

FENCING IN RESIDENTIAL AREAS

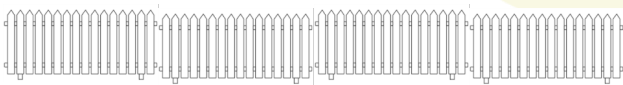
Make sure you have the right information before you start.



Before putting up a new fence you need to consider if you need approval or if you can do the works as exempt development.

WHAT IS EXEMPT DEVELOPMENT? Exempt development is works that are considered to be minor and meet specific standards, and can be done without Council approval.

To be able to erect a fence as Exempt development you must be able to meet all of the General Requirements and Development Standards in the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 .



IS THE PROPERTY ON A FLOOD CONTROL LOT?

If your property is on a flood control lot then the exempt provisions do not apply and you will need Approval.

Dividing fences disputes

Please note that Council has no role in dividing fences disputes. A dividing fence dispute is a disagreement between neighbours about a fence or proposed fence that separates neighbouring properties . In NSW this is regulated by the *Dividing Fences Act 1991*. More information can be found on the following websites www.lawaccess.nsw.gov.au and www.ncat.nsw.gov.au

IS THE PROPERTY IN A HERITAGE CONSERVATION AREA (HCA) OR ON A LOT OR ALONG A COMMON BOUNDARY WITH A HERITAGE ITEM?

If your property is in the HCA or next to a Heritage item then the exempt provisions do not apply for the boundary and front fence (i.e you need approval).

Fences are important in maintaining the character in established residential areas, and consideration should be given to maintaining the historical character and history of the property.

Historically, front fences were of a height and style that permitted a view into and out of the property, while side and back fences were higher and more solid to ensure privacy.

Council staff can provide some information in regard to fencing styles for different architectural periods. The best fence for an old building is a replica of the one it originally had. Original and significant fences should be retained and repaired where possible.

To find out if your property is in a HCA, is listed as a heritage item or is on a boundary with a heritage item check the LEP maps on the NSW legislation website www.legislation.nsw.gov.au

EXEMPT DEVELOPMENT (No Approval needed)

To undertake any work as exempt development under the *State Environmental Planning Policy (Exempt & Complying Development Codes 2008* - the CODES SEPP) you must meet all of the:

- **General Requirements for exempt development**, and
- **Development Standards** for each type of development

GENERAL REQUIREMENTS

- ☐ Works must be structurally adequate, meet the deemed-to-satisfy provisions of the BCA, & not cause an existing building to contravene the BCA,
- ☐ Be installed in accordance with manufacturer's specifications
- ☐ Works must not involve the removal or pruning of a tree or other vegetation that requires a permit or approval
- ☐ Works relating to an existing Class 1b or 2-9 building are exempt only if the building has a current fire safety certificate or fire safety statement, or if no fire safety measures are currently implemented, required or proposed.
- ☐ Works must not be on land that is;
 - ☐ A declared area of outstanding biodiversity value, or
 - ☐ a critical habitat, or
 - ☐ part of a wilderness area,
 - ☐ on which there is, an item that is listed on the State Heritage Register or that is subject to an interim heritage order

(There are some exemptions to the above. Please contact Council if you have any queries)

As long as the proposed works meet all of the General Requirements and Development Standards identified in the CODES SEPP, approval may not be needed.

Need help?

If you have any further questions, please contact Council's Planning, Building and Compliance team on 1300 459 689 or mail@cgrc.nsw.gov.au

DEVELOPMENT STANDARDS FOR FENCES (ZONE R1,R2,R3,R4 or RU5)

- ☐ Not on or along a common boundary of a lot, that contains a Heritage Item or draft heritage item, or
- ☐ Along a boundary of or within the setback area of a primary or secondary road in the HCA or draft HCA, or
- ☐ On a flood control lot

Development Standards

- ☐ Not higher than 1.8m (above existing ground level)
- ☐ Not masonry higher than 1.2m (above existing ground level)
- ☐ Not have an outwardly opening gate
- ☐ If in a bushfire area - be non combustible or hardwood
- ☐ Not be electric or barbed wire
- ☐ If comprised of metal components—is low reflective, factory pre coloured if in a residential zone

Front fence (along a primary or secondary road)

- ☐ Not higher than 1.2m (above existing ground level)
- ☐ Be open at least 20% of the area of the fence that is more than 400mm above ground (with any solid element above 400mm to be no more than 350mm wide and a minimum aperture of 25mm)
- ☐ The above only applies to 50% of the length of the secondary road frontage (measured from the corner with the primary road boundary)

On a sloping site

- ☐ A fence that is required to be no more than 1.2m, must not be more than 1.5m at each step
- ☐ A fence that is required to be no more than 1.8m, must not be more than 2.2m at each step

Disclaimer

Any person using this document must do so on the basis that, not every scenario and issue can be addressed, and discussion with relevant staff at Council should be undertaken.

This document is subject to change without notice.



**COOTAMUNDRA-
GUNDAGAI** REGIONAL
COUNCIL

PO Box 420, Cootamundra NSW 2590
Phone 1300 459 689
Email mail@cgrc.nsw.gov.au
Fax 02 6490 2127