



BUILDING SERVICES



Fencing residential



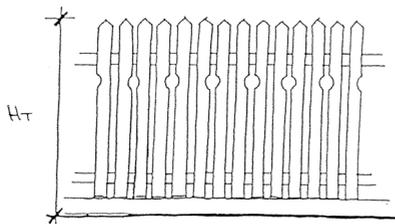
Building permit
application checklist
and information

Building Permit Application Checklist and Information Booklet

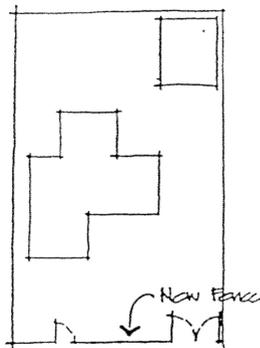
CHECKLIST

1. Building permit application form
2. Site plan x three copies
3. Fence construction details x three copies
4. Copy of title and copy of covenants

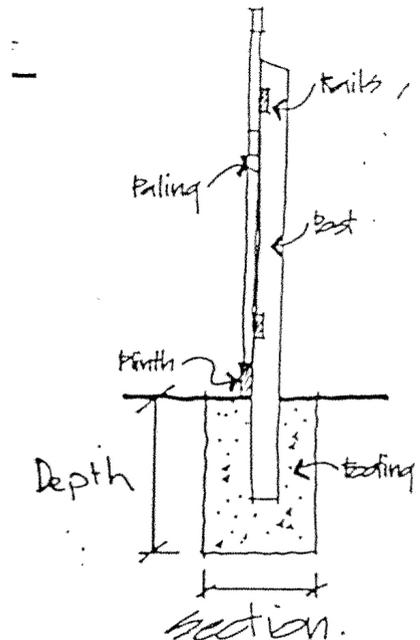
EXAMPLES OF PLANS REQUIRED



Elevation.



Site Plan.



Permits generally:

- Fencing over two metres high requires special ResCode consent **and** a building permit from the council.
- Tennis court fencing requires no building permit, but a planning permit may be required, particularly if lighting is proposed.
- Pool/spa fencing **always** requires a building permit (and **must** be erected and inspected **prior** to filling the pool with water).
- Retaining walls associated with **any** boundary fencing will require a permit.
- Garden lattice, vines, trellis, etc not attached to the fence **does not** constitute fencing.
- Neighbours consent is **always** required for adjoining fencing.

Fencing between neighbours (side and rear boundary fencing):

- It is a matter for neighbours to concur on the height and type of fencing to be used. This should be agreed first, and then signed off by both parties. Further legal advice can be obtained from the Community Legal Service or your solicitor.
- This may be prescribed or limited by the contract of sale, covenants or Development Control Plans (DCPs), for example, subdivisional fencing requirements.
- Councils, generally, do not have local laws about fences and do not have a role to play in a dispute between neighbours about a fence.

Front boundary fencing:

- Brick fences greater than 1.2 metres high require a building permit.
- Other fencing less than 1.5 metres is exempt.

Corner fencing:

Fencing greater than 1 metres high within nine metres of the point of intersection of two street alignments will require special council consideration and a building permit.

Fences Act:

The Fences Act sets out your rights and obligations pertaining to fencing your allotment. Prescribed forms to 'serve' on your neighbour are specified and ensure that all parties sign off the agreed procedures to avoid later conflict. Copies are available at the Community Legal Service (who have fencing kits available), HIA Office, Master Fencers' Association, through your solicitor or from www.anstat.com.au. The Quick Guide On The Fences Act can also be found at www.parliament.vic.gov.au/lawreform.

Remember:

- All fencing between neighbours requires adjoining neighbours consent;
- Fencing may be subject to controls placed on your title by covenant, or be subject to Development Control Plans (DCPs) to specify the type and nature of fencing that is permitted/prohibited in your subdivision/neighbourhood;
- In all cases, check your title/contract of sale paperwork prior to commencing works;
- Swimming pool fencing always requires a building permit; and
- Fencing may be subject to additional planning requirements and/or permits, so please check.

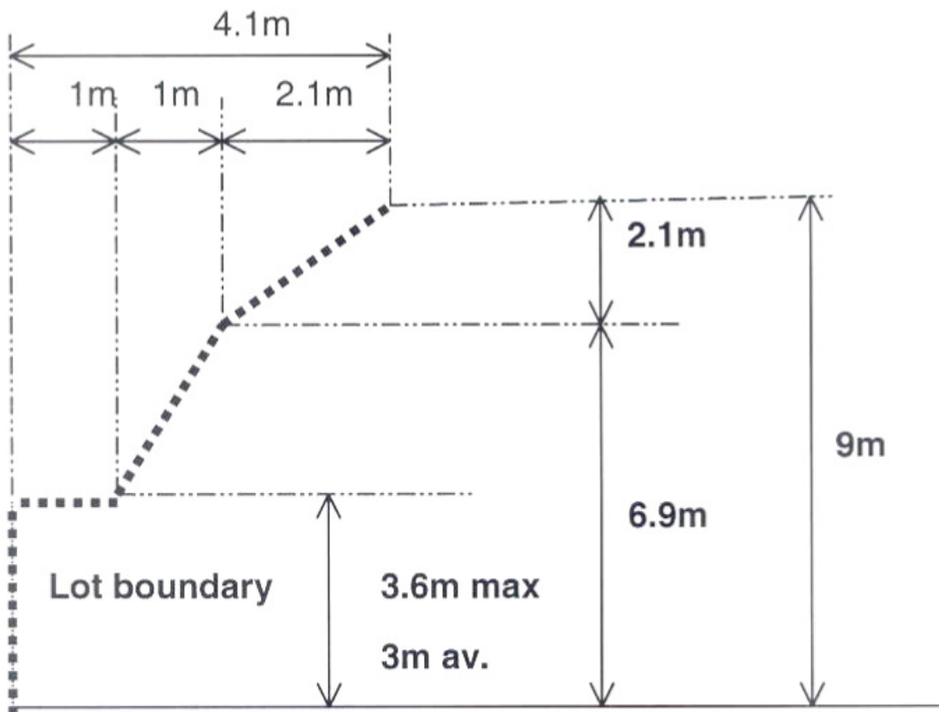
Front fence height

The height of a fence, or part of a fence, that is within three metres of the street alignment at the front of that allotment may not exceed a maximum height of 1.8 metres for a declared road (major roads such as Murray Valley Highway) and 1.5 metres in any other cases.

The maximum height of a fence within nine metres of a point of intersection of street alignments is 1 metres.

A fence adjacent to a street alignment or public open space must not contain barbed wire or other sharp protrusions unless:

- The fence is setback at least 150mm from the street alignment or public open space; and
- The barbed wire or other sharp protrusion is at a height of at least two metres above the level of the street or public open space.



Fence setbacks from side and rear boundaries

A fence associated with a dwelling exceeding three metres in height must be set back from a side or rear boundary not less than the distance specified by the following table:

This regulation does not apply to a fence that complies with the requirements for side and rear boundaries.

Fence height at any point.	Minimum setback from side or rear boundary at that point.
3.6 metres or less.	One metre.
More than 3.6 metre, but not more than 6.9 metres.	One metre plus additional distance calculated at the rate of 300mm for every metre of height over 3.6 metres.
More than 6.9 metres.	Two metres plus an additional distance calculated at the rate of one metre for every metre of height over 6.9 metres.

Fences on side or rear boundaries

The total length of fences that are associated with a dwelling and that are more than two metres in height and that are constructed on, or within 150mm of, a side or rear boundary of an allotment must not exceed, along the boundary, the greater of the following lengths:

- 10 metres plus 25 per cent of the remaining length of the boundary of the allotment; or
- The length of any wall or carport constructed on an adjoining allotment that is within 150mm of the boundary of that allotment and that abuts those fences.

A fence constructed within 150mm of a side or rear boundary of an allotment must not exceed:

- An average height of three metres; or
- A height of 3.6 metres along the boundary.

If a fence abuts an existing wall, it may be constructed to the same height as that wall.

This requirement does not apply to a fence if:

- It is not more than 2.5 metres in height;
- It is provided to comply with overlooking requirements; and
- The area of the fence between two metres and 2.5 metres in height has between 20 per cent and 25 per cent of its area open.

Fences and daylight to existing habitable room windows

A fence exceeding a height of two metres must be set back from a habitable room window and otherwise comply with the requirements for maintaining daylight to existing habitable room windows.

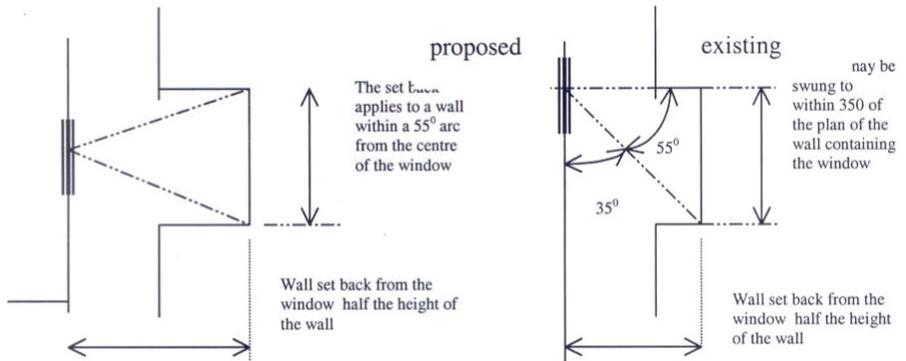
A fence must be set back from a habitable room window in an existing building on an adjoining allotment to provide for a light court to the window that has a minimum area of three square metres and a minimum dimension of one metre clear to the sky. The area of the required light court may include land on the adjoining allotment.

A fence with an average height of more than three metres opposite a habitable room window in an existing dwelling on an adjoining allotment must be set back from that window at least half the height of the wall or carport if the wall or carport is within a 55 degree angle in the horizontal plane above a vertical axis through the centre of the window.

The angle may be swung to not less than 35 degrees from the plane of the wall containing the window. If the window is above ground floor level, then for the purposes of that sub-regulation, the wall or carport height is to be measured from the floor level of the room containing the window.

If the window is above ground floor level, then for the purposes, the fence height is to be measured from the floor level of the room containing the window.

Fences and solar access to existing north-facing habitable room windows



This regulation applies if:

- A fence more than two metres in height is to be constructed on an allotment;
- A north-facing habitable room window of an existing dwelling on an adjoining allotment is within three metres of a boundary of the allotment on which the fence is to be constructed; and
- The window is orientated towards the boundary.

The proposed fence must be set back from the boundary not less than that which would be applicable to dwellings and outbuildings.

Fence height at any point.	Minimum setback from side or rear boundary at that point.
3.6 metres or less.	One metre.
More than 3.6 metres, but not more than 6.9 metres.	One metre plus additional distance calculated at the rate of 600mm for every metre of height over 3.6 metres.
More than 6.9 metres.	Three metres plus an additional distance calculated at the rate of one metre for every metre of height over 6.9 metres.

A north-facing window is defined as a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east.

Fences and overshadowing of secluded private open space

A fence exceeding two metres in height must comply with the requirements for single dwellings and outbuildings with respect to overshadowing of secluded private open space.

The required minimum area of a secluded private open space is the lesser of:

- 75 per cent of the secluded private space; and
- 40 square metres with a minimum dimension of three metres.

Notes

As a fence between properties is usually in joint ownership both parties need to be in agreement prior to any alterations or additions. It is unlikely that a 'normal' fence between properties will be structurally sufficient to support any significant additions.

A building permit is required for any fence exceeding two metres in height and whenever it is proposed to vary from the building regulations through the consent and report process.

Irrespective of whether a building permit is required or not, all fences must comply with the building regulations.

Private open space must include part of secluded private open space at the side or rear of the building with:

- An area of at least 25 square metres with a minimum dimension of three metres; and
- Convenient access from a habitable room (other than a bedroom).

This information should not be relied upon at the exclusion of referring to the building regulations. No responsibility will be accepted for any errors or omissions.