



Local Planning Policy 2.8

Fences

Fences

Statutory background

Under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Deemed provisions contained in Schedule 2 of the Regulations are applicable to all local planning schemes, whether or not they are incorporated into the local planning scheme text. Accordingly, these provisions are applicable to the City of Fremantle Local Planning Scheme No. 4 (LPS4).

The Deemed Provisions of the Regulations requires the Local Government to consider a broad range of considerations and allows Council to impose conditions relating to these in dealing with an application for development approval. This includes but is not limited to the height, position, form and materials of fences.

Local Planning Policy 1.7: Development Exempt from Approval Under Local Planning Scheme No. 4 includes specific types of fences that are permitted development and therefore development approval from the City is not required.

***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 development approval under the Deemed provisions and to exempt certain fencing from the need to seek development approval.

Definitions and terms

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

Heritage-protected place is as defined in Schedule 2 Regulation 1A of the *Planning and Development (Local Planning Schemes) Regulations 2015*. For ease of reference: the definition includes state registered places, locally registered places, places the subject of a heritage order or heritage agreement, and all properties within a heritage area, including non-contributory properties.

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 50 mm 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.

Visual Permeability Based on Size of Slats	
Slat Size	Gap Size
Slats less than 50mm wide	Gap size equal to or greater than twice the slat size
Slats 50mm wide and greater	Gap size equal to or greater than slat size

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:

- (a) the property is a heritage-protected place; or
- (b) specific provisions relating to fences are contained within an area-specific Local Planning Policy, Local Development Plan, Structure Plan, or equivalent instrument.

In the event that there is a conflict between this general policy and a provision contained within a more specific instrument, that more specific instrument shall prevail to the extent of any inconsistencies.

Fencing criteria for heritage-protected places and specific heritage areas may be found in Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use.

Policy statement

1. Fencing Criteria

- 1.1 Fences within the primary street setback area as viewed from the street, and side fences abutting public open space reserves shall be visually permeable above 1.2m to a maximum height of 1.8m, with piers not higher than 2.0m.
- 1.2 Fences within a secondary street setback area and outside of a primary street setback area may be solid to a maximum height of 1.8m.
- 1.3 Council may exercise discretion to vary the height of fences in the primary and/or secondary street setback area(s) where any of the following apply:
 - (a) the proposed fence height is consistent with the established pattern of fences within the streetscape
 - (b) minor variations are made necessary by virtue of the sloping topography of the site
 - (c) chain link, mesh, or garrison fences on a lot with non-residential land use and that are greater than 1.8m in height shall be permitted where in the opinion of Council, it is necessary to provide security to a commercial or industrial property, and are consistent with the established pattern of fences within the streetscape.
- 1.4 Council may permit solid fencing for a portion of the total length of the boundary within the primary street setback area, where surveillance between a habitable room window of the dwelling and the street and approach to the dwelling is available, and either of the following criteria is satisfied:
 - (a) where it is necessary to provide privacy screening where there is no alternative outdoor living area to the front setback
 - (b) where it is consistent with the prevailing streetscape.

2. Sightlines at Vehicle Access Points

- 2.1 Where a fence is on a lot subject to the Residential Design Codes, the fence achieves the sightlines criteria of the Codes (see Figure 1).
- 2.2 Where a fence is proposed on a lot containing wholly non-residential land use, abuts a vehicle access point, and is not of visually permeable construction, sight lines are to be provided in accordance with the relevant Australian Standard AS2890.2 (as amended).

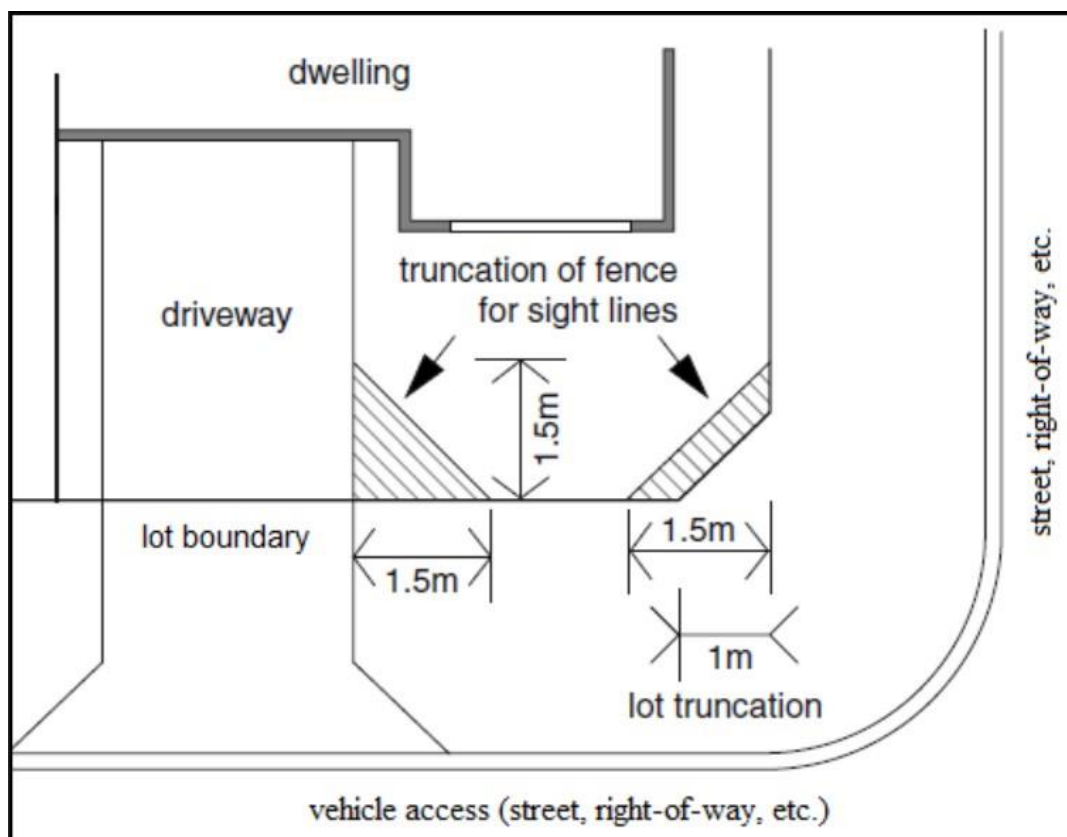


Figure 1: Locations of truncations or reduced fence height, adapted from Figure Series 9 of the R-Codes. Any portion of fence within the truncation area must be no taller than 750mm above natural ground level in order to be considered Deemed-to-comply.

3. Vehicle and Pedestrian Access Gates

- 3.1 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 and are otherwise consistent with the relevant provisions of this policy.

4. Side and Rear Boundary Fences and Screening Materials

- 4.1 Council will not approve side and/or rear boundary fences greater than 1.8m in height, or screening material that projects more than 500mm above the top of an approved fence unless the proposed fence/screening will not have any significant impact on adjoining properties by way of overshadowing, solar access, or loss of views.
- 4.2 Council will have particular regard to comments made by neighbouring owners / occupiers of adjoining properties where consultation is carried out, and will only consider the criteria in 4.1 to be met where it is satisfied that no significant adverse impacts on the amenity of the neighbouring property will occur.

5. Consultation

- 5.1 Adjoining property owners shall be consulted in accordance with Clause 64 of the Deemed provisions in any of the following circumstances:
- (a) Where discretion is sought for fences within the primary and/or secondary street setback area(s) in relation to the requirements of clause(s) 1.1 and/or 1.2 above;
 - (b) where side and/or rear boundary fences exceed 1.8m in height; and/or
 - (c) where any form of privacy screening is to be attached to, and extend more than 500mm above a side and/or rear boundary fence.
- 5.2 Notwithstanding clause 5.1 above, consultation is not required where fencing/screening is on a side or rear boundary, AND the only affected adjacent lot(s) are zoned Industrial.

Responsibility and review information	
Responsible officer:	Manager Strategic Planning and City Design
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