

# Fences and Retaining Walls

## Information Sheet 08

### Which fences would require development approval?

Council approval is required before work can commence on any of the following:

- a fence that exceeds 2.1 metres in height. This includes a lattice or screen attachment and/or any retaining wall. If the land slopes between properties, then the measurement is taken from the lower side of the boundary fence.
- a masonry fence, such as brick or stone, that exceeds 1 metre in height
- a fence higher than 1 metre that is located within 6 metres of an intersection (measured along the property boundary) of any street (except where a 4 metre by 4 metre corner cut-off exists)
- a brush fence located within 3 metres of an existing or proposed dwelling
- a retaining wall that exceeds 1 metre in height.

In addition, all fences within Historic Conservation Zones or affecting a Local or State Heritage Place will require an approval.

Fences of excessive height, including boundary fencing above 2.4m in height or tennis court fencing, is likely to require public notification.

Any fences over 2.1m in height should be designed to minimise the potential visual impact on occupiers of adjoining properties or on the streetscape.

### What do I need to know before lodging a development application?

#### Front fences

The style and materials used for front fences can have a substantial impact on the streetscape. Even those located between people's front yards can have a substantial streetscape impact and change the character of an area. Consideration should be given to ensuring that the proposed front fence is compatible with the style of the existing dwelling and other quality fences in the locality.

Front fences should generally be of a type that allows views from the street to the front yard of the property, while also permitting passive surveillance from the property to the footpath and roadway. Where solid fencing is desired, landscaping should be provided to soften its appearance as viewed from the street.

#### Side and rear fences

When erecting a dividing fence along a common boundary, neighbours should reach agreement in writing prior to its construction.

The Legal Services Commission of South Australia provides legal advice on fences and has produced a booklet *Fences and the Law*, which is available at the Council office or at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

It should be noted that Council is not the relevant body for disputes over the location of boundary fences. This is a civil matter between the property owners. In such instances it is recommended that the parties contact the Legal Services Commission on 1300 366 424 or the Community Mediation Service on (08) 8350 0376.

It is advisable to have a survey of your site boundaries undertaken prior to the construction of any fence to ensure that the correct alignment is followed. Fences should generally be constructed as near as practicable to the true property boundary



### **Brush fences**

Since November 2007, fire safety provisions have required that sufficient separation be achieved between new brush fences and houses. This does not apply to the repair of existing brush fences, unless they are being altered.

If the height of a brush fence is changed or its location altered to be within 3 metres of a dwelling or habitable room, then a development application would be required. The assessment of the proposal would focus on ensuring that appropriate fire separation is achieved.

### **Retaining walls**

A retaining wall is a wall that holds back or supports soil when the natural ground level has been altered.

When a person 'cuts' into the natural ground level, a retaining wall is established to prevent the collapse of soil on the high side. Alternatively, when a person 'fills' a site to make it level, then the additional fill needs to be prevented from moving further down the incline.

Typically, the person who alters the natural lay of the land is responsible to provide the necessary retaining walls.

### **Structural requirements**

The design of fences and retaining walls that require development approval will need to be reviewed by Council to ensure that they are structurally adequate.

Details of the materials to be used and the size of the footings will be required. Council may also request that you provide an engineering report certifying that the design and footings are adequate

### **Fences for Heritage Places or within the Historic (Conservation) Zone**

Within the Historic (Conservation) Zone and for both state and local heritage listed properties, the design of all fences should be based on the period of construction and design of their associated building, and be as true to the original fence as possible.

Council recommends seeking advice from a Heritage Architect, who can provide advice about the style of fence that would best suit particular properties.

### **For further information:**

**City of Prospect Development Services**

128 Prospect Road | PO Box 171, Prospect SA 5082

Phone 08 8269 5355

Fax 08 8269 5834

Email [admin@prospect.sa.gov.au](mailto:admin@prospect.sa.gov.au)