

Fences & Retaining Walls

Who should read this guide?

Anyone who is considering building or replacing a fence and/or a retaining wall.

Note: For guidance about fencing/retaining walls for heritage listed properties and in Historic Conservation zones, please refer to the specific advice below.

Approvals Required

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

- a fence that exceeds 2.1m in height. This includes:
 - a lattice or screen attachment or a retaining wall (the measurement is taken from the lower side of the fence if the land is sloping)
- a masonry (brick, stone etc) fence that exceeds 1m in height
- a fence higher than 1m that is located within 6m of an intersection (measured along the property boundary) of any street (except where a 4m by 4m corner cut-off exists)
- a brush fence located within 3m of an existing or proposed dwelling
- a retaining wall that exceeds 1m in height.

A fence or retaining wall that fits any of these descriptions will require Development Approval. This means a development application must be lodged with Council.

Front Fences

The term 'front fences' describes fences along the front boundary of a building and fences from the roadway to the front of the building along each side boundary. The style and materials used for these fences are important in regard to the street's appearance and should therefore be compatible with the style of the dwelling and other high quality fences in the locality.

Front fences should also allow views through to the property and passive surveillance from the property to the footpath and roadway. They should also be no more than 1.2 m in height if solid and a maximum of 2m in height if more than 50% transparent.

Fences for Heritage Places, Historic Conservation Zones and Historic Conservation Areas (within the City Living Zone)

Within the Historic (Conservation) Zones, Historic Conservation Areas (within the City Living 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 staff can provide advice about the style of fence that would best suit particular properties. Council approval is required for:

- a fence associated with a local or state heritage place
- a front fence and return side fence from the front property boundary to the front of the building in the North Adelaide and Adelaide (Historic) Conservation Zones, and Historic Conservation Areas (within the City Living Zone)
- a fence along a side street
- any other fence as outlined under "Approvals Required"

Please refer to Council's 'Heritage Technical Notes – Heritage Fences – what can we do?' for more guidance for properties in Conservation Zones and for heritage listed places.

Fences in the Adelaide (Historic) Conservation Zone

Council approval is required for all fencing regardless of its height and location in the Adelaide (Historic) Conservation Zones.

Fences & 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 footings will be required. Council may also request that you provide an engineering report certifying that the design and footings are adequate.

Brush Fences

In November 2007, fire safety provisions were introduced that require a clearance between brush fences and houses. These new provisions do not affect existing brush fences unless they are being altered.

If the height of a brush fence is changed or its location is altered to be within 3m of a dwelling/habitable place, development approval is required. It will be a requirement of this approval that adequate fire separation is met (Refer to *Minister's Specification SA 76C*).

If you are repairing a brush fence that is within 3m of a habitable place you do not require development approval.

Legal Requirements

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 can be obtained online at: lsc.sa.gov.au. This website provides answers to common questions about fences and explains the legal procedures you need to follow to erect a fence.

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.

Please note that Council is not the relevant body for civil disputes over the nature or location of boundary fences. 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**.

Development Application Requirements

If you wish install a fence that requires development approval from Council then you must submit a development application.

Lodge your Development Application online at: cityofadelaide.com.au/da with the following:

- A Lodgement fee** is required at the time of lodging your application online. Council will invoice you for any other required fees.
- Signed Powerline Declaration Form**
- Copy of Certificate of Title**
- Site Plan**
 - Minimum scale 1:200 (1:100 preferred)
 - Approximate north point
 - Boundaries of the site and indication of where the proposed fencing will be located, including its lengths
 - Location of any existing structure/s showing its/their setbacks from the side boundaries
- Elevation Plan**
 - Elevation of the proposed fence including details of any retaining walls if applicable
- Floor Plan**
 - Dimensions of masonry fencing
- Supporting Information**
 - Schedule of building materials, finishes and colours
- Building Information**
 - Specifications and schedules
 - Footing construction report (if applicable)
 - Structural calculations
 - Copy of Building Indemnity Insurance (work >\$12,000)
 - Copy of Construction Industry Training Levy Form (CITB) if work >\$40,000

Further Information

For further information or to discuss your specific requirements, please contact Council's Development Assessment team on **08 8203 7185** or d.planner@cityofadelaide.com.au.