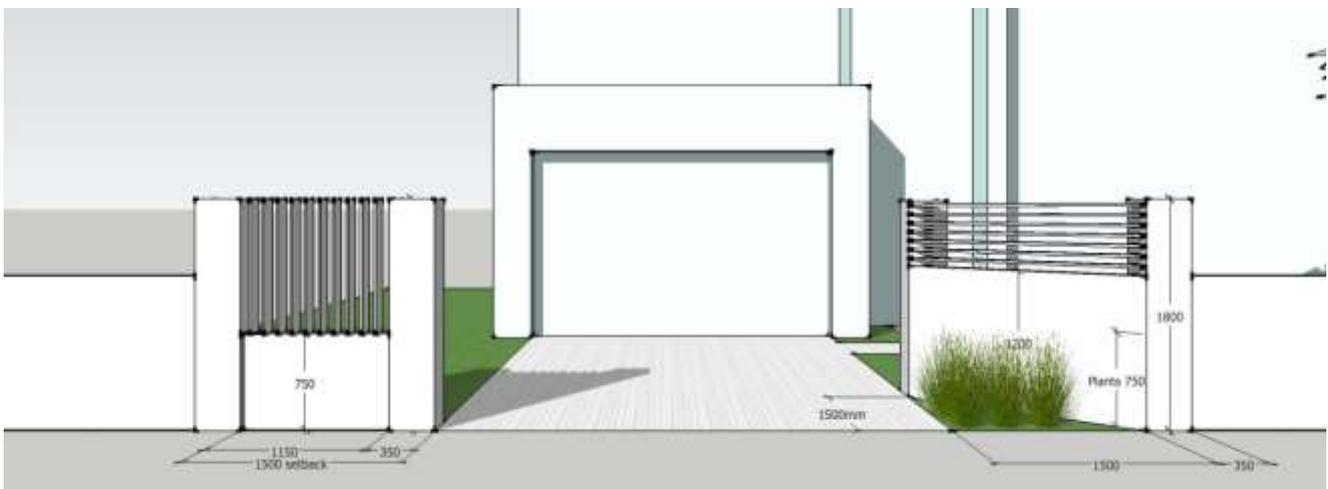


Figure 3. Acceptable configurations for fencing near driveways

What does “Visual Permeability” mean?

Visual Permeability is defined under the Residential Design Codes as continuous vertical or horizontal gaps of at least 50mm width occupying not less than one third (1/3) of its face in aggregate of the entire surface or where narrower than 50mm, at least one half (1/2) of the face in aggregate as viewed directly from the street.

Gap requirements based on slat size		Slat size based on gap sizes	
Slat Size	Gap Size	Gap Size	Slat Size
Up to 50mm	Gap size equal to slat size or greater	Less than 50mm	Slat width equal to gap or smaller
50-100mm	Gap size to 50mm or greater		
Above 100mm	Gap size equal to half the slat size or greater	More than 50mm	Slat width double the gap size or smaller

DO I NEED APPROVAL?

Type of Fence	Specification		Approvals Required
	Materials	Height	
Front Fence	Timber, colour-bonded metal, tubular steel	750mm or less	No approval Required
		751mm or greater	Development Approval
	<i>Visually Permeable</i> Wooden Pickets	1800mm or less	No approval Required
	Brick, stone, concrete	750mm or less	Building Permit
		751mm or greater	Development Approval and Building Permit
Corrugated fibre reinforced cement or mesh wire		Not permitted	
Boundary Fence	Timber, colour-bonded metal, Corrugated fibre reinforced cement	1800mm or less	No approval Required
		1801mm or greater	Development Approval
	Brick, stone, concrete	Any height	Development Approval and Building Permit

- Lots located in Minim Cove or The Crest (Tuttlebee Terrace) have additional requirements. Please see the Local Planning Policies relating to these areas.

POOL FENCES.

For more information on pool fencing requirements see the Building Commission publication *Rules for Pools and Spas*, available at <https://www.commerce.wa.gov.au/building-commission/swimming-and-spa-pools>.

Where a boundary fence forms part of a swimming pool safety barrier, it is important to design and construct the fence so that it complies with the regulations and standards relevant pool fences. The fence must also comply with any relevant height limits, and in the case of front boundary fences, the requirement to be visually permeable.

CONSIDER THE TREES

Where front fences are proposed adjacent to existing trees, or any potential planting site (for future trees), it is highly recommended to install a suspended footing design. Suspended footing involves creating traditional footings for pillars and placing the solid masonry infill sections on steel lintels set just above ground level.

A suspended footing design will avoid the real likelihood of future structural damage to the fence (particularly masonry fences) caused by tree root disturbance. Installing such a footing design also avoids damaging the tree root system.