

2.5 PERIMETER FENCING

(ADOPTED 18 DECEMBER 2007)

1. INTRODUCTION

Fencing is a significant component of any streetscape. The historical pattern of development in Subiaco is typified by character buildings that are set back from the street and which are provided with low or open fences. New development in the locality, including fences, should respect the existing built form and not detract from it.

In addition, low or open fences assist in the creation of more liveable streets that foster a sense of community and inclusion. Encouraging connectivity between pedestrians and residents can also reduce the opportunity for unlawful activity to go on unnoticed.

2. DEFINITIONS

The following terms are used in this policy:

2.1 Front fence

A front fence is the portion of fence located on the front boundary of a lot and also includes the portion of side fence that is located forward of the primary building line. This portion of side fence is required to meet the relevant standards for front fences.

2.2 Dividing fence

A dividing fence separates the land of two different owners and may or may not be located on the common property boundary. Requirements relating to the construction of dividing fences are set out in the Dividing Fences Act.

The Act does not apply to fences that adjoin Crown land or land used for public purposes such as roads, rights-of-way, parks and reserves. However, for the purposes of this policy, these fences are also considered to be dividing fences.

2.3 Visual permeability

A visually permeable, or 'see through' fence comprises:

- continuous gaps at least 50mm wide which in aggregate occupy at least one third of the length of the fence; or
- continuous gaps less than 50mm wide which in aggregate occupy at least half of the length of the fence;

provided that the gaps are evenly distributed along the length of the fence.

2.4 Sufficient fence

The Dividing Fences Act sets out the process for the erection of a sufficient fence. The City deems a sufficient fence to be 1.8m high and constructed from materials that meet certain minimum standards and which are commonly used in the locality, such as corrugated fibre cement sheeting, timber paling or Colorbond.

3. NEED FOR DEVELOPMENT APPROVAL

Development is defined in Town Planning Scheme No 4 (the Scheme) in accordance with the Town Planning and Development Act and includes the "erection, construction, alteration

of or addition to any building or structure". All development, other than development specifically excluded under Clause 23 of the Scheme, requires the prior approval of the City.

Clause 23 of the Scheme exempts fences from requiring development approval as long as they accord with relevant development standards. Standards for the construction of front fences are set out in Part 5 of this policy. Fences that do not meet these standards require development approval from the City. Part 6 sets out the criteria by which these standards may be varied.

The construction of dividing fences is covered by the Dividing Fences Act and does not require development approval from the City. This is discussed at Part 7 of this policy.

Note that a fence may require a building licence from the City prior to its construction, regardless of whether or not development approval is required.

4. OBJECTIVES

The objectives of this policy are to:

- Encourage the construction of front fences which do not detract from the streetscape, which provide security through the mechanism of passive surveillance and which define individual allotments.
- Set out criteria by which the standards relating to the construction of front fences may be varied.
- Set out requirements relating to the construction of dividing fences.

5. STANDARDS

Front fences that meet the standards set out below are exempt from the requirement to obtain development approval.

5.1 Materials and design

- a) Front fences are to be constructed from materials that are compatible with the scale and form of the existing development on the subject site.
- b) Front fences should not be constructed in a manner that dominates or detracts from the existing development on the subject site.
- c) Front fences that are proposed to be constructed from asbestos, razor wire, cyclone fencing or any other material the City considers to be undesirable, or which contain spiky, jagged or dangerous features, will not be supported.

5.2 Height

- a) The maximum height for a front fence is 1.8m above natural ground level.
- b) The maximum height for a front fence's decorative pier capping is 2.0m above natural ground level.

5.3 Visual permeability

A visually permeable fence is one that is of a 'see through' style of construction. The requirements for visually permeable fences are set out in Part 2 of this policy.

What constitutes an appropriate level of visual permeability for a front fence relates to the amount of vehicular traffic using the street adjacent to the front fence.

- a) Front fences or corner fences abutting roundabouts or traffic lights, or to front fences to the following streets are not required to be visually permeable:
 - Railway Road;
 - Roberts Road;
 - Stirling Highway;
 - Thomas Street; or
 - Winthrop Avenue.
- b) Front fences to the following streets are required to be visually permeable above 0.9m in height above natural ground level for at least 50% of any fencing forward of the building line, but may be solid below 0.9m in height:
 - Aberdare Road;
 - Broadway;
 - Hampden Road;
 - Hay Street (west of the railway line);
 - Jersey Street (between Hay Street and Salvado Road);
 - Monash Avenue;
 - Nash Street;
 - Nicholson Road;
 - Onslow Road; or
 - Selby Street
- c) Front fences to all other streets are to be visually permeable above 0.9m in height above natural ground level but may be solid below 0.9m in height.

Note that since the portion of side fence forward of a lot's primary building line is defined as a front fence, it is to meet the relevant visual permeability requirements.

5.4 Security and passive surveillance

A solid front fence that obscures a building's primary entry point can create a situation where unlawful or antisocial activity can go on unnoticed.

- a) For those streets where a front fence is required to be visually permeable for 50% of its length, the non-visually permeable portions are to be located in a manner which do not obscure the entry point of the building from public view.
- b) For those streets where a front fence is not required to be visually permeable, the City encourages the provision of a visually permeable section that allows the building's entry point to be visible from public view.

5.5 Vehicle sightlines

At the point where two public streets intersect, front fences are required to be truncated or reduced in height to 0.75m above natural ground level within 3 metres of the intersection.

At the point where a driveway meets a public street, or where a right-of-way meets a public street, front fences are required to be truncated or reduced to in height to 0.75m above natural ground level within 1.5m of that point. Alternatively, fences are to be visually permeable above 0.75m in height within 1.5m of that point.

5.6 Vehicle and pedestrian gates

- a) Vehicle and pedestrian gates that are associated with a front fence are to meet the relevant standards for the front fence to which they relate.
- b) For safety reasons, all vehicle and pedestrian gates on a site are to open into the subject site and not outwards into a public area.

5.7 Service meters and related infrastructure

When service meters and related infrastructure are located in or near a front fence and are visible from the street, they create additional visual clutter to the detriment of the streetscape, and may be tampered with or subject to vandalism. Accordingly, services meters and related infrastructure should be located so that they are not visible or accessible from the street.

5.8 Demolition

Some sites feature an existing front fence that does not meet the standards of this policy. When the primary building at such a site is to be demolished, the front fence is also to be demolished. Alternatively, the front fence may be modified so as to meet the standards of this policy.

5.9 Fences to secondary streets

Those portions of a perimeter fence that abut a secondary street and which do not screen an outdoor living area are to meet the relevant standards for a front fence contained in this policy.

Note that when designing new residential development, applicants should carefully consider the location of primary outdoor living areas to maximise northern sun and to preclude the need for solid high fences to maintain privacy.

5.10 Gatehouses/Porticos

- a) The area between pillars is unenclosed;
- b) Maximum dimension (width and depth) of 2.0m provided that the gatehouse/portico constitutes no more 20% of the width of the lot (eg a 2.0m wide gatehouse/portico would be permitted on a 10m wide lot);
- c) 2.4m wall height;
- d) 3.5m overall height;
- e) roofing material meets the standards of the City's Reflective Roofing policy;
- f) a requirement for lighting in the exterior of the portico at night;
- g) a requirement for the gate to have a visually permeable panel at a suitable height for viewing purposes; and
- h) the remainder of the front fence to comply with 5.3 and 5.4 on visual permeability.

6. VARIATIONS TO STANDARDS

Front fences that meet the standards set out in Part 5 of this policy may not address the special requirements of a particular site. Front fences that do not meet the standards of Part 5 will require development approval from the City.

When making an application for development approval for a front fence that varies the standards of Part 5, written documentation is to be provided as to why the variations should be supported. In general, the City will only support variations in the situations set out below:

- At sites that are subject to excessive vehicle noise, headlight glare or other special requirements for privacy, it may be appropriate to vary the relevant visual permeability standard for the front fence.
- Some existing residential development may have its only open space area located forward of the primary building line. In these cases, it may be appropriate to vary the relevant visually permeability standard for the front fence in order to provide a private outdoor living area.
- Where the topography of the land results in an elevated front setback area, it may be appropriate to vary the maximum height for a front fence provided that the front fence does not exceed 1.8m in height above the elevated ground level.
- Where it is proposed to erect temporary fencing, such as fencing associated with a building site or the temporary protection of a heritage building, it may be appropriate to vary the standard relating to the materials of construction, provided that there are no spiky, jagged or dangerous features.

7. DIVIDING FENCES

The requirements for dividing fences are set out below. The portion of dividing fence located forward of a primary building line is also required to meet the standards for the construction of front fences set out at Part 5.

7.1 Dividing fences and the Dividing Fences Act

Dividing fences do not require development approval from the City as they are covered by the requirements of the Dividing Fences Act. In general, the Act requires that adjoining landowners reach an agreement upon the construction of a sufficient fence.

Copies of the Dividing Fences Act can be obtained from the City of Subiaco or from the Department of Housing and Works.

7.2 Dividing fences not covered by the Dividing Fences Act

Fences that adjoin Crown land or land used for public purposes such as roads, right-of-ways, parks and reserves are not covered by the Dividing Fences Act.

These types of fences are exempt from the requirement to obtain development approval provided that

- They are not a front fence;
- Adequate visual truncations are provided in accordance with Part 5.5 of this Policy;
- Fences which abut public open spaces areas are visually permeable above 0.9 metres in height; and
- Fences abutting right of ways do not need to visually permeable above 0.9 metres unless as required under Part 5.5 of the policy.