



INFORMATION FOR DIVIDING FENCES

Dividing fences are covered by the Dividing Fences Act 1961

The Dividing Fences Act 1961 is an act relating to the construction and repair of dividing fences between certain lands and for incidental and other purposes. Additional information regarding the regulation of dividing fences can be obtained from the Department of Commerce. There is additional information available on the website – www.commerce.wa.gov.au

There is also an information booklet (which can be obtained from the Building Information section on the City's webpage) titled 'Dividing Fences – a guide' created by Department of Commerce. This also contains the contact details for the Department of Commerce should you require further information.

This guide is intended to help you understand the Dividing Fences Act 1961 (the Act) and outlines processes for neighbours to agree on the fence that divides their properties, to determine boundaries and to share the cost of construction and maintenance. The Act also enables the courts to deal with disputes that may arise over dividing fences.

If fencing disputes arise between adjoining properties and the matters cannot be resolved, you may find the Citizens Advice Bureau useful in obtaining legal advice on a broad range of issues including dividing fences.

<http://www.cabwa.com.au/>

Do I require a building permit to erect a dividing fence?

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

The Building Regulations 2012, schedule 4 - states whether a building permit is required, depending on the fence to be installed, which is usually determined by the height requirements.

Building work for which building permit is not required;

4.	<p>Construction, erection, assembly or placement of a fence, screen or similar structure, other than a fence forming part of a barrier to a private swimming pool, if —</p> <p>(a) the fence, screen or similar structure is constructed in accordance with a local law made under the <i>Local Government Act 1995</i> section 9.60 that applies to the construction of the fence, screen or similar structure in the district in which the fence, screen or similar structure is, or is to be, located; or</p>
	<p>(b) the fence, screen or similar structure is, or is to be, located in a district in which there is no local law of a type referred to in paragraph (a) and the fence, screen or similar structure —</p> <p>(i) if constructed of masonry, is no more than 0.75 m in height; and</p> <p>(ii) if constructed of a material other than masonry, is no more than 1.8 m in height; and</p> <p>(iii) is not located in wind region C or D as defined in AS 1170.2.</p>

There are information check sheets available on the City’s website to provide advice of the minimum information required to submit an application for building permit, if one is required

In addition to this, you may also require a Development Approval from the City’s Planning Department. Please contact the City’s Planning team should you require additional information regarding whether an approval is required.