



# CITY OF FREMANTLE

## LOCAL PLANNING POLICY 2.8

### FENCES POLICY

**ADOPTION DATE:** 22 October 2008  
**AMENDED:** 4 September 2012  
**AUTHORITY:** LOCAL PLANNING SCHEME NO. 4

#### STATUTORY BACKGROUND

Clause 8.2 of the City's Local Planning Scheme No. 4 (LPS4) specifies that minor development is considered 'permitted development' as listed in Schedule 15. Schedule 15 includes specific types of fences that are 'permitted development' and therefore exempt from the need to obtain planning approval from the City.

Clause 10.2 of LPS4 empowers the Council to consider a broad range of considerations and impose conditions relating to these in dealing with an application for planning approval. This includes but is not limited to the height, position, form and materials of fences.

*Note: This policy does not attempt to interpret any of those matters considered under the Dividing Fences Act 1961 (the Act). Where there is a conflict between the Act and this policy, the Act shall prevail.*

#### PURPOSE

The purpose of this policy is to provide development standards for fencing that requires planning approval under the provisions of LPS4.

#### DEFINITIONS AND TERMS

The following terms are used in this policy and are defined as follows:

**Prevailing Streetscape:** Means the characteristics (front walls and fencing) of the 3 properties, where appropriate, adjoining either side of the subject site, fronting the same street and in the same street block.

In the case of a corner lot where the dwelling is orientated to the splay, the characteristics of the adjoining three properties, where appropriate, facing both streets shall be considered.

Greater weight may be given to the characteristics of the two immediately adjoining properties on either side of the subject site fronting the same street(s).

For the purpose of this definition, properties separated by a street shall not be considered 'adjoining'.

**Subject site:** Means the site or lot on which the development is proposed.

**Visual Permeability:** Means, in reference to a wall, gate, door or fence that the vertical surface has:

Continuous vertical or horizontal gaps of at least 50mm width occupying not less than one half of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least two thirds of the face in aggregate, as viewed directly from the street; or

A surface offering equal or lesser obstruction to view.

All other terms used in this policy have the same meaning as defined in the Residential Design Codes (R-Codes) and LPS4.

## **APPLICATION**

The provisions of this policy apply to all areas zoned or reserved under the Scheme area of LPS4, except where specific provisions relating to front fences are contained within a Local Area Planning Policy or equivalent. In the event that there is a conflict between this policy, and a provision contained within a Local Area Planning Policy, the Local Area Planning Policy shall prevail.

*Note:* As at March 2012, those Local Area Planning Policies that include provisions for fencing are:

- DGB4 – Mardie Street including the East of Edmund Street;
- DGF8 – Douglas Street Local Area Policy; and
- LPP3.7 – “Hilton Garden Suburb Precinct” Heritage Area Local Planning Policy.

## **POLICY**

### **1. Requirements applicable to all fencing excepting:**

- Those properties on the Heritage List; and
- Those properties subject to a Local Area Planning Policy that includes provisions for fencing

1.1 Fences within primary and/or secondary street setback area(s) as viewed from the street, and side fences abutting public open space reserves shall be visually permeable above 1.00 metre within heritage areas and 1.20 metres in other areas to a maximum height of 1.80 metres, with piers not higher than 2.00 metres.

1.2 Council may exercise discretion to vary the height of fences in the primary and/or secondary street setback area(s) where:

- a) The proposed fence height is consistent with the established pattern of fences within the streetscape; or
- b) Minor variations are made necessary by virtue of the sloping topography of the site; or

- c) Chain link or mesh fences in non residential areas greater than 1.80 metres in height shall be permitted where in the opinion of Council, it is necessary to provide security to a commercial property, and are consistent with the established pattern of fences within the streetscape.

1.3 Council may permit solid fencing for a portion of the total length of the boundary within the primary and/or secondary street setback area(s), where surveillance between a habitable room window of the dwelling and the street and approach to the dwelling is available, and the following criteria are satisfied:

- a) Where it is necessary to provide privacy screening where there is no alternative outdoor living area to the front setback; or
- b) Where it is consistent with the *prevailing streetscape*.

## **2. Requirements for properties included on the Heritage List pursuant to Clause 7.1 of the LPS4**

2.1 Fences within the primary and/or secondary street setback area(s) of places on the Heritage List shall be compatible with, and complimentary to, the heritage character of the listed place with respect to height, materials and heritage character.

2.2 Where a property is included on a heritage list Council may specify the type of building materials to be consistent with the heritage character of the place.

## **3. Sightlines at Vehicle Access Points**

3.1 Where a fence is proposed within a wholly non-residential area, and is not of visually permeable construction, a 3.00 metre truncation shall be provided where that fence adjoins vehicle access points where a driveway meets a public street and where two streets intersect, so as to allow for adequate sight lines.

## **4. Vehicle and Pedestrian Access Gates**

4.1 Where a fence includes vehicle and/or pedestrian access gate(s), Council will only support such gates where they are designed and constructed so that they swing into subject site when opened or closed.

## **5. Side and Rear Boundary Fences and Screening Materials**

5.1 Council will not approve side and/or rear boundary fences greater than 1.80 metres in height, or screening material that projects more than 500mm above the top of an approved fence unless the following criteria are satisfied:

- a) The proposed fence/screening will not have any significant impact on adjoining properties by way of overshadowing, solar access, or loss of views; and
- b) Affected neighbours are consulted in accordance with Clause 9.4 of LPS4.

- 5.2 Council will have particular regard to comments made by neighbouring owners / occupiers of adjoining properties, and will only consider the criteria in 5.1(a) to be met where it is satisfied that no significant adverse impacts on the amenity of the neighbouring property will occur.

## **6. Consultation**

- 6.1 Adjoining property owners shall be consulted in accordance with Clause 9.4 of LPS4 in the following circumstances:
- a) Where discretion is sought for fences within the primary and/or secondary street setback area(s) that are not visually permeable above 1.20 metres in height; or
  - b) Where side and/or rear boundary fences exceed 1.80 metres in height; or
  - c) Where any form of privacy screening is to be attached to, and extend more than 500mm above side and/or rear boundary fence.