

Development Fact Sheet 24

Fencing

Do I need approval for fencing?

Under the *Development Act, 1993*, you need approval for the following types of fencing:

- All fences in Historic Conservation Zones and on the site of a State or Local Heritage Place;
- Any fence exceeding 2.1 metres in height (measured from the lower of the two adjoining finished ground levels);
- A fence that exceeds (or would exceed) one metre in height within 6 metres of the intersection of two boundaries of land where those boundaries both face a road, other than where a 4 x 4 metre corner cut-off has already been provided (and is to be preserved);
- A masonry fence that exceeds (or would exceed) one metre in height (measured from the lower of the two adjoining finished ground levels);
- A fence that is (or is to be) a safety fence for a swimming pool which is approved for construction, or requires approval for construction; and
- Brush fences closer than 3 metres to a class 1 and 2 building.

Boundary Fence Disputes

Fences less than 2.1m in height and on a common boundary between neighbours are subject to the provisions of the *Fences Act 1975*. The Council has no authority in respect to the Fences Act and any dealings between neighbours.

The Legal Services Commission produces a useful pamphlet 'Fences and the Law' that contains the relevant information and forms required to assist in fencing negotiations and/or disputes.

Brush Fences

In 2007, the State Government implemented new legislation relating to brush fencing located within close proximity to a dwelling. Regulation 76c of the Development Regulations 2008 requires that if a dwelling's external wall is located within 3m of a brush fence the wall, including any openings, is required to be fire resistant. Unlike fire ratings for dwellings which are measured at right angles to buildings or boundaries, requirements for fire resisting construction for brush fencing is measured at any point on the brush fence in a straight line in any direction from that point. Upgrading of fencing to be fire resistant is only required for the installation of new brush fencing within 3m of the dwelling or dwelling additions within 3m of an existing brush fence.

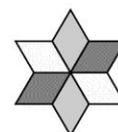
Fences within Historic (Conservation) Zones

The Council's objective for Historic (Conservation) Zones (HCZs) is to preserve the existing character, enhance the amenity for residents and ensure fences contribute positively to the streetscape. The Council's Development Plan provides detailed design guidance for appropriate fencing within HCZs. The Council offers a free Heritage Advisory Service that can be accessed by owners of heritage listed properties and residents within HCZs to assist in the design process for fencing proposals.

The information provided in this Development Fact Sheet is intended as a general guide only and readers are encouraged to refer to the Norwood Payneham & St Peters (City) Development Plan and to seek professional planning advice if necessary. This information is subject to frequent updates and this version was last updated in June 2016. The latest version can be downloaded via the Council's website at www.npsp.sa.gov.au. For further information, please contact the Council's Urban Planning & Environment Department on 8366 4530.

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